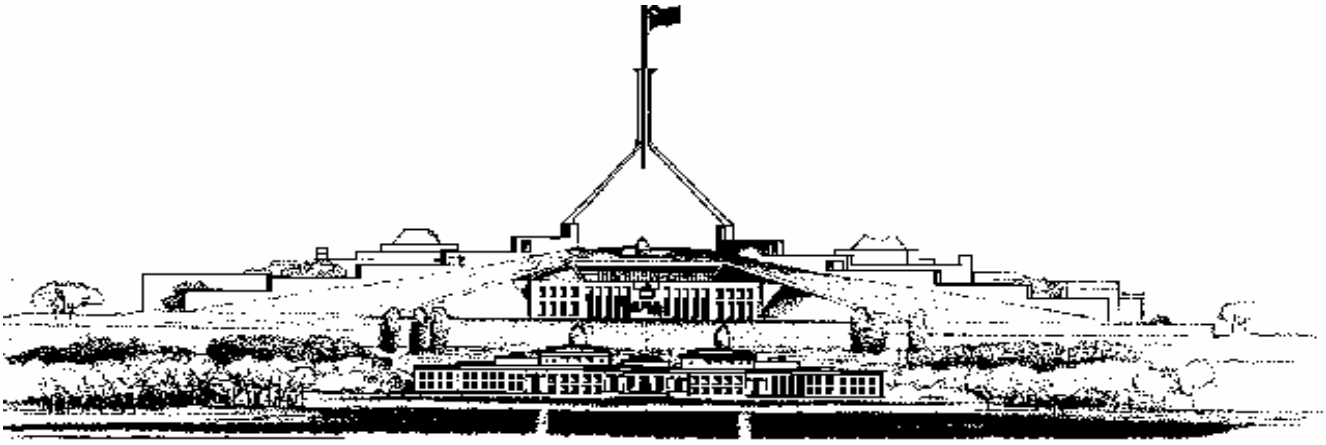
COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



Senate

Official Hansard

No. 12, 2005

MONDAY, 5 SEPTEMBER 2005

FORTY-FIRST PARLIAMENT
FIRST SESSION—FOURTH PERIOD

BY AUTHORITY OF THE SENATE

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SITTING DAYS—2005

Month	Date
February	8, 9, 10
March	7, 8, 9, 10, 14, 15, 16, 17
May	10, 11, 12
June	14, 15, 16, 20, 21, 22, 23
August	9, 10, 11, 16, 17, 18
September	5, 6, 7, 8, 12, 13, 14, 15
October	4, 5, 6, 10, 11, 12, 13
November	7, 8, 9, 10, 28, 29, 30
December	1, 5, 6, 7, 8

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ADELAIDE	972 AM
PERTH	585 AM
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DARWIN	102.5 FM

FORTY-FIRST PARLIAMENT
FIRST SESSION—FOURTH PERIOD

Governor-General

His Excellency Major-General Michael Jeffery, Companion in the Order of Australia, Commander of the Royal Victorian Order, Military Cross

Senate Officeholders

President—Senator the Hon. Paul Henry Calvert
Deputy President and Chairman of Committees—Senator John Joseph Hogg
Temporary Chairmen of Committees—Senators Guy Barnett, George Henry Brandis, Hedley Grant Pearson Chapman, Patricia Margaret Crossin, Alan Baird Ferguson, Michael George Forshaw, Stephen Patrick Hutchins, Linda Jean Kirk, Philip Ross Lightfoot, Gavin Mark Marshall, Claire Mary Moore, Andrew James Marshall Murray, Hon. Judith Mary Troeth and John Odin Wentworth Watson
Leader of the Government in the Senate—Senator the Hon. Robert Murray Hill
Deputy Leader of the Government in the Senate—Senator the Hon. Nicholas Hugh Minchin
Leader of the Opposition in the Senate—Senator Christopher Vaughan Evans
Deputy Leader of the Opposition in the Senate—Senator Stephen Michael Conroy
Manager of Government Business in the Senate—Senator the Hon. Christopher Martin Ellison
Manager of Opposition Business in the Senate—Senator Joseph William Ludwig

Senate Party Leaders and Whips

Leader of the Liberal Party of Australia—Senator the Hon. Robert Murray Hill
Deputy Leader of the Liberal Party of Australia—Senator the Hon. Nicholas Hugh Minchin
Leader of The Nationals—Senator the Hon. Ronald Leslie Doyle Boswell
Deputy Leader of The Nationals—Senator John Alexander Lindsay (Sandy) Macdonald
Leader of the Australian Labor Party—Senator Christopher Vaughan Evans
Deputy Leader of the Australian Labor Party—Senator Stephen Michael Conroy
Leader of the Australian Democrats—Senator Lynette Fay Allison
Liberal Party of Australia Whips—Senators Jeannie Margaret Ferris and Alan Eggleston
Nationals Whip—Senator Julian John James McGauran
Opposition Whips—Senators George Campbell, Linda Jean Kirk and Ruth Stephanie Webber
Australian Democrats Whip—Senator Andrew John Julian Bartlett
Leader of the Family First Party—Senator Steve Fielding

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Members of the Senate

Senator	State or Territory	Term expires	Party
Abetz, Hon. Eric	TAS	30.6.2011	LP
Adams, Judith	WA	30.6.2011	LP
Allison, Lynette Fay	VIC	30.6.2008	AD
Barnett, Guy	TAS	30.6.2011	LP
Bartlett, Andrew John Julian	QLD	30.6.2008	AD
Bishop, Thomas Mark	WA	30.6.2008	ALP
Boswell, Hon. Ronald Leslie Doyle	QLD	30.6.2008	NATS
Brandis, George Henry	QLD	30.6.2011	LP
Brown, Carol Louise[4]	TAS	30.6.2008	ALP
Brown, Robert James	TAS	30.6.2008	AG
Calvert, Hon. Paul Henry	TAS	30.6.2008	LP
Campbell, George	NSW	30.6.2008	ALP
Campbell, Hon. Ian Gordon	WA	30.6.2011	LP
Carr, Kim John	VIC	30.6.2011	ALP
Chapman, Hedley Grant Pearson	SA	30.6.2008	LP
Colbeck, Hon. Richard Mansell	TAS	30.6.2008	LP
Conroy, Stephen Michael	VIC	30.6.2011	ALP
Coonan, Hon. Helen Lloyd	NSW	30.6.2008	LP
Crossin, Patricia Margaret [3]	NT		ALP
Eggleston, Alan	WA	30.6.2008	LP
Ellison, Hon. Christopher Martin	WA	30.6.2011	LP
Evans, Christopher Vaughan	WA	30.6.2011	ALP
Faulkner, Hon. John Philip	NSW	30.6.2011	ALP
Ferguson, Alan Baird	SA	30.6.2011	LP
Ferris, Jeannie Margaret	SA	30.6.2008	LP
Fielding, Steve	VIC	30.6.2011	FF
Fierravanti-Wells, Concetta Anna	NSW	30.6.2011	LP
Fifield, Mitchell Peter[2]	VIC	30.6.2008	LP
Forshaw, Michael George	NSW	30.6.2011	ALP
Heffernan, Hon. William Daniel	NSW	30.6.2011	LP
Hill, Hon. Robert Murray	SA	30.6.2008	LP
Hogg, John Joseph	QLD	30.6.2008	ALP
Humphries, Gary John Joseph [3]	ACT		LP
Hurley, Annette	SA	30.6.2011	ALP
Hutchins, Stephen Patrick	NSW	30.6.2011	ALP
Johnston, David Albert Lloyd	WA	30.6.2008	LP
Joyce, Barnaby	QLD	30.6.2011	NATS
Kemp, Hon. Charles Roderick	VIC	30.6.2008	LP
Kirk, Linda Jean	SA	30.6.2008	ALP
Lightfoot, Philip Ross	WA	30.6.2008	LP
Ludwig, Joseph William	QLD	30.6.2011	ALP
Lundy, Kate Alexandra [3]	ACT		ALP
Macdonald, Hon. Ian Douglas	QLD	30.6.2008	LP
Macdonald, John Alexander Lindsay (Sandy)	NSW	30.6.2008	NATS
McEwen, Anne	SA	30.6.2011	ALP
McGauran, Julian John James	VIC	30.6.2011	NATS
McLucas, Jan Elizabeth	QLD	30.6.2011	ALP
Marshall, Gavin Mark	VIC	30.6.2008	ALP

Senator	State or Territory	Term expires	Party
Mason, Brett John	QLD	30.6.2011	LP
Milne, Christine	TAS	30.6.2011	AG
Minchin, Hon. Nicholas Hugh	SA	30.6.2011	LP
Moore, Claire Mary	QLD	30.6.2008	ALP
Murray, Andrew James Marshall	WA	30.6.2008	AD
Nash, Fiona	NSW	30.6.2011	NATS
Nettle, Kerry Michelle	NSW	30.6.2008	AG
O'Brien, Kerry Williams Kelso	TAS	30.6.2011	ALP
Parry, Stephen	TAS	30.6.2011	LP
Patterson, Hon. Kay Christine Lesley	VIC	30.6.2008	LP
Payne, Marise Ann	NSW	30.6.2008	LP
Polley, Helen	TAS	30.6.2011	ALP
Ray, Hon. Robert Francis	VIC	30.6.2008	ALP
Ronaldson, Hon. Michael	VIC	30.6.2011	LP
Santoro, Santo [1]	QLD	30.6.2008	LP
Scullion, Nigel Gregory [3]	NT		CLP
Sherry, Hon. Nicholas John	TAS	30.6.2008	ALP
Siewert, Rachel	WA	30.6.2011	AG
Stephens, Ursula Mary	NSW	30.6.2008	ALP
Sterle, Glenn	WA	30.6.2011	ALP
Stott Despoja, Natasha Jessica	SA	30.6.2008	AD
Troeth, Hon. Judith Mary	VIC	30.6.2011	LP
Trood, Russell	QLD	30.6.2011	LP
Vanstone, Hon. Amanda Eloise	SA	30.6.2011	LP
Watson, John Odin Wentworth	TAS	30.6.2008	LP
Webber, Ruth Stephanie	WA	30.6.2008	ALP
Wong, Penelope Ying Yen	SA	30.6.2008	ALP
Wortley, Dana	SA	30.6.2011	ALP

(1) Chosen by the Parliament of Queensland to fill a casual vacancy vice Hon. John Joseph Herron, resigned.
(2) Chosen by the Parliament of Victoria to fill a casual vacancy vice Hon. Richard Kenneth Robert Alston, resigned.
(3) Term expires at close of day next preceding the polling day for the general election of members of the House of Representatives.
(4) Chosen by the Parliament of Tasmania to fill a casual vacancy vice Susan Mary Mackay, resigned.

PARTY ABBREVIATIONS

AD—Australian Democrats; AG—Australian Greens; ALP—Australian Labor Party; CLP—Country Labor Party; FF—Family First Party; LP—Liberal Party of Australia; NATS—The Nationals

Heads of Parliamentary Departments

Clerk of the Senate—H Evans

Clerk of the House of Representatives—I C Harris

Secretary, Department of Parliamentary Services—H R Penfold QC

HOWARD MINISTRY

Prime Minister	The Hon. John Winston Howard MP
Minister for Trade and Deputy Prime Minister	The Hon. Mark Anthony James Vaile MP
Treasurer	The Hon. Peter Howard Costello MP
Minister for Transport and Regional Services	The Hon. Warren Errol Truss MP
Minister for Defence and Leader of the Government in the Senate	Senator the Hon. Robert Murray Hill
Minister for Foreign Affairs	The Hon. Alexander John Gosse Downer MP
Minister for Health and Ageing and Leader of the House	The Hon. Anthony John Abbott MP
Attorney-General	The Hon. Philip Maxwell Ruddock MP
Minister for Finance and Administration, Deputy Leader of the Government in the Senate and Vice-President of the Executive Council	Senator the Hon. Nicholas Hugh Minchin
Minister for Agriculture, Fisheries and Forestry and Deputy Leader of the House	The Hon. Peter John McGauran MP
Minister for Immigration and Multicultural and Indigenous Affairs and Minister Assisting the Prime Minister for Indigenous Affairs	Senator the Hon. Amanda Eloise Vanstone
Minister for Education, Science and Training	The Hon. Dr Brendan John Nelson MP
Minister for Family and Community Services and Minister Assisting the Prime Minister for Women's Issues	Senator the Hon. Kay Christine Lesley Patterson
Minister for Industry, Tourism and Resources	The Hon. Ian Elgin Macfarlane MP
Minister for Employment and Workplace Relations and Minister Assisting the Prime Minister for the Public Service	The Hon. Kevin James Andrews MP
Minister for Communications, Information Technology and the Arts	Senator the Hon. Helen Lloyd Coonan
Minister for the Environment and Heritage	Senator the Hon. Ian Gordon Campbell

(The above ministers constitute the cabinet)

HOWARD MINISTRY—*continued*

Minister for Justice and Customs and Manager of Government Business in the Senate	Senator the Hon. Christopher Martin Ellison
Minister for Fisheries, Forestry and Conservation	Senator the Hon. Ian Douglas Macdonald
Minister for the Arts and Sport	Senator the Hon. Charles Roderick Kemp
Minister for Human Services	The Hon. Joseph Benedict Hockey MP
Minister for Citizenship and Multicultural Affairs	The Hon. John Kenneth Cobb MP
Minister for Revenue and Assistant Treasurer	The Hon. Malcolm Thomas Brough MP
Special Minister of State	Senator the Hon. Eric Abetz
Minister for Vocational and Technical Education and Minister Assisting the Prime Minister	The Hon. Gary Douglas Hardgrave MP
Minister for Ageing	The Hon. Julie Isabel Bishop MP
Minister for Small Business and Tourism	The Hon. Frances Esther Bailey MP
Minister for Local Government, Territories and Roads	The Hon. James Eric Lloyd MP
Minister for Veterans' Affairs and Minister Assisting the Minister for Defence	The Hon. De-Anne Margaret Kelly MP
Minister for Workforce Participation	The Hon. Peter Craig Dutton MP
Parliamentary Secretary to the Minister for Finance and Administration	The Hon. Dr Sharman Nancy Stone MP
Parliamentary Secretary to the Minister for Industry, Tourism and Resources	The Hon. Warren George Entsch MP
Parliamentary Secretary to the Minister for Health and Ageing	The Hon. Christopher Maurice Pyne MP
Parliamentary Secretary to the Minister for Defence	The Hon. Teresa Gambaro MP
Parliamentary Secretary (Trade)	Senator the Hon. John Alexander Lindsay (Sandy) Macdonald
Parliamentary Secretary (Foreign Affairs) and Parliamentary Secretary to the Minister for Immigration and Multicultural and Indigenous Affairs	The Hon. Bruce Fredrick Billson MP
Parliamentary Secretary to the Prime Minister	The Hon. Gary Roy Nairn MP
Parliamentary Secretary to the Treasurer	The Hon. Christopher John Pearce MP
Parliamentary Secretary to the Minister for the Environment and Heritage	The Hon. Gregory Andrew Hunt MP
Parliamentary Secretary (Children and Youth Affairs)	The Hon. Sussan Penelope Ley MP
Parliamentary Secretary to the Minister for Education, Science and Training	The Hon. Patrick Francis Farmer MP
Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry	Senator the Hon. Richard Mansell Colbeck

SHADOW MINISTRY

Leader of the Opposition	The Hon. Kim Christian Beazley MP
Deputy Leader of the Opposition and Shadow Minister for Education, Training, Science and Research	Jennifer Louise Macklin MP
Leader of the Opposition in the Senate, Shadow Minister for Indigenous Affairs and Shadow Minister for Family and Community Services	Senator Christopher Vaughan Evans
Deputy Leader of the Opposition in the Senate and Shadow Minister for Communications and Information Technology	Senator Stephen Michael Conroy
Shadow Minister for Health and Manager of Opposition Business in the House	Julia Eileen Gillard MP
Shadow Treasurer	Wayne Maxwell Swan MP
Shadow Attorney-General	Nicola Louise Roxon MP
Shadow Minister for Industry, Infrastructure and Industrial Relations	Stephen Francis Smith MP
Shadow Minister for Foreign Affairs and Trade and Shadow Minister for International Security	Kevin Michael Rudd MP
Shadow Minister for Defence	Robert Bruce McClelland MP
Shadow Minister for Regional Development	The Hon. Simon Findlay Crean MP
Shadow Minister for Primary Industries, Resources, Forestry and Tourism	Martin John Ferguson MP
Shadow Minister for Environment and Heritage, Shadow Minister for Water and Deputy Manager of Opposition Business in the House	Anthony Norman Albanese MP
Shadow Minister for Housing, Shadow Minister for Urban Development and Shadow Minister for Local Government and Territories	Senator Kim John Carr
Shadow Minister for Public Accountability and Shadow Minister for Human Services	Kelvin John Thomson MP
Shadow Minister for Finance	Lindsay James Tanner MP
Shadow Minister for Superannuation and Intergenerational Finance and Shadow Minister for Banking and Financial Services	Senator the Hon. Nicholas John Sherry
Shadow Minister for Child Care, Shadow Minister for Youth and Shadow Minister for Women	Tanya Joan Plibersek MP
Shadow Minister for Employment and Workforce Participation and Shadow Minister for Corporate Governance and Responsibility	Senator Penelope Ying Yen Wong

(The above are shadow cabinet ministers)

SHADOW MINISTRY—*continued*

Shadow Minister for Consumer Affairs and Shadow Minister for Population Health and Health Regulation	Laurie Donald Thomas Ferguson MP
Shadow Minister for Agriculture and Fisheries	Gavan Michael O'Connor MP
Shadow Assistant Treasurer, Shadow Minister for Revenue and Shadow Minister for Small Business and Competition	Joel Andrew Fitzgibbon MP
Shadow Minister for Transport	Senator Kerry Williams Kelso O'Brien
Shadow Minister for Sport and Recreation	Senator Kate Alexandra Lundy
Shadow Minister for Homeland Security and Shadow Minister for Aviation and Transport Security	The Hon. Archibald Ronald Bevis MP
Shadow Minister for Veterans' Affairs and Shadow Special Minister of State	Alan Peter Griffin MP
Shadow Minister for Defence Industry, Procurement and Personnel	Senator Thomas Mark Bishop
Shadow Minister for Immigration	Anthony Stephen Burke MP
Shadow Minister for Aged Care, Disabilities and Carers	Senator Jan Elizabeth McLucas
Shadow Minister for Justice and Customs and Manager of Opposition Business in the Senate	Senator Joseph William Ludwig
Shadow Minister for Overseas Aid and Pacific Island Affairs	Robert Charles Grant Sercombe MP
Shadow Parliamentary Secretary for Reconciliation and the Arts	Peter Robert Garrett MP
Shadow Parliamentary Secretary to the Leader of the Opposition	John Paul Murphy MP
Shadow Parliamentary Secretary for Defence and Veterans' Affairs	The Hon. Graham John Edwards MP
Shadow Parliamentary Secretary for Education	Kirsten Fiona Livermore MP
Shadow Parliamentary Secretary for Environment and Heritage	Jennie George MP
Shadow Parliamentary Secretary for Industry, Infrastructure and Industrial Relations	Bernard Fernando Ripoll MP
Shadow Parliamentary Secretary for Immigration	Ann Kathleen Corcoran MP
Shadow Parliamentary Secretary for Treasury	Catherine Fiona King MP
Shadow Parliamentary Secretary for Science and Water	Senator Ursula Mary Stephens
Shadow Parliamentary Secretary for Northern Australia and Indigenous Affairs	The Hon. Warren Edward Snowdon MP

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MONDAY, 5 SEPTEMBER

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Monday, 5 September 2005

The DEPUTY PRESIDENT (Senator Hogg) took the chair at 12.30 pm and read prayers.

REPRESENTATION OF TASMANIA

The DEPUTY PRESIDENT (12.31 pm)—The President has received, through His Excellency the Governor-General, the certificate of the choice by the Parliament of Tasmania of Carol Louise Brown as a senator to fill the vacancy caused by the resignation of Senator Mackay. I table the document. I also inform honourable senators that I have received from His Excellency the Governor-General a commission to administer the oath of allegiance to senators in the absence of the President. I table the commission.

SENATORS SWORN

Senator Carol Louise Brown made and subscribed the affirmation of allegiance.

HUMAN SERVICES LEGISLATION AMENDMENT BILL 2005

In Committee

Consideration resumed from 18 August.

The TEMPORARY CHAIRMAN (Senator Hutchins)—The committee is considering Australian Democrats amendments (1) and (2), on sheet 4638, moved by Senator Allison. The question is that the amendments be agreed to.

Senator BARTLETT (Queensland) (12.35 pm)—For context, for the benefit of the Senate I indicate that the Democrats will be moving these amendments a number of times, in a range of different pieces of legislation. We have done this many times in the past. This legislation sets up a new structure for key agencies, not least the Health Insurance Commission, covering Medicare Australia and Centrelink. We believe that appointment on merit is important for any of these agencies. There is now clearly a long-standing problem with the perception and sometimes the practice of jobs for the boys or inappropriate processes being followed in appointing people to positions. It is not just at federal level, I might say. If one were trying to be balanced and nonpartisan about this, one could point to examples in my own state of Queensland, with the Beattie Labor government and a couple of very controversial appointments with somewhat less than ideal processes applied to key positions. It is not a good practice, it does not help democracy and it is not necessary. Other nations have moved ahead in this regard. The Democrats believe that it is well overdue that we do the same here.

Senator PATTERSON (Victoria—Minister for Family and Community Services and Minister Assisting the Prime Minister for Women's Issues) (12.36 pm)—I am advised that we will not be supporting these amendments and that Senator Abetz explained in detail why we would not be supporting them when he was speaking to the bill earlier.

Question negatived.

Bill agreed to.

Bill reported without amendment; report adopted.

Third Reading

Senator PATTERSON (Victoria—Minister for Family and Community Services and Minister Assisting the Prime Minister for Women's Issues) (12.37 pm)—I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

BUILDING AND CONSTRUCTION INDUSTRY IMPROVEMENT BILL 2005

BUILDING AND CONSTRUCTION INDUSTRY IMPROVEMENT (CONSEQUENTIAL AND TRANSITIONAL) BILL 2005

Second Reading

Debate resumed from 18 August, on motion by **Senator Abetz**:

That these bills be now read a second time.

Senator WEBBER (Western Australia) (12.38 pm)—The Building and Construction Industry Improvement Bill 2005 and the Building and Construction Industry Improvement (Consequential and Transitional) Bill 2005 are brought back to this chamber yet again by this government. These bills are the latest attempt by the government to attack the working men and women in the building and construction industries. This government's extreme ideological attack on the employees of the building and construction industries is the latest attack on well-organised, well-paid workers in this country. This time we are not going to see balaclavas and attack dogs, like we did during the maritime dispute; rather, the government's approach has changed but still aims for the same result. This time, the government is setting up specific legislation that will regulate only one industry and with only one purpose—that is, to reduce the conditions and wages of our fellow Australians.

You do not need to look beyond the commencement provisions of these bills to realise that, although most provisions only take effect from royal assent, those provisions prohibiting unlawful industrial action take effect from 9 March 2005. Yes, there are retrospective provisions in this legislation. We are now seeing this government use retrospective legislation to attack the rights of workers in this country—the right of workers to seek a fair day's pay for a fair day's work. We have seen this retrospective approach used to change tax laws after the event, and many of us have dealt with constituents who have suffered enormously from this approach: people who operated within the law and then found those opposite changing the rules after the event; thereby people who had behaved legally were suddenly being pursued by government agencies.

The government is now extending retrospectivity to include industrial action that has taken place since March this year: industrial action that was not unlawful at the time but, through the retrospective nature of this legislation, will be so once the bills pass through the parliament. This legislation is not new. It is simply about the government having another go at the building and construction industries, as this government has done time and again over the years. These bills represent the government's ideological and extreme agenda to attack the workers and unions involved in the building and construction industries. The insidious nature of these bills is that the whole purpose is to prevent unions from using industrial action as a means of securing new enterprise agreements—agreements that are legal and lawful.

The government, through this legislation, are imposing penalties after the event as a means of preventing unions from operating within the law as it currently exists. The government are taking draconian action with heavy penalties for activities taking place now that may allow workers in the building and construction industries to secure a new enterprise agreement. Then the government talk about 'fairness' and 'choice'. Their whole industrial relations agenda is supposedly about choice, but what they are doing is saying to workers who are organised and who wish to negotiate collective enterprise agreements that they have Hobson's choice. While they pretend that employees have a choice, they are saying to workers in the

building and construction industries that their apparent choice is no choice at all. If you reach a new agreement and use industrial action to achieve it, the government will then reserve the right to penalise all parties involved, after the event. Therefore, activities that are legal today will be legislated away, and then the new law and the new penalties will be applied retrospectively.

The history of these bills goes back to the Cole royal commission and the government's previous attempt to pass these bills in 2003. You would think that, given the amount of time the government have had to draft these bills, they would have got it right. And yet, when the bills were introduced into the other place, the government had the audacity to put up no fewer than 39 pages of amendments. What a monumental demonstration of incompetence. They have made several attempts with this legislation, yet at the last minute they come up with no fewer than 39 pages of amendments. If anyone needed another example of how out of touch this government are, you need look no further than this type of approach. How is it possible—after all the money they have spent on the Cole royal commission and their interim Building Industry Taskforce, and after two goes at drafting this bill—that they can still come into this parliament with 39 pages of amendments?

Let us be clear about the rhetoric behind these bills. After all their efforts and all their investigations, what have the government managed to produce? There were some 115 investigations between October 2002 and April 2005: 115 investigations in an industry that employs upwards of three-quarters of a million Australians. Of those 115 investigations, as at April this year only 11 had been resolved through the courts, with a further 11 waiting to be heard. In a period of 31 months, this witch-hunt in the building and construction industries has resulted in 115 investigations, of which not even one case per month is going before the courts.

And now these bills are here to give effect to the latest round of union bashing. For all the government's claims about the lawlessness of the industry, you would have to be operating on another planet if you seriously claimed that 115 investigations, or about four per month, equated to lawlessness for an industry of 750,000 workers. Just as with so much of their other legislation, this is not about improving the building industry but about fighting the same old, tired, ideological battles that the current Prime Minister has been waging all of his political life. This is the investigation to prosecution ratio that the government has been aiming for. How difficult will it be to achieve a prosecution when you make activity illegal after the event? Maybe the only way the government can finally get some proof that the building and construction industry is as lawless as it claims is by changing the law after the event. Could this government operate in a more extreme manner than to use retrospective legislation to try to prove its point? This process has cost Australian taxpayers millions of dollars in royal commissions, the interim Building Industry Taskforce and now the new commission. How many more millions must be wasted before the government will give up on this campaign?

These bills also create the Australian Building and Construction Commission that will replace the interim task force, the task force that has been so effective that in a 31-month period it has come up with, as I say, 115 investigations. It is now to be replaced by a new commission, a commission with a budget in the order of $100 million per year, and that will probably be headed by one Nigel Hadgkiss, who was quoted in the *West Australian* newspaper on 9 August this year as saying, 'I miss the tranquillity of organised crime.' Now we see how this new com-

mission will operate: as judge, jury and executioner all rolled into one. If anyone pretends that regulation of the building and construction industries is like dealing with organised crime then there are grounds for serious concern. In what way is a trade union taking industrial action to be equated with the operation of organised crime? This is an outrageous attack on the trade union movement in this country. To compare union officials to organised crime figures is to already set out how the new commission is going to operate. It is clear that the building industry unions will be denied a fair go by this new commission. When the likely head of this commission can make those sorts of comments, which do nothing short of linking in the minds of the Australian public organised crime and the building unions, then it is difficult to see how fairness will operate.

These bills are nothing short of an out-and-out attack on the rights of workers to organise. The American statesman Daniel Webster once observed: 'A fair return for their labour so as to have good homes, good clothing and good food.' That is the right of workers. And yet this government pursue the right to reduce the working conditions and take-home pay of workers in the building and construction industries. Organised labour have the right to organise and to seek a fair share of the results of their labour. Is this the new model for industrial relations in this country, since we are yet to see the government's other proposed reforms? Does it mean that if you are organised and have a decent enterprise agreement then the government are out to get you? They will get you by moving industry specific legislation that aims to reduce the rights of organised labour to represent their members.

If building and construction workers are well paid then there is a very simple reason why that is the case. There are few other occupations where every day on the job could be your last. The building and construction industry is a dangerous industry, like the mining industry. Many Australians are injured and some are killed while going about their jobs. Not many people in this country face the same risks to their health and well-being as are faced by construction workers on a daily basis. As a consequence, over the years they have developed good wages and conditions—what is unreasonable about that? Most members of this place would insist on a much greater salary if every day they went to work could be their last—if they could be severely injured or indeed killed.

The rights of workers to organise and to ensure that they have decent wages and conditions is just that: it is their right. Do those opposite really want to create a system where workers in a particular industry are singled out one after another to face this sort of unreasonable law-making? We have seen the attacks on the waterside workers and now the building and construction workers. The question is: who is next? Again, I quote Daniel Webster, who once said about workers in the United States:

> Labor in this country is independent and proud. It has not to ask the patronage of capital, but capital solicits the aid of labor.

That holds true in Australia as well; it is the fundamental principle that has operated in this country. Ultimately, the ability of employers in this country to make a profit relies on the work, the input, of the labour that they employ. What those opposite are trying to achieve is to give all the power to the employers. Whether we are talking about these so-called improvement bills or industrial relations more generally, those opposite are all about taking all of the power and giving it to the employers. They will do it through their industrial relations bills later this year no doubt, but in the case of the building and construction industry they cannot wait even

for that. Therefore they are moving legislation that will take effect immediately. They have decided that the building and construction industry needs its own special laws and yet, after all the effort over the years, they are still to demonstrate that the industry is indeed as lawless as they claim.

Is it the case that buildings are not being built? You certainly could not say that in my home state of Western Australia. Is it the case that buildings are not being built safely? Again, you cannot, on the whole, say that in my home state of Western Australia. Is it the case that building and construction employers are not able to turn a profit? I do not think so. The answer to all those questions is no. So what is the real reason for these bills? They are the latest round of ideological posturing by those opposite who cannot stand to see workers getting a good deal with their conditions and their wages. In order to bring building and construction wages and conditions down to a lower level, they aim to rewrite the rule book. For them, it is not about workers being entitled to a fair share; rather, it is about moving legislation to ensure that employers have a greater share. This is not about improving the building and construction industry; this is about improving the profit margins of the builders.

Senator McGAURAN (Victoria) (12.53 pm)—I am very pleased to be able to stand in this chamber and represent the government on these two most important bills, the Building and Construction Industry Improvement Bill 2005 and the Building and Construction Industry Improvement (Consequential and Transitional) Bill 2005. I am always pleased to stand in this chamber, but I am most pleased to stand to speak on these bills because there is a particular purpose to these two bills: we are debating today one of the major reforms not just of the building and industry sector but of the economy.

So often of late we have been absorbed by things that distract us from important issues. For example, of late we have been absorbed by the debate on Telstra. The media, the public and even this chamber have been focused on the bills for the sale of Telstra. This legislation is not just equivalent to but is more important than the sale of Telstra in the effect that it will have on households and on the general economy. The reforms contained in these bills will have an enormous cascading effect upon not just industrial relations in this country but the livelihood of the some 700,000 people employed in this industry—and beyond them upon all those who purchase or rent apartments, houses and office blocks. They will have a trickling effect throughout the whole economy.

These bills are a major reform to what the royal commission described as a 'lawless industry'. Given that this government bases its main credibility on, and that the foundation stone of its 10 years in office is, economic management, why wouldn't we—as we did on the waterfront—tackle what is, according to the recommendations of a royal commission, no less, one of the major holes in our economy and get it right for the sake of the economy and for the people who work within that industry?

No-one—including the speakers on the other side who all line up to speak on this important piece of legislation representing their different unions and their different points of view in regard to industrial relations—should doubt this government's determination to implement the recommendations of the Cole royal commission and to reform the building sector. The priority that we have given these bills should indicate that. Within weeks of the government gaining control of the Senate, we introduced what we consider the priority bills. The previous speaker, Senator Webber, said that we act in haste. Actually, these bills were intro-

duced in the old parliament before the election. We did not have the majority in the Senate at that time. Now that we have the majority, we are acting, and acting not in haste but in determination. These bills are a party to the industrial relations reforms which will come out in October. As recommended by the royal commission, this sector requires certain specific legislation to fix it up, to reduce the lawlessness and to bring some order to the industry. That is the importance of this legislation.

The Building and Construction Industry Improvement (Consequential and Transitional) Bill 2005 seeks to implement a framework whereupon unlawful industrial action is not tolerated and those taking such action are brought to account for their lawlessness. This bill comes before the parliament at a time when the building unions in several states—and in particular in my state of Victoria—are pressuring employers in the building industry to negotiate existing agreements well in advance of their expiry dates.

The new statutory norm as implemented by this bill provides that industrial action of the sort captured by this bill is unlawful unless it is protected industrial action within the meaning of the Workplace Relations Act. Industrial action taken by unions to pursue the early negotiations of new agreements would not only be unprotected but would also be unlawful. If unions or other parties take unlawful industrial action, they will be subject to civil penalties. This clause mirrors the penalty clauses in the previous version of the bill which we first introduced into the Senate in 2003.

In essence, the capacity to engage in pattern bargaining will be severely limited. The proposed building law will provide access to injunctions to stop or prevent pattern bargaining and to prevent agreements that result from pattern bargaining being certified. Employees will have the right to select whether they wish to be represented by a union in bargaining, and unions will not have the automatic right to represent employees. That is one aspect of the bills we are debating today. But the centrepiece of the bills we are debating today, which will improve compliance and increase lawfulness within the building industry, is the establishment of the Australian Building and Construction Commission. The commission will replace the interim Building Industry Taskforce, which was established in October 2002 in response to the recommendations of the royal commission. The decision to establish the interim Building Industry Taskforce was consistent with the recommendations. Commissioner Cole's intention was to establish an interim body to secure the law prior to the establishment of a national regulatory agency for the industry. That is what we are doing today.

As at 30 June 2005, that task force alone had received 3,037 inquiries, 2,738 of which had been responded to within one working day and 1,502 of which had been resolved within three working days. In the period to 30 June 2005, the task force placed 25 matters against unions—and employers as well, I should add—before the courts. That has been the usefulness of the interim task force, but the real business to establish a permanent body that can act as a statutory agency with powers to monitor, investigate and prosecute breaches of federal workplace laws within this particular industry will be undertaken with this legislation.

The ABC Commission will be securing compliance with laws across the industry. The ABC Commission will refer matters to other relevant state and federal agencies, such as the Australian Securities and Investments Commission, the Australian Competition and Consumer Commission, and the Australian Taxation Office. So you can see

that it has wide-ranging powers. The ABC Commission will have the power to appoint Australian building and construction inspectors to monitor compliance with and, when appropriate, institute proceedings under the Workplace Relations Act. With the proposed Building and Construction Industry Improvement Act 2005, the ABC Commission's enforcement role will be underpinned by a stronger compliance regime and increased penalties and will be more appropriate to the circumstances of this particular industry.

That is the purpose and essence of these bills because, as I said, the ABC Commission is the centrepiece of what we are debating today. One of the biggest impediments to cleaning up the industry and applying the law is that people have acted unlawfully almost with immunity because employers have been too frightened to take on the union, the intimidators—and vice versa; do not think the royal commission did not find fault on the employer side. Those who just want to carry on their business have been unable to enact the laws as they stand now, but with the ABC Commission there will be an independent body that will be able to act on their behalf or go into the workplaces and act according to the law. We will not be simply relying on either side to behave within this industry.

As I said, the government are committed to reform in the building industry. It is the same commitment we had on the waterfront. Just as the waterfront reforms were important to improving this country's export capacities, the construction industry reforms are critical to maintaining and driving our economic growth. As is known, this is an industry that is fundamental to this country's economic growth. Moreover, it employs many skilled and unskilled workers. It is an industry that is worth some $50 billion. It makes up some seven per cent of our GDP and directly and indirectly employs some 700,000 workers. As is well known, it is also an industry that the Reserve Bank has in its sights and deliberations with regard to the rise and fall of interest rates—such is the critical nature of the construction industry. So, in turn, with the Reserve Bank keeping a close eye on this industry with regard to booms and busts affecting interest rates, this industry has a cascading effect on the whole economy—on households and businesses, large and small.

Thus, as I said before, is it any wonder that this reforming government have a determination to reform this particular industry? Industrial relations in this industry, as described by the Cole royal commission, are out of control, intimidatory and lawless. It sounds like the old waterfront. We are determined to take the last bastion in industrial relations reform, and like the waterfront we see the same old suspects coming out—no less than Senator Carr, who follows me in the speaking list—defending the behaviour, the work ethics and the whole culture of the building and construction industry as it stands now. They are not making any acknowledgment of the Cole royal commission's findings—Senator Webber gave it only a glib mention in her speech—and they are not studying in detail or accepting the recommendations and findings of that royal commission.

Look what happened down on the waterfront. Let us take that as the prime example—and I think the degree of difficulty in reforming the building and construction industry is greater than that of the waterfront, given the great diversity of the building and construction industry on both the employer and employee sides. Nevertheless, the reforms were so great down on the waterfront that I have not noticed any national strikes down there of late. Remember the old days down on the waterfront when they would go out on strike and the whole country would

grind to a halt, because usually the Transport Workers Union would go out in sympathy with them. But since the reforms were introduced, as hard and as difficult as they were at the time—but the government was determined—we have seen no national strikes down on the waterfront.

We have seen new productivity down on the waterfront. Where they said that we could not reach the most conservative number of 25 container lifts—that was simply the benchmark that the government sought—we are now lifting averages of 27 containers and, on a good day down in Melbourne, 42 containers, a world record. Ironically, the wharfies down there are earning more now than they did then, because it is all linked to productivity. And of course all the rorts and intimidations have been greatly reduced—they have been minimised—down at the waterfront. We want the same approach and the same result in the building and construction industry.

Arguably, the reform of the building and construction industry is even more important than the waterfront reform. To prioritise it, what we have here is a major attempt to reform an industry that has an enormous impact on the whole of our economy—an industry which, as I said, should it not be reformed, affects the very interest rates of this country. We aim to succeed in achieving this reform in the building and construction industry, which, as I said, has arguably far worse practices than the waterfront and will arguably be more difficult to reform. The building and construction industry is worst in my state of Victoria. That is where the royal commission had most of its sitting days. Of its some 171 sitting days, I believe for at least a quarter of them it was bogged down in Victoria.

The telling statistic of the problems in this industry to this day is that, regardless of this industry being six per cent or seven per cent of the economy, the construction industry is responsible for 60 per cent of all complaints of breaches of freedom of association laws and 40 per cent of all days lost through strikes. So if you want to know where all the strikes are occurring—and some of them are very quiet, what they call 'blue days', where everyone throws a sickie on the same day—they are all in the building and construction industry.

As the Cole royal commission said, this is a lawless industry and it needs specific and individual legislation to clean it up. I am just looking through my notes for the full detail of the Cole royal commission so that someone in this debate will give this commission the proper credit that it deserves, because no-one on the other side has bothered to acknowledge the findings of this commission at all. The royal commission made 400 separate findings of unlawful conduct committed by individuals, unions and employers—lawlessness across the board. This is not just targeted at the unions at all—it is far from that. This is a reform of the whole industry. We know only too well that many of those construction companies have themselves stepped outside the law—they have caved in to intimidation and may well have been intimidatory themselves. There is no fear or favour in the reform before the parliament today.

Twenty-five types of unlawful conduct were identified by the royal commission. Over 90 types of inappropriate conduct were identified, such as unions taking industrial action to pressure contractors into union endorsed enterprise bargaining agreements. That is just one of the 90. I will give the key examples. The report recommended that the structural reform should focus on four key changes: that bargaining occur at enterprise level with limitations on pattern bargaining, that any party causing loss to other partici-

pants through unlawful industrial action be held responsible for that loss, and so on. That is just two examples. The royal commission also found that cultural and attitudinal change was necessary in four key areas, including the rule of law, no less—that would be a nice cultural change down in the building and construction industry—freedom of choice, and resumption of control of building sites by contractors. Commissioner Cole made 212 recommendations for achieving these reforms. The key recommendation was the introduction of industry specific legislation and, as we have here today, the establishment of the Australian Building and Construction Commission, headed by the commissioner.

Finally, this is without doubt one of the key pieces of reform legislation, not just for this industry and not just in industrial relations but for the whole economy. The government are pleased to present it to the parliament. We know the results will come over time. We know that those from the other side will ridicule, mock and deny, just as they did with waterfront reform, but the results are there for all to see.

Senator CARR (Victoria) (1.13 pm)—We have heard today the apologists for those who want to run civil liberties out of this country, the apologists for those who want to deny human rights to the Australian people, the apologists for those who have defended corruption in the building industry for years and years—they have defended the corruption of the tax avoiders, those who restructure their companies and those who seek to exploit, injure and maim the workers of this country—and the apologists for the corrupt practices of employer organisations which for decades and decades have been a characteristic of the building industry.

We have heard today the apologists for those who want to defend the actions of a royal commissioner who spent over $60 million of taxpayers' money—$21 million of which, I might remind the Senate, went to the lawyers; the great banquet of the Howard government—to produce findings of 392 cases of what he said were unlawful actions. And how many prosecutions were there? How many actions were taken that actually followed through in a proper court of law to test the evidence and demonstrate that there had in fact been breaches of the law? How many? Senator McGauran is absolutely silent on that issue.

The web site of the established political police force in the building industry—the Building Industry Taskforce—tells us that over the last 2½ years, at a cost of $15 million, it has conducted a grand total of nine cases and it has secured $15,000 in civil penalties. The web site fails to point out that in recent times the Federal Court has found against the Building Industry Taskforce. It has dismissed, with costs awarded against the task force, its actions with regard to proceedings which the court said were 'hopeless and instituted without reasonable cause'. We have a task force that has failed to deliver the government results that it sought to achieve. We have seen that repeated time and time again in the political and moral assassination of citizens of this country through the use of the media to propose that persons of this country have acted unlawfully and illegally. It has yet to be demonstrated in a court of law in this country that those cases can be sustained.

We have a government that today is recycling its old prejudices and obsessions and its determination to strike at organised labour in this country. This is a government that believes that the way to try to improve this country is to smash the rights of working people. That is the case that is being put here today: we should provide the government with the legislative power to smash the rights

of working people to defend themselves, their families and their living standards. How is it to do that? It is to do that by proposing that a political police force be established in the building industry whereby persons will be denied the normal rights of any other citizen—for instance, the right not to answer a question because it might incriminate you or the right not to answer a question as to whether or not you are a member of a political party.

What sort of country produces legislation of this type? What sort of country have we become where it is suggested that this is now a legitimate form of political oppression? And that is what we are talking about here: a government that is determined to pursue its own obsessions—its obsessions to destroy organised labour in such a manner as to increase the profits of large corporations and to increase the capacity of large corporations to determine the conditions of workers and the manner in which they are employed. This is a very important issue in an industry that, as has been suggested to us, employs 860,000 people—I think you will find that that is the number if you go through all the different components of it. It is a very large industry and a very important part of our economy—all very true. That makes it all the more important that the human rights and civil liberties issues that we address are done more thoroughly, that we make sure that working people in this country get a right to have a say about how they work and the conditions under which they work and that, in particular, we ensure that the prosperity of the industry is shared. That is clearly not part of this government's agenda.

It is particularly important in an industry that has some 50 workers killed each year. In this industry, the rate of serious injury is 50 per cent higher than the average rate across all other industries. It is an incredibly dangerous industry. It might be extraordinarily profitable. It may well be extremely important economically, but it is amazingly dangerous. Under those conditions, it is very important that people have a right to determine the conditions under which they work and to ensure their safety, given that some 50 workers are killed in the industry each year. In terms of occupational health and safety issues and in an environment with a long-documented history of sham corporation structures and dummy companies established to avoid financial and legislative responsibility, it is extremely important that workers come together to defend their rights and have the capacity to defend their lives. That is what we are talking about here: not some idle ideological obsession, but the rights of people to make sure that they stay alive.

We have heard from this government that this legislation is desperately needed because the royal commission has found all of this unlawful activity. As I said, we have been told that in this industry workers are crying out to change the conditions under which they are employed, they are demanding lower wages, they are demanding that their organisations be dismantled and they are demanding that their capacity to have a say with the boss be reduced. You can see that everywhere, can't you? Everywhere you go, you find building workers jumping up and down and saying, 'Take away our rights'! That is the nonsense that we are being asked to accept in this chamber.

I said that 860,000 workers are employed in this industry. Despite the enormous array of resources and the enormous capacity that this government has to impose its will upon the people of this country, only about three per cent of them are currently working under AWAs. That is the real measure of it. We have a situation here where, even with the enormous coercive power that is available already, so few workers are prepared to come to the government's party and say, 'We're

prepared to sign up under AWAs.' They are mainly in management and in various places where there is, in fact, very limited opportunity to say no. The poorly organised and unionised section of the industry is where you will find people who are forced to sign a contract or they do not get the job. That is what is occurring at this time in this country with this government's industrial relations legislation. You have a tiny number of people who are being obliged, being forced, to accept these new conditions that the government is imposing, without any capacity for workers to say no. That is the situation that you will see with increasing casualisation. You will see increasing dangers being experienced by workers in an industry which, as I said, is already extremely dangerous indeed.

We have been told that the government is a great respecter of human rights. It is the sort of view it takes when it is talking about other people in other countries. It is not the sort of view it takes when it is addressing the concerns of the citizens of this country. What we have with these ill-defined and coercive powers that the government is seeking to impose upon workers in this country through its political industrial police force is a situation whereby there will be no checks and balances and no capacity to say no. Under this legislation, the government has given power to a group of people in the Building Industry Taskforce or the Australian Building and Construction Commissioner the capacity to ask such questions as: 'Have you been a member of a union or a political party?'

What right is there for a government to seek that sort of information and use coercive powers to extract an answer, and to demand the production of phone records, bank accounts or any other documents? These are not the powers that any other citizen would have to deal with. These are the powers that have been given to this political police force to attack building workers. You would not find this sort of power in the world of corporate affairs because the corporate lawyers would be all over this, saying, 'No, you cannot have it.' By what right does a person without charge have to provide phone records, bank accounts or other documents? It is on the basis that an industrial police commissioner presumes guilt. What right is that in a country such as this?

Workers do not have to have done anything wrong. There is a presumption of guilt in all the public statements that have been made by the commissioner, Mr Hadgkiss. That is an alien concept to our principles of democracy and human rights. It is not a practice that we would expect any other citizen to have to put up with. Now we have a group of spivs who present themselves through this legislation with the power to try to intimidate and to coerce and by means of legal thuggery impose these sorts of conditions on workers in this country.

We have seen the secret industrial political police, the Australian Building and Construction Industry Commission, deem a criminal offence before it has been declared a criminal offence by law. There are repeated statements in the press by Mr Hadgkiss that support those claims. Mr Hadgkiss told the *Courier Mail*, for instance, back in January this year that he was looking forward to 'receiving enhanced powers in order to make a greater impact on the lawlessness in the Queensland building and construction industry'. In the *West Australian* he said that 'coercion, thuggery and intimidation were big problems in Perth' and he was looking forward to the use of these powers to stamp out what he saw as 'lawlessness'. We saw in Victoria in March this year a Federal Court case concerning Able Demolitions when he said that he thought the Victorian government had withheld information from the proceeding with regard to its tendering arrangements.

The Federal Court did not find that way but there was a presumption throughout all of these press comments that some crime had been committed. A person's name can be blackened by suggesting that there is a link to organised crime. Mr Hadgkiss has said on a number of occasions that he preferred the 'tranquillity of organised crime' compared to the building industry. What an extraordinary concept to be advancing for a person who is supposed to be a public servant administering the law and acting within the law himself. It is about intimidating, using thuggery and attempting to use coercive powers to impose a political obsession upon the people of this country. That is essentially what this legislation is all about.

The Liberal Party was once known as a liberal party, and by that it meant it had some commitment to liberal values. With this sort of legislation we have seen the basic principles of liberalism thrown out. Now we have coercive police powers being imposed by a secret police organisation on one particular section of the community in an attempt to win a political argument on behalf of the big employers in this country to try to reduce the organised capacity of working people to defend themselves.

It is pretty straightforward. This is an industry that is incredibly dangerous, that has many tough and robust players. Many royal commissions over many years have been able to produce hard evidence—and I remember the bottom of the harbour matter—that has led to convictions of major companies. We have a situation here where workers have been able to improve their wages and conditions, to improve their living conditions and to protect their lives. All of that now is under threat. This is a government that seeks to intervene on behalf of one side in the industrial battle and by way of industrial relations madness to use the coercive powers of the state to smash the organised capacity of labour to defend itself and to protect people's lives, their living standards and their basic democratic rights. These are the issues at stake here and we see nothing from this government in terms of a serious, even-handed approach to improving productivity, sharing wealth and making sure that workplaces are safe.

We see a government that does not talk about the enforcement of entitlements. It is not interested in those basic questions about people having to go to work and expecting to be paid and not being faced with a company that has been put through some sort of bodgie shelf arrangement with sham corporate structures whereby people's basic wages and conditions are not paid to them and their basic superannuation and various other entitlements are denied them. We hear nothing from this government on that. We hear nothing on the question of industrial manslaughter or the cases where people have acted negligently in pursuit of their own greed, cutting corners which have led to people's lives being lost. We hear nothing about those questions. We hear nothing about the thuggery and intimidation and the employment of standover men to force people out of the union and try to break the industrial solidarity of workers. We hear nothing of those sorts of questions. It is a very one-sided view of the world.

In this place we have got a draconian piece of legislation directed at workers who are seeking to protect themselves. We have a situation now where, for those actions, there are mandatory penalties and criminal offences declared by groups of people who have made a presumption of guilt before they start. Under those circumstances, is it any wonder that the Labor Party says, 'No, this is just not good enough'? It is not good enough for a country such as this. It is not good enough for an industry which is as important as this one is for the economy as a whole. It

is not good enough for the young people coming into this industry. It is not good enough for people who want to have a decent standard of living. It is not good enough for people who expect to have the same rights in this country as every other citizen. And it is not good enough for an advanced industrial society that should be leading the world—not rushing to the bottom, not rushing to avoid its responsibilities to make sure that people get a fair go.

Mr Hadgkiss is no stranger to controversy himself. There were recent reports that he too has been engaged in payback behaviour. I refer to a *Telegraph* article of 21 January this year which said:

> THE head of the Federal Government's Building Industry Task Force is being investigated over claims he fired an inspector who accused him of overseeing corrupt practices during the Wood royal commission.

You see, it is a very easy thing to say: I have got the evidence here, I have got a newspaper report. But that is the basis on which we are now working in the building industry: a bodgie royal commission gets tainted evidence and makes wild claims, none of which are enforceable at law and have not been enforced at law, yet this whole union and all the other unions in this industry are then seen to be guilty of criminal offences. And it has been proposed that they are in fact as good as organised criminals themselves. On what basis? Not on the basis of evidence that you would expect to stand up in a court of law, not under the normal principles of human rights and the legal principles that we have come to expect in this country. But it is easy enough to do, and I suggest Mr Hadgkiss, who has a long, long record of being involved in dealing with bent coppers, ought to know how dangerous it is—

Senator Johnston—He's in his element, isn't he!

Senator CARR—Senator Johnston says he is in his element. He may well be in his element, I do not know. All I can do is to make these points: it is an easy thing to do to slam the reputations of Australians and to say that the working people of this country are not entitled to defend themselves; it is another thing entirely to take away the rights of people and to smear them and to fundamentally undermine the basic principles of civility we have come to expect in this country. You will rue the day with this sort of legislation, because it is the nature of the beast that what comes around goes around. You are changing the terms of political engagement, and the consequence of that may well be far-reaching and go beyond the mere passage of this draconian legislation. *(Time expired)*

Senator JOHNSTON (Western Australia) (1.33 pm)—I rise to speak on the Building and Construction Industry Improvement Bill 2005 and the Building and Construction Industry Improvement (Consequential and Transitional) Bill 2005. The Howard government reformed the waterfront. The Howard government solved the problem, a running sore of a problem, of the painters and dockers and the residue of their criminality and their corruption. And there is little difference in the challenges that presently confront the Howard government with respect to the commercial construction industry. As far back as 1990, a former esteemed member of this chamber, Senator Peter Cook, said of the commercial construction industry:

> Friends, this industry is going to have to bite the bullet at last. If this country wants to be efficient and productive, everybody has to undergo the reform process—and most especially an industry which has such pressing and demonstrable need for it.

Labor, then in power, sat on its hands after those prophetic words of Senator Cook for a further six years. Following that most accurate evaluation by the learned senator,

through all of that time it has been held contemptuously hostage to the demands and dictates of corrupt, vested union interests residing from, historically, the Builders Labourers Federation, the Building Workers Industrial Union and more latterly its current contemporary form, the CFMEU. The result of the appalling neglect of the Labor government for 13 years in this area of industry was the entrenchment and the enshrinement of a regime of high costs, corrupt work practices and rorting, standover tactics, coercion and extortion, and low productivity in what is a $50 billion industry to Australia—a blight which every hard-working Australian pays for directly or indirectly in their rents and their taxes and which adds hundreds of millions of dollars to the cost of building schools and hospitals, not to mention other infrastructure.

That my account of this industry is true is supported by the renowned economic consultancy modeller Econtech. In 2002 Econtech research revealed that an arrest of inefficiency in this industry could result in a one per cent reduction in the national consumer price index. The national consumer price index could be reduced by one per cent through reform of this industry. That is a most significant and alarming fact. Further to this, such reform would yield an annual direct saving of $2.3 billion with a GDP increase of 1.1 per cent and a rise in labour productivity of 10 per cent. In addition to this, we currently have a performance and productivity gap of 50 per cent against the performance of the commercial construction industry in North America with whom we are of course in competition. The government's reform process through this bill will proceed for these and other very good reasons, and should have proceeded when the bill was first introduced into this chamber many months ago.

A further reason for reform has come from the CFMEU itself, through its National Secretary, Mr John Sutton. He publicly complained that he feared notorious Sydney underworld crime boss Tommy Domican was getting a foothold inside the union by controlling a number of scaffolding and crane contracting firms. The *Sydney Morning Herald* reported widespread fear and intimidation within the industry in November 2000, reporting:

> "It's a dirty industry," said one source ... who said he had been approached to pay a bribe to a union official.
>
> No-one spoken to by the *Herald* would go public for fear of physical or financial harm.
>
> "I've got a wife and kids" and "I like my kneecaps the way they are" were constant refrains.

This is a disgrace. Further to this, in 2000 a senior CFMEU official was reported as alleging that union delegates were engaged in a major corruption scam. The then state secretary of the union was reported to have referred a number of matters to police. The *Sydney Morning Herald* has reported allegations of hundreds of thousands of dollars being paid to one senior union official for industrial peace with the alleged recipient purchasing properties worth $721,000. In other allegations unionists were alleged to have pocketed cheques for sizeable sums which should have gone to contractors, demanded subscriptions of $25,000 to the union's picnic fund to avert a stop work meeting and so on.

More recently, in March 2003 Neil Mercer of the *Sydney Morning Herald* set out how a cleaning contractor on the Angel Place project—a $200 million, 35-storey development—was nakedly extorted for more than $54,000 in protection money. The Cole royal commission found that other contractors on the site had been hit for a total sum of $460,000 in payments based on a threat of

'no money; no contract.' The union official involved was subsequently discovered to be the owner of a BMW, a Jeep Cherokee, a Harley Fat Boy motorcycle, a Harley XLH custom motorcycle and a Commodore VT Executive sedan. These toys represented a substantial increase in his stable of motor vehicles from the $1,400 green Toyota ute registered to his name in 1998. This is a union official on struggle street, battling hard for the workers, a defender of civil liberties and enforcer of entitlements for workers, and he has a BMW, a Jeep Cherokee, a Harley Fat Boy motorcycle, another Harley and a Commodore after only having a $1,400 green Toyota ute to his name in 1998. He is a very successful man.

Why is it that the Labor Party in this place defend these union officials? Why is it that they deride the Cole royal commission? Why is it that they say there is no extortion? Could it be that their political party is receiving money from the CFMEU? I think it is the case. Since 1996 the ALP has received the sum of $4,943,866.06 directly from the CFMEU. There are just too many snouts in the trough. There are just too many beneficiaries and that is why we have the opposition in this place standing up and defending to the death the human rights that they claim are being ridden roughshod over by this bill. This bill is long overdue.

Last month the WA CFMEU workers on the Perth to Mandurah railway all took sickies. They called it the blue flu. The whole work force took a sickie. This is clearly a tactic to avoid penalties. The state Labor minister for industrial relations stated in his usual categoric, determined way, 'Hopefully they will have a change of heart.' Who is paying for this sort of level of rorting? I can tell you it is taxpayers. In Western Australia we are paying through the nose to this corrupt union. The Labor Party's capacity to condone and protect the CFMEU and to resist reform is legendary in this place. Many of the matters I have referred to were raised and were the subject of a New South Wales royal commission conducted by Roger Gyles QC back in the nineties. The Cole royal commission dealt with a litany of corrupt, criminal and unproductive work practices which had led to the establishment of the building industry task force in New South Wales following the Gyles royal commission. The first thing that Labor did in power in New South Wales was to abolish the task force. The first thing that Labor did in Western Australia when they came to power was to abolish a similar task force. This is just a disgraceful and typical response from people who are the beneficiaries of corrupt union practices.

Immediately upon confirmation that the Howard government had been returned to power, with an increased majority and control of the Senate, WA union heavyweight CFMEU secretary Kevin Reynolds publicly declared war on the Howard government. That is the CFMEU modus operandi. The way they go about their business is to hit every commercial construction contractor for $16 per employee on a training levy. There is no accountability on the money; there is no paper trail as to how it is spent. It goes to this amorphous entity called the Welshpool Construction Skills Training Centre and no-one can tell us where it ends up, there is no accountability whatsoever. Recently the CFMEU, notwithstanding their $16 per employee gravy train cash cow, have circulated a demand for a further $1 increase in subscriptions. The word on the street out there amongst workers who are members of the CFMEU is that they are being asked to pay a further $20 for a fighting fund—as if the training levy was not a sufficient cash cow.

Let us have a look at who these people are behind this union. We have Kevin Reynolds in Western Australia and Martin Kingham

and Craig Johnston in Victoria. These are union officials who are really doing it tough. They are hardworking, struggle street members who live hand to mouth. Let us have a look at Kevin Reynolds: union mandarin and undisputed head of the most powerful and militant union in Western Australia—the CFMEU. He is so powerful inside the ALP that, of course, his partner and wife Shelley Archer gets into a winnable position on the mining and pastoral ticket in Western Australia. She is now member of parliament. Kevin lives in one of Perth's most affluent suburbs. He is not down there in the working-class suburbs. He is in one of Perth's most affluent suburbs in a home of mansion dimensions, conservatively valued in excess of $700,000. He is reported as, and admits to, having a share portfolio in excess of $100,000. So he plays the stock market. He is a union official who plays the stock market—good luck to him—and has a 75 per cent stake in a $2.3 million Coolbellup hotel. This man is a millionaire. He has a 20 per cent share in a racehorse with the name General Strike. Does that give you a mind's eye picture of a battling union official, Mr Acting Deputy President? He goes to the races and he plays the stock market.

He has $300,000 in superannuation and—this is the best one of all—he has an option to purchase a unit in the exclusive Raffles development on Abe Saffron's old Raffles hotel site. We all know who Abe Saffron is. Kevin is right in there. He has got a real nice unit there. This is a Multiplex development and indeed I believe that Mr Reynolds's partner in the Coolbellup hotel is employed by Multiplex. There is a funny coincidence.

Here is a Labor mate doing it tough on struggle street. He is a multimillionaire, punting on the stock market, owning a race horse and off to Ascot every Saturday. What a beautiful life it is. Let me tell you, the people on the other side of the House want to protect everything he has ever extracted from the building and construction industry. They want to defend him as a great example of a hardworking enforcer of workers' entitlements, a civil libertarian and a man conscious of human rights. His human rights are all very well, thank you very much. Wouldn't we all like to be living on the same struggle street he is on?

What did the Cole royal commission say about the CFMEU in Western Australia? It said the building and construction industry in WA is 'marred by unlawful and inappropriate conduct' and that 'fear, intimidation and coercion are commonplace'. Contractors, subcontractors and workers face this culture continuously. At the centre of this culture and much of the unlawful and inappropriate conduct is the CFMEU. Threatening and intimidating conduct by the CFMEU is a hallmark of the industry in Western Australia. It is an absolute disgrace that the people on the other side of this House defend that.

There are other examples of these practices. An employer was forced to purchase raffle tickets worth $10,000 to keep his site operating. The use of temporary memberships is also a classic modus operandi. When there is a short work period, to get the job done employers have to pay temporary memberships. That is, your workers do not join the union; you just pay the union a fee calculated on an exotic sum of members. The key to it is that you pay per worker for far more workers than you have actually got on the site. I am told that the Maritime Union of Australia's premises in Fremantle were constructed using temporary memberships. There, of course, is the great irony of the way the system works in Western Australia.

The royal commission heard evidence of a CFMEU official Tim Nesbitt on a hospital site in Perth warning one of the employer's project managers, 'You've got an'—

expletive—'wife in the district; you're going down for it.' This is the sort of threatening behaviour we have. I believe that was a taped record of a threat.

The royal commission heard evidence of CFMEU officials Kevin Reynolds and Jim Murphy bringing pressure to bear on an employer to dismiss an employee because he did not take part in industrial action. The royal commission heard evidence of CFMEU officials Joe McDonald and Campbell McCullough threatening to take industrial action against the employer of two employees on the Burswood site who were not union members. The end result was that the two employees' work on the Burswood site was terminated. It is no ticket, no start. So much for the ILO conventions of freedom of association—if you are not in the union then you do not have a job and you cannot feed your wife and kids. It is as simple as that.

In December last year, under a giant front-page headline 'Rort city', the *Herald Sun* reported the following rorts, rackets and threats on Melbourne building sites. At the Spencer Street Station redevelopment, now $200 million over budget, employers paid for 23 union officials to supervise the site even though none of them actually did any work on the site. A nice little earner if you can get it. Employers are paying the wages of ghost workers who do not even exist and these wages end up in the pockets of unions. Union officials are extorting $500 to $10,000 or payment in beer—called a 'big drink'—from developers and subcontractors. A glazier was being threatened with all of his glass on the site being smashed unless he agreed to union demands. Several union members working on the MCG were given free tickets to the 2004 grand final in return for not disrupting work. Unions are routinely using bogus claims of safety breaches to disrupt work. In 2002 CFMEU national secretary John Sutton admitted that organised crime elements were infiltrating his union. There has been clear evidence presented to the task force which indicates that underworld figures are engaged by some industry participants. What of all this? The fact is that this piece of legislation is long overdue and Labor in this place has continually stood on the hose to perpetuate the rorts, the criminal conduct, the extortion and the coercion.

Indeed, I saw the way Labor operates when I was sitting on a workplace relations references committee throughout 2003 and 2004. Kevin Reynolds came before us and I asked him a simple question—and I have mentioned this in this house before because I find it so astounding. I said, 'Mr Reynolds, do you believe in the rule of law?' I would have thought that this was a question that every decent Australian should be able to answer instantly. It reflects our way of life. It reflects everything we enjoy as Australians. A long period of time expired before he answered—a good 20 seconds. He admitted, after some battle within himself, that he did accept the rule of law. I am thankful to him for that. But, by jingo, it was a battle. What was going through his mind?

This man controls the most powerful militant union in Western Australia. I asked him why he and his union delegates on the WA ALP state executive sought to defeat and prevent the preselection of an ALP member for Armadale. She is the current Minister for Planning and Development, Ms Alannah McTiernan. It was common public knowledge that his union and he were seeking to prevent her preselection. I believe this was a legitimate question to expose the power of his union not only in Western Australia but inside the government of Western Australia. Guess what? The chair of the committee, a Labor chair of course, refused to allow him to answer the question.

Labor continues to cover up the rorts in the building and construction industry. Labor continues to support the abuse of power—unelected officials standing over elected officials in a state government. It is a significant tick for union solidarity. I could go on for another hour about the bashings, the shootings and the rorts that have gone on in CFMEU headquarters in Victoria. Their offices in Richmond have been shot up, and those in Melbourne; Paddy McCrudden has been bashed up; and a bloke called Harry has been bashed up. And so it goes on. This industry is in desperate need of reform. It is in desperate need of a code of practice with real criminal teeth. Nigel Hadgkiss, may I say, is a great man of esteem—a crime fighter. He is used to fighting organised crime. That is what is needed in this industry—a fighter of organised crime. This legislation will go some of the way towards returning this industry to lawfulness. *(Time expired)*

Senator HUTCHINS (New South Wales) (1.53 pm)—It disappoints me to follow Senator Johnston's speech this afternoon. I have a great deal of respect for Senator Johnston and a number of the coalition colleagues who have legal backgrounds. In fact, a number of those coalition colleagues—I will mention them later in my contribution—have always struck me as being reasonable, intelligent and ethical men and women who, coming from backgrounds in the law, have been quite stringent in their opposition to totalitarian regimes and the overuse of police powers in the state. As I said, one of the people I would have put in the category of being probably a true liberal was Senator Johnston. So it does disappoint me to follow him this afternoon and hear him give the sort of redneck speech that you might expect from a number of the colleagues on the other side of the chamber—those men and women who have never really given much thought, neither they nor their forebears, to the fact that men and women in this country are entitled to have collective agreements and be represented by unions. There are people over on that side whose forebears fought it. Right to this day, they still fight it.

I have been researching the work of former Prime Minister Stanley Melbourne Bruce. If you look at the period when Bruce was the Prime Minister of this country, you will see some of the attempts that Prime Minister Bruce made to change the laws in this country. You can close your eyes and hear echoed now the words that were said in the 1920s by people who were addressing employers federation conferences throughout the country. They believed that the trade union movement was essentially wicked and that people who were officers or activists within the trade union movement were wicked people motivated by some sort of outside force. For most of the last century those people believed that those outside forces were directed from Moscow or Peking or some other totalitarian regime in the world. But in essence they did not believe that those working men and women who were members of trade unions had a contribution to make and were as loyal to this country as the people who were attacking them. Nevertheless, as I said, you can look at the speeches of the 1920s and go to 2005 and see that they essentially have the same theme running through them—that is, as I said, that there is some sort of inherent wickedness in trade unionism and the actions of trade union officials.

Some of the things that Senator Johnston said clearly need to be brought to book. Like you, Mr Acting Deputy President Marshall, I have been an elected official of a trade union. I was not able to get to be an official of that trade union without a significant number of ballots. I had to fight those ballots on many occasions with opponents within the union movement. However, I won those bal-

lots. Towards the end of Senator Johnston's contribution he was talking about elected officials and unelected officials. I am not sure what he was referring to. However, I would say that I submitted myself to ballots, as did you, Mr Acting Deputy President, and many other fine, honourable Australians who took up the cause to represent their fellow men and women in the trade union movement.

The Building and Construction Industry Improvement Bill 2005 and the Building and Construction Industry Improvement (Consequential and Transitional) Bill 2005 have singled out the building industry. I am not aware of any other case in the history of this country, except for one that occurred under the Bruce government, where one particular group of workers has been singled out for particular scrutiny. That other case was in the 1920s under Prime Minister Bruce and it concerned marine cooks in the interstate shipping trade. But why the building industry? We know that there are powers under the Workplace Relations Act and in common law. If there are any actions or activities that are questionable, illegal or criminal, there are plenty of opportunities under a variety of acts, both state and federal, for people to deal with them. I would have thought that this industry—which is indeed robust, where work is hard and where the employers are just as hard as the employees that they have on their payroll—does not necessarily invite the particular scrutiny that other industries in this country might invite.

I draw your attention to two industries in this country that I think would invite some further scrutiny by the federal government—but not with the mean-spirited actions that they are displaying in this bill—because both of these are industries where there is significant underpayment of wages, there is no skilling going on whatsoever and there is exploitation of migrant and unskilled workers.

Debate interrupted.

QUESTIONS WITHOUT NOTICE

Welfare Reform

Senator WONG (2.00 pm)—My question is to Senator Abetz, the Minister representing the Minister for Employment and Workplace Relations. Does the minister agree with the Prime Minister, who has described the National Centre for Social and Economic Modelling, or NATSEM, as 'respected', 'independent' and 'objective'? Isn't this the same NATSEM which recently undertook research that demonstrated that the Howard government's changes to welfare were incompetent because these changes will make work far less financially attractive for welfare recipients than it currently is? Isn't it the case that NATSEM's report found that a sole parent claiming the dole and working 15 hours a week at the minimum wage will keep only 35c of every dollar earned, with the Howard government taking the rest? Minister, what kind of incentive is there to move from welfare to work when the government takes most of what you earn?

Senator ABETZ—I am going to surprise the Senate by this answer. I was asked: do I agree with the Prime Minister? Answer: yes. The second question that Senator Wong asked related to the National Centre for Social and Economic Modelling and a report that has had some coverage in recent times. Anyone reading the media reports of the NATSEM research, as undoubtedly Senator Wong has, might walk away with the wrong impression. Clearly that is what Senator Wong has done. She has read the media reports rather than the actual report. Let me make it perfectly clear: no-one currently in receipt of the parenting payment or the single or disability support pension will be forced off their payment because of the measures

announced in the Welfare to Work package. Instead, new eligibility conditions will apply to new applicants. Contrary to what has been reported, the figures calculated by NATSEM support what the government has been saying all along—that a parent or a person with a disability on Newstart allowance and working for 15 hours per week will have more money in their pocket and better work incentives than if they were jobless, under the current arrangements.

In fact, NATSEM's research shows that under the Welfare to Work measures, over significant income ranges, effective marginal tax rates are actually improved. The main reason for single parents having low average incomes is their low rate of labour force participation. The best and most sustainable route to increased income for single parents is through paid work. Being jobless for too long can lead to social exclusion and long-term disadvantage. Children growing up in jobless households tend not to do as well as other children. The government want to ensure that as many people as possible have the chance to participate fully in the Australian community. Of course, that is what is motivating our Welfare to Work programs, because we are anxious to ensure that the economic capacity of those families is lifted, thereby also lifting the future opportunities of the children in those families. The government will spend $3.6 billion over four years to help get parents and people with disabilities into at least part-time employment. A job brings greater financial security for a family and a sense of purpose and connection to the broader community.

Senator WONG—Mr Deputy President, I ask a supplementary question. Is the minister aware that, as well as losing most of what they earn to the Howard government—that is, 65c of every dollar earned—sole parents who work for 15 hours a week will actually be $91 a week worse off under these changes than sole parents who currently work 15 hours a week under the existing arrangements? Minister, is it not the case that, under your changes, a sole parent will effectively be earning only $5.40 an hour when working for the minimum wage?

Senator ABETZ—It is a problem, isn't it, when you have preprepared the supplementary question without having listened to the answer and then you just repeat your question. The simple fact is that we as a government make no apology for our Welfare to Work program, which is designed to lift the earning capacities of those who are currently still out of work and bring all the other social benefits that flow from that. Senator Wong represents the party that presided over one million Australians on the unemployment scrap heap. We as a government said that that was completely unacceptable. We now have the unemployment level down to five per cent. We do not think that is good enough. We believe even further work needs to be done, and that is what we are seeking to do with our Welfare to Work program. Until such time as Senator Wong and her party have an alternative to offer, she should simply remain silent. *(Time expired)*

Climate Change

Senator NASH (2.06 pm)—My question is to the Minister for the Environment and Heritage, Senator Ian Campbell. Will the minister update the Senate on Australia's progress in addressing the global climate change challenge? Is the minister aware of any alternative policies?

Senator IAN CAMPBELL—I thank Senator Nash for the question. Obviously, as a primary producer she would share with many primary producers across Australia a strong understanding of the potential impacts of climate change in Australia and the need not only for strong domestic action, with $2 billion worth of domestic programs to reduce

greenhouse gas emissions, but also, very importantly, for work internationally. Today it was my pleasure to announce the next stage of a very strong bilateral partnership with China, an on-the-ground project specifically directed at helping Australia and China work together at reducing greenhouse gas emissions.

Four programs under this partnership that I have announced today include a program which is being pursued jointly with the University of Melbourne and a number of agricultural research organisations within China and specifically directed at the reduction of emissions from nitrous oxide fertilisers. We know from within Australia that nitrous oxide fertilisers are often applied to land at rates up to 75 per cent more than is necessary for the production of food and that if you reduce the nitrous oxide put onto the land you can massively reduce greenhouse gas emissions. So we are working on a $3 million project with China's agricultural institutions. Nitrous oxide, I remind senators, produces greenhouse gases at 310 times the rate of carbon dioxide, so if you can get these reductions you can make a massive impact.

We are also working on a renewable energy business partnership with China which we announced today, building business opportunities for Australian companies, who lead the world in many respects in renewable energy technologies, to give them better opportunities to access the Chinese market. We are working in partnership with the Chinese government and through the Business Council for Sustainable Energy and the Chinese Renewable Energy Industries Association to pursue that.

We are also building a renewable energy training and development cooperation program with China to help build their capacity in the renewable energy field. That is a $96,000 investment by the Australian government, again working with the Chinese government and officials to build their capacities. Finally, and I think very importantly, we are working with the Chinese authorities to improve modelling and metering of China's energy use and emissions. Here is the second-biggest greenhouse gas emitter on the globe, which is likely to be the biggest greenhouse gas emitter on the globe within a few short years. We need to work very closely with China if we are to address this big and most important environmental challenge.

I have been asked, 'Are there alternative policies?' We do have alternative policies. In fact, on the other side of the chamber, in the Labor Party, we have a veritable smorgasbord of policies. You have had, during the two-week recess, Martin Ferguson coming out and talking about how important the Asia-Pacific partnership, which we announced last month with the US, Japan and China, is and that it is, in fact, 'a regional grouping of countries that, working in partnership, has the capacity to make a serious global impact on patterns of energy use and greenhouse gas emissions'. Martin Ferguson is welcoming this new partnership, yet you have Mr Beazley saying four words. He called it 'spin'—'It's nothing; it's spin.' And you have Mr Albanese saying, 'The Asia-Pacific climate pact is not going to fix the problem.' So, on the one side, you have Mr Beazley and Mr Albanese saying it is not real and it is only spin; on the other side you have got Mr Ferguson saying that it is quality, that it will work and that we have to work in partnership, and that renewable energy will not fix it. They are confused; we know where we are going. *(Time expired)*

Welfare Reform

Senator McLUCAS (2.10 pm)—My question is to Senator Abetz, representing the Minister for Employment and Workplace

Relations. Is the minister aware that the Department of Employment and Workplace Relations has revealed that, by 2009, 75,700 people with a disability who would have been receiving the disability support pension will instead be receiving the dole? Does this not prove that the Howard government's proposed incompetent changes to welfare simply move people from one welfare payment to a lower welfare payment, leaving vulnerable Australians with an extreme cut to their household budgets? Does this not also mean that over 260,000 people with a disability—parents and their children—will now have to make do with less help from the Howard government, while only 109,000 people will find work?

Senator ABETZ—I will give just a few facts first. There are currently more than 700,000 people receiving the disability support pension, and the number continues to grow. Long-term dependence on the disability support pension is not the best option for people who can work for award wages in the open labour market. Welfare to Work will help more people with disabilities who can work part time to find and maintain jobs. People will be able to combine part-time work with the receipt of a part rate of Newstart to top up their income. These people will be better off than people receiving the disability support pension who choose not to work.

Newstart recipients with reduced work capacity due to disability will have guaranteed access to vocational rehabilitation and employment services to help them find and retain work. There will be an extra $554.6 million over four years to assist people with disabilities. This includes $173.6 million more over four years for Disability Open Employment Services and $186 million more over four years for vocational rehabilitation. That goes to show that we as a government are committed to supporting those with disabilities. It also goes to show that if you run a good, sound economy, as we have, more money is made available for us to assist people in the area of disabilities, as I have just been able to outline.

For Senator McLucas and the Australian Labor Party to come in here and to seek to criticise our Welfare to Work program is, unfortunately, an indication that they have no alternatives of their own to put up. They run around, trying to snipe at our proposals. As I have just indicated, these proposals actually mean extra money being spent for those with disabilities.

Senator McLUCAS—Mr Deputy President, I ask a supplementary question. Does the minister agree with his Tasmanian colleague, the member for Bass, who recently said of the impact of the Howard government's welfare changes, 'You would have no heart if you didn't think that it was an issue that needed to be considered by the government.' Why is the government so out of touch that it will not reconsider these changes, which will hurt vulnerable Australians and their families?

Senator ABETZ—The reason Mr Ferguson is the member for Bass is that the former Labor member for Bass was so hopeless. The people of Bass elected Mr Michael Ferguson, and what a great decision that was by the people of Bass. Mr Ferguson is known as a very compassionate individual, and he is quite right to ask whether or not these things should be looked at. And we as a government, always being very consultative, always willing to listen and learn—especially from people that we respect like the member for Bass—will look at these things. But at the end of the day it is that sort of genuine, grassroots feedback that people like the member for Bass might be able to offer that we will take into account—not the sort of nonsense that is spouted from those opposite.

Industrial Relations

Senator SANTORO (2.15 pm)—My question is to the Special Minister of State, Senator Abetz, representing the Minister for Employment and Workplace Relations. Will the minister inform the Senate of the need to reform Australia's overly complex industrial relations system? Is the minister aware of any alternative policies?

Senator ABETZ—I thank Senator Santoro for a serious question in this area. I also note that as a minister for industrial relations in the Queensland parliament he was in the vanguard of ensuring that legislation was simplified for the benefit of job creation and the economy.

Senator Chris Evans—What happened next?

Senator ABETZ—I will tell Senator Evans what happened next: people wrote editorials saying that Mr Santoro had legislation passed that was necessary for the health of the economy and, even more, that recognised the reality of today's workplaces. That is something people will never say about those opposite.

Across Australia there are eight jurisdictions. There are a massive 98 pieces of state legislation regulating industrial law and employment conditions in Australian workplaces—98 pieces of legislation which create confusion and complexity by providing differing rules for the same issue depending on the jurisdiction in which you operate. And once an employer has worked out which legislation actually applies, they then have to go through the legislation and its mind-numbing detail.

Consider this real-life example. Recently the Printing Industries Association of Australia wrote to me outlining the seven-step process required to work out how much annual leave an employee might be entitled to. These are the seven steps or questions the employer must consider: is the employment regulated by an Australian workplace agreement with a specific reference to annual leave entitlements? Or is the employment regulated by a certified agreement? Or by a federal industrial award? Or by a state registered agreement? Or by a state industrial award? Or by a common law agreement? Or, finally, is the employee entitled to annual leave under the state's annual holidays act? And then of course they would have to find the relevant state legislation.

Most of these steps will be unnecessary when annual leave is enshrined in federal law under our proposals, and there will be no confusion for employees or employers about how much leave they are entitled to. Yet those on the other side persist in opposing our intention to simplify the current system. This is in spite of the overwhelming weight of evidence in favour of a change. Let us have another 'who said?' for the Labor Party. I will not ask Senator Hutchins, but who said this:

> For the AWU and employers operating in more than one state, it is tedious work learning the legislative variations in each state.

Who said it? Senator Conroy knows—he is trying to make him Prime Minister. Bill Shorten is the one that said it. Here we have another example of the Labor Party knowing what is wrong with the system and knowing what is needed to fix it, but having the incapacity—lacking the spine and the guts—to make the changes necessary to create employment and wealth in this country.

Industrial Relations

Senator GEORGE CAMPBELL (2.19 pm)—My question is to Senator Abetz, representing the Minister for Employment and Workplace Relations. Does the minister agree with the Minister for Industry, Tourism and Resources, Mr Ian Macfarlane, who on Sydney radio recently said:

We have got to ensure that industrial relations reform continues so we have the labour prices of New Zealand. They reformed their industrial relations system a decade ago. We are already a decade behind the New Zealanders. There is no resting.

Isn't it the case, Minister, that an Australian worker earns up to 48 per cent more an hour than a New Zealand worker employed by the same employer? Hasn't Minister Macfarlane let the cat out of the bag? Doesn't this show that the Howard government's industrial relations changes will deliver a low-wage future for Australians? Minister, how will workers pay Australian sized mortgages on New Zealand sized wages?

Senator Kemp interjecting—

Senator ABETZ—Senator Kemp has just beaten me to the punch, because he has interjected quite correctly that the regime of which Senator Campbell complains was in fact introduced by a Labour government in New Zealand. Might I add that the same sort of legislation—

Opposition senators interjecting—

Senator ABETZ—It is amazing how agitated the Australian Labor Party get when they are reminded that the Labour Party has been in government in New Zealand for a very long time and has presided over this regime—and have they sought to amend it? They are strangely silent now, as they always are when you put the acid on the Australian Labor Party. They will hurl lots of abuse at you when they do not have a policy but, when you ask them about what Labour does in government, they go strangely silent.

In the United Kingdom, the Labour Party railed against all the Thatcher reforms. How many times have they been returned since—and on the back of Thatcher's reforms? Have they amended them? They have not amended the Thatcher reforms because they know they are good for workers. One of the first things Tony Blair did as Prime Minister was to front up to the trade union congress and say that fairness in the workplace starts with the opportunity for a job. That was the reason he was not going to roll back Thatcher's reforms. After all our reform proposals are actually implemented, we will still have a more regulated workplace than New Zealand or the United Kingdom.

When the Australian people listen to this debate, they should look very carefully at what Labour governments have done elsewhere in the world. When there have been industrial reforms, you have found the Labour Party opposing them when in opposition but embracing them as soon as they get into government, because they know that the reforms are important for the soundness of the economy and for job creation. Just as those opposite railed against the GST for two elections, they now embrace it and say it is all okay. They railed against us balancing the budget, but they now promise that all their budgets will be in surplus. It will not be much longer until the Australian Labor Party finally decide that all these industrial relations changes are good and say, 'If we are elected, we won't change them.'

Senator GEORGE CAMPBELL—Mr Deputy President, I ask a supplementary question. Is the minister aware that the latest OECD figures also indicate that Australia's labour productivity is over 23 per cent higher than New Zealand's? Doesn't that prove that there is no compelling economic argument that the Howard government's extreme industrial relations changes will in any way improve Australia's productivity?

Senator ABETZ—There is so much to say and so little time. In relation to the OECD, all I would say to Senator Campbell is: have a look at the two most regulated countries in Europe in the area of workplace relations, France and Germany. Which two

countries have the greatest unemployment rates? France and Germany. In relation to the productivity of the Australian work force, I fully agree that Australia has a very productive work force. The reason we have these high productivity rates is because of the reforms of yesterday. If we want this sort of productivity to be there in the next few years and if we want to see the wealth that this country has now continued into the future, we need to lay down some reforms today to ensure that future generations can benefit in the same way that current Australian workers are benefiting from the sorts of reforms that we initiated in 1996.

Internet Content

Senator PARRY (2.26 pm)—My question is to the Minister for Communications, Information Technology and the Arts, Senator Helen Coonan. Will the minister advise the Senate how the Howard government is helping parents protect their children when using the internet in the home? Further, is the minister aware of any alternative policies?

Senator COONAN—I thank Senator Parry for his very timely question. As a parent, he would understand as well as anyone how important these issues are to all of us. While the internet is a wonderful tool for education and social contact, Australian parents are rightly concerned about protecting their families online, and the Howard government has always taken the problem of offensive material on the internet very seriously indeed.

That is why, despite opposition from the ALP, the government moved quickly to develop a workable online content regime to protect Australian families. Since the year 2000, we have required internet service providers to make content filters available at or below cost. Some providers, including AOL and iPrimus, offer parental filtering controls to their customers at no extra cost. It was this government that banned X and RC rated material from being hosted on web servers in Australia. Compliance with the government's scheme is enforced by the Australian Communications and Media Authority, with fines of up to $27,500 per day for ISPs that do not comply. The codes of conduct applying to ISPs were recently updated and strengthened and they now must prominently display a link to internet safety information on their home pages.

Before the last election, the coalition also announced the $30 million National Child Protection Initiative, including the National CyberSafe Program. Our initiative gave significant new resources to the Australian Federal Police to clamp down on online child pornography and paedophile activity and to continue a series of education and prevention programs aimed at parents, teachers and relevant community groups.

While opposition leader Mr Beazley has suddenly put the Labor Party's faith behind filter technology, other members of his party are not so sure. We all remember the former spokesperson on IT, Senator Lundy, saying in 2003:

> Of course, deficiencies in filters mean that parents cannot abdicate their responsibility to monitor their children's internet use ...

The Howard government understands that parents need more than filters. They need a range of practical information and assistance to protect their kids online. That is why the Howard government is providing $2 million to NetAlert to fund a national expo aimed at informing parents, teachers and community groups about internet safety. The NetAlert Expo will visit every state and territory in Australia over the next two years and has already conducted seminars with schools, community organisations and libraries. It went throughout Victoria in August and will now be in other states in September.

Since 1999, the Howard government has provided more than $9 million to NetAlert to provide Australian families with practical assistance to enjoy a safer internet experience. The Senate will be pleased to hear that, after six years of opposing the government's strong stand against internet pornography and trying to thwart the operation of the online contents scheme, Labor has suddenly done a backflip and realised it is out of step with the government and the broader community on how to protect children online. I certainly welcome Labor's sudden interest in protecting families online. I am sorry to say it is far too little, too late.

Telstra

Senator BARTLETT (2.30 pm)—My question is to the Minister for Communications, Information Technology and the Arts, Senator Coonan. I note the minister's statement on television yesterday that she would like to get a vote on the Telstra sale legislation, and on all the other Telstra legislation, by the end of the next sitting week. Can the minister indicate why she believes that a Senate committee inquiry should not occur into an issue of such major public importance and interest? Will the minister guarantee that she will support an adequate inquiry into, at a minimum, the details of the funding package and the regulatory regime the government is proposing for a fully privatised Telstra before bringing the Telstra bills on for a vote in the Senate?

Senator COONAN—I thank the senator for the question but, given that both the Democrats and the Labor Party oppose this legislation no matter what it contains, I cannot see the point of having a six-month period to travel around the country to look into something that you have decided to oppose before you have even seen it. You have never been interested in the detail of or the reasons for the government's decision to proceed with the full sale of Telstra. It has clearly not been a high priority for the Labor Party and certainly is not a high priority for the Democrats. The only position has really been to oppose the sale and to oppose it for the sake of opposing it.

I did in fact make a note of how often this place has inquired into telecommunications of various sorts, including the sale bill. I think I should put on record the fact that there have been inquiries ad nauseam. The Senate Environment, Communications, Information Technology and the Arts Committee has, in just over a year, handed down reports into the telecommunications regulatory regime, the powers of the industry regulators, the Australian telecommunications network and competition in Australian broadband services. The most recent of these inquiries—on the performance of the Australian telecommunications regulatory regime—completed its report just last month. The Senate committee has also inquired into the provisions of the Telecommunications Legislation Amendment (Regular Reviews and Other Measures) Bill 2005, and over the past five years a total of four exhaustive telecommunications inquiries and 11 inquiries with reports into telecommunications legislation have been conducted by the Senate, including two separate inquiries into previous Senate sale bills. On top of this, we have had various other public inquiries into the issues surrounding telecommunications and Telstra, including Besley and Estens.

The issues are well known. If you do not know them by now, one more inquiry is not going to help you. The government's desire to sell its remaining stake in Telstra is very longstanding. It has been thoroughly debated in the media and the parliament over a number of years, and the issues are well known to everyone. The long involvement of Labor and the Democrats in any process of examining the legislation is entirely predicated on

their implacable opposition, regardless of the details of the legislation. The bills introduced in the Senate will be referred to the Senate legislation committee in the normal course and in accordance with the usual processes of the Senate.

Senator BARTLETT—Mr Deputy President, I ask a supplementary question. The minister said that the bills will be referred to the Senate legislation committee for the normal process. Does that therefore mean the normal process for important legislation and that there will be ample opportunity for public input into this important area? Given that, as the minister said, just last month the Senate committee brought down a report showing major problems, even admitted by the ACCC, in the existing regulatory regime, why is the government trying to prevent adequate public scrutiny of its plans for dealing with these major problems? Why the rush to have a vote next week when there is no prospect of Telstra actually being sold until next year at the earliest? What is it that you are trying to hide?

Honourable senators interjecting—

The DEPUTY PRESIDENT—If we can have some order, Senator Coonan can then answer the question.

Senator COONAN—As I outlined, the bills will be treated in accordance with legislation that goes through the Senate. They will be referred to the relevant Senate legislation committee for report to the Senate.

Family Assistance

Senator ADAMS (2.35 pm)—My question is to the Minister for Family and Community Services and Minister Assisting the Prime Minister for Women's Issues, Senator Patterson. Will the minister inform the Senate of how the Howard government is delivering record assistance to Australian families? Is the minister aware of any alternative policies?

Senator PATTERSON—I thank Senator Adams for her question and note her long-term interest in issues affecting families. The best form of support any family in Australia can get is a job. That is first and foremost the best form of family support. The strong economic management that we have had and been able to supervise and run mean that we have seen the creation of over 1.7 million new jobs. So 1.7 million more families have people in jobs. Running a strong economy also allows the government to provide extra assistance to families—and extra assistance without chalking up a debt of $10 billion, as Labor did in government.

I would like to remind the Senate of the assistance that Australian families have received under the Howard government. Each eligible family now receives, on average, a payment in family tax benefits of about $7,700 a year. The introduction of the $3,000 maternity payment helps with the costs of a new baby, and this will increase to $4,000 in July 2006 and $5,000 in July 2008. The base rate of family assistance has increased from less than $600 per child in 1996 to almost $1,700 per child.

Over 1.6 million families have benefited from the $600 per child supplement for the 2003-04 financial year. Already, around 900,000 families have benefited so far this year as they lodge their tax returns for the 2004-05 financial year. We will all remember very clearly that this is the $600 that Labor said was not real—this is the $600 about which the then shadow minister said, 'That $600 is not continuing.' That is what Labor went out and told people. They said the $600 was not real and the $600 was not continuing. Well, it is continuing, and thousands upon thousands of Australian families know that it is real. Families also know they are better off than they were under Labor.

When Labor was in government there was record high unemployment and there were 17 per cent interest rates. A recent study by a Treasury officer has shown that this government's tax and family policies have resulted in significant increases in real disposable income and effective tax thresholds for all family types since 1996-97. The report showed that not only is the Howard government's responsible economic management seeing an increase in wages but the government's targeted assistance through family payments is benefiting those most in need. Families with children can now earn up to $13,000 more before they are effectively paying tax. That is an increase in real terms of almost 40 per cent since 1996. So families can earn almost 40 per cent more before they pay tax. Single income families can earn $11,000 more before effectively paying tax, largely due to the family tax benefit.

I was asked about alternative policies, and I guess there is nothing much to say about those except what Labor's policies were when they took them to the election. The shadow Treasurer has admitted that the ALP's election policies would have had some low-income Australian families going backwards. He also said:

> ... we won't be thumping single income mothers. That was a mistake.

But that is exactly what Labor would do. It is no wonder that the head of ACOSS has said that currently the family tax benefit scheme is very good and at least is providing income parity for people who have children. The strong economic management of the Howard government has provided strong, sustained job growth, wages growth, low interest rates and record high family assistance.

Telstra

Senator CONROY (2.39 pm)—My question is to Senator Coonan, the Minister for Communications, Information Technology and the Arts. I refer the minister to the 30-page document Telstra provided to the government at a private meeting on 11 August about the state of the company and its prospects. Can the minister confirm that the document contains price sensitive information that goes well beyond the earnings guidance issued by Telstra to the market today and questions the sustainability of Telstra's dividend policy? Is the minister aware that the contents of this document have been made available to journalists, who have received selective briefings? Does the minister believe that Telstra's failure to fully inform the market constitutes a breach of the continuous disclosure provisions of the Corporations Act? Does the minister believe that all shareholders are entitled to the same information from Telstra that the majority shareholder, the government, has received?

Senator COONAN—I am certainly not going to be talking about the terms of a confidential briefing, but what I can say is that, as far as I am aware, Telstra has met all of its obligations, in terms of both what it needs to tell the Australian Stock Exchange and in any broader statements it might make to the market. I have absolutely nothing to add.

Senator CONROY—Mr Deputy President, I ask a supplementary question. Given the seriousness of this matter, will the minister now indicate her support for Labor's written request to the ASX to investigate whether Telstra has breached the listing rules? If she will not support this request, can she explain why not? Is it because she knows that the document details the true state of Telstra's infrastructure and services? When will the government stop trying to hide the truth about Telstra from the Australian public?

Senator COONAN—What I might say in answer to that is: why does Senator Conroy read a prepared supplementary question when he does not listen to the first and pri-

mary answer? The first and primary answer is that I have no basis to believe that Telstra has done anything other than meet its obligations in respect of reporting to the ASX.

Telstra

Senator BOB BROWN (2.41 pm)—I welcome the second Senator Brown from Tasmania into the chamber. The question I have is for the Minister for Communications, Information Technology and the Arts. In view of the important national debate about the sale of Telstra, will the minister give the Senate an assurance that the government will not be suspending standing orders to ram that legislation through the Senate in the coming 10 days or so? Will the minister give the Senate an assurance that the government will not use the gag or the guillotine to abolish proper debate in this house of review on behalf of the Australian people?

Senator Abetz—Mr Deputy President, I raise a point of order. I would invite you to rule that question out of order. How on earth could it be within the remit of any individual how the Senate might vote on a particular procedural motion? I would suggest to you, with great respect, that the vote of the Senate is something that the Senate deals with on each and every occasion on its merits. To suggest that one minister has control over the Senate vote is an interesting proposition.

Senator Chris Evans—Mr Deputy President, on the point of order: in terms of assisting you with answering that inquiry, you might note that Senator Coonan just announced that the government will be referring the Telstra bill to a legislation committee—that that was going to occur—so obviously it is possible for people to make such projections.

Senator Bob Brown—Mr Deputy President, on the point of order: of course it is a perfectly valid question I have asked. The minister is representing the government on this matter and is able to answer that question about intended government procedure.

The DEPUTY PRESIDENT—On the point of order: Senator Coonan will be able to answer those parts of the question which are able to be answered. Those parts which the senator is unable to answer I am sure will be clearly indicated to the questioner.

Senator COONAN—As the discussion of the point of order has referred to, it is impossible to pre-empt the way in which the Senate will in fact deal with bills that have not yet even been introduced, and I do not propose to try. All I can say is that, this having been government policy and having now stood the test of four elections, I would expect all people in the chamber to support it.

Senator BOB BROWN—Mr Deputy President, I ask a supplementary question. The minister has ducked the question. The fact is that her timetable, publicly announced, is for the debate to be finished here by the end of next week, which would leave less than half an hour input from each senator in this chamber.

Senator Hill—Mr Deputy President, I rise on a point of order. This is a speech that might be interesting on another occasion, but now is not the occasion. The senator should either ask a question or sit down.

Senator BOB BROWN—Mr Deputy President, on the point of order: the standing orders make it quite clear that I am able to clarify a following question by stating a fact, which is just what I have done. I will now put the question.

The DEPUTY PRESIDENT—Senator Brown, there is no point of order. Complete your question and then we will have the answer.

Senator BOB BROWN—Well ruled, Mr Deputy President.

The DEPUTY PRESIDENT—I do not need that.

Senator BOB BROWN—My question to the minister is: how on earth can the Senate debate the issue of the sale of Telstra when she is foreshadowing less than half an hour per senator to debate the matter, with the government using the guillotine to cut off the debate and to cut out the Australian people from the input through the Senate which is warranted on this legislation?

Senator Abetz—I rise on a point of order, Mr Deputy President. I detected what may have been some unseemly behaviour—the use of an index finger—by Senator Bob Brown. But I did not observe it too closely!

The DEPUTY PRESIDENT—There is no point of order.

Senator COONAN—I am not quite sure what the question is but I think the answer is that all the proper processes of the Senate will be followed in the debate on the bills.

Telstra

Senator SHERRY (2.46 pm)—My question is to Senator Minchin, the Minister for Finance and Administration. I refer the minister to recent comments from Telstra that its projected revenues will not be able to sustain its current level of dividend payments into the future. Can the minister inform the Senate whether he supports Telstra maintaining its current special dividend policy by paying these dividends out of reserves or borrowings? Alternatively, does the minister support Telstra using its profits to remedy the chronic underinvestment in its network identified by the new Telstra management? Can the minister inform the chamber of the impact that such a change of policy would have on Telstra's share price and the government's plans for privatisation?

Senator MINCHIN—The dividend policy of Telstra is entirely a matter for the Telstra board.

Senator SHERRY—Mr Deputy President, I ask a supplementary question. Given that it is a matter entirely for the Telstra board, does the minister recall his comments on 2 July 2003—you were prepared to comment then, Minister—that increasing Telstra's dividend per share would:

> ... leave Telstra without the cash to invest in infrastructure and improve services to regional and rural Australia.

Can the minister confirm that over the last two years special dividends have stripped around $1.9 billion out of Telstra? Does the government now concede that its obsession with propping up the share price has starved Telstra of the funds needed to invest in its network, particularly in rural and regional Australia? Minister, didn't you make a comment about this issue back on 2 July 2003? Why won't you refer to it now?

Senator MINCHIN—I totally reject the assertion that somehow the government has been acting in such a way as to require or pressure Telstra to maintain the share price in any way. These matters are entirely for the board. This is what the Labor Party does not understand. The Labor Party created Telstra, the Labor Party corporatised Telstra and the Labor Party required Telstra to operate commercially. The Labor Party required all these things, and Telstra is required by law to act commercially to derive profits. We had the silly opposition leader actually attacking Telstra the other day for being profit oriented. If Telstra does not make profits, then the company collapses and it will not be able to invest in any network. It is the most ludicrous statement that I have ever seen from the former communications minister who was entirely responsible for creating Telstra

and for ensuring that it does operate commercially.

Orchestras

Senator FIERRAVANTI-WELLS (2.49 pm)—My question is to the Minister for the Arts and Sport, Senator Kemp. Will the minister update the Senate on the progress of negotiations with the states following the federal government's announcement of the orchestras package? Is the minister aware of any alternative policies?

Senator KEMP—I thank the senator for her important question on orchestras. Orchestras, of course, is an issue which is important to many senators, particularly on this side of the chamber. Many senators were very effective in expressing their views to the government about the need to increase support for orchestras. Many senators will know that on budget night I announced that the government would provide additional funding of over $25 million to Australia's symphony and pit orchestras. This funding is being provided in response to the recommendations of the 2005 orchestras review conducted by James Strong. It is intended to secure the long-term sustainability of the orchestral sector and to improve the financial and artistic outlook for orchestras.

Importantly, as part of this package, I am pleased to announce that the additional government funding will allow—and this has been greatly welcomed by this chamber—the Tasmanian Symphony Orchestra, the Queensland Orchestra, the Adelaide Symphony Orchestra and the Western Australian Symphony Orchestra to maintain their ensemble sizes. This has been very strongly welcomed in this chamber. This decision recognises the important contribution orchestras make to the musical life of their cities and reflects the very strong level of community support for orchestras in these cities. We welcome the advice from Senator Faulkner, who gave such good advice at the last election to Mr Latham: Senator Faulkner, we like you being up there and thank you for that continuing advice.

The funding commitment by the coalition government has been widely welcomed by the orchestral sector. It has been welcomed by a number of state governments who have been asked to make a contribution to the orchestral package. The Commonwealth funding must be met—

Honourable senators interjecting—

The DEPUTY PRESIDENT—Order! There is too much audible noise. It is very difficult to hear the speaker.

Senator KEMP—This is an important issue and it is important to orchestras. The Commonwealth funding must be met by appropriate additional contributions from each state government and will be linked to the orchestras' acceptance of the key workplace changes recommended in the report. I am advised that the South Australian, Victorian and Tasmanian governments have all indicated their commitment to the orchestras review funding package. I can also confirm that the Western Australian government is approaching the negotiations in a positive and progressive manner and we are confident of a successful outcome.

However, I regret to inform the Senate that it seems that the New South Wales government—so beloved of Senator Faulkner—is taking a less cooperative approach to the orchestral review. It is understood that the New South Wales government is not willing to provide the necessary additional funds to match the $1.3 million committed by the Australian government for the Australia Opera and Ballet Orchestra. I was surprised to read the recent comments attributed to the new Premier of New South Wales that he is not a fan of the arts. Indeed, if the approach that he has taken to the Strong report is typi-

cal of his approach to the arts overall, that fear that the arts community has about the new Premier of New South Wales is certainly well merited. I would encourage the New South Wales government to make their contribution to the James Strong review. It would certainly be welcomed by the pit orchestra of New South Wales and by the SSO. I would also encourage the Queensland government to provide the necessary additional funding to allow the Queensland Orchestra to wipe out existing debts and move on to a more financially stable position. *(Time expired)*

Welfare Reform

Senator STEPHENS (2.54 pm)—My question today is to Minister Abetz, the minister representing the Minister for Employment and Workplace Relations. Can the minister confirm that the Howard government is considering backing down on some of its extreme welfare changes, may not force parents of children with a disability or parents in remote Australia to look for work and may not cut the budgets of these families when their youngest child turns six? Does the minister not agree that no family and no child will benefit from having a cut to the household budget? Can the minister explain why the government has accepted that some families should not face a cut to their budgets but is still insisting that most families who need financial support should face a cut simply because their youngest child has had their sixth birthday?

Senator ABETZ—I think most Australians recall the famous words of a former Labor Prime Minister about no child living in poverty. We all know that that was one of the many hollow promises made by the Australian Labor Party to the Australian people. Since the demise of that government Australia's children and their families are undoubtedly better off. Every single study shows that Australian families are doing better, and that means children are also doing better. We as a government have made no apology for our approach to the unemployment situation. Labor presided over one million unemployed. We thought that was inappropriate and we have now got the unemployment level down to five per cent. We hope to get it down even further because of the social benefits that flow from people that are in employment.

Having said that, we are mindful that there is not necessarily on all occasions a one-size-fits-all remedy, and, if there are special circumstances that we consider need addressing, of course they will be looked at and appropriate changes made. But overwhelmingly our Welfare to Work package and program have been embraced by the Australian community as being important for the benefit of the Australian people and, of course, the children. I am sure that Senator Stephens has a supplementary question—she has; she has already acknowledge that—and I look forward to that.

Senator Kemp—It's already written.

Senator ABETZ—Yes, it is already prewritten, as Senator Kemp interjects. We as a government will continue with these reforms and, as always, if a case can be made out that our package should be altered then of course we will look at it. We are a consultative government. We do respond and we do react to genuine concerns, and the Welfare to Work area will be no different.

Senator STEPHENS—Mr Deputy President, I have a supplementary question and I thank the minister for confirming that the government is considering backing down on some of the most extreme welfare changes. I ask the minister: isn't it the case that while government ministers continue to try to justify many of these incompetent welfare changes there are many government back-

benchers who won't justify them? Isn't the member for Pearce right when she says:

I can't see that it can be justified that we lower the income of these people in our communities on the lowest incomes.

Senator ABETZ—Senator Stephens is lucky that there is not a standing order against verballing because I think that is what she tried to do in her supplementary question. I did nothing of the sort and there is no way that I would describe these very sensible reforms as 'extreme'. The Australian people should be reminded that our tax reforms, waterfront reforms, welfare reforms and industrial reforms have always been described as extreme—but of course now the Australian Labor Party has adopted and embraced these so-called extreme policies. So when they hear that sort of extravagant language from that Labor Party the Australian people should be very wary. I completely repudiate the suggestion that our policies are extreme, but they are very much for the benefit of the Australian people.

Immigration: Humanitarian Aid

Senator HUMPHRIES (2.59 pm)—My question is to the Minister for Immigration and Multicultural and Indigenous Affairs, Senator Vanstone. Will the minister inform the Senate how the Australian government, through its humanitarian program, is assisting vulnerable women and children?

Senator VANSTONE—I thank Senator Humphries for the question. He, like other senators on this side, has consistently remained in support of Australia's humanitarian and refugee program and in support, incidentally, of its integrity. That program focuses on those most in need of resettlement and is always guided by the United Nations High Commissioner for Refugees. A significant portion of program places goes to women, about 45 per cent, and to children—around 57 per cent goes to those under 18 years of age.

The women at risk visa category was introduced to respond specifically to concerns about protecting vulnerable women who do not have the protection of a male relative. Since its introduction, more than 6,000 women at risk visas have been granted to such women and their family members. The government sets aside 10.5 per cent of the refugee component of the offshore humanitarian program for the women at risk program. Last year, however, some 840 visas were granted in this category, representing 15.3 per cent of refugee visa grants. The overachievement from the plan of 10.5 per cent highlights my department's responsiveness to the needs of the UNHCR and the UNHCR's referrals of higher numbers of refugee women in vulnerable situations on to Australia, the reason being that they know that we, unlike some other countries, stand ready to help.

It also exposes the easy myth peddled by some members opposite—that is, that this is a government that is mean when it comes to helping women and children who, for a variety of reasons, are unable to help themselves. That just could not be further from the truth. It is because we are prepared to tackle the misuse of the system by some that we are able to keep our protection objectives intact for those who need it most—namely, women and children at risk. For example, in 2004-05 my department assisted the UNHCR to resettle almost 1,500 refugees from Guinea, many of whom are from female headed households—women such as Tigidankay, who came out to Australia from Guinea under the women at risk program. She wrote to me, and it is worth quoting from her remarks:

In 1998 my husband was killed by the militia and I fled our town in Sierra Leone with my six children. I could not go back; I was scared they would kill me or my kids. We walked for months

until we reached Guinea. We went to Conakry and lived with other relatives who had also fled Sierra Leone, with more than seven people to one room. We took on odd jobs. I cooked, cleaned and did laundry and the kids sold iceblocks on the street. We waited for three years in Guinea and it was extremely hard. Then I was given a Woman at Risk Visa to come to Australia. I was really happy. It felt like a dream to come to Australia. It was like getting another chance at life and we felt young again. Since I came here I have done a nursing course at TAFE. I am also a volunteer at the Refugee Health Service. My kids are at school and one son is working towards a building degree. He is studying at TAFE. For him, coming to Australia was like being close to heaven.

Women such as these need Australia's support, and it is because we maintain the integrity of the refugee system that we are able to offer it.

Some people have been unkind to suggest that Labor's cutting of the refugee program when they were in government and its diversion into something called a special assistance category was done for political purposes and the buying of votes. I am not sure that is right, but I will undertake to check it out and come back to the Senate and report on that matter.

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

QUESTIONS WITHOUT NOTICE: TAKE NOTE OF ANSWERS

Welfare Reform

Industrial Relations

Senator WONG (South Australia) (3.04 pm)—I move:

That the Senate take note of the answers given by the Special Minister of State (Senator Abetz) to questions without notice asked today relating to welfare reform and to industrial relations reform.

Yet again what we see from Senator Abetz, in his capacity representing the Minister for Employment and Workplace Relations, is another display of the arrogance of this government. But in his case we also see his ignorance of the flaws in the government's policy. This government trumpeted the Welfare to Work package before the May budget. It talked about it long and hard. We were told that this would be the centrepiece of the budget and this would be a policy that would move people from welfare to work. What we have seen since the boasts of the Treasurer on budget night, when he claimed that nearly 200,000 people would be moved into employment, is an unravelling of the government's Welfare to Work package.

We know the government's own figures show that the Treasurer's boast of 190,000 people has been pared back, even by its own public servants, to 109,000 by 2009. We also know, from independent research provided in the last couple of weeks to the National Foundation of Australian Women, just how incompetent and extreme this government's welfare changes are. The National Centre for Social and Economic Modelling is a respected institution. There have been times it has been critical of both sides of parliament, and it is a centre that the Prime Minister himself has described as respected, independent and objective. This is the very same institute, the very same body, which came out last week demonstrating just how incompetent this government's Welfare to Work package is. This is the centre which modelled the actual impact on sole parents of the government's welfare changes. Senators on that side should start to think about why this government is going down a track that will make it harder for people to move from welfare to work than the current arrangements make it. What the NATSEM report showed was this: a sole parent who is doing the right thing and working 15 hours a week on the minimum wage will, under the new arrangements, be paying 65c of every dollar earned back to the

Prime Minister and the government. They will be asked to work for 35c in the dollar—that is the actual impact on their families.

Perhaps the government could explain how taking 65 cents of every dollar that a person on welfare and working earns is going to encourage them to move from welfare to work, because certainly Senator Abetz was not able to in question time today. As yet we have not heard an explanation from Senator Abetz. What we heard the minister say today was general rhetoric about how the government wants people to move from welfare to work. He talked about lifting people out of poverty but he did not address the central issue, and that is that these welfare changes do two things: first, they move people from one welfare payment to a lower welfare payment—that is the core of the policy—and, second, they actually make work less financially attractive, not more. That is hardly a Welfare to Work package. Nor did the Minister, when he was talking about lifting people out of poverty, mention the fact that the very same NATSEM research demonstrates that a sole parent on the minimum wage working 15 hours a week—so getting part benefits and part income—will be $91 a week worse off under these changes when their child turns six.

Say someone called Jane Smith or John Smith applies for a parenting payment due to a relationship break down in August next year, after the changes are introduced, and at that time they have a 15-hour a week job at the local cafe. Then in September, a month later, their youngest child turns six. What will the effect be under the government's policy? They will be $91 a week worse off. They will have $91 less a week to spend on putting food on the table, education costs, getting their children to school or even getting to and from work. How on earth can this government say that this is a Welfare to Work package when someone who is already working is put in that situation?

I would welcome the minister explaining why this works. I would welcome the minister explaining in this chamber why it is a good thing to put families under that sort of financial pressure, to cut the budget of vulnerable families in this way. But we have not yet heard any explanation from anyone in this government as to why reducing the income payable to people, reducing the amount of income they keep in their pockets, reducing their payment and cutting the family budget helps them get work—why that would encourage them to have work. The fact is this is not a Welfare to Work package; it is a package that does nothing more than put people onto a lower welfare payment. *(Time expired)*

Senator HUMPHRIES (Australian Capital Territory) (3.10 pm)—We have seen a very consistent approach by the Labor Party over their last nine or 10 years in opposition to the issue of the way the government reforms programs and services designed to assist Australian families. Every time a new program is announced by the government the opposition leap to their feet—prematurely in most cases, not having much of the details under their belts—and criticise what they see as the weaknesses in those programs. Then, as the programs get implemented and start to cut into the particular problems they are designed to address and the Labor Party see the problems are actually being addressed by those programs, they move off into some other area of criticism. They conveniently ignore the fact that the programs put in place to reform both Australia's system of working families and provision of incentives and opportunities to work, and the systems to support Australian families in need of welfare support, are working. We see those programs in place and see how they have worked; they have delivered for Australian families.

That is what Senator Wong and others seem to overlook. Do not judge us, Senator Wong, on what you think of the details of this program; judge us on the record that we have achieved for Australian families over the last 10 years. Look at our record over that 10-year period. We have increased total family assistance by over $6 billion a year. That was only possible because we repaid the debt that Labor had incurred and we ran the economy in such a way as to generate those extra dollars for delivery of services to Australia's families. We have delivered the lowest unemployment rate in 28 years. It is an unemployment rate that could only have been dreamed about by you people. That is a benefit to Australian families which our reforms have provided. We have reduced inflation to around 2.4 per cent. We have increased real household disposable incomes, on average, by 30 per cent. That is the measure of what the coalition government has done for Australian families. That will continue to be the measure by which the reforms now on the table will be judged. Those reforms are designed to provide incentives, both carrots and sticks, for Australian families to approach work.

The best way to support Australian families who are afflicted by unemployment is to provide them with real choices and encourage their participation in the work force and in the community as a whole by virtue of having that participation in the work force. The Welfare to Work package updates the previous policy in which parents with a child aged up to 15 had no work or activity obligations whatsoever. It was assumed that such people would stay outside the work force and that mothers, for example, would often have their skills, which they may have acquired before starting to raise a family, atrophy without any provisions made to really get them to consider going back into the work force. So this government has crafted a Welfare to Work package which says that we want to provide incentives for people to be able to make the transition back into the work force sooner than they might otherwise have contemplated, providing there are some incentives for that to occur, and give them a changed environment in which to consider moving back into the work force once their children reach school age and, moreover, ensure that there is a foundation on which to be able to make that choice in a realistic sense—that is, to provide an economy in which the jobs are there for people to move into.

So much of the criticism the Labor Party has mounted against this package assumes that people will simply move from certain parenting payments, or other benefits, onto the dole—as was elegantly put earlier in question time—and stay there. The fact of life is that Australians have more chance to move off the dole today then they have had at any time in the last 28 years. Why? Because we have so well managed the Australian economy and got the fundamentals of the Australian economy right, to the extent that there are now the jobs out there for Australians to move into. When they move into those jobs they will find themselves financially better off, more in control of their lives and able to participate in the work force and in the community in a constructive way. That is the nub of the reforms the government has announced. That is what we are going to achieve for Australian families and that is the test by which these reforms should be judged, not the details. *(Time expired)*

Senator McLUCAS (Queensland) (3.15 pm)—I too wish to take note of the answers from Senator Abetz to questions about the government's extreme proposals to change the welfare system, particularly for people with disabilities and for single parents. The past two weeks have seen in this country a growing understanding of the net effect of

the actual impact of the government's extreme policies. We have seen the report from NATSEM, a well-regarded and well-respected social policy research organisation, which has exposed very plainly the effects on single parents. As we have heard, the net effect on a single parent with a child is about $90 a week that they will not be able to use to fund the operation of their family: to pay their food bill, to pay their rent, to get their child to school or to get themselves to work.

Further, there has been analysis of the effect on people with disabilities. We have seen that this group of very vulnerable people will be significantly disadvantaged as they move on to Newstart and therefore suffer a reduction in their income. We have seen the government, in response to Senator Wong's questions during estimates, revise data provided initially by the Treasurer and then the appropriate minister. They are now saying that in 2006-07 there will be 34,400 people on Newstart who, under the current proposals, would be on the disability support pension but by 2008-09 that figure will grow to 75,700 people. That is 75,700 people who currently are entitled to the disability support pension who will be on Newstart in the year 2008-09.

I do not have to remind you, Mr Acting Deputy President Hutchins, that people with disabilities are very vulnerable people. They are, though—and this is an important thing that all of us in this place need to remember—people who want to work but instead they have been vilified by this government. This government has facilitated and allowed the divisive and hurtful headlines that we saw following the budget this year—headlines that I cannot repeat in this place because they have been described to me by people with disabilities as the most hurtful thing they have seen since the disability discrimination action we had some 25 to 30 years ago. This government has allowed people with disabilities to be portrayed as not wanting to work. We have returned to the days prior to the antidiscrimination campaigns when people with disabilities were routinely denigrated, particularly over their desire for employment.

People with disabilities do want to work and they are keen to work and this government is doing everything possible to put obstacles in the way of those people wanting to participate. This Welfare to Work package actually discourages participation, particularly for those people who are currently on the disability support pension. They are concerned that taking up work options now, in the current environment, will result potentially in an inability in the future to access the necessary disability support pension that they need to participate in society. There is already evidence that people are not taking up employment options now because they are fearful that somewhere down the track they will not be able to access the higher paid disability support pension. That is not anecdotal; that is showing in the figures already. The government should know that employment patterns of people with disabilities are not as continuous as those without disabilities. What people with disabilities want and need is policy that supports their employment prospects, not militates against them.

Earlier today, in response to my question, Senator Abetz did give me a glimmer of hope. When I suggested that the member for Bass had been pleading essentially with the government to reconsider these harsh and extreme proposals, he said the government would have a look at it. Unfortunately, he recanted. Unfortunately, under questioning from Senator Stephens he went back on that commitment and we will not get any reconsideration from this government and certainly not through the representative minister

in this place—irrespective of the backbench of that party. *(Time expired)*

Senator ADAMS (Western Australia) (3.20 pm)—To speak further on the effect that Welfare to Work changes will have on family and children it is important to go back through some of the points in the Welfare to Work bill. The reforms are aimed at facilitating parents' entry into the labour market and encouraging increased economic and social participation. The positive role models provided by employed parents are generally good for children. Coming from a rural community, I know this is terribly important. If we can have the parents in a family employed and the children able to access child care it does make a terrific difference, rather than having those parents hanging around the streets and not providing a good role model for their children.

The best way to support families is to provide them with real choices and to encourage their participation in the work force and the community. The new Welfare to Work package updates the previous policy in which parents with a child aged up to 15 had no work or activity obligations. Parents with a child aged six or older will now be required to work part time or engage in suitable activities for at least 15 hours per week, and with those suitable activities including being able to involve community work this cannot be all bad. It must have some benefit to that community in which they reside. Parents will not be required to accept a job offer if they have a good reason for declining, such as suitable child care not being available—and in rural areas this is often the case—or if the cost of care would result in a very low or negative financial gain from working.

The Welfare to Work reforms will affect current parenting payment recipients, 90 per cent of whom are sole mothers. But there is scope within the Welfare to Work package for assisting sole parents, especially mothers, to meet their obligations—for example, through enhanced child-care arrangements. Fifty million dollars over four years has been allocated to the Employer Demand Strategy to increase the work force participation of targeted groups including, but not specifically, sole parents.

The government will spend around $8.5 billion over the four years to 2008-09 to help families access quality, affordable child care. The 2005-06 budget contained additional funding of $266 million to meet demands for child care. This package includes measures that will boost the number of outside school hours care places by 84,300; family day care places by 2,500; and in-home care places by 1,000. It will also provide an extra 52,000 low-income families with additional assistance with the cost of child care. Both of these measures will support parents moving from welfare to work over the next four years.

I believe that the best way to support families is to provide them with real choices and to encourage their participation in the work force and the community, including through the provision of family payments, services and assistance with child care. The government has continued its unprecedented support for families with the package of measures announced in the 2005-06 budget. This includes measures which support parents who remain in or return to the work force by improving the rewards they gain from working.

Senator MOORE (Queensland) (3.24 pm)—The Minister representing the Minister for Employment and Workplace Relations in his responses to questions from Senator Wong and Senator McLucas in question time this afternoon consistently said that the government was not going to apologise for any of the Welfare to Work program. Minister,

we do not want apologies, nor do the people in the community. What we want is some clear understanding of exactly what support, encouragement, jobs and understanding this government has for the people in the community who are now receiving various payments and have been told consistently for the last several months that they will be encouraged into work. What we want to know is exactly what the verb 'encourage' means under this program. What we have heard is a whole range of labelling of the kinds of people who would be better off having employment—who would make better parents and better role models and have more full lives if they only had the opportunity to access the work force.

We on this side have no problem—in fact, no-one in this whole place would—with encouraging people to make effective choices which involve the best possible options for them, their families and their abilities. That can mean access to work. What it does not mean is constant rhetoric and labelling. What it does not mean is this constant attack and throwing around of figures. What we have had ever since the budget initiatives were announced, with much fanfare about how Welfare to Work was going to change the Australian community, is an inference that people who are currently not in the work force have made the choice not to be so and that somehow, through the introduction of these encouragements, they will be able then to make effective choices.

What we have been able to find out, not through the government but through other areas of research, is that the figures do not add up. The number of people currently receiving payments through the range of effective payment systems will not be matched by the number of job opportunities. It would be a great result if everybody who wanted to have work in this country were able to have that opportunity, if there were secure, well-paying jobs available and if there was the option to have effective training places. What we have already heard through previous debates in the last sitting of this parliament is that there are not effective training opportunities now for many people, before these new 'encouragements' are put in place.

What we have had is a not-quite-so-clear, veiled threat that somehow, through making it tougher and harder, people will then be able to access the amazing number of job opportunities that the government is going to be able to find. Even then, through various questions, the government has had to admit that there is no way that there will be enough jobs for everybody it wishes to encourage into the work force to take up that opportunity straight away. What will happen is that people will be moved from one form of payment through the welfare system to another. The really important thing is that the payments in the new system will be lower. Currently, people have the opportunity to have part-time work, casual work and training and also access parts of their payments. This is not new. But somehow, because it was a budget initiative, the government is able to dress it up under a new title and go out and proclaim that it is going to change the world.

It would be useful if the people who are going to be affected by these changes were involved in the discussion about how the changes will operate. We had the opportunity to meet many of these people during the poverty inquiry. We heard from people who are surviving on the current welfare payments. They want to access work and changed opportunities. They want to take those steps. But these things are not available under current programs of support from the government. Let us find out exactly what is going to be available with the incentives. Let us take away the threats. Let us see that people will have genuine opportunities. Then

maybe we can take the steps forward. There will be no need for an apology, Minister—just some further explanation.

Question agreed to.

Telstra

Senator BARTLETT (Queensland) (3.28 pm)—I move:

That the Senate take note of the answers given by the Minister for Communications, Information Technology and the Arts (Senator Coonan) to questions without notice asked by Senators Bartlett and Bob Brown today relating to Telstra.

The Minister for Communications, Information Technology and the Arts gave an extraordinary answer on what is planned for the government's legislation to sell Telstra. To me it signals the true agenda of the government and its likely attitude to how it will handle its Senate majority over the next few years, not just the fact that it is going to sell Telstra. That is a factor of the decision by all National Party senators, once again, to support the sale of Telstra. It should not be forgotten that we have had five occasions in this chamber in the last eight or nine years when legislation has been put forward to sell part or all of Telstra. On every single occasion, every National Party senator has voted with the government to sell. So the fact that they are doing so again is no great surprise.

Much as I am and will continue to be critical of Senator Joyce for joining that vote, at least he showed little bit of fight in extracting a little bit of benefit on behalf of his constituents. Senator Joyce was quoted in a piece in the paper as saying, 'You've got to read the letters these Liberals write really closely because they say one thing and then you look at it later and find they have done another.' I have given him lots of advice, whether he has asked for it or not, about all the other tactics of the government that I have learned over the last eight or nine years—the ways they get around all the promises they give. They will promise the earth to get your vote in this chamber, pledge things in *Hansard*, put things in writing, put things in legislation, promise buckets of money and do all sorts of things. Then, as soon as they get the legislation through, they are straight on to it, unpicking it every step of the way. That is pretty hard to prevent completely, I would have to say. It is very hard to stop the government undoing things in some way or other once they have got the legislation through. But the least you can do is make sure that you have a forensic examination of what they are putting forward before you give them your vote.

What the minister said today in her answer to my question was quite clear. As she said yesterday on television, she is hoping to get all of this voted through both houses of parliament by the end of next week—not just the bill saying that you can sell Telstra. That is the easy part. She means the bills on the funding package and anything to do with the regulatory regime. The minister said, 'We've had a whole lot of committee inquiries into the regulatory regime.' Do you know why? It is because the regulatory regime is stuffed. That is why we have inquiries into it—because, time after time, problem after problem comes forward. Every time the government say they have fixed it, their own constituents from the bush, as well as from everywhere else, come out and say, 'It's hopeless; it's not working.'

The ACCC, the body set up to regulate competition using the specific parts of the Trade Practices Act that deal with telecommunications, have told Senate committees: 'The regulatory regime doesn't work. We can't do it properly.' We saw them basically withdraw from a competition notice in relation to Telstra because they knew that they could not fight Telstra. Telstra is one of the hugest companies in the country and even the ACCC did not want to take it on in the

courts. That was even before the new gung-ho cowboy warriors from the US came across to start running the joint.

We have an extraordinary situation with the final piece of legislation. It is the most significant out of all of the legislation that has looked at selling Telstra because this is the one that hands over government control. All the others that went through in the past gave partial control or dealt with the partial sale but kept the majority share public. This is the legislation that hands Telstra over completely. This is the one that totally sends it off into the private sector. Yet this is the one that the government wants to rush through without any proper Senate scrutiny, without any proper committee scrutiny.

That is not done so that senators can have a say about it. We will have our say anyway. Committee scrutiny means that the people who have the expertise can get before a Senate committee and tell the Senate and the public what the legislation will mean when people have to live with it day after day. They have those views tested by senators of all persuasions. That is what the government are running from. They do not want their rhetoric, their smokescreen, tested by people with expertise because they know it will fail. That is a clear example of what they are going to do every time their arguments do not bear scrutiny. They will dodge scrutiny. That is what the minister's answer means, and that is a very bad sign for the potential of this Senate to scrutinise what the government are doing. *(Time expired)*

Question agreed to.

PRIVILEGE

The DEPUTY PRESIDENT (3.34 pm)—I make this statement on behalf of the President. The Finance and Public Administration References Committee, by letter dated 17 August 2005, has raised a matter of privilege under standing order 81 and asked that the President give precedence to a motion to refer the matter to the Privileges Committee in accordance with that standing order.

The matter raised by the committee is the apparent conflict between an answer to a question given by a witness and the facts as subsequently disclosed to the committee. The committee received from the witness an explanation of the apparent discrepancy and is not satisfied with the witness's explanation. The committee considers that the answer may have constituted false or misleading evidence within the meaning of the Senate's Privilege Resolution 6(12)(c):

> A witness before the Senate or a committee shall not:
>
> (c) give any evidence which the witness knows to be false or misleading in a material particular, or which the witness does not believe on reasonable grounds to be true or substantially true in every material particular.

The committee considers that the answer to its question had the tendency to interfere with the committee's inquiry by altering the direction of its further questioning.

In determining whether to give a motion precedence under standing order 81, the President is required to have regard to the following criteria:

> (a) the principle that the Senate's power to adjudge and deal with contempts should be used only where it is necessary to provide reasonable protection for the Senate and its committees and for senators against improper acts tending substantially to obstruct them in the performance of their functions, and should not be used in respect of matters which appear to be of a trivial nature or unworthy of the attention of the Senate; and
>
> (b) the existence of any remedy other than that power for any act which may be held to be a contempt ...

The first criterion basically goes to the seriousness of the matter. In past determinations precedence has been given to a matter if it is

capable of being held by the Senate as meeting that criterion. In past cases the Privileges Committee and the Senate have always taken very seriously any suggestion that false or misleading evidence has been given. In its reports, the Privileges Committee has made it clear that the offence may be constituted by the giving of evidence which leaves a committee with a misleading impression as to the facts.

In relation to criterion (b), there is no remedy other than the privilege jurisdiction of the Senate for the giving of false or misleading evidence. The matter raised by the committee was considered by the President on the last day of sitting and he determined that a motion to refer the matter to the Privileges Committee should have precedence. I table the letter from the committee. Notice of motion may now be given.

Senator FORSHAW (New South Wales) (3.37 pm)—I give notice that on the next day of sitting I shall move:

That the following matter be referred to the Committee of Privileges:

Having regard to the letter dated 17 August 2005 to the President from the Finance and Public Administration References Committee, whether any false or misleading evidence was given to the committee, and whether any contempt was committed in that regard.

PETITIONS

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

Asylum Seekers

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

Whereas the 1998 Synod of the Anglican Diocese of Melbourne carried without dissent the following motion:

"That this Synod regrets the Government's adoption of procedures for certain people seeking political asylum in Australia which exclude them from all public income support while withholding permission to work, thereby creating a group of beggars dependent on the Churches and charities for food and the necessities of life;

and calls upon the Federal government to review such procedures immediately and remove all practices which are manifestly inhumane and in some cases in contravention of our national obligations as a signatory of the UN Covenant on Civil and Political Rights."

We, therefore, the individual, undersigned attendees at St Peter's Anglican Church, Box Hill, VIC, 3128, petition the Senate in support of the above mentioned motion.

AND we, as in duty bound will ever pray.

by **Senator George Campbell** (from 66 citizens).

Mr David Hicks

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

- that the treatment of David Hicks is not in accordance with Geneva Convention Guidelines applying to prisoners of war

Your petitioners ask that the Senate should:

- ensure that Australian citizen, David Hicks', rights are met under the guidelines of the Geneva Convention as it applies to prisoners of war
- send a deputation to George W. Bush asking that David Hicks be returned to Australia
- ensure that David Hicks be entitled to a civil trial, in Australia, if he is charged with any crime

by **Senator Kirk** (from 585 citizens).

Education: Student Fees

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

This petition seeks to draw to the attention of the House important issues relating to the Higher Education Support Amendment (Abolition of Compulsory Up-front Student Union Fees) Act 2005 and its potential effects on La Trobe University, Bendigo:

(1) The Bendigo Student Association is a professional organisation providing services and

amenities to the students of La Trobe University, Bendigo.

(2) Students at Victorian Universities currently have the choice in whether or not to join a Student Union or Association.

(3) Because of a relatively small student population the Bendigo Student Association relies on a General Services Fund to support the infrastructure and staffing required to provide essential services to students.

(4) The amount of political activities organised by the BSA is (and has been) negligible.

(5) In the best democratic tradition, a GSF allows student organisations to operate at 'arms length' from University administration ensuring uncompromised student representation.

Your petitioners ask/request that the Senate:

reject the abovementioned legislation to ensure the full range of services currently provided by student associations/ unions are maintained.

by **Senator Nettle** (from 1,078 citizens).

East Timor

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

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

We pray the Senate ensures the Australian Government:

(1) negotiates a fair and equitable maritime boundary with Timor Leste according to current international law and the provisions of the UN Convention on the Law of the Sea (UNCLOS),

(2) responds to Timor Leste's request for more regular meetings to settle the maritime boundary dispute between the two countries within a more reasonable timeframe,

(3) returns Australia to the jurisdiction of the International Court of Justice and UNCLOS for the adjudication, of maritime boundary,

(4) commits to hold intrust (escrow) revenues received from the disputed areas immediately outside the Joint Petroleum Development Area (RDA) of the 20 May 2002 Timor Sea Treaty for further apportionment between Australia and Timor Leste after the maritime boundary dispute between the two countries has been settled.

by **Senator Nettle** (from 75 citizens)

Mr David Hicks and Mr Mamdouh Habib

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

The undersigned petitioners, citizens of the Hunter Valley in NSW, urge the Australian government immediately to approach the government of the USA to demand that the Australian citizens David Hicks and Mamdouh Habib be released from detention and returned to Australia.

- Their detention without trial for over three years has denied them natural justice.
- The rules of the military commission established specifically for their trial have been roundly condemned by many distinguished lawyers because they exclude the legal safeguards that are vital for the conduct of a fair trial.
- There is now overwhelming evidence, including a report by the International Committee of the Red Cross, that US authorities at Guantanamo Bay have used brutal methods including torture, to interrogate detainees.

Your petitioners therefore respectfully ask that the Senate requests the Prime Minister to negotiate with the US government to return Hicks and Habib to Australia where, if they have broken any Australian laws, they can be given a fair and open hearing.

by **Senator Nettle** (from 97 citizens).

Higher Education

To the Australian Senate:

We the undersigned call upon the Senate to oppose the Government's Higher Education package because it falls to deliver an equitable solution to the current funding crisis. Instead it asks students and their families to pay more.

We further call on the Senate to take steps to demand that the Government redirect the $4 per

week average tax cut announced in the 2003 federal budget, (together with part of the corporate tax cuts effective since 2001) into investing in our public higher eduction sector, delivering a free, accessible, high quality university system, as advocated by the Australian Greens.

All Australians deserve access to the best education the government can provide, from preschool to university. Only the public provision of free education can meet this need, and only when this public provision is generously funded can the full potential of all Australians be met.

by **Senator Nettle** (from 96 citizens).

Human Rights

To the Australian Senate:

The government's proposed changes to the Marriage Act are discriminatory, unnecessary and homophobic. They are and attack on human rights and breach Australia's obligations under the United Nations International Covenant on Civil and Political Rights.

The Greens have introduced legislation that will ensure equal rights to same-sex couples as for heterosexuals. If you are concerned about the principle of equality before the law for all Australians, you will reject the government's proposed amendments and support the Green's bill.

by **Senator Nettle** (from 85 citizens).

Petitions received.

NOTICES

Presentation

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

That the Senate—

(a) notes:

(i) the significance of the Panchen Lama as the second most important spiritual leader in Tibetan Buddhism,

(ii) that in 1995, following his appointment as Panchen Lama by the Dalai Lama, the then 6-years old Gedhun Choekyi Nyima and his family were taken prisoner by Chinese authorities making him the world's youngest political prisoner, and

(iii) that for 10 years their safety and well-being have remained unknown; and

(b) urges the Chinese Government to:

(i) reveal the whereabouts of Gedhun Choekyi Nyima and his family, and

(ii) allow for independent verification of his and his family's safety and well-being.

Senator Brandis to move on the next day of sitting:

That the time for the presentation of the report of the Economics Legislation Committee on annual reports tabled by 30 April 2005 be extended to 13 October 2005.

Senators Stott Despoja, Kirk and Bob Brown to move on Wednesday, 7 September 2005:

That the Senate—

(a) notes:

(i) the right of all Australians, regardless of their alleged crime, to a fair and transparent trial,

(ii) the number of serious doubts raised by legal and military experts, including retired High Court of Australia Justices Mary Gaudron and Sir Ninian Stephen, the Presidents of the Law Council of Australia and the 14 Law Societies and Bar Associations of the states and territories of Australia, independent Law Council of Australia observer Lex Lasry QC, head of the Australian Military Bar Captain Paul Willee QC, Mr Geoffrey Robertson QC, the American Bar Association, three United States of America (US) military commission prosecutors and sitting High Court of Australia Justice Michael Kirby, who regard US military commissions as unjust,

(iii) that Spain, France and the United Kingdom have all refused to allow their citizens to be tried before US military commissions, and

(iv) the comments by the United Kingdom's Attorney General, the Right

Honourable Lord Goldsmith, that 'the United Kingdom have been unable to accept the US military tribunals … offer sufficient guarantees of a fair trial in accordance with international standards'; and

(b) calls on the Government to advocate for Mr David Hicks' trial to be conducted in a properly constituted court with rules of procedure and evidence that meet Australian and international standards of fairness.

Senator Allison to move on the next day of sitting:

That the Senate—

(a) notes that:

(i) every year more than 2 500 Australians die from suicide, with estimates suggesting that there are at least another 30 attempts for each person who dies,

(ii) suicide is a complex event in which desperate people see death as a way to escape their overwhelming pain and anguish, and

(iii) ignorance and insensitivity continue to contribute to societal stigma concerning mental illness and suicide;

(b) condemns the Minister for Health and Ageing (Mr Abbott) for failing to understand the level of pain being experienced by people who contemplate suicide; and

(c) urges the Prime Minister (Mr Howard) to:

(i) categorically condemn the remarks made by the Minister for Health and Ageing in relation to Mr John Brogden, and

(ii) require ministers to demonstrate appropriate knowledge, understanding and compassion in relation to their portfolios.

Senator ELLISON (Western Australia—Minister for Justice and Customs) (3.38 pm)—I give notice that, on the next day of sitting, I shall move:

That the provisions of paragraphs (5) to (8) of standing order 111 not apply to the following bills, allowing them to be considered during this period of sittings:

Defence Legislation Amendment Bill (No. 1) 2005

Protection of the Sea (Shipping Levy) Amendment Bill 2005

Tax Laws Amendment (2005 Measures No. 5) Bill 2005.

I also table statements of reasons justifying the need for these bills to be considered during these sittings and seek leave to have the statements incorporated in *Hansard*.

Leave granted.

The statements read as follows—

DEFENCE LEGISLATION AMENDMENT BILL (NO. 1)

Purpose of the bill

The bill amends four Defence Acts, as follows:

- Defence Force Discipline Act 1982 (DFDA), sections 3 and 61, to redefine which laws describe "Territory offences" under that Act as a result of changes in the criminal law of the ACT;
- Military Superannuation and Benefits Act 1991 (MSBA), to repeal Part 8 which provides for a retention benefit for certain members of the scheme but to preserve the benefit for currently eligible serving Australian Defence Force (ADF) members;
- Defence Act 1903, to change references from "investigating officers" to "inquiry officers" to make it clear that these officers are conducting purely administrative rather than criminal investigations; and
- Naval Defence Act 1910, subsections 38(5) and (6), to align the legislation governing eligible ages of Navy Cadets with the legislation governing their Army and Air Force counterparts.

Reasons for Urgency

Section 61 of the DFDA imports civil criminal offences into the Act as service offences, in order to extend the ambit of the Act to circumstances that might otherwise not be prosecuted, and to give greater efficacy to disciplinary law. The

mechanism currently used to achieve this is the incorporation of the laws of the Commonwealth, the Crimes Act 1900 (ACT) and the Police Offences Act 1930 (ACT) as they apply in the Jervis Bay Territory.

Since the introduction of the Territory offence provisions, changes have occurred to the incorporated legislation such that some updating of the Defence Force Discipline Act 1982 is essential. Most concerning is that the ACT in 2001 and 2002 enacted Criminal Code Acts based on the Commonwealth Model Criminal Code, and since 2002 it has repealed numerous offences from the Crimes Act 1900 in favour of the Criminal Code. The net effect of this is that offences such as computer theft, arson and blackmail can no longer be prosecuted by the ADF under the DFDA. Furthermore, it is anticipated that offences such as murder, manslaughter and assault will also move to the Criminal Code by the end of 2005. Also of concern is the fact that the Police Offences Act (1930) was repealed in 1996, and references to it are therefore ineffective. The bill removes references to the Crimes Act 1900 and to the Police Offences Act 1930, and refers instead to the criminal law in force in the Jervis Bay Territory from time to time.

In order to ensure that the DFDA continues to reflect the range of offences originally intended, legislation to amend this Act must be introduced and passed in the 2005 Spring sittings as a matter of priority.

Part 8 of the MSBA currently provides a bonus of one year's salary paid to eligible members of the Military Superannuation and Benefits scheme who, on reaching 15 years of continuous effective service, agree to complete a further 5 years' service. However, the Review of Australian Defence Force Remuneration 2001 (the Nunn review) considered that issues of attraction to and retention in the Services was better suited for determination by the Navy, Army and Air Force Service Chiefs based on priority needs and linked to capability. An automatic retention bonus rigidly tied up to a number of years of service, at a fixed rate, is no longer regarded as appropriate.

The proposed amendments repeal the current Part 8 of the Military Superannuation and Benefits Act 1991. It is proposed that access to the benefit would continue for current members for as long as they remain eligible but would not be available to new members joining the ADF after the date of the commencement of the proposed amendments.

These amendments are required to ensure that ADF pay arrangements provide an effective, efficient and flexible remuneration framework consistent with reforms in the wider public and private sectors.

The amendments relating to "inquiry officers" and Naval Cadets are minor amendments required to improve administration of military justice and ADF cadets respectively.

(Circulated by authority of the Minister for Defence)

PROTECTION OF THE SEA (SHIPPING LEVY) AMENDMENT BILL

Purpose of the bill

The government has decided in principle to implement a national system to provide emergency towage to ships in distress around Australia's coastline. Tendering arrangements are expected to commence in August 2005 and the first stage is anticipated to be completed by December 2005, with further contracts to be let during 2006. Funding for the contractual arrangements is to be through the Protection of the Sea Levy and it is expected that the level of revenue required to fund the system will exceed that which can be collected under the current cap. The purpose of the bill is to remove the current cap of 6 cents per ton in order to allow a new level of the levy to be set in the future through effecting required changes in the relevant regulation.

Reasons for Urgency

A key element of the national approach to emergency towage is the provisioning of a dedicated emergency towage vessel in the northern section of the Great Barrier Reef and the Torres Strait region. This vessel will be under contract to AMSA and will combine its emergency towage role with that for maintenance of navigation aids in that region. The combined role will minimise the costs of the new arrangements and, as the current navigation aids contract expires in June 2006, this will necessitate the new tender proceeding in the fourth quarter of 2005. Owing to the likely cost of the vessel resulting from the

tender, and the associated levy revenue required, it will be necessary to remove the current legislative cap on the levy by end October 2005 to allow the levy to be increased by regulations later in the year expeditiously following a government decision on the appropriate rate of levy. For the tendering arrangements to proceed with assurance of adequate funding and to ensure that target timelines can be achieved, the bill will need to be passed in the 2005 Spring sittings.

(Circulated by authority of the Minister of Transport and Regional Services)

TAX LAWS AMENDMENT (2005 MEASURES NO. 5) BILL

Purpose of the bill

The bill amends various taxation laws.

Reasons for Urgency

These measures need to be enacted as early as possible to provide certainty for business and taxpayers in relation to how the tax law applies. Passage in this sitting is required as several of the measures are retrospective or are to commence in 2005.

(Circulated by authority of the Treasurer)

LEAVE OF ABSENCE

Senator GEORGE CAMPBELL (New South Wales) (3.39 pm)—by leave—I move:

That leave of absence be granted to Senator Ray for the period 5 September 2005 to the end of the 2005 parliamentary sittings on account of parliamentary business overseas.

Question agreed to.

COMMITTEES

Foreign Affairs, Defence and Trade References Committee

Meeting

Senator GEORGE CAMPBELL (New South Wales) (3.40 pm)—by leave—I move:

That the Foreign Affairs, Defence and Trade References Committee be authorised to hold public meetings during the sitting of the Senate, on Tuesday, 6 September 2005, and Wednesday, 7 September 2005, from 4 pm, to take evidence for the committee's inquiry into the Chen Yonglin and Vivian Solon cases.

Question agreed to.

Economics Legislation Committee

Extension of Time

Senator FERRIS (South Australia) (3.41 pm)—by leave—At the request of the Chair of the Economics Legislation Committee, Senator Brandis, I move:

That the time for the presentation of the report of the committee on the provisions of the Trade Practices Amendment (National Access Regime) Bill 2005 be extended to 8 September 2005.

Question agreed to.

NOTICES

Postponement

The following items of business were postponed:

Business of the Senate notice of motion no. 1 standing in the name of Senator Bartlett for today, proposing the disallowance of the Australian Meat and Live-stock Industry (Export of Live-stock to Saudi Arabia) Order 2005, postponed till 8 September 2005.

General business notice of motion no. 221 standing in the name of Senator Stott Despoja for today, relating to genetic testing and privacy, postponed till 6 September 2005.

General business notice of motion no. 228 standing in the name of Senator Milne for today, relating to the proposed pulp mill in Tasmania, postponed till 14 September 2005.

COMMITTEES

Environment, Communications, Information Technology and the Arts References Committee

Meeting

Senator BARTLETT (Queensland) (3.41 pm)—I move:

That the Environment, Communications, Information Technology and the Arts References Committee be authorised to hold a public meeting during the sitting of the Senate on Tuesday,

6 September 2005, from 6 pm, to take evidence for the committee's inquiry into the economic impact of salinity in the Australian environment.

Question agreed to.

WEST PAPUA

Senator BOB BROWN (Tasmania) (3.42 pm)—I move:

That the Senate—

(a) notes the release of the report prepared by the University of Sydney's Centre for Peace and Conflict Studies, *Genocide in West Papua? The role of the Indonesian Security Services Apparatus*; and

(b) calls on the Australian Government to investigate the claims in the report and report back to the Senate.

Senator GEORGE CAMPBELL (New South Wales) (3.42 pm)—by leave—I will make a short statement. I would like to indicate that Labor will be opposing this motion but, in doing so, I want to put on the record on behalf of the Labor opposition that Labor cannot support the proposed notice of motion in its current form. Labor would like to place on the record its objection to dealing with complex international relations matters such as the one we have before us by means of formal motions. Such motions are blunt instruments; they force parties into black-and-white choices to either support or oppose. They do not lend themselves to the nuances which are so necessary in this area of policy. Furthermore, they are too easily misinterpreted by some audiences as statements of policy by the national government.

Labor are happy to work with the minor parties on notices of motion of this nature, but we will not be pressured into supporting notices of motion in the Senate unless we are completely satisfied with their content. In this case, we are not completely satisfied with the veracity of all of the assertions. Labor strongly support a special autonomy law for West Papua. Our support for the special autonomy law is based on our view that independence for West Papua would not be in the best interests of the West Papuans, Australia or Indonesia. The best chance for the Papuan people to achieve peace and prosperity is through formal and greater regional autonomy for West Papua within Indonesia. We continue to urge the Indonesian government to support the granting of greater political autonomy to West Papua, and in this respect we share some of the sentiments expressed in the motion. We are disappointed at the failure to implement the law which was passed by the Indonesian parliament in 2002.

Labor also remain concerned about allegations of human rights abuses in Papua. We have made our concerns clear to the Indonesian government and will continue to do so. We have also made clear our view that a failure to address ongoing human rights concerns will only serve to undermine Indonesian authority in the province. Labor continue to urge the Australian government to pursue reports of human rights abuses in West Papua with the Indonesian authorities.

Senator BOB BROWN (Tasmania) (3.45 pm)—by leave—I thank Senator George Campbell for that explanation, but it does not relate to this motion, and I am bemused. Let me confirm that the motion states:

(a) notes the release of the report prepared by the University of Sydney's Centre for Peace and Conflict Studies, *Genocide in West Papua? The role of the Indonesian Security Services Apparatus*; and

(b) calls on the Australian Government to investigate the claims in the report and report back to the Senate.

I do not see how that response from, presumably, the Labor shadow foreign affairs spokesman can relate to this motion. This motion simply notes a study from the University of Sydney Centre for Peace and Conflict Studies and asks the government to look at that study and report back to the Senate. I

am at a loss to understand Labor's reaction to this. There is something remiss here. I think it would be good if the senator were to check with the Hon. Kevin Rudd that he or his staff had the right motion in front of them when they wrote that response to it.

Let me say finally, because the matter was raised by Senator George Campbell, that the people of West Papua are equal citizens on this planet and have a right to a vote of self-determination. I am amazed that the Labor Party is saying, 'No; that is a matter that should be left to Jakarta.' There is a great principle at stake here—that is, that we treat all people, not least our nearest neighbours, as having an equal right to democracy and freedom. That matter is raised by the University of Sydney's report, but this motion simply calls on the Australian government to look at the claims in the report which show awesome repression, torture, killings and rape in West Papua, and asks the Australian government—not Jakarta—to report back to the Senate. It is a very simple request for information from the Australian government and I think Labor should be supporting it.

Question put:

That the motion (**Senator Bob Brown's**) be agreed to.

The Senate divided. [3.52 pm]

(The Deputy President—Senator JJ Hogg)

Ayes……	8
Noes……	49
Majority……	41

AYES

Allison, L.F.	Bartlett, A.J.J.
Brown, B.J.	Milne, C.
Murray, A.J.M.	Nettle, K.
Siewert, R. *	Stott Despoja, N.

NOES

Abetz, E.	Adams, J.
Barnett, G.	Boswell, R.L.D.
Brown, C.L.	Campbell, G.
Carr, K.J.	Chapman, H.G.P.
Colbeck, R.	Conroy, S.M.
Ellison, C.M.	Ferguson, A.B.
Ferris, J.M. *	Fielding, S.
Fierravanti-Wells, C.	Fifield, M.P.
Forshaw, M.G.	Hogg, J.J.
Humphries, G.	Hurley, A.
Hutchins, S.P.	Johnston, D.
Joyce, B.	Kemp, C.R.
Kirk, L.	Lightfoot, P.R.
Ludwig, J.W.	Macdonald, J.A.L.
Marshall, G.	McEwen, A.
McGauran, J.J.J.	McLucas, J.E.
Moore, C.	Nash, F.
O'Brien, K.W.K.	Parry, S.
Payne, M.A.	Polley, H.
Ronaldson, M.	Santoro, S.
Scullion, N.G.	Stephens, U.
Sterle, G.	Troeth, J.M.
Trood, R.	Watson, J.O.W.
Webber, R.	Wong, P.
Wortley, D.	

* denotes teller

Question negatived.

MATTERS OF URGENCY

Taxation

The ACTING DEPUTY PRESIDENT (Senator Hutchins)—I inform the Senate that the President has received the following letter, dated 5 September 2005, from Senator Murray:

Dear Mr President,

Pursuant to standing order 75, I give notice that today I propose to move:

That, in the opinion of the Senate, the following is a matter of urgency:

The need for the Government to respond as soon as possible to the high public interest in structural reform of the income tax system, with a comprehensive white paper covering detailed proposals or alternatives.

Senator Andrew Murray

Is the proposal supported?

More than the number of senators required by the standing orders having risen in their places—

The ACTING DEPUTY PRESIDENT—I understand that informal arrangements have been made to allocate specific times to each of the speakers in today's debate. With the concurrence of the Senate, I shall ask the clerks to set the clock accordingly.

Senator MURRAY (Western Australia) (3.57 pm)—I move:

That, in the opinion of the Senate, the following is a matter of urgency:

The need for the Government to respond as soon as possible to the high public interest in structural reform of the income tax system, with a comprehensive white paper covering detailed proposals or alternatives.

This urgency motion arises from the intense public interest in income tax reform generated by the musings of the Prime Minister, the defensiveness of the Treasurer and the substantive and welcome contributions from the member for Wentworth, Mr Malcolm Turnbull, and the member for Rankin, Dr Emerson.

I, as taxation spokesperson for the Democrats, and my party have long championed the need for structural income tax reform. The Australian Democrats support a taxation system that is broadly based, progressive and based on capacity to pay. We support the principle of indexing taxes in general, with income tax brackets adjusted regularly to minimise bracket creep. We believe that income tax brackets should be linked to meaningful social indicators. We believe that the tax-free threshold should be raised to at least the poverty line, which is presently around $12,500.

It is clear from the sentiments of members of the government, the opposition, the Democrats, the media and undoubtedly from the public at large that there is great interest in real income tax reform. That interest may seem surprising, given recent tax cuts, but that interest is a result of what is perceived as a government failure. Although the government have provided reasonably regular tax cuts, they have left many voters very dissatisfied, because many voters have seen them to be tinkering not reforming.

The GST and A New Tax System was a bold, big vision on a grand scale—permanent structural reform. It was intensively argued and promoted. It embraced tens of billions of dollars, with reforms phased in over quite a number of years. Where is the bold, big vision for structural income tax reform embracing tens of billions of dollars, with reforms phased in over a number of years? If there is a criticism to level at Mr Turnbull's interesting array of options, it is that, in some respects, it is too modest. But he is dead right in wanting a simpler and fairer system. It is trite to say it must be affordable—of course it must be affordable. The lesson from A New Tax System is that you need to get it as right as you can in one package, even if that package has to be phased in over a number of years.

For the last nine years, the Democrats and I have addressed issues relating to structural tax reform in Australia. I am pleased to see many of our concerns have been included in the income tax debate, such as the first step of raising the tax-free threshold to $10,000. I am pleased leading Liberal and Labor politicians have agreed with the Democrats that measures to broaden the base are necessary. For the last decade the Democrats have argued that welfare for the wealthy must end—that is what broadening the base means. The Treasurer is quite right when he says that that is effectively a tax rise for some of them.

I am not pleased to see the overemphasis on the top rate. The focus is still wrongly on the tax rates applying to the wealthy and better off. The priority is low- and middle-income earners, not those on high incomes. The highest effective marginal tax rates in

this country apply to low-income earners, not to high-income earners. They are the people who are most affected by an income tax system which does need structural reform.

The Democrats 'five pillars' structural income tax reform plan consists of raising the tax-free threshold significantly, indexing the rates, broadening the base and reforming the tax-welfare intersects, and only after that is done raising the top tax threshold. The actual nominal rates will of course be dictated by revenue and equity considerations. We should not get hung up on particular percentages.

We all know that tax reform is expensive. If the $6,000 tax-free threshold had been indexed from 2000, it would be over $7,060 today. That indexation would cost around $1.65 billion a year. There are millions of Australians who are advantaged over other Australians at present. From 1 July 2005, senior Australians who are eligible for the senior Australians' tax offset will pay no tax on their annual income up to $21,968 for singles or up to $36,494 for couples. Therefore, nearly three million Australians benefit from the high seniors' tax-free threshold. Yet there are those who argue that that same largesse should not be applied to working Australians. Working Australians deserve the same tax-free thresholds that retired Australians get.

I have seen articles in the press saying low-income earners pay no tax. I have asked a question on notice as follows:

With respect to the tax data for the latest financial year available, and with respect to all those earning less than the tax threshold of $21,601, please provide the total number of individual income tax payers, disaggregated by gender; the total income tax paid; the total tax deductions claimed, disaggregated by type of claim; and total tax rebates paid out. Please indicate what the average time lag is between income tax paid and rebates received.

Of course I know a large cohort of working Australians may well get more in benefits than they pay in tax. But low-income earners still pay tax and, because they pay tax, they claim tax deductions. So the round robin consists of tax paid, tax concessions received, tax deductions claimed and benefits received. And there are time lags to take into account too.

My thesis is that, if you take the two million or so below the $20,000 income level out of the income tax system, they would pay no income tax and could claim no tax deductions. Australians earning less than $20,000 claim over $1 billion in work related expenses. You cannot claim tax deductions if you do not pay tax. The result would be a simpler, fairer system with reduced recycling and churning of revenue and much reduced compliance and administrative costs—one that is more advantageous to low-income earners and one that will encourage welfare to work. I obviously recognise that tax-welfare intersects will also need adjustment. It is time that the government came back to the Senate with a well argued set of alternative proposals.

Senator SANTORO (Queensland) (4.04 pm)—I very much appreciate Senator Murray's motion because it gives me the opportunity to again put on record the details of the very substantial tax reform provided by the Howard-Costello government. At the same time, it enables me to outline the shambles that the ALP profess to be their policy on tax reform. The government has an excellent record of delivering tax reform and tax cuts. I say this remembering that the Labor Party voted against giving tax cuts to Australian workers only a few months ago.

On 1 July 2000, the government introduced the largest income tax cuts in Australia's history and further personal tax reform occurred in 2003, 2004 and now 2005. The

combined effect of these tax reforms has been to deliver significant reductions in tax for all Australian taxpayers. Our record on tax reform is very clear—unlike the record of those opposite. We have consistently provided tax cuts across the range of incomes. We lowered company tax from 36 per cent to 30 per cent—an internationally competitive rate. We cut capital gains tax by reducing the capital gains made by individuals by 50 per cent and we cut capital gains on super funds by $33^{1}/_{3}$ per cent. We replaced the ineffective and inefficient multiple rate wholesale sales tax scheme with a broad based GST that has provided growth revenue for the states to provide police, health and education services for which they are responsible. Unfortunately, the states are failing to deliver efficient and proper services in this regard despite that revenue. We also removed the indexation of fuel excise.

In terms of personal tax reform in 2000-05, the government introduced A New Tax System on 1 July 2000 to provide personal income tax cuts worth $12 billion. All marginal tax rates other than the top rates were reduced. The tax-free threshold was increased from $5,400 to $6,000 of taxable income. In the 2003-04 budget, the government provided personal income tax cuts worth $10.7 billion. The threshold for the 30 per cent tax rate increased from $20,001 to $21,601. The threshold for the 42 per cent rate increased from $50,001 to $52,001. The threshold for the 47 per cent rate increased from $60,001 to $62,501. In the 2004-05 budget, an additional $14.7 billion worth of tax cuts were provided over the four years to 2007-08. The threshold for the 42 per cent tax rate increased to $58,001 and the threshold for the 47 per cent tax rate increased to $70,001 in 2004-05.

In the 2005-06 budget, the government delivered $21.7 billion in new tax cuts over the four years to 2008-09. The government changes ensure that more than 80 per cent of taxpayers will face a top marginal tax rate of 30 per cent or less. That is certainly a statistic that is worth noting not just once but many times over. From 1 July 2006, the top marginal tax rate will apply to only three per cent of taxpayers. Also, from 1 July 2005, the 17 per cent marginal tax rate has fallen to 15 per cent, the 42 per cent threshold has risen to $63,001 and the 47 per cent threshold has risen to $95,001. From 1 July 2006 the 42 per cent threshold will rise to $70,001 and the 47 per cent threshold will rise to $125,001. The top marginal rate of 47c in the dollar kicked in at $50,000 in 1996, when Labor left office. It will now kick in at $125,000, which is around three times average weekly earnings. From 1 July 2005, all Australian taxpayers will share in tax cuts worth $21.7 billion over the next four years. This is in addition to the $14.7 billion in tax cuts provided in last year's budget. I could keep on going and quote statistics that clearly show that all Australians are much better off under the Howard-Costello government reforms in the area of taxation and they actually have delivered real tax cuts.

But let us have a look at what the Labor Party's tax policy was, particularly as it applied prior to the last election. An analysis of the policy that the member for Lilley took to the election just five months ago showed that 960,000 families, including singles, would have lost, out of 10.8 million; and 34.6 per cent of families with dependent children would have lost—914,417 out of 2,642,961—with an average loss of $15.80 per week. Nearly 380,000 sole parents would have been worse off, including around 250,000 with taxable income of less than $300 a week. These 380,000 sole parents would have been worse off by around $10 a week on average. Five hundred and thirty-six thousand married couples with children would have been nearly $19 a week worse

off on average. The member for Lilley was going to increase taxes for a wide array of people, including some of the most vulnerable in the community—who those opposite profess to seek to represent and protect at any cost. This is what the Labor Party calls real reform.

Labor's worst group of losers were—I repeat this for those senators opposite—sole parents; families with three or more children, because Labor wanted to axe the FTBA per child supplement; two-earner couples with two children and no private income; and high-income single-income couples. He carried on with the charade of claiming people were going to be better off on a fortnightly basis and that government assistance was not real. Do honourable senators remember that? It was one of the most disgraceful misrepresentations of government policy and government initiative ever.

Mr Swan was asked: 'Is it still your position that those $600, $1,200, $1,800 cheques going to families aren't real?' Mr Swan replied, 'It is absolutely my position.' That was Wayne Swan during ALP shadow ministry questions and answers on 26 October 2004. 'That $600 payment is not ongoing,' said Wayne Swan on *AM* on 2 September 2004. 'That $600 is not continuing,' said Wayne Swan on 6 September 2004 on Faine. Wayne Swan was correct in only one respect—that is, that Labor had the only policy to remove the FTBA per child supplement. At the time he released the family and tax policy, the member for Lilley also said:

It's a long-term plan to end financial pressure on low and middle income families.

He said that on 7 September 2004 at the policy launch. He also said on 14 September:

No, sole parent families are single-income families are big winners in this package.

He said that on ABC's *AM*. Yes, I do listen to the ABC's *AM* program often. It was 'a real winner', he said in the *Sunday Age* on 31 October 2004. However, we did not have to anything to contradict him because he was blown out of the water by the members for Lalor, Ballarat and Melbourne. This is what Julia Gillard said in the *Age* on 1 November 2004—on page 5, to be precise:

I think we've got to be frank and say there were a lot of people who received $1200 or $1800 ... in a lump sum and they were pretty keen to keep it, and they identified needing to vote for the Howard Government as the way of keeping it.

Catherine King, the member for Ballarat, said in the *Age* on 20 November 2004:

We should never again get ourselves in a position where we attack sole parents—we lost votes because of it ...

Lindsay Tanner, in the *Australian* on 29 November 2004, said:

We're the party for lower income Australians, but our tax and family package had some lower income Australians going backwards.

Those are very true words—very prophetic. So what did Wayne Swan do? He dropped the package. In fact, the package was very quickly dropped after the poll. According to the *Australian*, Mr Swan said he was determined to correct policy mistakes while maintaining its principle. That was on 2 November 2004. But the acknowledgment within the ALP that its best efforts five months ago unfairly penalised people has not stopped Wayne Swan from banging on endlessly about protecting the same families and sole parents that he was proposing to slug just six months ago. Wayne Swan said on ABC radio on 14 March 2005:

I welcome his comments, because there are low and middle income earners in this country who are hit for six when they work overtime. They don't work overtime to hand back 60 cents to Peter Costello and John Howard, to have John Howard and Peter Costello's hands in their pockets when they work overtime. People work hard and are entitled to some reward for effort.

What about the package that Wayne Swan went to the election with last time? At the time that he released the family and tax policy, the member for Lilley said, on 7 September 2004:

> It's a long-term plan to end financial pressure on low and middle income families.

Again, I have so many quotes from Mr Swan—and I have not even started touching on Mr Beazley but my time is running out. I am sure the colleagues who are to follow me will have plenty to say about what Mr Beazley has had to say.

Honourable senators interjecting—

Senator SANTORO—I take the interjection. I can rest assured that the truth will come out in terms of what Mr Beazley has had to say. I thank Senator Murray for the opportunity to again place on the record the Howard-Costello government's achievements in the area of tax reform and the opportunity to outline precisely how bereft the Labor Party and those senators opposite are when it comes to delivering and enunciating a good tax policy.

Senator SHERRY (Tasmania) (4.14 pm)—On behalf of the Labor Party, I welcome the opportunity to participate in the debate on tax reform as represented in the urgency motion moved by Senator Murray today. I find it more than a little ironic that there is a renewed debate about fundamental tax reform. I can recall Treasurer Costello and the Prime Minister, in particular, arguing in 1998—and spending tens of millions of dollars in a government advertising campaign, up to the day of calling of the election—that the tax system was broken and needed fundamental reform. That was the central element of their argument. They presented a tax reform package, including a GST, in the 1998 election; they won that election and then implemented their fundamental tax reforms. Yet here we are today, some six or seven years on, debating the need for more fundamental tax reform. On the basis of the Liberal government's argument that the tax system was broken and they were going to fix it, they supposedly fixed the tax system back in 1998 and spent tens of millions of dollars of taxpayers' money on a propaganda campaign. But it is an ongoing debate.

Why are we having this debate today? At least in part, it is motivated by what could only be described as the ramblings of the Prime Minister, Mr Howard, on *Lateline* a little over a week ago, when he stressed the need to do something more about the top marginal tax rate. At the same time, we saw the release of an options paper—I think that would be the best description of it—by the merchant banker cum millionaire, Mr Turnbull, who had commissioned 280 options for reform of our tax system. That occurred at the same time.

The Treasurer, Mr Costello, was conspicuous by his absence for a couple of days, until he finally decided that he had to make some statement about the emerging debate in the media that occurred as a result of the comments by the Prime Minister and the release of Mr Turnbull's paper. Over the last week and a half or so, we have had quite a number of 'authorities' in the government laying out possible tax reform options. Senator Eggleston is here in the chamber today, and I notice even he got involved in the tax debate by arguing for a reduction in the taxes that apply to superannuation. Even Senator Eggleston decided to get in on the act and join the tax debate on the government's behalf. I would be interested to know what exactly the government's policy is on tax reform.

I would like to stress that the Labor Party believe in structural tax reform, but the keys to effective tax reform are about promoting

participation, and they are about equity and fairness. The Australian tax system does need reform. Despite my drawing the attention of the Senate to the so-called reforms of the Liberal government back in 1998 to fix the 'broken' tax system, Labor believe that the so-called reforms at that time, particularly the goods and services tax, were not fair and not adequate. I notice Senator Murray's contribution to the GST. The Democrats signed up to the goods and services tax, having swallowed the argument that it was going to fundamentally reform Australia's tax system. Today Senator Murray—having swallowed hook, line and sinker the Liberal government's argument back in 1998-99—is here again, having another go, arguing for fundamental tax reform. Senator Murray, you should have fixed it back in 1998. You had the chance and you blew it. If you believe the tax system needs reform today, why didn't you deal with it then if you were so concerned?

Let us move on to where we are today. This government is the highest-taxing government in Australia's history. The Liberal government's rhetoric is that it believes in low taxes; but it is the highest-taxing government in Australian history. Tax as a share of gross domestic product—economic production—has continued to increase since this government came to office in 1996, some 9½ long years ago. I know that my Senate colleagues opposite will argue that tax as a percentage of GDP is lower. That is because they exclude the GST. If you include the GST, which is a Commonwealth tax charged under Commonwealth power, there is no doubt that tax as a percentage of GDP is higher now than when this government was elected.

This Liberal government is about taking more tax out of the economy than ever before. It is about burdening families' budgets and harming our international competitiveness. Marginal tax rates are still too high for just about everyone, but particularly for low and middle-income earners, who are having most, if not all, of their hard-earned pay rises and overtime clawed back in tax and reduced transfers. Punishing high marginal tax rates are not only a barrier to increased work force participation but also a ball and chain on productivity. They are dragging productivity increases back. What incentive is there for employees to upgrade their education and skills or adopt more efficient work practices if the rewards of higher wages and bonuses never reach their pockets?

We have a tax system that is far too complex. Back in 1998 we had a great propaganda campaign: 'The tax system is too complex.' That was one of the arguments presented by the Liberal government. I give Malcolm Turnbull some credit for his 280 options paper. He referred to the practice of complying with the existing Income Tax Act as 'exploiting loopholes as a black art'. Mr Turnbull's comments raised the ire of the Treasurer, Mr Costello. But it is understandable that Mr Turnbull should at least focus on this issue when the Treasurer, Mr Costello, has presided over income tax acts which now run to more than 9,000 pages in what is claimed to be a simpler series of tax acts under this government.

We hear a lot about complexity in terms of business and the Australian economy at the moment. This complexity is a dead weight on the economy and something individuals and businesses could do with a lot less of. The fundamental question is: after 9½ long years in government, has the Liberal government reduced complexity in paperwork compliance in the tax system for businesses and individuals in this country? I think that, if you asked the community or the finance sector, they would overwhelmingly say it has increased, not decreased, after 9½ long years. None of this can be solved with tinker-

ing such as adjusting thresholds while leaving the current marginal rates largely in place. Tinkering is something that the Treasurer, Mr Costello, in recent times has turned into a fine art. He has tinkered with some of these issues instead of dealing comprehensively with fair and equitable reform that would improve participation.

The Treasurer finally reacted to the comments of the Prime Minister, Mr Howard, and to Mr Turnbull's 280 options paper when he was interviewed on the *Today* show on 30 August and this issue of tax reform was raised with him. The journalist, Mr Stefanovic, asked about Mr Turnbull's tax options. The Treasurer, Mr Costello, replied:

... he didn't actually have a plan…

Stefanovic said:

A model.

The Treasurer, Mr Costello, replied:

…he had 280, so you know, I am sure if you didn't like one, there were 279 that you could look at.

That was against a backdrop of great laughter and quite arrogant sniggering from the Treasurer, Mr Costello—the famous Costello laugh and smirk conveying the view: 'I know best. Mr Turnbull doesn't know what he's talking about. I'm in charge of the economy.' In fact, later in the week he went on to claim that he was effectively the de facto Prime Minister of the country anyway—a typical arrogant response from the Treasurer, Mr Costello, to someone on his own side of politics. We found that quite remarkable. It showed how arrogant the Treasurer is and how he has lost touch with the everyday concerns of the Australian community.

I think you could best characterise Mr Costello's response as a real dump job on Mr Turnbull, the like of which we have rarely seen in respect of tax policy in this country. The claim later on in the week by Mr Costello that effectively he was running the country was incredible. I wonder why he wants to be Prime Minister if he is leading the country. We have a backdrop of intense division within the Liberal Party. I see my two Senate colleagues who are listed to speak in this debate, well-known acolytes of the Treasurer, Mr Costello. They are very ambitious. They want to get promoted to the front bench along with a couple of others.

The ACTING DEPUTY PRESIDENT (Senator Brandis)—Make your remarks through the chair, please, Senator Sherry.

Senator SHERRY—My remarks are through the chair and to the chair. You are one of those acolytes, Mr Acting Deputy President—

The ACTING DEPUTY PRESIDENT—Please do not reflect on the chair, Senator Sherry.

Senator SHERRY—who cannot wait for Mr Costello to challenge Mr Howard so they can move down to the front bench. I think it is very poor when the leadership at the top level of the Liberal government are taking their eyes off the ball; taking their eyes off fundamental tax reform, fairness and equity in our system; and are jostling to ensure that they get ministerial seats—in the case of Mr Costello, to be Prime Minister and, in the case of a number of other senators in this place, promotion when the Treasurer takes over, if he ever does. The response by the Treasurer, Mr Costello, required a little more than ridicule of one of his own colleagues. The simple fact is that when the Treasurer gets desperate he gets arrogant and out of touch because he is not interested in real tax reform.

The Labor Party believe we need to take an axe to the tax acts and that change needs to be made in respect of a whole range of issues to ensure that we get comprehensive reform. Senator Santoro alleges that at the last budget the Labor Party opposed the Lib-

eral government's tax cut of up to $6 a week for Australians earning less than about $63,000. The Labor Party put forward a positive alternative, as a responsible opposition should. We put forward and argued publicly for a positive alternative that would have doubled the tax cuts to the considerable majority of Australians earning less than $63,000. Rather than the $6 a week, we proposed some $12 a week. The Labor Party presented a positive alternative in that package, which was designed to raise participation rates and, with that, improve economic growth for the benefit of all Australians. At the same time, Labor's package would have been a considerable improvement for low- and middle-income earners.

You only have to look at the price of petrol at the moment. The up to $6 a week tax cut delivered by the Liberal government and the Treasurer, Mr Costello, has been wiped out by the increase in petrol prices. The price of petrol in my home city of Devonport is about 124c or 125c a litre. That means that their tax cut has been more than wiped out in one week by the increase in petrol prices. This is an example of the Liberal government getting out of touch with the Australian community—believing that a tax cut of up to $6 a week can offset those sorts of increases in prices that Australians are now paying in our community. It is time they ended their internal leadership and ministerial ambitions and refocused on the job. One of the tasks from a Labor point of view is to focus on fundamental, fair tax reform that would make a much better effort for low- and middle-income earners in particular and at the same time reward work and effort, increase participation in the labour force and lead to a stronger economy.

Senator FIFIELD (Victoria) (4.29 pm)—Cutting tax is a topic very dear to my heart, to Senator Ronaldson's heart, to Senator Colbeck's heart and to Senator Egglestone's heart—indeed, to the hearts of all coalition senators on this side of the chamber. Under the economic stewardship of the Treasurer, this government has developed a firm reputation for cutting tax and reforming the tax system. To paraphrase Jane Austen, it is a truth universally acknowledged that a coalition government in possession of a sound budget must be in want of a tax reform proposal. Debate about tax reform—

Senator Sherry—Jane Austen! Is that because you're too embarrassed to quote Malcolm Turnbull?

Senator FIFIELD—I realise Jane Austen is probably someone senators opposite have not actually read. Debate about tax reform is first and foremost something that serves to highlight this government's reputation in relation to tax. There is a bit of a tax debate happening at the moment. It is a debate that would not happen under a Labor government because no-one would seriously consider that a Labor government would be in the business of cutting taxes. This debate is happening because people think: 'Coalition government—tax cuts; coalition government—tax reform'. We have done it; people think it. That reputation is built on a very strong record of achievement. The coalition government will be recognised as one of the great tax-reforming governments in Australian history.

What is that record? In 2000, there was major structural reform to the tax system under the banner of A New Tax System. This government has more than returned the proceeds of bracket creep since its election in 1996. The proposal is sometimes put forward that thresholds should be indexed for income tax. If that is all that this government had done then Australian taxpayers would be paying more in tax today than they are paying as a result of the tax cuts we have introduced. I think indexing thresholds might in a

way actually take pressure off governments, because governments would think: 'The thresholds have been indexed; that is all we have to do.' In the current situation, the pressure is always on governments to further cut tax, and I think that is a good thing. This government has also, despite what Senator Sherry said, reduced the tax-to-GDP ratio since we were elected in 1996.

Senator Sherry—Excluding the GST.

Senator FIFIELD—Excluding the GST—absolutely, excluding the GST, because every single cent of the GST goes to state governments. It is pretty obvious why it is not included. This government has also introduced four rounds of personal income tax cuts, with a fifth to be introduced from 1 July next year. We have cut company tax twice, from 36 per cent to 33 per cent and then to 30 per cent. This government has also halved capital gains tax, funded the abolition of FID and BAD, and undertaken a range of measures to crack down on tax avoidance. This government has also forced the state and territory Labor governments to honour their agreement, as part of A New Tax System, to further reduce their indirect taxes. They had to be dragged kicking and screaming to do it, but they have done that. No government can match this government's record on personal income tax. We cut it in 2000, 2003, 2004 and 2005, and we will cut it again on 1 July 2006.

Those achievements in cutting tax are all the more remarkable given that this government inherited a $96 billion debt from the ALP. The tax cutting record is all the more remarkable again when you consider that Labor opposed every single savings measure designed to bring the budget into balance. It is even more remarkable again when you consider that Labor opposed the tax cuts in the A New Tax System and the bulk of the tax cuts that have been introduced since then. Labor argued for cutting taxes and their plan for cutting taxes is: 'Firstly, we will give you a $96 billion bill. Secondly, we will oppose every measure to bring the budget into balance. Thirdly, we will oppose the tax cuts that you propose.' It is a strange old way to go about supporting tax cuts.

As this is a motion from the Australian Democrats, it would be remiss of me not to acknowledge the contribution to tax reform of the Australian Democrats, particularly that of Senator Murray. There are two types of non-government parties in this chamber. Let us take the ALP as an example of one of those types—one party in this chamber which is mindlessly opportunistic, carping and negative and which always puts partisan politics ahead of the national interest. There is another sort of non-government party in this chamber, and let us take the Australian Democrats as an example of that type of non-government party. They do not always agree with the government but they are prepared to take a constructive approach, a positive approach, and they are prepared to sit down and negotiate. I pay tribute to Senator Murray for his role in negotiating the package of A New Tax System through this chamber. It would not have happened without him. Senator Murray, it might not go well with you in all quarters, but you must be acknowledged as a genuine tax cutter, so we are very pleased that you are here to make a constructive contribution in this chamber.

I turn now to Labor's record. Recently, we have witnessed the truly bizarre spectacle of Labor members and senators tripping over each other at doorstops and elbowing each other out of the way to submit opinion pieces about cutting tax and about how the top marginal rate should be reduced. It is bizarre because, rewinding to budget night 2005—10 May, less than four months ago—the shadow Treasurer, Mr Swan, declared that the ALP would oppose the tax cuts. So on

budget night the ALP were against tax cuts; today, they are for tax cuts.

To the utter disbelief of senators on this side of the chamber, the ALP also declared that they would disallow the 2005 tax schedules, which, as we recall, threw the tax commissioner and business groups into confusion. I well remember the tax commissioner's response. He was subjected to questioning by Senator Conroy in a Senate estimates committee, and Senator Conroy was endeavouring to assert that it was actually the tax office's and the tax commissioner's fault that there was uncertainty over the 2005 tax cuts. The tax commissioner responded to Senator Conroy at some stage by saying, 'I think I am in a parallel universe.' It was not the tax commissioner who was in a parallel universe—it was the Australian Labor Party. That parallel universe is one in which the Labor Party before the budget were saying that this is a high taxing, high spending government and taxes should be cut, but when budget night came they were against tax cuts. Today, they are for tax cuts. Labor will support any tax cut, as long as it is one that is not actually before this parliament. They support every tax cut in theory. When it actually comes to putting a tax cut proposal to this chamber, the ALP will oppose it every time. That is the parallel universe in which the Australian Labor Party live.

This government has established a number of budget tax principles. The first, which was established as part of the A New Tax System, is that 80 per cent of taxpayers should be on a top rate of 30 per cent or less. That was established in the 2000 tax system and it is something that was maintained in the most recent budget. Another principle is that only three per cent of taxpayers should be on the top marginal rate. But the overarching principle that this government has established is that, once a government has paid for health, paid for schools, paid for national security and paid down debt, if there is money left over then that will go to tax cuts. It is what this government has done. It is what this government will continue to do.

Senator BOB BROWN (Tasmania) (4.37 pm)—The Greens take a different view. We have just heard from the government a speech peppered with the term 'tax cuts' and the implication that the rich in Australia should pay less tax. Let us look a little wider than that, at the world in which we live, because that is a formula for moving us closer to the United States paradigm.

Senator Ian Macdonald—And that would be a terrible thing!

Senator BOB BROWN—Senator Macdonald opposite said, 'That would be a good thing.'

Senator Ian Macdonald—No, I didn't. I said, 'That would be a terrible thing,' but I did say it facetiously.

Senator BOB BROWN—He said 'it would be terrible' facetiously—that is, it would be a good thing. But let us look at the current horrific results of Hurricane Katrina in the gulf states of the US, where potentially thousands are dead because they could not flee when the President said, 'Leave; Hurricane Katrina is going to be devastating.' Why couldn't they leave? Simply because they were not mobile; they were poor. The vast majority were black, and they were at the wrong end of a country which has for a long time been obsessed with the government's need to cut taxes.

Senator Sherry—Cut taxes to the rich.

Senator BOB BROWN—Yes, that is right, Senator. One of the things the Greens will be pursuing as this debate unfolds—because I note that here in Australia the argument has been put that the richest avoid taxes anyway; they do it through their companies and they come out at the corporate tax

rate—is that the rich do not pay the income tax rates that the rest of us pay. Why not? Why should we have smart operators, millionaires and billionaires, not only taking their money out of the country to avoid taxes but also using the laws in this country to escape their obligation to help pay for all the things that government pays for, including education, health, fast and efficient public transport and, of course, looking after the environment? We will centre this debate back on the wider issue of the responsibility of government and the responsibility of the rich to pay proportionately for the nation's future welfare. The mantra of 'tax cuts' which is currently driving this debate is shallow. It is selfish. It is not serving the nation's interests; it is serving the interests of the already rich in our country.

Senator Ian Macdonald—Pretty democratic too.

Senator BOB BROWN—'Very democratic,' says the government minister opposite; how wrong he is. *(Time expired)*

Senator STEPHENS (New South Wales) (4.40 pm)—Labor are very sympathetic to Senator Murray's motion and recognise the great tax inequities that we have within our tax system at the moment. We believe that real tax reform must promote equity and labour market participation. Senator Murray participated in the Senate Economics References Committee inquiry into the structure and distributive effects of the Australian taxation system which reported in the last parliamentary session, and I wish that Senator Fifield had participated in those hearings, because his remarks today, which were so disingenuous, were really an insult to the evidence that the Senate committee received.

In terms of his comments and comments by other members of the government about Labor's tax proposal: at the time of the last budget, Labor responded to the government's latest round of tax cuts with genuine proposals that would have delivered tax cuts and improved participation in the labour market. The package was designed to raise participation rates and, with that, improve economic growth for the benefit of all Australians. At the same time, Labor's package was a boon for low- and middle-income earners. In fact, the Melbourne Institute analysed the government's and the ALP's tax packages and found that Labor's package would deliver more tax relief for all but the highest income families and—wait for this—encourage 75 per cent more Australians into the labour market. That is right: 75 per cent more Australians—78,000 in total, many from welfare into work. Labor have consistently said that our package offered more incentive for low-income earners to move into the labour market, and there is the proof.

The Melbourne Institute estimated that 78,609 individuals would be encouraged to enter the labour market under Labor's proposal—75 per cent more than the 45,000-odd under the government's proposal. If you break that down even further, that means 121 per cent more single men, 81 per cent more sole parents, 76 per cent more women in couple families, 68 per cent more single women and 46 per cent more men in couple families. So the government opposed Labor's proposal to actually help 81 per cent more sole parents and a massive 121 per cent more single men into the labour force.

The Melbourne Institute's analysis also showed almost a doubling in the increase in the average hours worked under Labor's package compared to the government's. So Labor's proposal would have doubled the increase in average hours worked. And the Melbourne Institute's analysis was done for the 2006 year, when Labor's low-income and welfare-to-work tax offset would still be $130 a year short of its full $680 value. One can only imagine the ongoing improvements

in labour supply as the low-income and welfare-to-work tax offset was further phased up. And there would have been big dividends, according to the Melbourne Institute—savings of $1.3 billion per year in Labor's proposal, from social security and tax revenues.

The Melbourne Institute's analysis also showed that Labor's package was affordable. With the inclusion of the savings from the superannuation surcharge it came in at roughly the same cost as the government's proposition across the four-year forward estimates period. Indeed, with behavioural savings, it may in the long term have resulted in an even stronger budget position than the government's. So Labor's package would have delivered more tax relief, better participation rates and a stronger budget, and the coalition had no rational or credible reason to oppose it. It was not really a rational or credible opposition at all.

Thinking now about the distributional effects of that package—and it is important to get them on the record, considering the contribution that we have had today—it is clear that the overwhelming majority of families and singles would have been better off under Labor's proposal. The proposal would have resulted in higher average gains for each income decile except for the highest. Even there the difference would have been just $1.30 per week, according to the Melbourne Institute.

Looking closer at the analysis, it is clear that even the majority of those in the top income decile would have been better off under Labor with a medium gain under Labor of $39 a week compared to $35 a week under the government. Why is this so? It is because the high-income households often have second earners who have lower average personal incomes, and these individuals would have done much better under Labor's plan, leaving the household, in net terms, better off. So all but the very highest income households would have done better under Labor. Labor's own analysis confirms this with an estimated 97 per cent of taxpaying households doing better under Labor than under the government.

As I said before, Labor believes in structural tax reform but the keys to that reform are participation and equity, and the Australian tax system needs reform up and down the scale, not just at the top end of the margin. We need more tax reform right throughout the system. As Senator Sherry remarked earlier, we have the highest taxing government in Australia's history and marginal tax rates are still too high for just about everyone but especially for low- and middle-income earners, who are having most, if not all, of their hard-earned pay rises and overtime clawed back in tax and reduced transfers. While all of the evidence was given to the Senate inquiry about effective marginal tax rates, it beggars belief that this government can consider that their tax package as it stands is satisfactory for Australia's community.

We need to know what incentives there are for employees to upgrade their education and skills or adopt more efficient work practices if the rewards of higher wages and bonuses never reach their pockets. Malcolm Turnbull's package, which we saw last week and which was quite an interesting contribution to the debate, was met with such derision by so many people on the government's side of politics, his own side of politics. The comments about the package were that it was 'slick' and 'of no substance'. Malcolm Turnbull, to his credit, said at the time that one thing he had learnt over the years was that when you demean others you only diminish yourself. In fact, that is what we have seen, not just from the Treasurer but from several members of the government—that in

demeaning and belittling that contribution and stifling that debate, it really is about controlling the debate.

We need to consider that for this government there is no capacity for debate. This government is trying to control everything that goes on, including an extreme industrial relations agenda, a vendetta against university student associations and its 'sell at any price' attitude to Telstra. What this government does not want is any debate about the facts of the matter. As I said, Labor is very sympathetic to Senator Murray's motion and recognises the contribution that he is making to the tax reform debate.

Senator RONALDSON (Victoria) (4.49 pm)—I think that Senator Murray knew that these proceedings were not being broadcast this afternoon and he was hoping to slip something in so that no-one would hear what he was saying. Senator Fifield referred to the Greens, the Labor Party, the coalition and the Democrats. I actually give Senator Murray a bit more credit than that. I think there are the Democrats and then there is Senator Murray, because the Democrats themselves, of course, have had no input at all into taxation reform over the past decade.

We have heard two speeches from the Labor Party—one from Senator Sherry and one from Senator Stephens. I would assume that they will both be extraordinarily embarrassed when they read their comments. Senator Sherry parades around this chamber as a senior member of the Labor Party frontbench. I will tell you what he said about tax reform in his 15-minute contribution. His sole contribution to tax reform in this chamber this afternoon was two words: structural reform. That is the only thing he could talk about this afternoon in 15 minutes. The Labor Party stands for nothing.

I was fortunate to read an article in the *Bulletin* the other day entitled 'Dog days' by John Lyons. I would like to read a little bit about someone who is suffering from very significant relevance deprivation, the Leader of the Opposition. The article read:

> He once derided Beazley—

this is Keating—

> to the then sports minister John Brown. Beazley was minister for communications. Keating told Brown: 'There are four dinosaurs in Australia—Qantas, Australia Post, the ABC and Kim Beazley—and the fourth dinosaur is in charge of the other three.'

The dinosaur is in charge of Labor Party tax reform. I was very interested to hear Senator Sherry talk before about income tax cuts for high-income earners and say what a dreadful thing that will be. Is he aware—clearly not—that on the Ray Hadley show on 2GB on 26 August 2005 his leader said that taxes are too high across the board? In other words, Senator Sherry, your leader is saying that the people you are referring to as not needing a tax cut—high-income earners—are going to get one under the Labor Party. So either you need to check with your leader, the dinosaur, to see what your policy is or you need to go out and write your own manual for it.

I am disappointed that Senator Murray said that this government has been tinkering, not reforming.

Senator Murray—I said that was the perception.

Senator RONALDSON—I apologise. I was going to take him to task over that. For those who might have that perception, I will go through some of the matters that this government has addressed. Recent modelling shows that double-income couples with two children have to earn $48,000 a year before they pay any income tax, after accounting for family and other benefits. The benefits mean the point at which families pay tax will have risen from $33,000 when John Howard took power in 1996 to $45,000 by next year. It is a

rise of one-third, an official Treasury report has found. For example, the introduction of family benefits for stay-at-home mothers, combined with tax cuts, has helped raise the real after-tax-and-benefit income of single-income families by between 28 and 30 per cent. These changes mean that dual-income couples with children and with incomes of more than $104,000 are 24 per cent better off.

This government's tax and benefit system is family friendly, with large families able to earn more before they pay tax. Fifty-nine per cent of couples with three or more children under 16 pay no net tax. Sole parents are the most likely to be receiving more in benefits than they pay in tax, with 82 per cent in this group. This is fewer than 10 years ago, with an increasing number of sole parents now in the work force. For those single parents that do get more in benefits than they pay in tax, the average gap is $385 a week—a 17 per cent increase over the past 10 years. I reiterate: if the threshold for the top marginal rate had been indexed to inflation since 1996, on 1 July 2006 it would have stood at below $64,000. Under this government's measures, it will stand at $125,000 from next year.

With the greatest respect to Senator Murray, he has missed a great truism of tax: it cannot be cut for those who do not currently pay it. One of the great legacies that this government has left and will continue to leave is that we have undertaken structural tax reform to deliver to Australian families enormous financial benefits. There was one group in this country that was, quite frankly, being screwed by our tax system, and that was families. I know Senator Parry, who is in the chamber this afternoon, is absolutely passionate about this. This government has worked very hard to ensure the right of families to a reasonable return of their dollars back into their pockets. This government has achieved that.

The government have said all the way along that, if we can afford tax cuts, we will make them. If making more tax cuts is economically responsible, this government will give the Australian people more tax cuts. But the only contribution of the Australian Labor Party to the tax debate in this country this year has been to oppose $22 billion worth of tax cuts to Australians. The Labor Party are totally irrelevant. They have no contribution, as evidenced again by Senator Sherry today, whose sole contribution was two words: structural reform. They have no plan. They are irrelevant. They are sitting where they are and they will continue to sit where they are because they have no alternative plan.

Question put:

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

The Senate divided. [5.00 pm]

(The Deputy President—Senator JJ Hogg)

Ayes……	31
Noes……	34
Majority……	3

AYES

Allison, L.F.	Bartlett, A.J.J.
Bishop, T.M.	Brown, B.J.
Brown, C.L.	Campbell, G.
Carr, K.J.	Conroy, S.M.
Faulkner, J.P.	Forshaw, M.G.
Hogg, J.J.	Hurley, A.
Hutchins, S.P.	Kirk, L.
Ludwig, J.W.	Marshall, G.
McEwen, A.	Milne, C.
Moore, C.	Murray, A.J.M.
Nettle, K.	O'Brien, K.W.K.
Polley, H.	Sherry, N.J.
Siewert, R.	Stephens, U.
Sterle, G.	Stott Despoja, N.
Webber, R. *	Wong, P.
Wortley, D.	

NOES

Abetz, E.	Adams, J.
Barnett, G.	Boswell, R.L.D.
Brandis, G.H.	Chapman, H.G.P.

Colbeck, R.	Eggleston, A. *
Ellison, C.M.	Ferguson, A.B.
Ferris, J.M.	Fierravanti-Wells, C.
Fifield, M.P.	Heffernan, W.
Humphries, G.	Johnston, D.
Joyce, B.	Kemp, C.R.
Lightfoot, P.R.	Macdonald, I.
Macdonald, J.A.L.	Mason, B.J.
McGauran, J.J.J.	Minchin, N.H.
Nash, F.	Parry, S.
Payne, M.A.	Ronaldson, M.
Santoro, S.	Scullion, N.G.
Troeth, J.M.	Trood, R.
Vanstone, A.E.	Watson, J.O.W.

PAIRS

Crossin, P.M.	Coonan, H.L.
Evans, C.V.	Hill, R.M.
Lundy, K.A.	Patterson, K.C.
McLucas, J.E.	Calvert, P.H.
Ray, R.F.	Campbell, I.G.

* denotes teller

Question negatived.

AUDITOR-GENERAL'S REPORTS

Reports Nos 7 and 8 of 2005-06

The ACTING DEPUTY PRESIDENT (Senator Marshall)—Pursuant to standing order 166, I present the following reports of the Auditor-General which were presented to a temporary chair of committees since the Senate last sat. In accordance with the terms of the standing order, the publication of the documents was authorised.

The list read as follows—

Report no. 7 of 2005-2006—*Regulation by the Office of the Gene Technology Regulator—Department of Health and Ageing* (received 25 August 2005)

Report no. 8 of 2005-2006—*Management of the Personnel Management Key Solution (PMKeyS) Implementation Project—Department of Defence* (received 26 August 2005)

Senator MARK BISHOP (Western Australia) (5.04 pm)—by leave—I move:

That the Senate take note of report no. 8.

The Auditor-General's *Report no. 8 of 2005-2006: Management of the Personnel Management Key Solution (PMKeyS) Implementation Project*—tabled out of sitting last week and, since being tabled, referred to in the press on a number of occasions—is yet another example of the Howard government's failure to properly manage the budget of the Department of Defence. Back in 1997, the Defence Efficiency Review recommended the building of a new integrated personnel management system. That review was undertaken by SMS Consulting Group Pty Ltd.

Prior to the review, Defence operated a number of purpose-built human resource legacy systems. The new system was expected to provide personnel management to Defence in the areas of administration and leave, development and training, career management and work force planning and recruitment—all of the typical functions required to be undertaken by a large organisation like Defence and looked after, usually by human resources departments, within major organisations around Australia.

It was hoped that this new system would allow Defence to do everything with it that a modern personnel system in a major organisation outside of Defence can and should do. It was hoped that it would pay salaries and allowances, maintain leave records, and record and track training and promotions—typical personnel management functions. It was, of course, a worthwhile proposal but also quite an ambitious one, as many complex new IT systems turn out to be.

The implementation of the PMKeyS project was to occur from 1997, with the delivery of outcomes by June 2000. The Auditor's report found that the PMKeyS project was racked with cost blow-outs and mismanagement from its inception. Firstly, at $25 million, the PMKeyS system met Defence's own criteria for classification as a major capital

equipment project. As such, it should have been subject to rigorous internal scrutiny and approval processes. It was not. That was failure No. 1.

Secondly, after seven years, the project exceeded its notional budget of $25 million by—believe it or not—the figure of $38.4 million. That was an increase of more than 50 per cent. Hence, the PMKeyS cost grew to a total of $63.4 million. There were, of course, other costs, including $26.3 million being spent on infrastructure and hardware. A further $41.2 million was spent on production and support costs. We are now informed by the Auditor's report that total project costs now stand at $131 million. The source of those additional funds has not been identified. We can assume though that they came from other areas for which priorities for implementation were either totally abandoned or delayed.

There are many questions arising out of the Auditor's report which need answering, as there are with many other accounting problems found by the Auditor-General this year and released in a series of reports over the last few months. These include the audit of an $8 billion so-called black hole in last year's annual accounts and the inability to accurately establish leave liability, which flowed directly from the PMKeyS failure. In that same context, the failure to reconcile stores and inventory was another IT systems failure. Remarkably, with respect to process, as I have mentioned, internal approvals were neither sought by Defence nor given by the responsible senior agency, nor, I am sad to say, was the process approved by cabinet as it should have been. That did not just include the original $25 million budget but the $26 million for infrastructure and the $41 million for production and support.

Failures in the implementation also plagued this project. Following standard practices, Defence appointed a project manager for the introduction of the new system prior to funding approval. The role of the project manager is to coordinate the system development, including the consultants engaged to do the work. The consultants selected to do this work were from the SMS Consultancy Group Pty Ltd, at a remarkable fee of $1.22 million. The final price was $15.76 million, no doubt explained in part by a delay in phase 1 of some 39 weeks. Phase 2 was delayed by almost 18 months. During this phase, responsibility rested solely with the consultants. The Defence project manager position to manage the job remained vacant. Moreover—and, again, remarkably—the consultancy was not for a fixed price; it was what is known in jargon as a 'time and material contract'—that is, the consultants had a seemingly unlimited long straw into the Defence budget. What is worse, the outcomes were negligible. This project closed in December 2002 with no major outcomes delivered under phases 3 and 4.

ANAO found there were no reliable financial records and documentation at the initial planning stages. It found that alternative options were not properly canvassed or examined. There was no transparency or accountability in the process. As a result, valuable resources were mismanaged and wasted. At times, the software vendor and training contractor were operating for extended periods without contractual coverage. System roll-outs were inappropriately timed. This in turn led to increased costs in the maintenance of dual systems by the Navy, Army and civilian agencies. In some cases, costs were approved retrospectively.

In effect, Defence did not get quotes for the work that it required to be done. It was a blank-cheque approach right from the very beginning of the project. This litany of mismanagement continued over the life of the

project. There was no structured process of management review during each phase of the project. The ANAO report found that the cost of training staff that would use the system was also underestimated. Training for end-users had an original estimate of $350,000. That has now reached $4.79 million.

There are reasons given for cost blow-outs in this area. One is that it took four years after phase 1 of the PMKeyS roll-out for a central training authority to be established. In some cases, training was done so far in advance that, by the time the system rolled out, it was of little use. In summary, this has been another disastrous project. Costs blew out by 425 per cent. Less than half of the functionality was delivered. The consultants made 10 times what they bid, and there is still more to be spent. Years of development remain, and probably tens of millions of additional dollars will be needed. Savings of $100 million per annum will obviously never be made.

Beneath this are no doubt many other tales of woe. We are grateful for this report from the Australian National Audit Office, though what comes of it is another thing. Perhaps the minister might in due course give the Senate a formal explanation, including what accountability has been enforced internally. The real question though is: behind all the smoke and mirrors of the new DMO, is there any prospect that these disasters will cease? In the light of history, I suggest that there is little cause for optimism on that score.

Senator BARTLETT (Queensland) (5.14 pm)—I would like to speak briefly on Auditor-General's report No. 8 *Management of the personnel Management Key Solution (PMKeyS) Implementation Project—Department of Defence* as well. This report is another in what you might say is getting to be a long line of Audit Office reports about the activities of this government, which really give the lie to any claim that this government is a good financial manager. Clearly there are serious problems with the financial management capabilities in a range of departments. This one focuses on the Department of Defence and a new integrated personnel management system that was implemented. Defence seems to be the worst offender in relation to going over budget in a whole range of areas. But they are not the only offender and they are not the only repeat offender, and that is a serious problem. At a time when the federal government is insisting that it is essential to cut the incomes of sole parents and disabled people, they are wasting tens of millions of dollars, sometimes hundreds of millions, going over budget in a whole range of projects.

It is bad enough when we have proposals to cut the incomes of some of the poorest in the community but, when they are doing it at the same time as they are going massively over budget with some of these IT projects or other Defence projects, it is a serious problem. It compounds the original offence. The bigger question is: what will actually become of this? I draw the Senate's attention to a column yesterday in the Sunday *Canberra Times* by Paul Malone. He points to an Audit Office finding from a year ago with almost exactly the same findings in its examination of the implementation of the integrated assets and materials management system. That one went $30 million over budget, ran behind schedule and failed to deliver the promised outcomes, according to the article. On this occasion, it has gone $38 million over budget, failed to deliver its promised outcomes and was undertaken without proper cabinet approval. What sort of show are we running here?

Senator Chris Evans—It's a legacy program.

Senator BARTLETT—Senator Evans, who wants to speak on this, could claim far

more expertise than I could, but even from the limited amount of time I was able to spend on the Senate committees inquiring into the Defence Materiel Organisation—and senators know that, with the smaller number of senators, it is hard to find time to get into the detail—it was quite clear that there were significant, continual problems in Defence. We have seen that with the Joint Strike Fighter plane proposals. Before things are even off the blueprint stage and into production, we are already hearing of potential massive cost overruns, potential significant delays and all the further flow-on costs from having to keep other aircraft in operation for longer. This really gets to be a serious problem when it becomes a chronic repeat-offence situation. In that sense, Defence is a particular culprit.

I do take a bit of issue with what Mr Malone said in his article about Senator Vanstone. He said that at least when a problem became apparent Senator Vanstone acted by calling an inquiry, moving people on and those sorts of things. Without getting into a side debate about immigration policy—certainly, there was some action—I point to the immigration department's record as well with Audit Office reports. For example, there was a recent one tabled back in July about the contract arrangements for our detention centre management. Leaving aside whether or not you support mandatory detention, whatever your view on that policy issue, surely the minimum you would insist on if you are going to contract out the management and operation of our detention facilities is that the contract is a decent one giving value for money. The report found that the contract was appalling and had terrible mechanisms for reporting requirements and for assessing whether or not benchmarks were met. Therefore, it was almost certainly far more expensive than it needed to be. But the crunch was that it was not the first time that that had happened; it was the second or third audit report that had basically the same thing. The department had said: 'Yes, we accept the recommendations. That is good. We'll implement them.' But you get another report a year or two down the track with the same problems. I suggest that is the risk here, and that is certainly what Mr Malone suggests in his article.

Defence has said that they accept the recommendations. That is good. It is better than ignoring them or saying they oppose them, I suppose. But the question is: what real action happens after that—what real changes actually happen? This is happening far too often—in Defence, in particular, but not just in Defence—for it to be anything other than a serious problem. You cannot expect people in the community to make sacrifices in budget areas when you have repeat examples of tens of millions of dollars being wasted through going over budget, not delivering on outcomes and delaying implementation. Those sorts of things simply become unacceptable if they become repeat occurrences. It is unacceptable the first time around but, when it continues time and again, it really is time to raise some serious questions about the adequacy of the minister running the department and, frankly, the adequacy of the overall ability of the government to be financial managers. We can all have our different views about policy approaches, whether in defence, immigration or other areas, but if you cannot even get the financial management running properly, you are not even getting the policy delivered properly and you are not getting value for money for taxpayers.

With all the debate we are having about tax at the moment—who pays how much tax, the shadow-boxing with Mr Turnbull and Mr Costello and everybody else—there is not much point having a debate about how much tax people should pay if you cannot provide

a reasonable guarantee to them that that tax revenue is going to be properly spent. That is the serious problem that is apparent from this report and, more damningly, from a whole range of preceding reports. We need to see some signs that something is genuinely going to change this time. We do not want to see another report in 12 months time with another $30 million over budget, another 12-month delay in the project and failed procedures along the way.

Senator CHRIS EVANS (Western Australia—Leader of the Opposition in the Senate) (5.21 pm)—I also want to take note of Audit Report No. 8—not that I want to particularly add anything to what Senator Bishop and Senator Bartlett have covered; that is, the damning nature of the report and its importance for this parliament in the sense that it again details a significant failure on behalf of the government to manage Defence. This is mismanagement at its worst. This is an enormous failure. It is a huge cost to the taxpayer. Over $100 million that could have been used for good purpose has been totally wasted. The audit report does not pull any punches, and I again congratulate the Australian National Audit Office for its thoroughness.

I want to concentrate on what concerns me about this report, and that is that I think the parliament has been seriously misled. I asked questions about the PMKeyS project back in June to August 2002 because I had serving personnel contacting me saying that the whole new payroll system was a disaster, that it had been held up, that the thing could not be implemented, that they had been snowed as a result of the new PMKeyS project and that they were still being manually paid in many instances. As the then defence spokesman for the Labor Party, I followed that up and asked a range of questions at the budget estimates, where I got the traditional: 'There have been a few problems, Senator, but we have sorted all that through; don't you worry about that. It's new technology. It's all under control.'

I raised the concerns that had been raised directly with me by serving personnel and those concerns were largely dismissed, but I was assured that things were under control. Despite those assurances, it was then clear that the budget had blown out from $25 million to $77 million, that the project was two years behind schedule and that it had failed to deliver two of the four phases under the contract. Concerns had been raised about the project and those concerns were taken up at estimates and discussed in front of the minister, Senator Hill—who was at the table at the time of the estimates as the officials sought to reassure me that, despite the overrunning costs and the delay, it would all be okay.

I followed up the estimates process with a question on notice, in the *Hansard* dated 21 August 2002, in which I specifically sought a number of facts about the project, including the total direct and indirect cost of implementing PMKeyS—with indirect costs being those costs borne by the department as a result of the project, apart from the direct costs of consultants and staff training. Senator Bishop made what I thought was a telling point: those costs obviously have to come from somewhere. They are met by the department and are taken away from other projects and other Defence needs. In his response, the Minister for Defence stated:

- the total direct cost of implementing the project is likely to be $74 million; and
- the total indirect cost of implementing the project is likely to be $3.3 million.

So it was $3.3 million in indirect costs—for a total of $77 million all up. Of course, the Audit Office found that they were dealing with a very different project to the one being described by Defence. The Audit Office

found that, far from costing us $77 million, it cost $158 million—the cost was doubled.

One might say, 'For Defence, that's not bad, because that is about what normally happens—think of a figure and double it.' They were not that far off compared with some of the other estimates. In relation to the specific indirect costs question, in August 2002, the minister, Senator Hill—this is not a legacy project, this is not somebody else's problem; this belongs to Senator Hill, Leader of the Government in the Senate and Minister for Defence—assured me in writing, signed off, that indirect costs would total $3.3 million. But we now find that those costs were $88.9 million. They did not miss by much! In fact, at the time that I was given the answer, indirect costs totalled $24 million.

At the time that they wrote that the indirect costs were $3.3 million and their reply was entered into the *Hansard* those costs were, according to the Audit Office, already $24 million. They knew at that time, in July 2002, that the figure was $24 million—that it had blown out beyond the $3.3 million to $24 million. So they knew then that the figure they gave me was wrong. We now know that, by June 2004, that cost had reached $88.9 million. There was an estimate of $3 million and the total was $88 million. It is a pretty big miss, is it not—even by Defence standards? Even by the Howard government's mismanagement standards, it is a pretty damn big miss—$3 million to $88.9 million.

At the time the minister signed off on the letter the Audit Office said that the government had already spent $24 million of it. So it was not as though they had got the projections wrong or that they had somehow just blundered—'We thought it would be $3 million but it is really closer to $90 million; sorry'; they had already spent $24 million. At the time they assured this parliament that the indirect costs of the project would amount to $3.3 million, they had already spent $24 million.

Is this high incompetence or is this misleading the parliament? It has to be one or the other. Was the Senate lied to? Was an incorrect answer provided to the Senate through the question on notice? Or are they so incompetent that they did not even know that they had already spent $24 million of taxpayers' money on a project estimated to cost $3.3 million—which eventually ended up costing $88 million? In what other walk of life, in what other organisation, would someone get away with this? In any other walk of life, in any other organisation or in any other employment area someone would have lost their job—someone would take responsibility when something costs $88.9 million rather than $3 million. It is pretty staggering. As I say, you allow for a bit of slippage in Defence contracts, but I think going from $3 million to $88.9 million sets a new record. I have not worked out the percentage increase—because the number is too big—but it is a huge blow-out.

As I said, at the time I asked the question, they had already spent $24 million on indirect costs of the project, and they told me the total would be $3 million. Either I have been taken for a mug and lied to and the parliament has been misled or the place is so shambolic, so badly run by Senator Hill, that they are just totally out of control—and certainly if you read the audit report, there is a lot of support for that second proposition.

What I want to take up today is not only that this is another shambles in terms of the administration of Defence but also the fact that Senator Hill provided an answer to me that was clearly wrong. The Audit Office found that the Senate had been misled. I want to know whether we were lied to,

whether we were deliberately misled or whether his administration of the department is so bad and so incompetent that someone can provide an answer that says, 'We're going to spend a total of $3 million,' yet they had already spent $24 million and just happened to lose $21 million somewhere along the way. The fact that it ended up costing $90 million all up is, of course, by the by. But $21 million had already been spent and he did not know about it.

Senator Hill has been very keen to talk about legacy projects since he came to the defence portfolio—that is, 'The project is somebody else's problem. He's not here anymore and it is not my fault.' Everything that happened was a legacy project. Senator Hill, this is not a legacy project; this is your baby. You approved the second stages. You provided these answers. You are the one who took responsibility for this formerly. Where are you today? You are not here and you have not responded to the Audit Office report. The taxpayers of Australia are just supposed to accept that this sort of massive incompetence is okay. No-one is accountable—we know that with regard to Senator Vanstone. No minister is accountable. I would only be wasting my breath talking about ministerial accountability. That is not something that is even paid lip-service under the Howard government.

Surely someone should take responsibility for this massive waste of taxpayers' money. Surely someone ought to explain why the Audit Office found that the information supplied to the parliament was wrong. Surely someone ought to explain why the taxpayers of this country have been bled dry by the management failures of senior ministers in this government. When Mr Hockey was faced with a similar thing in the Human Services portfolio the other day, he said, 'Someone ought to be sacked.' What did Senator Hill say? 'Oh well, it is just another Defence stuff-up. Why worry?' He does not even come into the Senate to explain. This is clearly not acceptable. It is mismanagement on a terrible scale. *(Time expired)*

Senator HUTCHINS (New South Wales) (5.31 pm)—I too want to make a contribution this afternoon concerning the Auditor-General's report No. 8 before the Senate. The PMKeyS was originally meant to be a one-stop shop for ADF and the Department of Defence personnel. It was to cover pay, leave entitlements and sick leave as well as other personnel management issues such as records and the like. In the past, the ADF had used a number of disparate systems to manage these employees' entitlements. The difficulty was that these systems did not talk to each other. I suppose it is a bit like the Prime Minister and the Treasurer: they do not talk to each other.

However, the Audit Office noted in its report that the project suffered 'extreme slippage'. Let me outline what the ANAO means by extreme slippage. The first phase of the project was almost a year late. The delivery of the second phase components was rolled out between 75 and 158 weeks late. The major outcomes of phases 3 and 4 have not yet been delivered. The savings for the project were slated to be just under $100 million. Because these components have failed to be delivered, Defence now needs to maintain the legacy payroll systems for an additional five years at a cost of $105 million.

We now know that Defence is spending around $131 million in order to save $100 million—but you then need to add in additional costs. Let me repeat that because in the chamber this afternoon we are graced with the presence of a former Assistant Treasurer, Senator Kemp—I am not sure that even he would have made such a horrendous mistake when he was in that deputy role: Defence is spending $131 million in order to save $100

million. That is a commendable action if you can get away with it. Wouldn't you want to be servicing PMKeyS or one of those companies that has such a contract? When they see someone from Defence or the federal government walking in their front door, they must see dollar signs. Why doesn't the government just bring out a blank cheque and let the company sign where they like!

We are supposed to be somehow impressed that the government are competent economic managers. Not even the many thousands of voluntary organisations around our country would get away with something like that—that is, say, spending $131 to save $100. Yet we have that at the moment in the Department of Defence. They should be ashamed of what they have presided over. I am not aware of a ministerial response to this report. All we have from the coalition is stony silence. Not one word has been uttered from them up to this stage. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

DOCUMENTS

Responses to Resolutions of the Senate

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

(a) from the Ambassador of Japan (Hideaki Ueda) to a resolution of the Senate of 11 August 2005 concerning nuclear weapons; and

(b) from the Premier of Queensland (Mr Beattie) to a resolution of the Senate of 15 June 2005 concerning tobacco policy.

Disclosure of Evidence and Documents

The ACTING DEPUTY PRESIDENT (Senator Marshall)—I present a report under standing order 37(3) on access to documents of the Joint Committee on the Broadcasting of Parliamentary Proceedings and the then Joint Committee of Public Accounts.

Nuclear Waste Storage

The ACTING DEPUTY PRESIDENT (Senator Marshall)—I present a letter from the Speaker of the Legislative Assembly of the Northern Territory transmitting a resolution of the assembly relating to a nuclear waste site in the Northern Territory.

Senator MILNE (Tasmania) (5.36 pm)—I seek leave to move a motion in relation to the letter from the Speaker of the Legislative Assembly of the Northern Territory.

Leave granted.

Senator MILNE—I move:

That the Senate take note of the document.

I want to speak briefly on this matter this afternoon because I think it is critically important not only in relation to the issue of the nuclear waste dump but also in relation to how the government is behaving in its dealings with the Northern Territory. I will read the actual resolution that was passed in the Northern Territory to give a sense of just how important and how serious this matter is. The resolution is that:

(a) the Commonwealth government honour its election promise to not locate a nuclear waste dump in the Northern Territory;

(b) the Commonwealth government respects the sovereignty of the Northern Territory and this parliament and does not take advantage of the fact that we are a territory and not a state;

(c) the Commonwealth government respects the Northern Territory's legislation banning the transport and disposal of nuclear waste in the Territory;

(d) the Northern Territory members of the Commonwealth parliament stand up for the Territory and oppose the location of a nuclear waste dump in the Territory and, if necessary, cross the floor in parliament; and

(e) the Speaker forward the terms of this motion and associated debate to the President of the Senate and Speaker of the House of Representatives of the federal parliament.

It is very clear that the people of the Northern Territory do not want this nuclear waste dump that is being imposed upon them. In fact, they were promised that this would not be the case. They were promised by the Minister for the Environment and Heritage, Senator Ian Campbell. He told people in the Territory on 30 September last year that Northern Territorians could take as an absolute, categorical assurance that there would be no nuclear waste dump imposed on the Northern Territory. He has now had to eat his words, of course, in terms of the government's position. We now have a clear issue. The federal government has said: 'Right, that's it. You are going to have it in the Northern Territory, whether you like or not.'

The Prime Minister has said that the rights of the Territory will be no less respected than the rights of other parts of the country. The Prime Minister, John Howard, said that on 19 July 2004. And yet what is clearly happening is that the rights of Territorians are being less respected than the rights of those in other parts of the country. Look at what the government, the Prime Minister and the minister for the environment are saying to the Territory about the legislation that the Territory passed. The Territory clearly stated its position when it passed its Nuclear Waste Transport, Storage and Disposal (Prohibition) Act—it was a clear expression that the people of the Northern Territory do not want this waste dump in the Territory.

Since then, there have been numerous people lobbying the federal government in relation to this matter. There have been very clear statements in the Territory. Recently, on 31 August this year in Darwin there was a substantial community meeting. My colleague Senator Rachel Siewert went to that meeting. There a resolution was passed, which said: 'This meeting states its opposition to the siting of a nuclear waste dump in the Northern Territory, noting the broad community concern about the proposal, the lack of consultation with the Northern Territory community and the passage of the Nuclear Waste Transport, Storage and Disposal (Prohibition) Act 2004 by the Northern Territory Legislative Assembly.' It goes on to say: 'We call on the federal government to stand by the absolute categorical assurance given by the Minister for the Environment and Heritage, Senator Ian Campbell, and honour its election promise that a nuclear waste dump would not be built in the Northern Territory.' I think that it is incumbent upon the minister for the environment, Senator Campbell, to come into this house and explain to the people of the Northern Territory and to the Senate why it is that he could have so blatantly misled them last year. How could he have given people in the Northern Territory that assurance and now be turning around and looking the other way?

The tragedy for the people of the Northern Territory is twofold. First of all, it relates to their issue as Territorians of not being a state. Quite clearly, the Prime Minister and the government are saying to the people of the Northern Territory: 'We don't believe you should have the same rights as the other states and we're going to use Commonwealth powers to override anything you people in the Territory want to do.' This is from the very people who stand by the flag and invoke all the national symbols you like to try to suggest that they are indeed standing up for the country, when all their actions suggest that they coopt the national symbols in order to sell out the country. The people of the Northern Territory are being sold out by this government in its intent to override the decisions of the parliament of the Northern Territory, in order to create a nuclear waste dump.

The issue of the disposal of nuclear waste is at the crux of the whole nuclear issue. I will be speaking on that time and time again

as we get on in this argument about energy and how to deal with climate change. Nuclear power is not the answer to climate change, and nuclear weapons most certainly will never bring about peace. I think it is extraordinary that Brendan Nelson, on 15 July this year on ABC television, said: 'Why on earth can't people in the middle of nowhere have low-level and intermediate level waste? What is being proposed makes sense; it is in the national interest.' So says Minister Brendan Nelson. As far as he is concerned, people in the Northern Territory are 'in the middle of nowhere'. What sort of attitude does that convey about central Australia and about the Northern Territory? What it conveys is: 'Out of sight, out of mind.'

Minister Macfarlane, the Minister for Industry, Tourism and Resources, said recently that this low-level waste is treated in such a way and stored in such a way that it presents no danger to the environment or to the population around it. That is fine—then have it in the centre of Sydney or in Canberra, if that is what the minister thinks about nuclear waste. What it is demonstrating is a clear lack of understanding about nuclear waste. You cannot have a nuclear industry—a nuclear cycle—and not deal with the issue of waste. Whenever you come to deal with waste, you have to face the reality that you are dealing with intergenerational inequity and injustice. You are putting onto children and grandchildren, many generations down the line, the consequences of an inability to face facts about just how dangerous the nuclear industry is and how dangerous its waste is.

The people in the Northern Territory were told that there were no suitable sites in the Territory and that no nuclear dump would be put there. After Woomera was abandoned in favour of the Territory, suddenly they have come up with three possible sites: Fishers Ridge, in the vicinity of Katherine; Harts Range, 200 kilometres away from Alice Springs; and Mt Everard, which is about 42 kilometres north-west of Alice Springs. These are ridiculous propositions. They are opposed by people in the Territory, for very good reasons. Fishers Ridge, for example, is based on an aquifer. No-one who understands anything about nuclear waste would possibly put forward a proposition that you would consider putting a nuclear waste dump anywhere near an aquifer. But I think Minister Nelson's view is that it is out in the middle of nowhere and that it is low-level and intermediate level waste and therefore it is not a problem—out of sight, out of mind. The message is, 'We are much more interested in pushing for the development of a nuclear industry in Australia.'

This is not just about dealing with existing waste; it is also about the government's ambition to expand the nuclear industry in Australia from the mining of uranium through to the proposition that we have a nuclear power industry, and through to the proposition that we have an agreement to sell uranium to China. Where is the waste going to go from the Chinese experiment that the government is so gung-ho about? Is it going to poison the Chinese people for thousands of years or is there going to be some agreement to put it in Brendan Nelson's 'middle-of-nowhere' hole in the ground?

This bears serious consideration from an ecological point of view, from a justice point of view in terms of future generations, and from the point of view that this is a problem in Australia where a group of people who do not have the status of a state are being imposed upon by a bullying Commonwealth which has a much bigger agenda and chooses to trample the rights of people in the Northern Territory. That is a major issue that this Senate needs to face up to, and I think it is a big disappointment that the Minister for the Environment and Heritage, Senator Ian Campbell, has not yet come into this cham-

ber and has not yet explained himself. He is the minister who will oversee the EPBC Act. *(Time expired)*

Senator ALLISON (Victoria—Leader of the Australian Democrats) (5.46 pm)—I join my colleagues in condemning the proposal by the federal government to locate a nuclear waste dump in the Northern Territory. I offer the Northern Territory government all the support that we can provide in this respect. As has already been pointed out in this chamber and by the acting Chief Minister of the Northern Territory, Mr Stirling, this is a seriously broken promise. Before the last election, undertakings were given that there would be no waste dump in the Northern Territory. In fact, on 30 September last year, 10 days prior to the election, the Minister for the Environment and Heritage, Senator Ian Campbell, ruled out the Northern Territory, saying:

> Northern Territorians can take that as an absolute categorical assurance … We have decided to be very open and honest about where we want to pursue a waste dump.

Because there was opposition in South Australia because seats were on the line in the lower house, the government decided that this was getting altogether too hard; the opposition by the state parliament was too great, and so this ill-founded, absurd proposal was again put in the too-hard basket. Now we know that the government will take advantage of the 'special relationship' that the Commonwealth has with the territories and impose this dump on them whether they want it or not—and they do not.

The councils have opposed it, the pastoralists are very concerned about it, the residents around the proposed sites are concerned, and thousands of people, so far, have signed petitions. There have been public meetings. I was up in Darwin on Tuesday, and that evening there was to be a public meeting at which many people were expected to turn up and voice their opposition to this absurd proposal.

The reason I say it is an absurd proposal is because this is a very long way from the site of production. The one principle the Democrats argue should be applied here is that such waste—which is both dangerous to transport and dangerous to have in a location which is not constantly under surveillance—ought to be as close as possible to the site of production. There are a couple of reasons for doing that. The first is, as I have just mentioned, surveillance. There is none so determined that there will be no leakage from such dangerous material as those who live close to it. If there is constant surveillance and monitoring of any movement away from a storage site, they will be the first to know about it. Those people who live nearby will be made aware of that and something will be done.

However, the approach that has been taken by this government so far is: take it away as far as possible from cities. In other words, take it to Aboriginal land, because we know it does not matter. That is what happened at Maralinga. That is why we had the British tests there in the 1950s. It did not matter. It was the outback—a long way away from habitation. Indeed, it would have been very dangerous to be exploding atomic bombs close to Melbourne, Sydney, Canberra or anywhere else. But what happened was that the botched clean-up has seen highly dangerous plutonium buried by just a metre or so of ordinary soil. There was no proper containment and no proper storage system. At least if we keep even low-level waste in storage systems close to the site of production, we can be sure that the containment of it will be effective, because there is every reason to want this to be the case.

I think it is reasonable for there to be nuclear waste facilities in our cities. That is

where most of the waste is produced and that is where it is currently stored—and it is currently stored in very inadequate facilities. But there is absolutely no reason why there should be a national repository. There is no reason why the Northern Territory should take nuclear waste from Melbourne, from Victoria, from New South Wales, from Brisbane and from Perth. What is the argument for having a single repository, other than that it presumably reduces the number of states that would object to it?

Another good reason for having the waste close to the site of production is that those people who need to live with it would be very much aware that the processes, materials and whatever generates the waste would need to be minimised. We know that this is long-lived waste, intermediate-lived waste, or even short-lived waste. 'Short' in terms of radioactivity is much longer than a lifetime, of course. So the knowledge that this waste is intractable—that is, you cannot get rid of it, burn it, bury it or do anything to it other than encase it in something that will prevent leakage—means there is nothing you can do other than store it. In the United States it presents an enormous problem. They dig into mountains in order to find a place which will be politically acceptable, and there is very good reason why that is a very difficult problem to find a solution to.

Australia should not add to that. We should bite the bullet. We should say: 'Let's go for world's best practice in repositories. Let's make sure they are absolutely safe.' The government would tell us this is the case already and ask: 'Why are you objecting to this? Why should those Territorians worry about this? It's perfectly safe.' The standard response is: if it is perfectly safe, put it in your backyard. The solution to this problem is for each state to be provided with assistance by the Commonwealth to provide for its own waste. We should be ever reminded that the use of nuclear material will generate waste which is intractable—there is no question about that. It has already been pointed out that we should achieve Australia's moves to export five or six times—or whatever the level is—the current amount of uranium overseas to prop up our very serious balance of payments and our trade deficit problems by expanding uranium mining and that somehow this will solve those problems as well as facilitate a massive expansion into Asia of nuclear power.

Senator Milne has already mentioned the deal that is being done with China. Frankly, I think this is about Australia's new agreement with the Asia-Pacific countries, those countries that already take our uranium, such as the United States, and about encouraging Asia to expand its nuclear activity. We know that an expansion of nuclear activity would add to the risk of nuclear proliferation, more weapons, less emphasis on disarmament and less emphasis on what was signed off on some decades ago—that we would move towards total disarmament globally. That has not happened. The nonproliferation treaty review in New York in May this year failed because of countries like the United States that think they can keep buying uranium from anywhere, keep developing nuclear weapons and not get rid of the ones they have.

Australia needs to take a strong stand not just on what is fair and reasonable about storing our existing waste but on at least limiting, if not eliminating altogether, our export of uranium. Exporting uranium is not wise from any perspective, whether it is waste, nuclear proliferation or encouragement for countries to look outside the square, as it were, in terms of where energy should be derived from. Nuclear energy is not clean energy; it produces long-lived waste, it is highly problematic, it is very expensive and it is certainly not greenhouse friendly.

Australia's role should be to encourage solar and wind power. It should not be to encourage our neighbours to take up this very dangerous source of energy. It is a great disappointment that people like the minister for science are proposing this without concern for those issues. Let us keep the nuclear waste dump out of the Northern Territory. As an aside, as I understand it this site was not identified in the 10-year study that looked at the suitable sites around the country. It found plenty of them, but none of them has been as politically easy as, apparently, this one. It is nonsense to say it is geographically suitable. It is not the most suitable. *(Time expired)*

Question agreed to.

COMMITTEES

National Capital and External Territories Committee

Report: Government Response

Senator KEMP (Victoria—Minister for the Arts and Sport) (5.56 pm)—I present the government's response to the report of the Joint Standing Committee on the National Capital and External Territories entitled *Indian Ocean territories: Review of the annual reports of the Department of Transport and Regional Services and the Department of the Environment and Heritage* and I seek leave to incorporate the document in *Hansard*.

Leave granted.

The document read as follows—

INDIAN OCEAN TERRITORIES—REVIEW OF THE ANNUAL REPORTS OF THE DEPARTMENT OF TRANSPORT AND REGIONAL SERVICES AND THE DEPARTMENT OF THE ENVIRONMENT AND HERITAGE

Introduction

This response is tabled jointly by the Hon Jim Lloyd MP, Minister for Local Government, Territories and Roads and Senator the Hon Ian Campbell, Minister for the Environment and Heritage.

Background

The Australian Government, through the Department of Transport and Regional Services, provides a range of state government equivalent services to the communities of the Indian Ocean Territories. This happens because, under the existing governance regime for the Territories, there is no state government to do so. In addition, and due to the historical circumstances of the Indian Ocean Territories, the Department provides a number of services which are not normally provided by any level of government.

The Australian Government, through the Department of Transport and Regional Services, ensures that residents in the Indian Ocean Territories have the same rights and responsibilities as other Australians, comparable with other remote communities, even though delivery of state government and other services is not core Australian Government business.

The Australian Government believes that, in terms of overall governance and in being provided with the same rights and responsibilities as other Australians, the communities would be best served by being part of an existing state or territory. The Australian Government's ultimate aim is to incorporate the Territories into Western Australia.

The Australian Government is continuing the process commenced in the early 1990s of alignment of services with the standards in Western Australia and normalisation of administrative, legislative and institutional frameworks which apply in the Territories.

This will involve, at the national level, ongoing transfer of responsibilities from the Department of Transport and Regional Services to relevant Australian Government portfolio agencies for provision of their services directly to the Territories. At state and local government levels, alignment of services will require the refinement of service delivery mechanisms and outcomes as well as a broadening of service provision through the Service Delivery Arrangements with the Western Australian Government.

Historically, the governance arrangements in the Territories have reflected a somewhat colonial structure, with the Administrator of the Territories

responsible for providing a range of services to the communities with funding provided through the Department of Transport and Regional Services.

Recent changes in structure and funding arrangements are modernising the Australian Government's role, including:

- creation of an administered funding programme for the delivery of services to the Territories with the Minister as decision maker;
- changing the role of the Administrator from that of day-to-day operational oversight of services to being the Australian Government's representative in the Territories;
- transferring services delivery to more appropriate service providers.

At the same time the Australian Government is pursuing policies and initiatives which should assist in the long term economic development of the communities in the Indian Ocean Territories. For example the Australian Government has provided $2.5m for replacement of the obsolete analogue mobile phone system on Christmas Island.

On Christmas Island, the Australian Government is also constructing an Immigration Reception and Processing Centre which will provide a boost to economic activity through the construction phase as well as provide ongoing employment opportunities for the community. On Cocos (Keeling) Islands, the Australian Government is seeking expressions of market potential for the construction and operation of a tourist resort which would provide long term economic opportunities for the community.

The Islands' communities are able to access grants which are equivalent to those offered by the WA State Government as well as the full range of Commonwealth community based grant programmes.

JSC Recommendations	**Government Response**
Recommendation 1 That the Federal Minister with responsibility for the external territories refer for inquiry and report the governance arrangements of the Indian Ocean Territories to the Joint Standing Committee on the National Capital and External Territories.	Disagree. The ongoing governance of the non-self governing territories has been considered by the Australian Government in the light of previous inquiries by the Joint Standing Committee. The Government favours the long term incorporation of the Territories into an existing State or Territory with Western Australia being the most logical option. This would enable the Territories' communities to fully participate in state level democracy and enjoy the same rights and responsibilities as other Australians.
Recommendation 2 That the Federal Government provide ongoing funding for the additional services needed to provide for use of the Christmas Island Recreation Centre as an emergency management centre and negotiate the relevant service delivery arrangement with the Western Australian Government for the establishment of a volunteer marine rescue group.	Partially agree. The Australian Government and the CI Shire have reached agreement that ownership of the CI Recreation Centre will transfer to the Shire and this is currently being actioned. The CI community will need to consult Fire and Emergency Services in WA (FESA) and Emergency Management Australia (EMA) if there are plans to use the CI Recreation Centre as an emergency management centre. The community may apply for limited funding through the State type assistance scheme consistent with the arrangements that apply for other shires in WA. Negotiations by DOTARS Perth have commenced with FESA regarding the establishment of a volunteer marine rescue group for the IOTs similar to groups established on the mainland.

JSC Recommendations	Government Response
Recommendation 3 That the Federal Government continue to provide financial support for Christmas Island residents wishing to complete years 11 and 12 on the mainland.	Agree. Until such time as the complete range of Year 11 and 12 subjects is available at the Christmas Island District High School consistent with WA country high schools, the Australian Government will continue to provide a broad range of courses and air fare assistance for Christmas Island residents wishing to complete years 11 and 12 on mainland Australia.
Recommendation 4 That the Education Services for Overseas Students Act 2000 (Cth) be amended to include the Indian Ocean Territories (IOTs).	Noted—pending evaluation of ESOS Act. An independent evaluation of the ESOS Act is currently underway as legislated (section 176A). The evaluation is addressing five key areas: quality assurance; consumer protection; migration policy; joined up government; and administration. Whether to extend coverage of the ESOS Act to Christmas Island will be considered by the evaluation. Consulting with stakeholders is a key part of the evaluation and a call for submissions was advertised in the press on 14 August 2004. Face-to-face consultations with key stakeholders occurred during September and October 2004. Two stakeholders on Christmas Island, the Christmas Island Chamber of Commerce and the Christmas Island District High School, made submissions. An extensive final evaluation report was provided to the Department of Education, Science and Training (DEST) in February 2005. DEST is considering the report and will be providing advice to the Minister for Education, Science and Training in due course. The report recommendations will inform any amendments required to the ESOS legislative framework to ensure that it continues to support and protect Australia's international education export industry.
Recommendation 5 That the relevant Federal Government agencies—in collaboration with other relevant stakeholders on Christmas Island—undertake an assessment of the threat posed to the Island's ecology from introduced species and support the ongoing campaign to control the yellow crazyant problem.	Agree. The Department of the Environment and Heritage has undertaken an assessment of the risk posed to Christmas Island's ecology by weeds. Implementation of a crazy ant control program has commenced. The Department has also commenced preparation of an integrated invasive species assessment.

JSC Recommendations	Government Response
Recommendation 6 That the owner of Oceania House, the Cocos (Keeling) Islands Shire Council and other relevant parties, consider forming a legally binding agreement for the return of the Clunies-Ross busts and proclamation board for public display at Oceania House once restorations are complete. This agreement should include provisions to ensure public accessibility, security, maintenance and monitoring. In the interim, the Shire should make arrangements for the secure storage and preservation of these heritage items and consider how they may be displayed.	Agree. An agreement between the owner of Oceania House and the Australian Government was signed on 12 October 2004 regarding the Clunies-Ross busts and proclamation board at Oceania House. The agreement provides for public access, security, maintenance and monitoring of the items. The rest of the collection has been returned to Oceania House.
Recommendation 7 That the Commonwealth continue to consider ways of attracting suitable medical professionals to the Indian Ocean Territories, including special funding for Island residents undertaking relevant studies in health related professions, so they are encouraged to return to the Territories.	Agree. The Australian Government has implemented a number of changes to improve recruitment and retention of staff by the Indian Ocean Territories Health Service (IOTHS). These include offering conditions for nurses that are comparable to those in WA; restructuring of the executive to better support human resource management; and the secondment of a highly experienced officer to assume management responsibility for the IOTHS as well as commencement of discussions with the Health Department of WA to access increased support for the IOTHS. In addition, the Department of Transport and Regional Services is exploring mechanisms to support island residents to undertake study to assist them in obtaining employment as health professionals.
Recommendation 8 That an additional community nursing position responsible for aged care, child care and aspects of women's health be established in the Indian Ocean Territories.	Disagree. An additional community nursing position is not necessary at this time. The IOTHS has had a dedicated school/child health nurse in place since September 2003; this position is complemented by the work of another member of nursing staff. Aged care and women's health are also recognised as particularly important areas. The recently conducted Indian Ocean Territories Health and Community Services Needs Assessment has proposed strategies that may be useful and the IOTHS will be consulting with the community as part of its planning process over the coming months. Ensuring adequate and appropriate resources are directed to health promotion and disease prevention will be a key aim of the process.

JSC Recommendations	Government Response
Recommendation 9 That a formal process be established whereby representatives from the Christmas Island and Cocos (Keeling) Islands' Shires meet regularly with representatives from the Indian Ocean Territories Health Service and other relevant bodies to discuss public health issues and delineate responsibilities for dealing with them.	Partially Agree. On Christmas Island the Indian Ocean Territories Health Service has recently established a health user group forum as a formal avenue for communication between community representatives and the health service. A representative from the Shire of Christmas Island was invited to participate in the user group forum but declined. Members of the health service executive are working further to develop the group's positive role in health service development. Consideration is being given to arrangements for the Cocos (Keeling) Islands.
Recommendation 10 That, as a matter of urgency, the Federal Government undertake the construction of new port facilities in the Cocos (Keeling) Islands.	Agree. The Australian Government recognises the importance of improving the safety and efficiency of freight handling operations in the Cocos (Keeling) Islands. A recent tender process determined the preferred passenger transport option for Cocos (Keeling) Islands as a hovercraft operating between West and Home Islands. The hovercraft proposal is undergoing environmental assessment by the Department of the Environment and Heritage. Approval will remove the need for a combined passenger/freight facility. A concept for a freight only facility that will improve safety and efficiency of freight transfers, and cost significantly less than the previous combined proposal for Rumah Baru, has been prepared. More detailed design work is being undertaken to enable environmental assessment to proceed quickly should the hovercraft proposal obtain environmental approval.
Recommendation 11 That the Federal Government ensures the following: that a ferry service continue to operate between West Island and Home Island; and the abolition of fares for this service	Partially Agree. The Australian Government will continue to support a ferry service between Home Island and West Island in the Cocos (Keeling) Islands through the ongoing provision of a subsidy to a private sector operator. Throughout Australia, the travelling public is required to pay fares for the use of public transport. Ferry and bus fares were introduced in the Cocos (Keeling) Islands as part of the normalisation process. The levels of charges were established following consideration of a number of factors including the fares charged for similar services on the Australian mainland and the impact on the CKI community. The actual cost of ferrying each passenger across the lagoon on Cocos (Keeling) Islands is $17.00 each way, significantly more than the $2.00 currently charged.

JSC Recommendations	Government Response
Recommendation 12 That the Federal Government consult more fully with those affected by its policies of disposing of its properties before taking any further action to dispose of the properties.	Agree. In line with the policy of normalisation, the ownership of assets and property in the Indian Ocean Territories is being reviewed to align it with arrangements in comparable communities on the mainland. This involves identifying for divestment those Australian Government owned assets that are not necessary for the provision of government services and retaining those assets and property necessary for continuing services including 'welfare' housing. Disposal of surplus public housing is being undertaken in line with the policies of the WA Housing Authority, Homeswest. Tenants who meet Homeswest eligibility criteria have been given the opportunity to purchase surplus public housing. Consultation has occurred as part of the assessment of eligibility and will continue with relevant parties as the ownership of assets or properties is reviewed.
Recommendation 13 That the Federal Government negotiate with the Shire of Cocos (Keeling) Islands with respect to the transfer of utilities on which there is mutual agreement.	Agree. The Australian Government is negotiating with the Shire of Cocos (Keeling) Islands on the transfer of assets associated with Shire service provision responsibilities. The Shire has expressed interest in managing a broader range of services and the Government will consider its position on these services. In cases where the Government is not able to determine whether shire management would represent the best value-for-money provision mechanism, and decides to test the market, the Shire of Cocos (Keeling) Islands would be able to tender. Should its bid be sufficiently competitive the Government would initiate negotiations.
Recommendation 14 That the Department of Transport and Regional Services establish a part-time social worker position for the Cocos (Keeling) Islands.	Disagree. The Australian Government does not consider a full or part time social worker position for Cocos (Keeling) Islands is justified. The Community Services Officer on Cocos (Keeling) Islands reports to the Indian Oceans Territories' Social Worker domiciled on Christmas Island and the Australian Government will continue to fund this position. Either the Social Worker or the School Psychologist visits Cocos (Keeling) Island from Christmas Island once every six weeks. This arrangement is consistent with the recently completed "Planning Report" conducted by the WA Department of Community Development.
Recommendation 15 That the Federal Government exempt non-profit community groups from paying rent for Commonwealth facilities in the Indian Ocean Territories.	Disagree. In most comparable mainland communities, not-for-profit organisations would generally be required to pay rent for ongoing access to Australian Government owned properties. The Australian Government has, on a case-by-case basis, agreed to discounted rents for some not-for-profit organisations on Christmas Island.

JSC Recommendations	Government Response
Recommendation 16 That the Commonwealth arrange for a survey of the sporting and recreational needs of the Cocos (Keeling) Islands with a view to providing appropriate facilities in accessible locations.	Agree. The Australian Government acknowledges there is a need for recreational facilities on the Cocos (Keeling) Islands. A survey of sporting and recreational needs will be undertaken once a Service Delivery Arrangement is negotiated with the WA Department of Sport and Recreation.

Economics Legislation Committee

Additional Information

Senator FERRIS (South Australia) (5.56 pm)—On behalf of the Chair of the Economics Legislation Committee, Senator Brandis, I present additional information received by the committee on its inquiry into the Tax Laws Amendment (2005 Measures No. 1) Bill 2005.

ASIO, ASIS and DSD Committee

Report

Senator FERRIS (South Australia) (5.57 pm)—On behalf of Senator Ferguson and the Parliamentary Joint Committee on ASIO, ASIS and DSD, I present a report entitled *Review of the listing of four terrorist organisations* and seek leave to move a motion in relation to the report.

Leave granted.

Senator FERRIS—I move:

That the Senate take note of the report.

I seek leave to incorporate a tabling statement in *Hansard*.

Leave granted.

The statement read as follows—

In this report the Committee reviewed the re-listings of four proscribed terrorist organisations, namely:

- The Hizballah External Security Organisation;
- The Hamaz Izz al-Dine al-Qassam Brigades;
- Lashkar-e-Tayyiba; and
- The Palestinian Islamic Jihad.

Except for the Palestinian Islamic Jihad, which was proscribed under the Criminal Code in 2004, these organisations were initially listed as terrorist organisations by way of specific legislation in 2003. Subsection 102.1 (3) of the Code provides that these regulations cease to have effect after two years. However, section 102.1A states the Committee may review re-listings and report its findings and recommendations to the Parliament. The Attorney-General advised the Committee that he was seeking early re-listings for these organisations to ensure all regulations would begin and sunset at the same time. The Committee saw no problem with this and welcomed the Attorney-General's decision.

As in previous reports, the Committee reviewed both the procedures and merits of the listings. There is some minor comment on broader issues relating to the proscribing power, but this is a matter that the Committee will examine in detail in 2007.

As with previous reviews, the Committee took evidence from the Attorney-General's Department and ASIO and the Department of Foreign Affairs.

The consultation processes with the States and Territories continues to be rather cursory; however, only the ACT has responded to the Committee on these listings and they appear to seek additional notice of listings. The request made during the last review by the Premiers of New South Wales and Western Australia, that notification of a listing should be made between the Prime Minister and the Premiers, in accordance with the *Inter-Governmental Agreement on Counter-Terrorism Laws*, was not yet resolved. Nevertheless, consultation on these re-listings occurred between Attorneys-General.

There appears to have been little change in the input from the Department of Foreign Affairs into

the Government's listing process. The Committee would appreciate more information on the strategic circumstances in which the proscribed organisations operate, the foreign policy implications, if any, of the listings and any information relating to Australia's obligations to the United Nations on particular organisations.

In its report, *Review of the Listing of Six Terrorist Organisations*, the Committee recommended that the Attorney-General's Department hold community consultations on listings. The Committee notes that such consultations were not conducted on these re-listings, but urges the Department to consider this recommendation in future reviews.

On the merits of these particular listings, the Committee notes that three of these organisations, the HAMAS Brigades, Hizballah's External Security Organisation and the Palestinian Islamic Jihad, have no known links to Australia. The Committee recognises that this is not a legislative requirement under the Act, but it could be an issue if the legislation is to be given effect in practice. Therefore, in future listings, the Committee would like to receive more information on how these organisations' activities affect or could affect Australia.

Nevertheless, the Committee agrees that, in the broadest sense, all these organisations are preparing, planning and fostering the commission of terrorist acts, and should therefore be proscribed.

A final recommendation in this report requests that ASIO address each of its own selection criteria in future Statements of Reason, particularly for new listings.

The Committee would like to thank all those who provided submissions for these reviews, and hopes that there will continue to be constructive debate on the listings process.

The Committee does not recommend to the Parliament that any of these regulations be disallowed.

I recommend the report to the Senate.

Question agreed to.

Corporations and Financial Services Committee

Report

Senator CHAPMAN (South Australia) (5.58 pm)—I present the report of the Parliamentary Joint Committee on Corporations and Financial Services entitled *Timeshare: The price of leisure* together with the *Hansard* record of proceedings and documents presented to the committee.

Ordered that the report be printed.

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

Leave granted.

Senator CHAPMAN—I move:

That the Senate take note of the report.

Happily, in so doing I am able yet again to announce that the report, as with earlier reports of the joint committee on various matters, has the support of all members of the committee, Liberal, Labor and Democrat. It is therefore a unanimous report, and this unanimity reflects the common purpose which committee members brought to the inquiry.

The committee's inquiry, which commenced late last year, followed ongoing requests from within the timeshare industry. Industry took the view that timeshare's regulation as a managed investment under the Corporations Act 2001 was unreasonable and in some ways contradictory, as timeshare, which is most definitely not an investment product, is regulated by statutory provisions designed to protect investors, not holidaymakers. Industry took the view that the costs of compliance were too high and that the compliance regime was based on a 1980s, white shoe brigade perspective of the timeshare industry.

The committee agreed to undertake an inquiry to examine the merit of industry's concerns, and to look for ways to meet those

concerns. The committee held meetings on this reference in Canberra, in Sydney and on the Gold Coast. Representatives of the industry, of consumers and of government were all consulted. In addition, the committee made inspections at two different resorts in Coolangatta, where we inspected both the facilities available and the sales decks where timeshare interests are sold.

From the evidence received, several things were clear. First and foremost, the timeshare industry continues to require regulation by government. Neither self-regulation nor co-regulation will adequately balance the desire of the industry to operate and expand with the need for consumers to be protected.

Secondly, it is clear that the regulation needs to be national. While the committee observed the efforts in some jurisdictions, most notably Queensland, to explore ways in which timeshare might be regulated, there was no evidence before the committee which suggested that consistent state based legislation is the best way to regulate timeshare. Further, the industry itself was keen to avoid an American-style situation where different states had entirely different regulatory schemes.

Thirdly, the committee took the view that the Corporations Act remains the appropriate statute for regulating this industry. We considered whether timeshare might be more appropriately treated as a product or service, and regulated under the Trade Practices Act, but on reflection came to the view that timeshare is more like a financial instrument than it is like a service. While the committee believes the Corporations Act is the right statute with which to regulate timeshare, we agree with the industry's view that treating timeshare as a managed investment leads to regulatory and consumer confusion, and to wasted time and resources.

Timeshare is, as the peak body ATHOC put it, a square peg in a round hole. The committee considers that timeshare should be removed as a definitional element of managed investment funds under section 7 of the Corporations Act, and that the act should contain a separate chapter specifically intended to regulate timeshare interests. While this would have the same effect as selectively providing exemptions from current arrangements, a separate chapter would be far neater from a regulatory perspective. Having said this, the committee supports the continuation of a strong regulatory regime, but this should be customised for timeshare.

In particular, the new timeshare chapter should contain a number of features. First, the proposed chapter should contain measures to outlaw, and provide remedies against, pressure selling. Pressure selling is the process whereby social, psychological, economic or physical pressure is used to force customers to sign up. The industry argues that pressure selling is a thing of the past, but we are not convinced. Our own observations, and evidence before us, suggest that pressure selling remains a problem in timeshare, and those buyers who attend timeshare seminars are very likely to be subject to undue pressure.

Secondly, the proposed chapter should prevent timeshare sellers from offering inducements only available if the purchaser signs up immediately. Timeshare is a complex product costing thousands of dollars. A decision to purchase timeshare should be a considered, careful decision made after reflection, not a hurried decision made on a sales deck. Thirdly, the new regulations should prevent timeshare operators from using bait such as electrical goods or free holidays to get people to sales seminars. If these inducements are offered, it should be clear that their price is attendance at a sales semi-

nar—and this should be stated up front, not in the fine print.

Fourthly, the regulations should require timeshare operators to make it clear that timeshare is not equivalent to owning real property. I say that again, because it is so very important: owning timeshare is not the same as owning real property. Timeshare is not an inexpensive way to get into the property market. Timeshare consumers should be told, up front, that they are buying a continuing entitlement to accommodation, not an actual piece of real estate.

Fifthly, the regulations should require a cooling off period of 10 days, with strong disclosure requirements. Further, we consider the cooling off clock should stop if the consumer calls to ask for information about the product. It will no longer be possible for timeshare operators to run out the clock by delaying the provision of this information, hoping that the consumer will not pull out of the contract.

Sixthly, the regulations should require timeshare sellers to offer a guaranteed buy-back price for timeshare consumers who want to get out of their timeshare contract. At present, there is no real secondary market for people to sell 'used' timeshare interests. Once they buy in, they are locked in for up to 80 years. While I am not necessarily rusted on to this recommendation if a better alternative can be found—and one was not presented to the committee—it is important that consumers have means of recouping some of their outlay, in the absence of an effective secondary market. I seek leave for the balance of my remarks to be incorporated into *Hansard*.

Leave granted.

The statement read as follows—

It is the committee's hope that this will be good for competition in the timeshare industry too. Finally, all of these entitlements should be up front, in a big box on the front of the timeshare contract, for the consumer to see. This is known as a Schumer Box, after New York Senator Chuck Schumer, who asked about credit provisions, 'Why not put all the disclosures in a big box on the front?' Why not indeed!

In addition, the committee considered particular issues faced by what are known as fully-sold schemes. These are older timeshare resorts, where members purchase a particular week each year, in a particular resort, and where they do actually become a tenant in common and obtain co-ownership of the property. In particular, these schemes have a problem with delinquent members, who stop paying their annual fees but disappear with the title, leaving the resort in legal terms like something of a swiss cheese, with bits missing where the titles have disappeared. We have proposed a system whereby government can compulsorily resume the missing titles, to restore them to the schemes in return for a nominal cash payment and forgiveness of the delinquent member's debt.

All members of the committee sought to find a way for the timeshare industry to flourish, and all members of the committee sought to ensure that consumers would be protected. I wish to thank members of the committee, both in this and the other place, for their contributions. I would like to sincerely thank the committee secretariat. In particular, I thank Dr Anthony Marinac, the Committee Secretary, and Ms Loes Slattery, the principal researcher, for their diligent work, their intelligent advice and their commitment to providing good quality input into public policy through this inquiry, along with Catherine Ellis from my staff.

In my view the timeshare industry has the potential to continue to make a significant contribution to the tourism industry in Australia. Time share is a viable product, and there are many thousands of happy timeshare participants in Australia and overseas. I am confident that this report, and the regulatory regime it proposes, can help to ensure that the industry continues to grow, while consumers are protected, and the dark practices of the past are left behind.

(Time expired)

Question agreed to.

NOTICES

Presentation

Senator Conroy to move on the next day of sitting:

That, upon their introduction any bill providing for the further sale of Telstra, any related bill introduced in the Senate and the provisions of any related bill introduced into the House of Representatives be referred to the Environment, Communications, Information Technology and the Arts Legislation Committee for inquiry and report by 10 October 2005.

COMMITTEES

Membership

The ACTING DEPUTY PRESIDENT (Senator Lightfoot)—The President has received letters from a party leader seeking variations to the membership of certain committees.

Senator COLBECK (Tasmania—Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry) (6.06 pm)—by leave—I move:

That senators be discharged from and appointed to committees as follows:

Environment, Communications, Information Technology and the Arts References Committee—

Appointed, as a substitute member: Senator Adams to replace Senator Ronaldson for the committee's inquiry into the economic impact of salinity in the Australian environment

Environment, Communications, Information Technology and the Arts Legislation and References Committees—

Appointed, as a participating member: Senator Adams

Question agreed to.

OCCUPATIONAL HEALTH AND SAFETY (COMMONWEALTH EMPLOYMENT) AMENDMENT BILL 2005

LAW AND JUSTICE LEGISLATION AMENDMENT (SERIOUS DRUG OFFENCES AND OTHER MEASURES) BILL 2005

CORPORATIONS AMENDMENT BILL (No. 1) 2005

First Reading

Bills received from the House of Representatives.

Senator COLBECK (Tasmania—Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry) (6.07 pm)—I indicate to the Senate that these bills are being introduced together. After debate on the motion for the second reading has been adjourned, I will be moving a motion to have the bills listed separately on the *Notice Paper*. I move:

That these bills may proceed without formalities, may be taken together and be now read a first time.

Question agreed to.

Bills read a first time.

Second Reading

Senator COLBECK (Tasmania—Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry) (6.07 pm)—I move:

That these bills be now read a second time.

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

Leave granted.

The speeches read as follows—

OCCUPATIONAL HEALTH AND SAFETY (COMMONWEALTH EMPLOYMENT) AMENDMENT BILL 2005

This bill contains amendments to the Occupational Health and Safety (Commonwealth Em-

ployment) Act 1991 which provides the legal basis for the protection of the health and safety of Commonwealth employees in Departments, Statutory Authorities and Government Business Enterprises.

The Australian Government believes strongly that safe and productive workplaces rely on a cooperative approach between employers and employees to identify and eliminate hazards that may cause injury or death.

The Government is committed to improving health and safety outcomes in Commonwealth workplaces and this bill follows amendments to the Occupational Health and Safety (Commonwealth Employment) Act 1991 in 2004 which introduced a strong new compliance regime.

It is imperative that Commonwealth employers be required to consult with all employees, not just unions, about the development and implementation of OHS arrangements.

The focus of occupational health and safety regulation must shift away from imposing prescriptive processes and towards enabling those in the workplace to work together and make informed decisions about how best to reduce risks to workplace health and safety. A cooperative approach to occupational health and safety in individual workplaces will lead to improved outcomes.

The OHS Act therefore requires amendment to modernise and streamline outdated provisions which are currently inhibiting its effectiveness and denying the right of more employees to be involved in occupational health and safety at their workplace.

The amendments in the bill are similar to amendments in bills which the Government introduced in 2000 and 2002. The key amendments relate to the employer's duty of care and the workplace arrangements provisions. They will improve health and safety arrangements for Commonwealth employers and employees by enabling them to work more closely together to develop arrangements that suit the needs of their particular workplace. The current workplace arrangements structures such as the requirements to have health and safety representatives and committees are retained.

The amendments will not in any way diminish the Commonwealth's duty of care as an employer to ensure either the health and safety of its employees at work or others who may be at the workplace. Rather, the amendments aim to remove prescriptive requirements, introduce flexibility and ensure that employers and employees are free to develop appropriate health and safety management arrangements to apply at their workplace.

Section 16 of the OH&S Act will be amended to replace current prescriptive elements which require an employer to develop an occupational health and safety policy in consultation with involved unions. Instead, section 16 will be more outcomes focused. Employers will be required to develop, in consultation with their employees, health and safety management arrangements that will apply at their workplace. The term "health and safety management arrangements" is being used to describe a wide range of matters which could be covered, enabling the specific needs of individual workplaces to be accommodated in a more flexible and efficient way. Employers and employees will be able to make informed decisions about how best to reduce any risks to workplace health and safety at their own workplace. This will ensure that there is a more integrated and focused approach at the workplace level because the health and safety management arrangements will be tailor-made to the needs of particular workplaces.

To assist employers and employees understand the types of matters which could be included in health and safety management arrangements, the bill contains a provision setting out a list of matters which may be appropriate to be adopted, such as a health and safety policy, risk identification and assessment, training and agreements between employers, employees and their representatives.

To further assist the development of health and safety management arrangements, the Safety, Rehabilitation and Compensation Commission is being given the power to advise on matters to be included. Employers will be required to have regard to such advice in developing health and safety management arrangements.

Safe and healthy workplaces can only be achieved if there is maximum commitment from

both employers and employees. Each must play an active part in developing appropriate arrangements at the workplace level. The bill therefore aims to enhance consultation between employers and employees by facilitating a more direct relationship between them to address health and safety issues at their individual workplaces.

The current mandated and privileged role of unions that unfairly limits the ability of other employees to fully participate in workplace health and safety arrangements and is being removed. Unions will, however, be able to participate in the development of health and safety management arrangements where this is requested by their members. Unions will also retain their current enforcement roles where employees request it.

The bill gives employees a wider choice as to who may represent them—namely, another employee, a registered association or an association of employees which has a principal purpose of protecting and promoting the employees' interests in matters concerning their employment. To maintain confidentiality if an employee does not wish to be identified as having sought union representation, the Chief Executive Officer of Comcare will be empowered to issue a certificate to the effect that an employee has made a request for representation.

A health and safety representative may be selected for each designated work group, as is currently the case. Current restrictions on the ability of all employees to become health and safety representatives are being removed. Currently, where there is an involved union, only employees nominated by a union can be candidates for election as health and safety representatives. This limits an individual worker's ability to become a health and safety representative. This bill therefore provides that all employees can be candidates for election as health and safety representatives.

Employers will be required to conduct elections for health and safety representatives at the employer's expense. If employees are not happy with the arrangements for elections proposed by their employer, the bill contains provisions for an alternative election option for elections to be conducted in accordance with regulations if this is requested by a majority of the employees in the designated workgroup, or 100 employees, whichever is the lesser.

This bill also included amendments in relation to health and safety committees. The bill sets out minimum requirements for the establishment of such committees and removes prescriptive requirements relating to their operation. The health and safety management arrangements established at the workplace level will be able to address matters such as how the committee is to be constituted and operate.

The bill also contains amendments to revise the annual reporting requirement of Commonwealth agencies so that there will be a greater focus on reporting on outcomes rather than processes, together with a number of minor or technical amendments to improve the operation of the Act.

Full details of the amendments are contained in the explanatory memorandum to the bill.

LAW AND JUSTICE LEGISLATION AMENDMENT (SERIOUS DRUG OFFENCES AND OTHER MEASURES) BILL 2005

This bill demonstrates the Government's commitment to reduce the supply of illicit drugs by strengthening anti-drug laws.

In April 2002, leaders from all Australian jurisdictions made a commitment to implement model drug offences that were developed after nationwide consultation.

The Australian Government is honouring that commitment. I encourage those States and Territories that haven't yet done so, to do the same.

Our existing offences are mainly focussed on preventing illicit drugs from crossing Australia's border. The new offences will also apply to drug dealings within Australia.

To that extent, they will operate alongside State and Territory offences to give more flexibility to law enforcement agencies. This approach will ensure there are no gaps between Federal and State laws that can be exploited by drug cartels.

The bill will introduce new federal offences that focus specifically on the trade in precursor chemicals: the substances that can be used to manufacture pills and 'designer drugs'.

In addition, the maximum penalty for manufacturing commercial quantities of pills and 'designer drugs' will be appropriately increased from 10 years imprisonment to life imprisonment.

The bill also provides important protection to children. People who use children to traffic in drugs will be subject to heavier penalties.

The bill also creates new offences that target those who harm children or endanger children by recklessly exposing them to the manufacture of illicit drugs.

The manufacture of illicit drugs in clandestine laboratories is of great concern to the Australian Government because it involves volatile and toxic chemicals that are susceptible to fire and explosion, and pose significant health risks.

It is clear that these 'backyard' drug manufacture operations pose significant risks of harm to innocent bystanders, particularly children.

This bill sends a clear message that exposing children to the dangers of illicit drug manufacture will not be tolerated.

The reforms in this bill will better equip law enforcement agencies to target those who attempt to avoid liability for the most serious offences by fragmenting their commercial dealings in drugs.

Where a person has trafficked in relatively small quantities of drugs on a number of occasions within a 7-day period, the new laws will allow prosecutors to add those quantities together so the person can be prosecuted for a single offence involving the total quantity.

The bill will also make our drug laws more responsive to changes in the illicit drugs market by enabling dangerous new drugs and precursor chemicals to be quickly added to the list of illicit substances. In urgent cases, new substances will be able to be added to the list through a ministerial determination—a legislative instrument capable of being made within a matter of days.

One of the main objectives of this bill is to increase the uniformity of drug laws throughout Australia by implementing model drug offences. The next important step will be to achieve nationally consistent lists of drugs that the model offences apply to, and the quantities that trigger the different penalty tiers under the model offences.

The Ministerial Council on Drug Strategy has established a national Working Party to develop model lists of drugs and quantities to be adopted by all Australian jurisdictions. The lists of drugs and quantities in this bill will be reviewed when the recommendations of that Working Party become available.

Until that time, the lists of drugs and quantities that apply to the new federal offences focussing on drug dealings within Australia will be limited to a small number of common drugs.

Although the major focus of the bill is on drug offences, it also includes a number of other important legislative amendments.

Schedule 2 of the bill gives effect to an international obligation under the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict.

It does this by criminalising the recruitment of children by non-Government armed groups, and their use of children in hostilities.

Schedule 4 of the bill clarifies the scope of the functions of the Australian Federal Police in the current environment of increasingly globalised criminal activity and law enforcement responses.

These amendments confirm that the AFP's functions include assisting and cooperating with domestic and foreign law enforcement organisations and government regulatory and intelligence bodies, including in criminal investigations and major disaster situations.

The AFP's functions also include participation in international peace and stability operations and capacity-building missions.

Through this bill the Government is playing an important leadership role by implementing model drug offences that must also be implemented by States and Territories.

The enactment of the bill will encourage the remaining jurisdictions to complete their legislation and meet the challenge set by Mr Justice Williams in 1980 to achieve national consistency in this very significant area of the criminal law.

Drug abuse directly touches the lives of thousands of Australians and indirectly affects us all. It is essential that drug traffickers are met with a consistent and more sophisticated array of laws.

I commend the bill.

CORPORATIONS AMENDMENT BILL (No. 1) 2005

Hanel amendment

Today I introduce a bill which will clarify the scope of the personal liability of directors of corporate trustees.

The bill will address concerns that have arisen in the light of the recent decision in Hanel v O'Neill, which extended the personal liability of these directors under subsection 197(1) of the Corporations Act 2001.

Prior to the December 2003 decision of the Full Court of the South Australian Supreme Court in Hanel, section 197 and its predecessors had traditionally been interpreted as applying in very limited circumstances.

These were where the director's right of indemnity of the corporate trustee was lost due to the conduct of the trustee, or where the terms of the trust deed were designed or could operate to deny creditors access to trust assets to meet liabilities incurred by the corporation.

It is the Government's view that it is vital to address business uncertainty and to clarify the legislative intent of section 197 in the wake of the Hanel decision.

Hanel v O'Neill significantly expands the potential personal liability of directors of corporate trustees, from large superannuation trusts through to trading trusts running a small business. In essence, the decision effectively makes directors of corporate trustees guarantors of trust liabilities.

The proposed amendment contained in this bill will restore the long-standing interpretation of section 197.

It will work to clarify the circumstances in which directors of corporate trustees are liable to discharge a liability incurred by the corporation, acting in its capacity as trustee.

Audit amendment

In addition to the clarification of subsection 197 of the Corporations Act, the bill also contains a technical amendment to clarify the operation of a transitional provision in the CLERP 9 legislation.

This will ensure that the auditor independence provisions applying before the enactment of that legislation continue to apply to financial years commencing prior to 1 July 2004.

In concluding, I note that I have, in accordance with the Corporations Agreement, consulted the Ministerial Council for Corporations prior to introducing this bill. I have also obtained MINCO approval of the bill.

I commend the bill.

Debate (on motion by **Senator Colbeck**) adjourned.

Ordered that the bills be listed on the *Notice Paper* as separate orders of the day.

OFFSHORE PETROLEUM BILL 2005

OFFSHORE PETROLEUM (ANNUAL FEES) BILL 2005

OFFSHORE PETROLEUM (REGISTRATION FEES) BILL 2005

OFFSHORE PETROLEUM (REPEALS AND CONSEQUENTIAL AMENDMENTS) BILL 2005

OFFSHORE PETROLEUM (ROYALTY) BILL 2005

OFFSHORE PETROLEUM (SAFETY LEVIES) AMENDMENT BILL 2005

First Reading

Bills received from the House of Representatives.

Senator COLBECK (Tasmania—Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry) (6.08 pm)—I move:

That these bills may proceed without formalities, may be taken together and be now read a first time.

Question agreed to.

Bills read a first time.

Second Reading

Senator COLBECK (Tasmania—Parliamentary Secretary to the Minister for

Agriculture, Fisheries and Forestry) (6.09 pm)—I move:

That these bills be now read a second time.

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

Leave granted.

The speeches read as follows—

OFFSHORE PETROLEUM BILL 2005

Senators would be aware that the Government has been engaged in a long term project of rewriting the Petroleum (Submerged Lands) Act 1967 and incorporated Acts.

I have pleasure today in presenting the completed product to the Senate in the form of the Offshore Petroleum Bill 2005 and associated Bills, on which I shall speak later.

The Petroleum (Submerged Lands) Act has been the primary legislation for the administration of Australia's offshore petroleum resources. The Act is now close to 40 years old and, through age and many amendments, it has become complex and unwieldy. The Government saw the need, some years ago, to rewrite the Act to provide a more user-friendly enactment that will reduce compliance costs for governments and the industry.

This bill is a rewritten and renamed version of the Petroleum (Submerged Lands) Act, This bill proposes conspicuous changes to the structure and style of the legislation but seeks to implement only a modest number of minor policy amendments from the framework set out in the Petroleum (Submerged Lands) Act. The management regime for offshore petroleum exploration, production, processing and conveyance that is proposed by this bill is unchanged in all its essential features from what is set out in the Petroleum (Submerged Lands) Act.

To this end, this bill provides for the grant of exploration permits, retention leases, production licences, infrastructure licences, pipeline licences, special prospecting authorities and access authorities. These titles are to have effect in offshore areas. An offshore area starts 3 nautical miles from the baseline from which the breadth of the territorial sea is measured and extends seaward to the outer limits of the continental shelf.

Generally, the administration of this legislation in relation to the offshore area of a State or the Northern Territory is to be divided between the Joint Authority for the State or Territory and the Designated Authority of the State or Territory. The Joint Authority is constituted by the responsible Australian Government Minister and the responsible State or Territory Minister. The Designated Authority is the responsible State or Territory Minister.

The bill also includes occupational health and safety provisions and maintains the operation of the National Offshore Petroleum Safety Authority for their administration.

Mr President, it is worth noting that the Acts Interpretation Act provides that, where an Act has expressed an idea in a particular form of words and a later Act appears to have expressed the same idea in a different form of words for the purpose of using a clearer style, the ideas shall not be taken to be different merely because different forms of words were used. Accordingly, where the bill uses new expressions in place of various traditional legal words and phrases that appear in the Petroleum (Submerged Lands) Act, the language of the bill is consistent with the current best practice drafting standard and generates no change in the law.

Nevertheless, the bill proposes a number of incidental minor policy changes. The explanatory memorandum has been written so as to bring to the notice of readers both the bulk of the bill that faithfully replicates the content of the Petroleum (Submerged Lands) Act and the details that represent a minor policy or technical change.

Mr President, I would now like to summarise the minor policy changes that are proposed in the bill. Time does not permit me to go into a detailed examination of all of them. The largest category of amendments addresses past drafting omissions, errors and anomalies that have been detected in rewriting the text of the Petroleum (Submerged Lands) Act. An example is the set of amendments designed to make all provisions that apply to State Ministers also apply to Northern Territory Ministers.

There are also a reasonable number of amendments designed to bring provisions that, on account of their age, are out of line with current

Australian Government legislative drafting principles into compliance with these principles. I refer to issues such as establishing more comprehensive and up-to-date provisions about delegations and bringing the enactment into compliance with modem administrative law principles, for instance by explicitly requiring consultation with relevant parties before certain adverse decisions are taken.

Additionally, some court-related provisions are proposed for revision, such as the step of conferring jurisdiction on the Federal Court. Another area that is modernised is that of search and enforcement powers and powers to require information. For instance, there is a new requirement that a project inspector may access residential premises only with the consent of the occupier or with a warrant.

There are also amendments deleting unused provisions, which no longer need to remain in the legislation. and amendments to make explicit concepts that are currently implied or merely to be deduced. An example of this is the right by holders of exploration permits and retention leases to recover petroleum on an appraisal basis.

Other changes are intended to achieve greater administrative tidiness, one instance of which is the proposal that exact periods of a year would no longer be required for fixing work program milestones: In addition, there are refinements to National Offshore Petroleum Safety Authority powers and functions plus machinery amendments, such as disapplying the Navigation Act 1912 and the Occupational Health and Safety (Maritime Industry) Act 1993 in relation to an offshore petroleum facility.

Mr President, I would now like to briefly highlight a few of the policy changes which may be of more general interest. One is the change to the definitions of "petroleum" and of "exploration".

For "petroleum", a more lucid definition is proposed than the one appearing in the Petroleum (Submerged Lands) Act, so that it is quite clear that when processed gas is to be conveyed via a pipeline, it is classed as petroleum for all purposes under the proposed Act. Second, if gas has been reinjected into a petroleum pool and is later recovered, the new definition eliminates questions that might arise as to whether the mixture of hydrocarbons and gases then produced from the well is "naturally occurring".

The definition of the word "explore" is made more precise than in the existing Act to express with more clarity that its common meaning is extended to include speculative surveys by non-explorers performed with the intention of selling the results to explorers.

The existing Act recognises, to a point, that the continental shelf does not include an area of seabed and subsoil that, by virtue of an agreement in force between Australia and another country, is not an area over which Australia exercises sovereign rights. However, this recognition covers only areas adjacent to some external Territories. It is proposed that the bill make it clear that no offshore area covers seabed that Australia has recognised as being under the jurisdiction of another country.

As a related matter, the bill proposes excisions from the described scheduled areas to conform to the 2004 Treaty delimiting the maritime boundaries between Australia and New Zealand. A small northward displacement of the scheduled area outer boundary north-west of Western Australia is also proposed, in line with Australia's continental shelf claim beyond 200 nautical miles from the baseline that has been submitted to the Commission on the Limits of the Continental Shelf under the United Nations Convention on the Law of the Sea.

The Petroleum (Submerged Lands) Act has a number of provisions in which the Joint Authority or the Designated Authority is entitled to do certain things if the Authority is satisfied that special circumstances exist to justify the action. As the term "special circumstances" implies that the situation is unusual, abnormal, exceptional or uncommon, it is proposed to change all provisions to which this test applies to a more workable provision that relies on the Joint Authority or Designated Authority being satisfied that there are "sufficient grounds" to warrant the decision.

The next issue is a not about a policy change in an administrative sense: rather, it is a proposal to make explicit in the Act a policy that has been adhered to by governments for some time. It is proposed to make clear that the conditions imposed by the Joint Authority on the holder of a

production licence are not to be prescriptive to the point of requiring the holder to drill a well, to carry out a survey or to spend any specific amount of money on exploration activities. There will also be a provision that recognises that the production of petroleum involves a substantial and long term

financial commitment by licensees and that, accordingly, continuity and predictability are important features of the regime as it relates to production licences, and the conditions applicable to them, particularly when licences come up for renewal.

Section 96 of the existing Act imposes on certain titleholders a maximum 100 unit penalty for failure to commence works or operations within a specified timeframe. The penalty is considered inappropriate, as sufficient administrative remedies, such as title cancellation, exist for failure to comply with the requirement. The equivalent provision in the bill therefore carries no criminal penalty.

Mr President, the bill includes some changes to the provisions seeking to ensure the safety of offshore petroleum facilities from incidents such as vessel impact. One amendment is to the definition of "owner of a vessel". In most parts of Australia's marine jurisdiction, if a vessel is involved in a violation of a safety zone, and the vessel is leased, the lessee could avoid prosecution but the owner, who could be isolated from the action, could face 10 years imprisonment. This anomaly is considered unacceptable and the equivalent provision in the bill ensures that an uninvolved owner of a leased vessel would not be guilty of an infringement.

Second, the bill introduces tiered penalties for offences relating to the infringement of safety zones or the area to be avoided, depending on whether there is proof of intention, recklessness or negligence. As in the Petroleum (Submerged Lands) Act, there is also a strict liability offence, but with a lowered imprisonment penalty. While an imprisonment penalty under strict liability is not a common provision in Commonwealth Acts, it is justified in these instances because of the serious consequences of a breach of the provisions. Senators need to bear in mind the isolation, vulnerability and physical defencelessness of offshore petroleum facilities, their possible attractiveness as terrorist targets and the potentially serious consequences of damage to, or interference with, facilities or operations. When considering alleged offences that have occurred in an offshore area, legislators need to be realistic about the viability of conducting a successful prosecution if that can be achieved only with proof of intention, recklessness or negligence. It follows that there should also be a strict liability offence.

Finally, among the various enhancements and marginal changes to the National Offshore Petroleum Safety Authority and occupational health and safety provisions, I would mention the conferral of new powers on OHS inspectors in relation to offence-related entry, search and seizure. This has been recommended by the Director of Public Prosecutions. Accordingly, we have a new subdivision in the bill that makes provision for entry by OHS inspectors to facilities, vessels and onshore premises and the conduct of searches for, and seizure of, evidential material. These powers would be exercisable either with consent or with a warrant and draw extensively on relevant model provisions in the Crimes Act 1914.

Additionally, the Petroleum (Submerged Lands) Act requires an operator to give the Safety Authority notice of, and a report about, the occurrence of an accident of a specified kind or a dangerous occurrence, and to keep relevant records. There is no penalty for non-compliance with these requirements. This is because the provisions were modelled on another Act applicable to occupational health and safety in a different sector of the economy. This bill proposes that the equivalent provisions impose pecuniary penalties ranging from 250 penalty units to 30 units with strict liability applying to non-compliance with the provisions.

Mr President, there will be no effect on the Australian Government Budget from the purely editorial aspects of rewriting of the Petroleum (Submerged Lands) Act. Out of the policy amendments, the proposal that the Commonwealth retain cash bids for special exploration permits and cash-bid production licences instead of remitting these monies to the States and Northern Territory could, in theory, represent a revenue gain to the Commonwealth. However, this will have no prac-

tical relevance for the foreseeable future, as it is against Government policy to award titles on the basis of cash bids.

The proposed Act is to come into effect by proclamation on a date that has been left open. This is because, for technical reasons, State and Northern Territory Governments need to have made certain minimal amendments to their mirror Acts before the Commonwealth Act can come into force.

The fact that the rewriting process has been an editorially focused exercise rather than a policy-focused one has meant that a number of other policy issues have been reserved for later consideration and to be possibly the subject of an Amendment Bill at a future date.

In summary, Mr President, let me say the Government believes the proposed new enactment, as a best practice item of legislation, will be another element that will help ensure Australia remains one of the most attractive places in the world to explore for and develop petroleum resources. In placing the bill before the Senate, I am confident the quality of its drafting, and the proposed policy enhancements, will speak for themselves.

I commend the bill to the Senate.

OFFSHORE PETROLEUM (ANNUAL FEES) BILL 2005

The Act proposed to be created by this bill is consequential on the repeal of the Petroleum (Submerged Lands) (Fees) Act 1994 and is its replacement in line with the package of Bills achieving the rewrite of the Petroleum (Submerged Lands) Act 1967 and incorporated Acts.

This bill sets out the annual fees payable in relation to exploration permits, retention leases and production, infrastructure and pipeline licences. The proposed Offshore Petroleum Act involves a large number of decisions relating to the day-to-day administration of the Act, including the management of titles.

The proposed Offshore Petroleum (Annual Fees) Act provides that the holders of permits, leases and licences must pay a fee to help recover the costs of administration. The fee amounts will be specified in regulations.

Mr President, the bill will have no net financial implications as it introduces no policy changes. As it is impossible to predict the number of new or surrendered titles each year, it would be difficult to estimate the amount likely to be received under these fees in any one year. Furthermore, the Offshore Petroleum Bill provides for amounts equal to annual fee amounts received by the Commonwealth to be paid to the relevant State or the Northern Territory. This is because the administration is carried on by State and Northern Territory Governments on behalf of the Australian Government.

I commend the bill to the Senate.

OFFSHORE PETROLEUM (REGISTRATION FEES) BILL 2005

This bill sets out the fees payable in relation to the registration of transfers and dealings in titles under the proposed Offshore Petroleum Act. The Act proposed to be created by this bill is consequential on the repeal of the Petroleum (Submerged Lands) (Registration Fees) Act 1967 and is its replacement in conjunction with the Offshore Petroleum Bill 2005 and other Bills achieving the rewrite of the Petroleum (Submerged Lands) Act 1967 and incorporated Acts.

The proposed Offshore Petroleum Act will provide for the approval and registration of legal transactions that affect the ownership of titles. These transactions have no force until they have been thus approved and registered. This is in order to maintain an accurate public register of the ownership of titles. Replicating the provisions of the Petroleum (Submerged Lands) (Registration Fees) Act, the registration of these transactions attracts a registration fee.

This bill sets out the different levels of registration fees that are to be payable, which can range from a minimum amount prescribed in regulations to an 'ad valorem' fee of 1.5% of the value of the consideration or of the value of the title or interest.

The bill contains a proposed policy change to the effect that registration fees be extended to cover transfers of, and dealings in, infrastructure licences. In the long term, this could be expected to lead to some increase in registration fee revenues.

However, during the 5 years for which provision for infrastructure licences has existed in the Petroleum (Submerged Lands) Act, no infrastructure licences have been granted. It would therefore be inappropriate to attempt to quantify what the level of any such revenue increase could be.

The bill also proposes a minor clarification of what appears in the Petroleum

(Submerged Lands) (Registration Fees) Act in relation to the deduction from the amount of registration fee imposed by the Act of the value of any exploration works to be carried out under the dealing that is being registered. The current provision is not entirely clear on whether this deduction includes works which, for whatever reason, are carried out after the instrument evidencing the dealing is executed but before that instrument is submitted for registration. The bill makes clear that works of the latter type are to be included.

Mr President, since the provision in question has generally been administered consistently with the interpretation that is now proposed to be made explicit in this bill, there should be little or no financial impact for Commonwealth revenues from making this clarification.

I commend the bill to the Senate

OFFSHORE PETROLEUM (REPEALS AND CONSEQUENTIAL AMENDMENTS) BILL 2005

To enable the passage of a rewritten version of the Petroleum (Submerged Lands) Act 1967 and incorporated Acts, this bill proposes repeal of the Petroleum (Submerged Lands) Act 1967, Petroleum (Submerged Lands) Fees Act 1994, Petroleum (Submerged Lands) (Registration Fees) Act 1967 and Petroleum (Submerged Lands) (Royalty) Act 1967.

The legislative regime in these Acts would be reestablished by the coming into force of the proposed Offshore Petroleum Act 2005, Offshore Petroleum (Annual Fees) Act 2005, Offshore Petroleum (Registration Fees) Act 2005 and Offshore Petroleum (Royalty) Act 2005.

Second, 30 other Commonwealth Acts have been identified as requiring consequential amendments if the proposed new Acts become law. This bill includes the relevant amendments.

The Acts in question refer to provisions of the Petroleum (Submerged Lands) Act, either to avoid conflict with that Act or because they confer rights, make prohibitions or impose obligations under different areas of law on persons who have a presence in the geographic areas that are covered by the Petroleum (Submerged Lands) Act. These areas of law include, for example, taxation and immigration.

The consequential amendments to these Acts proposed by this bill are mostly straightforward substitutions of terminology and references to schedules, parts and sections that appear in the Offshore Petroleum Bill.

Included is an amendment to the Corporations Act 2001. In accordance with the Corporations Agreement, I can advise that the Government has consulted with the Ministerial Council for Corporations in relation to this bill. The Council provided the necessary approval for the text of the bill, as required under the Agreement for amendments of this kind.

Also included is an amendment to the Administrative Decisions (Judicial Review) Act 1977, which will enable that Act to cover decisions of the National Offshore Petroleum Safety Authority and OHS inspectors in relation to the designated coastal waters of certain States and the Northern Territory.

Finally, Mr President, I would mention Schedule 3 to this bill, which is an adjunct provision to one of the policy changes in the Offshore Petroleum Bill, specifically the removal of criminal sanction from failure to commence works or operations within a specified timeframe. This Schedule is included so that any past breach of the section in question that could otherwise lead to a criminal conviction after the repeal of the Petroleum (Submerged Lands) Act will not lead to a prosecution or a conviction. It will also relieve persons from any civil consequences that may otherwise have arisen from the existence of possible existence of an offence under the provision.

I commend the bill to the Senate.

OFFSHORE PETROLEUM (ROYALTY) BILL 2005

The Act proposed to be created by this bill is consequential on the repeal of the Petroleum (Submerged Lands) (Royalty) Act 1967 and is its replacement in conjunction with the Offshore Petroleum Bill 2005 and other Bills achieving the rewrite of the Petroleum (Submerged Lands) Act 1967 and incorporated Acts.

This bill sets out the royalty payable in respect of petroleum produced in the North West Shelf project area under the proposed Offshore Petroleum Act.

For machinery reasons, the provisions by which the Joint Authority must determine the royalty rate to be applied to all petroleum recovered subsequent to the grant of the secondary production licence are proposed to be transferred from the Petroleum (Submerged Lands) Act to this bill, rather than into the Offshore Petroleum Bill.

On the other hand, provisions about when provisional or determined royalty is due for payment, late payment penalty and recovery of royalty debts are proposed to no longer be part of the Royalty Act. They have been placed instead in Part 4.6 of the Offshore Petroleum Bill 2005.

The fact that the Petroleum (Submerged Lands) (Royalty) Act applies, and this bill would apply, only in the North West Shelf project area is based on a decision by Parliament in 1987. This was to introduce petroleum resource rent tax for all petroleum projects except those in areas covered by production licences granted on or before 1 July 1984 and the wider exploration permit areas from which those production licences were drawn. Production from these titles remained subject to royalty under the Petroleum (Submerged Lands) (Royalty) Act. Following another subsequent amendment to the petroleum resource rent tax legislation, the only titles that now remain under the coverage of the Petroleum (Submerged Lands) (Royalty) Act are those in the North West Shelf project area.

Mr President, the intention of rewriting the Petroleum (Submerged Lands) (Royalty) Act is to maintain current policy, meaning there would be no financial consequences from the rewrite itself However, an incidental policy change with a minor financial impact is proposed in this bill. This could benefit a royalty payer at the time when the petroleum production operation comes to an end. This could occur if, in monthly remittances of royalty, the royalty payer has made an overpayment through finalisation of a provisional payment or by an error in calculation or procedure, and production comes to an end with no further royalty payments. The royalty payer would then be able to obtain a refund equal to any overpayment in the final remittance.

This differs from the provisions of the existing Royalty Act, which allows overpayments to be accounted for by means of credits in future months' payments but recognises no possibility of a refund when all the payments have ended. This policy inconsistency is propose to be rectified in this bill. The change is not expected to have any significant impact on Australia Government revenues as the cessation of production operations in the North West Shelf project area will be a rare event and the total of any refund, assuming one were required, would be unlikely to exceed an amount in the thousands of dollars.

I commend the bill to the Senate.

OFFSHORE PETROLEUM (SAFETY LEVIES) AMENDMENT BILL 2005

The Offshore Petroleum (Safety Levies) Amendment Bill 2005 is intended to amend the Offshore Petroleum (Safety Levies) Act 2003.

This Act imposes levies on the operators of facilities engaged in exploration for, and production, processing and conveyance of, offshore petroleum. The levies relate directly to regulatory activities carried out by the National Offshore Petroleum Safety Authority and are used to fully fund the cost of the Authority's operations.

This Amendment Bill is consequential on passage of the Offshore Petroleum Bill 2005 constituting the rewrite of the Petroleum (Submerged Lands) Act 1967. This Amendment Bill is necessitated principally by the fact that the proposed Offshore Petroleum Act would have a different title than the one it replaces. There are three types of amendments.

First, there is omission of references to the Petroleum (Submerged Lands) Act 1967 and replacing

them with the relevant references in the proposed Offshore Petroleum Act.

Second, there are provisions to ensure amendments or name changes to other Acts or Regulations referred to in the existing Act will not have any effect on key definitions in the Act.

Third, there are transitional provisions.

Mr President, there are no changes to the levies provisions in the Offshore Petroleum (Safety Levies) Act and this bill will have no financial impact on either Commonwealth revenue or expenditure.

I commend the bill to the Senate.

Debate (on motion by **Senator Colbeck**) adjourned.

CUSTOMS AMENDMENT (EXTENSION OF IMPORT CUT-OVER TIME) BILL 2005

Returned from the House of Representatives

Message received from the House of Representatives returning the bill without amendment.

ARTS LEGISLATION AMENDMENT (MARITIME MUSEUM AND FILM, TELEVISION AND RADIO SCHOOL) BILL 2005

Returned from the House of Representatives

Message received from the House of Representatives returning the bill without amendment.

BORDER PROTECTION LEGISLATION AMENDMENT (DETERRENCE OF ILLEGAL FOREIGN FISHING) BILL 2005

TELECOMMUNICATIONS AND OTHER LEGISLATION AMENDMENT (PROTECTION OF SUBMARINE CABLES AND OTHER MEASURES) BILL 2005

CUSTOMS AMENDMENT (EXTENSION OF IMPORT CUT-OVER TIME) BILL 2005

SKILLING AUSTRALIA'S WORKFORCE BILL 2005

SKILLING AUSTRALIA'S WORKFORCE (REPEAL AND TRANSITIONAL PROVISIONS) BILL 2005

NATIONAL RESIDUE SURVEY (CUSTOMS) LEVY AMENDMENT BILL 2005

NATIONAL RESIDUE SURVEY (EXCISE) LEVY AMENDMENT BILL 2005

ARTS LEGISLATION AMENDMENT (MARITIME MUSEUM AND FILM, TELEVISION AND RADIO SCHOOL) BILL 2005

Assent

Messages from His Excellency the Governor-General were reported informing the Senate that he had assented to the bills.

CIVIL AVIATION LEGISLATION AMENDMENT (MUTUAL RECOGNITION WITH NEW ZEALAND) BILL 2005

Report of Rural and Regional Affairs and Transport Legislation Committee

Senator McGAURAN (Victoria) (6.10 pm)—On behalf of the Chair of the Rural and Regional Affairs and Transport Legislation Committee, Senator Heffernan, I present the report of the committee on the provisions of the Civil Aviation Legislation Amendment (Mutual Recognition with New Zealand) Bill 2005 together with the *Hansard* record of proceedings and documents presented to the committee.

Ordered that the report be printed.

HEALTH INSURANCE AMENDMENT (MEDICARE SAFETY-NETS) BILL 2005

Report of Community Affairs Legislation Committee

Senator McGAURAN (Victoria) (6.11 pm)—On behalf of the Chair of the Community Affairs Legislation Committee, Senator Humphries, I present the report of the committee on the provisions of the Health Insurance Amendment (Medicare Safety-nets) Bill 2005 together with the *Hansard* record of proceedings and documents presented to the committee.

Ordered that the report be printed.

MARITIME TRANSPORT AND OFFSHORE FACILITIES SECURITY AMENDMENT (MARITIME SECURITY GUARDS AND OTHER MEASURES) BILL 2005

Report of Rural and Regional Affairs and Transport Legislation Committee

Senator McGAURAN (Victoria) (6.11 pm)—On behalf of the Chair of the Rural and Regional Affairs and Transport Legislation Committee, Senator Heffernan, I present the report of the committee on the provisions of the Maritime Transport and Offshore Facilities Security Amendment (Maritime Security Guards and Other Measures) Bill 2005 together with the *Hansard* record of proceedings and documents presented to the committee.

Ordered that the report be printed.

BUILDING AND CONSTRUCTION INDUSTRY IMPROVEMENT BILL 2005

BUILDING AND CONSTRUCTION INDUSTRY IMPROVEMENT (CONSEQUENTIAL AND TRANSITIONAL) BILL 2005

Second Reading

Debate resumed.

Senator HUTCHINS (New South Wales) (6.12 pm)—When I left off making my points before question time today, I was canvassing the reasons why the government might wish to single out the building industry when, in my opinion, there are probably two other industries in this country that are crying out for some sort of attention—that is, the security industry and the cleaning industry. Both are industries where there is significant underpayment of wages, where there are poor conditions, where there is exploitation of migrants and women and indeed where a great deal of social good could come about if the federal government decided to use the powers it undoubtedly has for the people in these industries.

However, as I said earlier in the first part of my contribution, the government has set out on a course that is not new to conservative parties in this country. As this bill rolls through and is passed by the Senate, we will see in the fullness of time that the words used by what I would call the rednecks that are going to follow me in making a contribution to this debate will be no different to the comments made by their redneck predecessors in parliaments from the time of colonial days to now—critical of the value that the labour market and the work force have and of the contribution they make to the community.

When you look at the contributions of the coalition sometimes you would think that the people who are members of organised labour in this country are in fact un-Australian. If you look at some of the words that have been used over the last century or so, it would seem that there is an evil or wicked cult amongst organised labour that is dedicated to somehow bringing down the Commonwealth and the legal structures in this country because of an ideological motivation. In years past, it was because they believed that the bulk of the trade union leadership was an-

swerable to Moscow or Peking. Before World War I, it was the Wobblies. Before that, it was the anarchists that may have run around England. William Morris or even Methodists were somehow scary figures in the scheme of things as far as the conservatives in the coalition believed.

But, Mr Acting Deputy President Lightfoot, most people who have joined together to bargain collectively are motivated by the same things that motivate you and me. We want a decent home and our families looked after. We do not want them to be deprived or to have to beg. We believe that there are certain strong entitlements that should be theirs by right and should not have to be subject to some sort of whim or largesse by an employer. In fact, these are not privileges; they are rights that were established long ago in industrial legislation in Australia by Mr Justice Higgins in, I think, the 1907 case where it was believed that a wage for a man should support a wife and two children.

Now we have moved on to this bill that is before the Senate this evening. As I said, I am disappointed that some of the colleagues on the other side could even consider some aspects of this bill, as most of them—I will have an opportunity to read out some of their speeches shortly—come from civil libertarian backgrounds and some of them would see themselves as the heirs of maybe Edmund Burke, Alfred Deakin and Robert Menzies. They certainly are not coming from those redneck parts of the Liberal Party or the National Party that seem to have taken over the coalition in the last few years.

The key points of the legislation are these: this commission is empowered to serve questions with regard to people who work in the building industry, their union and party membership; it is empowered to request bank records, phone records and any other documents it deems necessary to do this investigation; and it does not require suspicion or the commission of an offence. I wonder how that sits with the attitudes of the eminent lawyers that are sprinkled amongst the backbench over there as they have represented people many times in the courts of this country.

The provisions of the codifying contempt act are removed in these amendments. There are no limitations on criteria for a commission inquiry, which, as I said, includes investigating ordinary union meetings with members. There is no need for a Federal Court to approve the use of coercive powers. There is a mandatory jail term rather than a fine for refusal to comply with a warrant and persons are to provide information even if it is contrary to a law or the information may result in self-incrimination. The commission has an unlimited right to intervene in any court or AIRC hearing to seek injunctions and it has no obligation to pay damages resulting from any injunction.

This is part and parcel of the legislation that is before the Senate this evening. If you look at the legislation, you will see that it does not deal with criminality, it does not deal with corruption, it does not deal with standover tactics and it does not deal with any criminal conduct. All it deals with is trying to subsume the rights of ordinary Australians who work in this particular industry. As I said, how can some of the people on that side, sprinkled, as I know, with some eminent people in the bar and elsewhere, support this sort of legislation? I can understand some of the rednecks supporting it, and I am probably going to be followed by one or two who might be regarded as rednecks—maybe not referred to by our side as rednecks but by their own side. But I would say this: this is the case.

I go back to the genesis of all this—that is, that shonky royal commission by Mr Justice Cole. What did that expensive, shonky royal commission come up with? It came up with allegations of 392 instances of unlawful conduct, 31 individuals referred to possible criminal prosecution, 25 different types of unlawful conduct and 90 types of inappropriate conduct. Were there any charges out of this expensive judicial journey? There was one, and that was because someone gave false evidence. After all this effort that was thrown in by the coalition and the rednecks that run it, there was one prosecution out of all that.

The organisations that were subject to this royal commission were not given an opportunity to cross-examine any of the people who were making the allegations against them. In fact, there was an instance where the Office of the Employment Advocate sought to incriminate an official of the CFMEU by colluding with collaborators to secretly tape those negotiations in order to substantiate allegations of a breach of the freedom of information legislation. What happened to that? We found out, through estimates, that as a result of that, the Commonwealth—I cannot recall the exact instance—was paying for those people—those stooges—to try to set up these people doing their work.

I am concerned that, if we start to introduce and indeed pass legislation like this, then we are setting some precedents that are quite un-Australian. People have made the point in the House of Representatives that in fact terrorists have far more rights than people who may be charged under this legislation. What are we to do in relation to that? Are we to ignore it because the government has some sort of hell-bent mania about the building industry? We should not do that. Some of my colleagues on the other side made it a point to give us lectures over here, once the Berlin Wall fell, about the triumph of liberty in the West and how the West had won. One of my colleagues on the other side is Senator Mason, who, as you may or may not be aware, Mr Acting Deputy President, is going to publish a book later this year. Senator Mason has spoken about totalitarianism. In one of his speeches he quotes George Orwell and he talks about such things as purges. Well, purges are available under this legislation. He talks about secret police. Secret police are available under this legislation. The only thing that is not available is summary executions, but I am sure that if some people, like Senator Santoro, had their way, they would want something like that. Senator Mason also talks about imprisonment without trial, which seems to be available under this legislation too.

I also wish to quote Senator George Brandis, who is, I understand, an eminent barrister at the Queensland bar. In his first speech in the Senate, he made this point:

> Yet, as those of us who lived in Queensland in the mid-1980s well know and will never forget, civil liberty is a fragile thing and, even in a democracy, political power is a dangerous elixir for some.
>
> The liberal view of society demands respecting the right of citizens to choose, so long as they respect the equal rights of others, how they live their own lives.

Of course I am selectively quoting both these gentlemen but, in my opinion and the opinion of those on our side of the chamber, it reflects the fact that there are people on that side who are concerned about this erosion of civil liberties. I wonder where it will leave them if and when we pass this legislation. We know full well that there are men and women on that side who will never give organised labour the time of day; some of them have made their careers out of smashing organised labour. Senator Santoro will be speaking soon. Some might say that they got a bit even with him during his period as in-

dustrial relations minister in Queensland. But I urge the Senate to consider the ramifications of what is being put before us today. As I said, there is nothing in this legislation that deals with criminality, corruption, criminal conduct and standover tactics. I will end with a quote from GK Chesterton, who was a conservative Catholic and novelist: 'If a man thinks any stick will do, he is likely to pick up a boomerang.' You watch, Mr Acting Deputy President. This will come back and haunt this government.

Senator WEBBER (Western Australia) (6.25 pm)—I seek leave to incorporate Senator Lundy's speech.

Leave granted.

Senator LUNDY (Australian Capital Territory) (6.25 pm)—*The incorporated speech read as follows—*

Following the 2005 election and the Coalition Government's forthcoming Senate majority it was inevitable that Messrs Howard and Costello would be creating new, extreme policies that were designed to take advantage of the situation.

This bill we are debating today, the Building and Construction Industry Improvement Bill 2005 (BCII), is one such example of extreme legislation designed to harm sections of the trade union movement irreparably.

But the Howard Government has not even been able to demonstrate that a problem exists in the building and construction industry despite having spent $60 million on the Cole Royal Commission!

And yet we see the Howard Government fabricating a case against the building unions in an effort to provide some auspice for this bill. The fact is there is only one justification and that is the Prime Minister's ideological hatred of trade unions.

It is this ideological hatred and his willingness to act on it that makes the Coalition having a Senate majority such a worrying period for Australian democracy.

The Coalition majority in the Senate is unprecedented. It is not that it hasn't happened before. Under Fraser there was a Coalition majority. But never has there been a majority when the leadership of the ruling party has been so dictatorial and focussed on power and control at all cost.

Some evidence of Mr John Howard's desperation to exert this power for an extreme agenda was clearly displayed through the extraordinary and overt bullying of new Senators, as witnessed in the first few weeks of Parliament following the swearing in of new Senators post July 1 this year.

Putting aside the fact that the Nationals were always likely to renege on their promise to rural Australians to save Telstra from full privatisation, the total disregard for dignity and enthusiastic participation in the humiliation of his own Coalition members demonstrated Mr Howard had reached new lows in bullying his own.

In Senator Heffernan's widely published and now infamous party room fable relating the fantasy of a certain new National Party Senator, it was the draconian 1R changes that were evoked as the ultimate prize. This nasty little exercise provided an intriguing insight into the stakes surrounding Industrial Relations in the Coalition party room.

We are yet to see the detail of this frightening IR agenda. One thing is clear and that is that a comprehensive and substantial Senate inquiry will be essential.

But it is important to be aware that already this draconian agenda is taking shape through Bills like the one we are debating today.

This bill represents a disgraceful and unnecessary attack on worker's rights and dignity. It is important to remember that a similar Bill was introduced into parliament in 2003. This previous Bill was drafted as a legislative response to theme farcical Cole Royal Commission. It failed to pass the parliament having not received support from the cross benches and Labor leading the opposition to it.

This new Bill that we are debating today is a partial reintroduction of that previous Bill. Minister Andrews tabled this bill on the 9 March 2005 and has indicated that the rest is to come later. One of the extraordinary features of this bill is its retrospectivity.

This begs the questions: why not wait until the full bill is ready and why the retrospectivity?

The bottom line is that the Howard Government's primary motivation in bringing forward this slimmed down version of the bill is to undermine and prevent the Construction Forestry Mining and Energy Union to negotiate new enterprise agreements with employers prior to the expiry of the current round of agreements in October 2005.

So this bill is about interfering in and undermining the capacity of building workers to negotiate, through their union, for a fair days work for a fair day's pay.

The bill will make certain forms of industrial action unlawful and provide unprecedented access to sanctions against unlawful industrial action in the form of injunctions, pecuniary penalties and compensation for loss.

In other words, this bill will use draconian penalties to try and frighten and intimidate building workers and their union representatives against standing up for themselves and their entitlements in the workplace.

In particular, the bill makes industrial action taken by unions prior to the nominal expiry date of certified agreements unprotected and unlawful action.

This means that employers will be able to reduce existing conditions and pay of building workers without any industrial action able to take place under the law to prevent this from happening.

This will leave the CFMEU, if it takes industrial action in support of its negotiations, to be exposed to fines of up to $110,000 and uncapped damages. Individuals may face fines of up to $22,000. These appalling fines are accompanied by unprecedented coercive powers for the new Australian Building and Construction Commission which will replace the Building Industry Taskforce.

To give an example, this new Commission will be able to demand answers to questions like: "Are you, or have you ever been a member of a trade union or political party?" They will also be able to demand phone records, bank records or any other document. Anyone who fails to co-operate will have committed an offence. But these offences will attract a mandatory jail term!

This is pure vindictiveness and intimidation. People who find themselves being questioned in this way have no rights and do not even have to be suspected of doing anything wrong! This means that the ABCC will have stronger powers than any police force in the country.

These provisions remove the right of individuals to protection from self-incrimination. This protection is one of the fundamental principles of natural justice. This situation was highlighted by Justice Murphy in the High Court case of Pyneboard v TPC.

"The privilege against compulsory self incrimination is part of the common law of human rights. It is based on the desire to protect the personal freedom and human dignity. These social values justify the impediment that the privilege presents to judicial or other investigation. It protects the innocent as well as the guilty form the indignity and invasion of privacy which occurs in compulsory self incrimination; it is society's acceptance of the inviolability of the human personality."

A reality check on these provisions shows that after this bill is passed, it will be hardworking building and construction workers that may well be victimised relentlessly for merely choosing to be a member of a trade union! There are no checks and balances here. There will be no natural justice. This is Mr John Howard's Australia.

Suddenly being a building worker will carry all sorts of additional fears and potential for insecurity. The Prime Minister will have created a police state for a special industry. Is this the way to treat the people building our country? Of course not: But common sense does not factor when the Prime Minister's ideology is the motivation.

The plight of union organisers is equally frightening. These are people who have usually come from their trade or vocation and chosen to make a contribution to the welfare of working people through their union.

How dare the Howard Government so specifically and ruthlessly target the earnest and honest efforts of these people: People who have usually foregone some other opportunity in the building industry to devote themselves to the health, safety and improvement of working conditions of their fellow workers!

On the issue of Health and Safety, the bill also shifts the onus onto employees to prove that a reasonable concern exists where action is taken based on an OHS risk. I know from experience that the only reason that there are not as many deaths in the building industry as there are (and there are still way too many) is because workers and their unions have been diligent in trying to ensure health and safety standards are adhered to.

The Senate Inquiry into this bill, which reported on the 10 May, predictably reached its conclusions along party lines, with the Labor Party unequivocal in our conclusion that this bill ought to be opposed. The Liberal Party Senators towed the line and of course said it should be passed with no amendment. Interestingly, the Democrats chose not to oppose it outright, but will seek to amend the bills. A fat lot of good that will do. With the Coalition holding the balance of power it seems the Democrats are pathetically keen to go out of their way to show that they are still fundamentally anti-union.

This bill should be opposed. It represents the worst kind of arrogance and personal ideological campaign of a Prime Minister that can't see past personal prejudices no matter what the damage to innocent individuals, lawful trade unions, natural justice and the sensible functioning of a highly productive and dynamic construction industry.

Senator SANTORO (Queensland) (6.25 pm)—I can assure Senator Hutchins, who is leaving the chamber, that I do not believe in executions and I do not believe in any of the extreme tendencies or behaviours that he attributed to me and my colleagues on this side of the chamber. It is with pleasure that I rise to support the Building and Construction Industry Improvement Bill 2005 and the Building and Construction Industry Improvement (Consequential and Transitional) Bill 2005, which I think are reasonable, very Australian and very responsible in their response to the findings of the Cole royal commission.

It is more than three years since the Cole royal commission report was tabled. At the time, the report shocked many who had been unaware to that point of the extent of lawlessness within the construction and building industry, and within the unions in particular. Hundreds of pages, supported with testimony, written and oral, documented the ongoing and shameless behaviour of the building industry unions and a number of dodgy employers—I think it is important to stress that the report also dealt with misbehaviour in the employer ranks. Countless examples were also cited of systemic illegal behaviour throughout the industry, and a number of individuals were referred to various judicial agencies for further action.

As I told the Senate in March 2003, the report by Commissioner Cole was not and is not about union bashing; it is a forensic examination of widespread ills in the construction industry in this nation. That industry, as we have long suspected and now know—and we know from many other inquiries that have been held similar to the Cole commission inquiry, including the famous one in New South Wales which was quickly shut down when the Labor Party gained power in that state—is a notoriously compromised industry, in which illegality is endemic, malpractice is found widely and intimidation by unions is a fact of life that no-one can escape or deny. From evidence gathered by the royal commission during public hearings conducted between October 2001 and October 2002, Commissioner Cole found and identified 392 separate instances of unlawful conduct committed by individuals, unions and employers; 25 different types of unlawful conduct; and 90 types of inappropriate conduct.

And this is far from being the quantum of the illegality and inappropriate conduct. What has been revealed is only the tip of the iceberg. Obviously there are many instances that have not been examined because the evidence to force an examination was not discovered. There was, and still is, good rea-

son why additional evidence has not been discovered. It is because of intimidation and threats that would have been made and executed against people who would have needed to be more brave than those who did make presentations to the commission. Again that is an undeniable fact. On the evidence that Commissioner Cole has discovered through exhaustive inquiry, we now know that our understanding of what goes on in the building and construction industry is very far from being the full picture.

Commissioner Cole's findings in relation to illegalities and wrongdoing are very telling. In Western Australia, he made 230 findings of unlawful conduct—I know that these statistics interest you very much, Mr Acting Deputy President Lightfoot—against two unions, 28 representatives of three unions, three companies and one representative of a company. In Victoria, he made 58 findings against one union, 18 officials and stewards representing three unions, six companies, two representatives and three employees of five companies, and one individual. In New South Wales, he made 25 adverse findings; in Tasmania, 13; and, in the ACT, one. In Queensland he made 55 findings of unlawful conduct against five unions and eight representatives of three unions. They are very specific findings.

At the time of the report's tabling, the government committed itself to implementing Commissioner Cole's recommendations and facilitating a clean-up of the industry. The unions, sadly, denied all knowledge of any wrongdoing, as if, in admitting that systemic problems existed, they might have to accept some of the blame. A number of legislative changes were proposed to implement the commission's recommendations but, sadly, some of the most important legislative changes were blocked by the Labor Party in this place.

Sitting suspended from 6.30 pm to 7.30 pm

Senator SANTORO—Before the dinner break, I was saying that Commissioner Cole found that the root cause of the problems I described in the building industry was the old-style union domination of the industry itself and how it must work to meet cost deadlines. Employers and subcontractors are keenly aware of the financial implications of any delay in construction. Given that most construction firms are small- to medium-sized businesses, failure to meet deadlines can often result in business failure. The building unions have known and still know this, and they take advantage of the situation. They know that they have the employers and subbies over a barrel. If they want something, all they need to do is threaten a stop-work meeting, pull the lads off the site and down tools, and suddenly the employer or subbie is staring down the barrel of financial disaster.

The additional financial costs are very substantial. Again, I quote what I said in this place in March 2003. At that time, I said that these additional costs were easily illustrated by just one example:

> In the late 1990s, Woolworths commissioned two almost identical buildings in Melbourne and Sydney. The Sydney warehouse was completed on time and—only—$5 million over budget. The Melbourne warehouse was seven months late and $15 million over budget because of industrial practices—if that is the term we can attribute to those practices.

I recall having a very vivid discussion with Minister Kemp about that incident in Melbourne. I went on to say:

> These industrial practices included routine breaches of certified agreements, chronic failure to observe safety dispute settlement procedures, the use of three different workers from three different unions to operate machinery usually oper-

ated by two workers, demands to employ union nominated activists and illegal picketing.

I will repeat one of those practices for all senators present: chronic failure to observe safety dispute settlement procedures. You cannot get more derelict in terms of your responsibility towards employees and workers than that one.

It is not just employers and subcontractors who are affected by the irresponsibility of building unions. I heard you speak eloquently, Mr Acting Deputy President Barnett, in the last week of the last sitting period. You cited some of these issues, and I want to reiterate some of the problems that you and others on this side have mentioned. Excessive building and construction costs mean that Australian taxpayers are getting shortchanged when it comes to schools, hospitals, office buildings and even roads. In addition, inefficient work practices in the building and construction industry are costing Australian consumers billions of dollars every year, by increasing the cost of just about everything that we buy.

Everyone knows that building and construction is different, a section of our economy in which practices have been long tolerated that would simply be unacceptable and unthinkable anywhere else in Australian society. The rate of industrial action in the building industry in Australia in 2004 was 223.7 working days lost per 1,000 employees, almost five times the overall national average of 45.5. It has been estimated that productivity in the commercial construction industry is 25 per cent lower than in the domestic housing construction industry. In other words, it costs 25 per cent more to do the same kind of work on a large commercial site than it does on a home site. Small contractors are denied genuine freedom to work on their own terms and are forced—sometimes violently, as Commissioner Cole found—into deals done by unions and big building companies.

There has been a formidable array of government and other investigations which clearly show that unlawful behaviour is an endemic feature of the industry. Those inquiries came well before the Cole inquiry. Many people claim these incidents of unlawful activity are isolated and unrelated. Commissioner Cole found that there were clear patterns of unlawful conduct and a deep-seated culture of disregard for the law. Simply put, if we can improve the industry's culture, we can reduce costs for every Australian consumer and improve productivity in our economy.

Previous attempts at reform—as others speaking before me have detailed—have failed because they were insufficient to address the specific issues in the building and construction industry and were not backed by sufficient resources and legal clout. In the case of New South Wales, when that legal clout was provided, the advent of the Labor government quickly saw not just the task force shut down but the abolition of the legislation that sustained that task force and all the other provisions in it. The fact is that the problems of unlawful behaviour can only be overcome through a dedicated body which has the power to investigate and prosecute those who breach the law. That is what this legislation is all about. I heard Senator Hutchins say earlier that there was nothing in this bill that talks about corruption, illegality or the other things that Commissioner Cole found were happening in the building and construction industry. This bill addresses precisely those issues, and the provisions in it, particularly the sanctions, will ensure that those sorts of incidents and attitudes are rooted out from the construction industry.

The government's reforms are not about targeting particular groups within the build-

ing industry, contrary to claims made by those opposite. They will address all facets of unlawful, unsafe and inefficient conduct that plague the industry. They will bring about a cultural change to the industry through the following initiatives, which are worth putting on record: a dedicated industry specific act to address workplace relations problems in the industry; a dedicated enforcement body, the ABCC; improved occupational health and safety, through the establishment of the federal safety commissioner; increased penalties; allowing those affected by unlawful industrial action to recover damages; using Australian government purchasing power to bring about reform and adherence to a new Australian government building code; assisting employees to protect the entitlements due to them; encouraging training, apprenticeships and traineeships in the industry and combating tax evasion and fraudulent phoenix company activities.

One of the biggest impediments to cleaning up the industry and applying the law is that people affected by unlawful conduct feel too threatened to come forward and take action or inform the relevant authorities. This is probably one of the major reasons why quite a number of legal actions have not proceeded and, indeed, some have failed. In an environment such as this, it is essential that there be an independent body which can initiate prosecutions and take legal action on its own. This is the only way that people who are subject to unlawful and coercive activity can be protected. For decades, the belligerent officials of the Australian building unions have strutted about the work sites of this country. They do so in a fashion reminiscent of the monocled walking pigs in waistcoats and top hats that the Left like to imagine as capitalist 'fat cats'—except that in Australian work sites it is not some overbearing, cigar-chomping billionaire exploiting the downtrodden worker, it is the union officials extorting the companies that have helped build this nation.

So has the situation changed since the report's tabling? According to the interim building task force's reports it had not and still has not. Despite the fact that the taskforce received over 460 complaints, two-thirds of which related to union officials, the confrontational attitude of the unions has continued since the tabling of the taskforce reports. In fact, those on this side of the chamber contend that it has escalated.

Earlier this year, Jamie McHugh, the Queensland CBD organiser for the Builders Labourers Federation, wrote in his monthly report to his members:

> There is no groundswell of support amongst industry players for this harsh and unconscionable legislation. Construction is a self-regulating, self-reforming industry.

This quote is very instructional for those people who claim that their colleagues in the unions are whiter and purer than driven snow. Maybe there is no groundswell of support among his union mates—the ones who are the subjects of the vast majority of the taskforce's complaints; the same ones doing the extorting and engaging in illegal industrial action, and the ones that have been reported to threaten and visit violence on other industry participants from time to time. Maybe there is also no open—and I stress 'open'—support among the small businesses and subcontractors who fear industrial reprisals if they are seen to speak out. There is, however, support behind closed doors where these union thugs and heavies cannot hear.

The task force noted that, despite the findings of the royal commission and despite the public's awareness of the disgraceful tactics engaged in by these unions, clear disregard for the law remains in place. Take a look at the additional public statements made by various union officials available in union

newsletters. We do not tap phones. We do not do anything other than just read what is in the newsletters or go to their web sites to get a flavour for their attitude toward this government's attempts to clean up the industry. Much of the language is not fit to repeat in this place; let it be said instead that the level of palpable vitriol is very high.

Highly concerning are the various threats of violence that have been made against task force members. Threats of having bricks dropped on their heads have been publicly made, and those opposite know that is the case. Taskforce workers are referred to as rats or scabs—again, not very Australian language. Posters plaster work sites inciting everything from non-cooperation to brutal violence. Again, that cannot be denied by senators opposite. This continuing hostility and refusal to act in a lawful fashion is the principal reason for the sensible reforms being sought in this bill.

I want to focus for a moment on one of the primary purposes of this bill—that is, the increased penalties for the various offences. The findings of the royal commission and the experience of the interim task force are that the unions largely ignore orders of the Australian Industrial Relations Commission, the state commissions and the Federal Court. One union official, fined $500 after being found guilty of criminally coercing a site manager who was to appear as a witness before the AIRC, later quipped in his newsletter that:

> The magistrate ended up fining the princely sum of $500. Yeah, $500! Some of us lost that during the Spring Racing Carnival.

That was one union official's reflection on the sanctions and the fine imposed on him. The Labor Party should have come to grips with reality and should have passed this bill before 30 June, but refused to do so because it was then—just as it is now—under the thumb of its union bosses. When this bill is passed, I sincerely doubt that the same official will be joking in 12 months time about $22,000 lost on Melbourne Cup Day.

This bill substantially increases penalties for failing to comply with the law. Given the total disregard the unions have shown so far towards civilised let alone legal behaviour, I hope the larger penalties will encourage them to move towards civil and legal propriety. Faced with fines of this magnitude, we will hopefully see a decline in the use of illegal industrial action by unions to bully employers and subcontractors into bowing to unreasonable union demands. And once a sense of order and a respect for the rule of law is established in this industry, we can then begin to examine some of the other far-reaching and deep-seated problems inherent in it.

The bill also provides for broad powers for the Australian Building and Construction Commissioner—powers that the good people in the task force were desperately seeking so that they could fulfil their mandate. Senators in this place have in the past and also during this particular debate referred to the commissioner as a private police force with no skills to resolve workplace conflicts and have questioned the need for such a heavy-handed approach. But we on this side of the Senate submit that this is precisely what the industry needs, and plenty has been said about the qualifications and the powers of the commission by other speakers on this side.

This industry has existed in a state of lawlessness reminiscent of the Wild West. Subcontractors have feared seeking remedies before the Industrial Relations Commission because they know the unions will seek reprisals. Subbies or employers know that, even if they are successful before the IRC, the unions are very likely to simply ignore the judgement and orders. They know too that they are the ones who will be footing the

legal bills and suffering the financial penalties associated with construction delays, not the unions. So it is all very well for the senators opposite to talk about resolving industrial disputes peacefully and of working together in a spirit of cooperation to achieve outcomes for the industry as a whole. In an ideal world, that is exactly what should happen. I applaud them for their idealistic vision of the world even though, in their case, it is a triumph of hope over experience. But, when the unions have about as much respect for the rights of employers and subcontractors as Cruella DeVil does for dalmatians' rights, then it is time for some realism, not idealism, and that is what this bill is all about.

The commissioner clearly needs these improved powers in order to fulfil their mandate—that is, bringing order and a respect for the rule of law to the industry. After that, it may be that we can begin to address some of the other problems outlined by the Cole royal commission, which have been verified by the task force. These include issues such as the disgraceful levels of female participation and remuneration in this field—a topic I am sure should be of great interest to Labor senators opposite. The building industry is overwhelmingly dominated by men. In fact, 88 per cent of workers in the industry are men. The small numbers of women in the industry are largely relegated to menial clerical work. To add insult to injury, women's weekly average earnings in the industry are the lowest of all industries in the country. This problem is further entrenched, not to mention made much worse, by the archaic attitudes of many participants in the industry. We have all heard about the survey of Victorian building industry employers which identified that they felt women are not suited to working in the industry because they need separate facilities and are not physically able to contribute meaningfully to the industry.

The prejudices go beyond employers, however. They even go to the heart of the union's standover tactics. I will read from the March 2004 report of the task force. It is quite an interesting read. I am sure honourable senators on all sides would be enlightened by looking it over. It says:

> The taskforce is currently conducting an investigation relating to a female project manager on a building site. She was involved in a dispute with two union officials who attempted to close down her site because work was being carried out on the Building Industry Picnic Day. The officials refused to show the project manager their permits and used abusive language. They told her that a man in her position would have acted more reasonably and if she had been a man then she would have been beaten up. The project manager was annoyed by these exchanges. However, it was not until one of the officials pointed at a crude and sexist car sticker, then made a derogatory comment about her personal appearance, that she became angry and complained to the Taskforce about the closure of her site.

That is the sort of behaviour that should be unacceptable to everybody in the Senate and this parliament, particularly to Labor senators opposite. It is that sort of disgraceful behaviour, the sort of verbal and physical intimidation of that woman that was attempted which this particular bill seeks to address, amongst many other things. As I said, I applaud the wishes and sentiments expressed by senators opposite in terms of everything being rosy but in the industry that we have been talking about during the debate of this bill, things are not rosy. Clearly this bill is an attempt to bring about a sense of balance in the comments, activities and conduct that have been uncovered within that industry. It is an honour to be able to support a bill such as this. We hear the vitriol from those opposite but, in five or six years time, when the bill has had a chance to impact on the workplace, I am sure that even senators opposite will be praising the government for

a bill that has been well designed, well thought out and well implemented in the workplace.

Senator MARSHALL (Victoria) (7.46 pm)—Acting Deputy President Barnett, I understand this is your first time in the chair this evening. I extend my congratulations to you and promptly warn you about Senator Kemp. He is a most disorderly character and I am sure you will do your duty and keep him in line. I rise to talk about the Building and Construction Industry Improvement Bill 2005 and the Building and Construction Industry Improvement (Consequential and Transitional) Bill 2005, which are before us today. I have been carefully listening to the contributions from the government members and I want to talk about some of those contributions. I will start with Senator Santoro, seeing as he is still in the chamber, and a few of the comments he made. Senator Santoro is a previous industrial relations minister in the Queensland state government. As a consequence, he is one of the few people that I would consider has a practical exposure to industrial relations.

While I disagree with most of the conclusions he comes to, at least he has some credibility. He has, in fact, tried to mount a reasonable argument and to put some structure to it. Of course, he falls into the same trap that all government senators seem to, and that is the trap of blind ideology and an extreme agenda in the case of industrial relations. Senator Santoro, no-one on this side has ever said that everyone in the trade union movement or in this industry is as pure and white as snow—I think they were your words. I do not think anyone has ever said that. It is a very tough industry. It is full of phantom contractors. It is full of rogue contractors. There are constant underpayments. There are short cuts always being made. There is compromise being made on health and safety. It is a dangerous industry. People die or are seriously injured very regularly. It is an industry where lots of money can be made and lots of money can be lost. It is an industry where contactors feed on each other and attack each other. It is an industry where employees are regularly left with nothing as companies simply pack up and go. We find that the company structures and the legal structures that they have used to protect themselves deprive hard-working Australians of their superannuation, long service leave, sick leave and owed wages. There is much to be done. It is a very rough industry and I am sure that Senator Santoro appreciates that.

But then he goes on to generalise about this industry. He gave some examples of some projects that were over cost and over time. Isn't it funny when government members talk about how, whenever any project is over cost or over time, it is a union's fault? In this tough industry where often there is poor planning, and where I have personally seen contractors orchestrate disputes to cover up their own management incompetence, where there is so much that can go wrong, it is always the union's fault if there is a problem. For every job that is late, there are 50 or 100 jobs that are on time and below cost. Is that due to the unions? Do we hear congratulations to the unions? Do we hear the CFMEU and the other building unions in Victoria being congratulated by anyone on that side of the chamber for bringing in all the Commonwealth Games projects ahead of time and under cost? Do we hear anyone on that side doing that? No. Of course not. That must be someone else's responsibility. Let me tell you that when we actually get cooperation and common purpose amongst employees and employers, it is amazing what can happen.

A lot happens already in this industry. By any measure—and this was established in the royal commission and the inquiry that this Senate did into the royal commission and the

building construction industry—this is one of the most efficient industries in the world. You can compare it to anywhere in the world and it is either first, second or third by any measure. You cannot dispute that. This nonsense that comes out, that it is inefficient and needs massive reform to drive productivity, is just that—a nonsense. And it just fits with the ideology that this government wants to put forward.

Senator McGauran made a very poor contribution to this debate. Really, he simply relied on the royal commission and the findings of the royal commission. Senator McGauran has been around this place for a while and what he has forgotten is a little disappointing. He was part of the government when this decision was made but he has obviously forgotten why this royal commission was set up in the first place. It was set up as a witch hunt. It was set up in the lead-up to a federal election in 2001 because this government was struggling at the polls at the time and they needed an issue, and the issue was going to be, at that point in time, industrial relations. Luckily for them, the *Tampa* came along. Instead of having a union-bashing industrial relations election campaign—and I certainly regret that we were not able to have that because we would have won it hands down—they were able to manoeuvre the situation to a race based election which played on the lowest common denominator: the fears of people. They played that up—and win the election they did. But the royal commission was there for another day. Senator McGauran, you should remember that. You were part of that strategy, surely. But you believe your own ideology, your own rhetoric, and you believed that there was some real basis to it.

I will go through the facts. These facts have been put on the record many times but, for the sake of government senators and those people who may or may not be listening—given that this debate is not being broadcast at this time—let us put some of these facts on the record again. On 26 July 2001 the government announced the establishment of a royal commission into the building and construction industry to be headed by retired New South Wales Supreme Court Judge Terence Cole. The timing of the inquiry, a few months before the calling of an election, was widely commented on. The *Australian*, for instance, called the royal commission a political stunt and the *Australian Financial Review* editorialised that the inquiry was as much about propaganda and the political cycle as about policy. This was clear because the inquiry was not prompted by any particular issue or dispute in the industry.

The pretext for setting up the royal commission was an 11-page report dated 11 May 2001 which Minister Abbott commissioned from the Employment Advocate. The report made allegations of union corruption, fraud and other illegalities in the building industry. They were just simple allegations; there was nothing to back them up in the 11-page document. None of the allegations contained in the Employment Advocate's report were borne out by any evidence and few of them were even aired in the commission hearings. Matters referred to prosecution authorities in the secret volumes of the royal commission's report are apparently not of the sensational character alleged in the Employment Advocate's report. A leaked copy of the secret volume states that the royal commission chose to refer matters it merely concluded might have constituted breaches of the law, which is a very low threshold indeed—but, when it comes to industrial relations, low thresholds are what this government is all about.

The Senate had a good, hard look at the Cole royal commission and a good, hard look at the building and construction indus-

try, because the royal commission glossed over a lot of the issues that we thought needed looking at, such as phantom contracting, the way prices are tendered, behaviour of employers and the bargaining relationship that really needs to be worked on if we are going to see some improvement in this particular industry—as hard as it may be to get some. Let us talk about why we cannot rely on the findings of the royal commission. I think the government is the only one still relying on the findings of the royal commission. One of the legal witnesses said to our inquiry:

Simply because Royal Commissions are not and do not have to behave like courts does not, of itself, impugn their potential role or value in examining contentious public issues or, for that matter, in arriving at conclusions and framing recommendations for the Executive to consider. It merely means that those in the legislature or the executive considering the "findings" or "recommendations" of a Royal Commission should not assume, or misleadingly represent to the public at large:

- that the findings of fact can be accorded the same level of confidence as findings by a court after judicial process;
- that the work of a Royal Commission has been conducted in a manner calculated to arrive in a detached manner at conclusions about all relevant matters within the scope of its inquiry; or
- that the recommendations of a Royal Commission follow logically, inexorably or at all from the deliberations and findings of fact of the Commission.

Every witness who appeared before the Senate inquiry expressed the view that the decision of this government to establish a royal commission on the building and construction industry, select a commissioner and set the terms of reference was an inherently political act. So senators on the other side who constantly refer to the royal commission need to put it in the context in which this royal commission was set up in the first place. It is the government alone that remains convinced of the credibility of the findings of the Cole royal commission and it is the government alone that remains alert and alarmed about those findings.

Senator McGauran peppered his speech with constant allegations of rorts and intimidation. There was no evidence. There was not a single fact presented to the Senate. There were no facts and no detail. He just talked about rorts and intimidation, because the royal commission indicated that that was going on. That is the rub and that is how it works. Government senators make speeches after dorothy dixer questions they get from their own side and they make allegations that are unsubstantiated. Some of these allegations have some link to the royal commission, where people who were accused of doing things had no right to give evidence or speak in their own defence, and conclusions are drawn. Then other people repeat those allegations as if they are a matter of fact. And then people like Senator McGauran get up and repeat them again as if they have actually been tested and gone through the proper and due processes of judicial inquiry. They present these allegations to the Senate as evidence when they are in fact nothing of the sort. It is an illusion. All it is is a process to support the extreme views of this government.

But it was actually Senator Johnston who stooped to new lows in this debate—for nearly the whole of his contribution to the Senate—and it did him no credit whatsoever. Senator Johnston used a quote from Peter Cook about the building and construction industry. It is a quote that had been used on a previous occasion in the Senate, and Peter Cook had responded to that quote. Peter Cook made it very clear that that quote was taken out of the context in which it was then used—and it was taken out of context again

today when used by Senator Johnston. Former Senator Peter Cook also talked about the things that he did in his time in government to put in place the reforms that he thought were needed and he totally rejected that his comments could in any way be supportive of this government's extreme and ideologically driven agenda.

For Senator Johnston to come in here and reuse this quote that has been rebutted by former Senator Peter Cook was a very low act indeed and did not do Senator Johnston any credit. It is a continual and deliberate misrepresentation by the coalition that this legislation is aimed at criminal conduct and is designed to stamp out criminality, corruption, standover tactics, thuggery et cetera. Senator Johnston has taken this to new levels today. For someone who should know the details of this legislation—as he sat on the references committee looking at the building and construction industry and sat on the legislation committee looking at this particular legislation and he is a lawyer—he has been very misleading in his contribution today.

This bill does not deal with criminal conduct. It deals with everyday industrial issues. The fact that these types of coercive powers are being introduced into an industrial relations context makes it all the worse. Aside from criminal sanctions for ABCC officials disclosing information, the only criminal offence this legislation creates is for refusing or failing to respond to an ABCC notice to provide documents, answer questions or give information regarding industrial matters in the building industry—in other words, the only criminal offenders under this legislation will be those who fail or refuse to give information about their work mates and everyday non-criminal industrial matters.

Senator Johnston should also be aware that there was not one single criminal prosecution arising from the matters looked into by the Cole royal commission—something that Senator McGauran should be reminded about too. There was not a single prosecution. I find it a little strange that the government senators on the other side of the chamber with their extreme views can talk about all this criminality and all this illegal behaviour—again, there is no evidence, no facts and no real argument—yet the involvement of all the law enforcement agencies around the land has not led to one single prosecution. Not a single prosecution arose out of the Cole royal commission. If government senators expect us to give their arguments any credibility, they need to present evidence that can be judged to identify a need for this legislation if we are to be convinced it is not, as we know, just simple ideology and a leftover from the current Prime Minister's view of industrial relations—a view that he has held for many years.

There has not been a single criminal prosecution against a trade union or any official from any of the matters referred by the royal commission to the various agencies after the conclusion of the inquiry. The building industry task force has confirmed that no further action will be taken by it in respect of any of the matters referred to it by Cole. It is gone. It is finished. The whole $69 million exercise has resulted in what? This legislation before us today and some excuse that this government relies on by simply parroting some of the untested and unproven allegations. Such allegations have certainly not been borne out by any of the prosecutions that have taken place because none have been successful. Really, Senator Johnston ought to have known better. The rhetorical flourishes in Senator Johnston's speech do go close to misleading the Senate. Senator Johnston knows the truth. He has been at these inquiries He has seen all the evidence. He knows the truth, but he cannot come into

this chamber and actually tell the truth about the industry.

In stooping to a new low in this debate, Senator Johnston picked out a number of individuals and talked about what they may own and the fact that some of them have share portfolios and some of them have other business interests. I really think that this demonstrates quite starkly what this government really believes. They resent working people actually being successful. They actually resent working people having share portfolios or property portfolios. It is not for the likes of this government—

Senator Kemp—Mr Acting Deputy President, I rise on a point of order. We have been listening to an extraordinarily defensive speech by Senator Marshall. As is my want, I listen in silence and I am interested in the arguments. Senator Marshall said that Senator Johnston should speak the truth. To my mind that is a reflection on Senator Johnston, and it should be withdrawn.

The ACTING DEPUTY PRESIDENT (Senator Barnett)—There is no point of order.

Senator MARSHALL—That is what this government is about with this legislation. They actually resent that working people can make substantial incomes because of their skill set, which is due to the enormous skill shortage inflicted upon this country by the government. Substantial incomes are made generally because they work incredibly hard and they work incredibly long hours—again, the result of the skill shortage and the demands the industry is imposing on them. Senator Johnston wants to attack those individuals by playing the individual. It has nothing to do with any arguments about this legislation; it is just that he does not like union officials or workers generally being successful in any other way.

That is what really exposes this government. This government wants to impose a way that restricts the ability to act collectively and maximise the strength of bargaining and restricts the ability to re-establish a fair balance of power between an employee and an employer. They want to take that away and have individuals bargain with huge multinational companies, as if they have some choice in what they will be offered. As we all know, they will simply be offered the choice of take it or leave it. It is simply a way to enable rogue employers to take short cuts. It is simply a way to ensure that rogue employers can put a dollar in their pocket instead of a dollar in the workers' pocket. If they can take a short cut in the provision of health and safety arrangements, they will do so. If they can take short cuts in their business arrangements with subcontractors, they will do so.

Senator Johnston also provided an extraordinary example of mind-reading. He told us about how one of the witnesses answered a question that was put to him by the committee. He then told us how the witness struggled to answer that question. He led us to conclude that the witness did not really mean the answer. Senator Johnston has become an active mind-reader in this process too. Not only does the government not let the answers on evidence stand in their way of the fabrication of their ideology, they actually want to make things up. In direct contravention of the evidence put to the committee, Senator Johnston concluded that the witness struggled to give the appropriate answer; therefore, the witness really did not mean his answer. That is what he would have us believe. This is really the basis of this government's whole attack on unions and working people in this country. *(Time expired)*

Senator GEORGE CAMPBELL (New South Wales) (8.07 pm)—Over a year ago I rose in this chamber to present a Senate re-

port called *Beyond Cole—The future of the construction industry: confrontation or co-operation?* The title of this report offered a challenge to the Howard government. It asked the government whether it saw the building and construction industry as friend or foe; as an employer of 740,000 Australians and an important part of our economy or as an industry to be feared and regulated; as the industry that delivered the widely successful Sydney Olympics on time and on budget or as an enemy to be crushed; as an incubator of vital trade skills or as an opportunity to unleash a political vendetta. Sadly, the legislation before the Senate today shows that this government has made its final choice. It has chosen confrontation over co-operation. In speaking on the report, I noted that the government's legislative proposal for the industry was biased, poorly drafted and downright simplistic. In retrospect, I think I was being too generous.

Despite the fact that the Building and Construction Industry Improvement Bill 2005 only partly reintroduces parts of the original bill, it is no less disruptive and vindictive. It still defines the construction industry so broadly that employers and employees in areas as diverse as trucking and electrical engineering, who have never previously considered themselves as part of the industry, are covered by the provisions of this bill and thereby exposed to prosecution and penalties for participating in what they regard as legal bargaining activities. This bill—which, importantly, is retrospective—seeks to severely limit the rights of workers to take protected industrial action and significantly increases the penalties for such actions. Unions can face fines of up to $110,000, and individual workers can be slugged up to $22,000.

When you look closely at each chapter of this bill, you see it is designed for one purpose only. No, it has nothing to do with tackling the real issues confronting the building and construction industry—issues that I will come back to later; instead, this is nothing more than a cheap political ploy in this government's ongoing campaign of intimidation against building workers and their unions and hundreds of honest employers in the industry. As we speak, building unions are negotiating agreements on behalf of their members with employers across the industry. This is generally being done in good faith and in the spirit of cooperation. For some reason, however, this government has a problem with employers and employees sitting down and bargaining an equitable outcome.

This government think it knows better than leading companies like Multiplex, which are keen to strike agreements with their workers in order to avoid this draconian and potentially disastrous legislation. Employers in the building and construction industry have no wish to be the front-line warriors in the government's ideological war on building workers. But the government does not care. It has solved this dilemma with a nasty piece of retrospective legislation in an attempt to bully workers and employers. This piece of legislation is just one of the many weapons this government is prepared to use to bully employers into accepting its extremist view of the world. In the months to come, we will see this government roll out its full agenda. This bill is just the thin end of the wedge. The full horror of this government's attack is just around the corner.

Employers already know that they face bans from government tendering unless their workplace agreements meet the government's proposed building and construction industry code of practice. I have to say this tactic is disgraceful and tantamount to blackmail. But we should expect nothing less from this out-of-touch and arrogant government. Blackmail is now the order of the day. They tried it on universities by refusing institutions funding unless they offered AWAs for

their staff. The same goes for our VET sector. The government has already withheld over $300 million worth of funding and is threatening to withhold over $4 billion worth of funding unless TAFEs offer their staff members AWAs: no AWAs, no funding. This extreme government is showing the same contempt for students and teachers as it is for building workers and their employers.

The only question now is: what industry is next on the government's blackmail hit list? For a government that spouts the rhetoric of small government and free markets, these are rather puzzling examples of heavy-handed intervention. Building employers do not want to be threatened; they want to retain the ability to work harmoniously with their employees and with their clients. But this government is refusing to let them do so. The burden this government is willing to thrust upon employers is nothing compared to the attack that is about to be launched on building workers and their families.

The way in which this bill was introduced into this house a few weeks ago is very instructive. As I have said, originally this legislation focused solely on making it harder for building workers to take legitimate industrial action—the aim, of course, being to disrupt the current round of enterprise negotiations taking place in the industry. But just a few weeks ago we saw the government rush a raft of controversial last-minute amendments to the bill. This arrogant display symbolises the state of the Howard government, which is so hell-bent on introducing its extremist legislation that it is willing to throw due process and parliamentary scrutiny out the window. Looking at these amendments, it is easy to see why the government was keen to avoid both media and parliamentary scrutiny.

With these amendments the government not only creates the Australian Building and Construction Commission but also declares war upon building workers and their families. These amendments show a government prepared to circumvent the basic tenets of our legal system to hunt down and prosecute its own citizens using a specially formed star chamber. We have already seen this star chamber in action in the form of the Building Industry Taskforce, an organisation that this nefarious piece of legislation will formalise as the ABCC. This organisation sounds innocuous. But for 740,000 building workers it is the stuff nightmares are made of. What is more, the numerous safeguards that Labor and the Democrats enforced in the Workplace Relations Amendment (Codifying Contempt Offences) Act, the piece of legislation that governed the building industry task force and mitigated its worst excesses, have mysteriously disappeared from this legislation, leaving building workers to face Prime Minister Howard's brave new world of industrial relations with no protections at all.

The ABCC has wide-ranging coercive powers to investigate criminal activities and any breach of the WRA awards or agreements. It effectively usurps the role of the police, who, in Labor's opinion, are the most appropriate body to investigate alleged criminal action. As a result of this legislation, any building worker in Australia can be hauled in front of the ABCC and interrogated. There is no right to silence, and workers can find themselves in prison if they refuse to cooperate. The bill does not even allow for financial penalties to be levied. Courts will have no choice but to impose a mandatory prison sentence.

The ABCC will also have the power to spy on building workers in the workplace. Covert recording of conversations and the use of concealed tape recorders and equipment will also become commonplace on Australian building sites. It can also enter private property and seize documents on a whim and without any evidence of suspected

illegality. Even our police forces do not have this power. What we have is an organisation empowered by legislation to spy on and interrogate Australian workers, an organisation that does not even need permission from a judge to use coercive powers, an organisation that has more powers than ASIO has when it deals with suspected terrorists. It is clear that this government wants a free hand to intimidate and bully workers. In short, the ABCC will be free to do what it likes when it likes.

What the government is creating is a partisan attack dog that has no concern for the human rights of 740,000 building workers who would be, anywhere else in our society, innocent until proven guilty. Taxpayers are being asked to foot the bill for this travesty of justice. The ABCC will cost Australian taxpayers $100 million. Add to this the $45 million spent on the building industry task force and we have the most expensive attack on civil liberties this country has ever known.

It is also a gross waste of money. Between 2002 and 2005, the building industry task force received 2,827 hotline inquiries and conducted 2,734 site visits. This averages out to $8,631 per phone call and $8,295 per site visit. Out of all this, only 22 investigations ended up in court, and most of these have been for issues of technical noncompliance rather than criminal behaviour. These matters have cost taxpayers over $1 million each. In return, a total of just under $40,000 in penalties has been levied.

These results tell us what most reasonable people knew years ago: the government's obsession with criminality in the building industry is built upon a lie. The Cole royal commission, the report of which this government has based its war on Australian building workers, was nothing more than a sick joke. It cost Australian taxpayers $69 million and had one mission only: to come up with a set of findings that would back up the rhetoric of the government. The so-called 'culture of lawlessness' uncovered by Commissioner Cole is a downright falsehood. Only one prosecution has stemmed from the Cole charade, and rates of industrial action were found to be comparable to those in a wide range of other industries.

The government is yet to explain how this equates to a 'culture of lawlessness'. Sadly, while the Cole royal commission spent its time chasing rumour, innuendo, and criminals that did not exist, it ignored the many real problems facing our building and construction industry. That suited this government down to the ground. The real issues confronting the building industry run counter to this government's extreme ideological agenda; accordingly, they have no interest in seeing them addressed. They have no interest in working towards real cultural change in the industry—the type of change that will result in real productivity increases without the need to destroy the conditions of building workers or conduct a jihad against unions.

During the Senate committee hearings into the construction industry, we heard testimony from Professors Martin Loosemore and William McGeorge from the School of Construction Management at the University of New South Wales. These gentlemen, whom no-one can accuse of being partisan, noted:

> Our worry is that the current agenda is once again focusing very negatively and confrontationally on industrial relations reform and is ironically galvanising attitudes against reform when what is actually needed in this country is a positive reform strategy which recognises the full complexity of issues impeding progress in the construction industry, and which engenders a sense of collective responsibility and trust towards reform.

They identified a range of issues that must be addressed in order to achieve lasting and

sustainable cultural reform in the industry. These include: confrontational, unfair and divisive contracts, procurement systems and employment practices; a culture of risk transfer which drives the construction industry from the very top to the bottom and pushes performance down to the lowest common denominator; protective and fragmented professions and industry bodies; long, unwieldy supply chains; a lack of investment in training; an uncaring and incestuous industry culture; and confrontational union-employer relationships. This bill completely ignores these cornerstone issues.

It also neglects a host of other important issues confronting the industry. This legislation does nothing to fight the plague of phoenix companies which rob Australian workers of their entitlements. It also does not move to tackle the significant problem of tax avoidance in the industry or the cowboy employers who refuse to accept their workers compensation obligations. If the government were serious about combating lawlessness, it would give up its attempts to persecute innocent building workers and introduce severe penalties for those dodgy employers who rip off their employees and rob the Commonwealth of millions of dollars in tax revenue. That is a bill Labor would be happy to support.

Then there is the issue of significant skill shortages within the building and construction industry. Carpenters, bricklayers, plumbers, tilers, roofers and engineers, to name a few, are all in very short supply within this industry. The DEWR skilled vacancies index showed that in the five years to 2001 vacancies in the building trades increased by 61 per cent. Since then, things have got progressively worse. Industry experts estimate that over 100,000 skilled tradespeople will leave the industry in the next few years. There will only be around 40,000 tradespeople trained to replace them.

Instead of developing a comprehensive and sustainable strategy to meet the skills crisis, this government is content to throw millions away in a campaign of intimidation and legal thuggery aimed at building workers and their families. It is time this government realised that it is here to serve the Australian people, not to engage in extremist campaigns. I call upon the Howard government to jettison this piece of downright nasty legislation and instead work cooperatively with Labor, state governments, unions and building industry employers to face the real issues in this industry.

Labor believe there is a cooperative way forward for the industry, a way forward where positive change is possible, and we are not the only ones. I would again like to quote Professor Loosemore, who, when confronted by a government senator who believed change in the industry could never happen, said:

> There is no reason why they—

the industry—

> could not change. The important thing is to have a vision of a completely different industry, where we are not killing people on site and where people can work in decent conditions.

The PM is fond of telling us that his government is here to govern for all Australians. Here is their chance to show it by jettisoning these disgraceful bills and introducing legislation that will help our building and construction industry grow.

A number of comments have been made by others in respect of the contribution this afternoon of Senator Johnston. I have seen some low acts in this place, but for Senator Johnston, a fellow West Australian, to take the words Senator Cook—who has made a very significant contribution to this country as a minister in a number of portfolios—used in 1990 in a totally different context and try to use those to justify his argument, the ar-

gument for these bills, is to defy belief. Senator Johnston sat on this committee, he was at most of the hearings, he knows that Senator Cook participated in all of those hearings and he knows what Senator Cook's position was in respect of what occurred in 1990 and in respect of this legislation, and it was nothing like what Senator Johnston attributed to Senator Cook. We know what Senator Cook's circumstances are today. Senator Johnston, if he is a man at all, should have the courage to walk into this chamber and apologise for the contribution he made in respect of Senator Cook's contribution to this industry, because it is a downright disgrace, and he ought to be challenged for it.

Senator FORSHAW (New South Wales) (8.26 pm)—I begin where Senator Campbell just concluded. I endorse wholeheartedly his call for Senator Johnston to come back into this chamber and apologise for his disgraceful remarks. In speaking on the Building and Construction Industry Improvement Bill 2005 and the Building and Construction Industry Improvement (Consequential and Transitional) Bill 2005 I will, of course, cover some of the points that have been made by other speakers from the opposition. I also want to say at the outset that this legislation demonstrates clearly an ideological obsession of this government—if you happen to have the word 'union' in your title then this government are going to come after you. They have done it with student unions and they are now doing it with trade unions. I wonder whether or not they will eventually start going after rugby union.

I notice the current Minister for the Arts and Sport is in the chamber on duty. I think that is appropriate because, we all recall, earlier today in question time Senator Abetz, representing the Minister for Employment and Workplace Relations, stood up in this chamber and sought to ask a question and Senator Kemp tried to help him. Obviously Senator Kemp had said to Senator Abetz, because Senator Abetz then referred to it, that draconian legislation had been introduced in New Zealand by a former Labor government. That was totally, completely and utterly wrong. Senator Kemp did not know what he was talking about and Senator Abetz did not know what he was doing in repeating Senator Kemp's advice. It was the Bolger conservative government that introduced that legislation in New Zealand. That typifies the mindset of this government—they will clutch at any straw, they will invent arguments, in order to attack the trade union movement and the labour movement in this country.

This legislation is, as so many have acknowledged and pointed out, fundamentally flawed, for a couple of specific reasons. Firstly, it is directed at one particular group within the industrial relations framework, the trade union movement. This is not legislation that seeks to improve the building and construction industry; it is legislation that is about getting at the CFMEU, the Construction, Forestry, Mining and Energy Union—the major union in the building industry. It is clear that that is its purpose. You only have to go to the second reading speech to see it. It says:

> This bill seeks to implement a framework where unlawful industrial action is not tolerated and those taking such action are brought to account for their lawlessness.

Could one object to that? Probably not. One could not object to legislation that is going to deal with lawlessness and unlawful industrial action. But then in the next sentence, it goes on to say:

> This bill comes before the parliament at a time when building industry unions in several states, in particular Victoria, are pressuring employers in the building industry to renegotiate existing agreements well in advance of their expiry dates.

So that is the context. This is one-sided. This is an attack—in the government's own words, the minister's own words—upon a union and the union movement in the building and construction industry. It is dressed up in fine terms as the 'Building and Construction Industry Improvement Bill', but its real purpose, of course, is to get at the unions. The minister goes on in the very next two paragraphs of his second reading speech to say:

> The CFMEU is also threatening industrial action in support of its demands. Such action is likely to be unlawful.

I stress, 'is likely to be unlawful'—not 'it is unlawful', but 'is likely to be'. This government has decided that action that may be taken in the future by the union is likely to be unlawful; therefore they have got to get at them now by changing the law to stop that action. First of all, there is no indication that that industrial action will occur or has occurred. Secondly, what right has this government to make legislation on the presumption that some future action is going to be unlawful? The second reading speech continues:

> This approach is an attempt to insulate the industry from the government's reform agenda.
>
> However, the government will not sit idly by and permit long overdue reform of this industry to be impeded by unlawful union demands.

I interpose: if unlawful union demands have been made, why has action not been taken against those unions under the current legislation? It has not been. There has been a finding here in this speech by this government, to justify this legislation, that certain action is unlawful. But no attempt has been made to pursue the case against those unions for that unlawful action because, as we know, it is not unlawful. It is action that is clearly lawful under the current legislation. Then just in case you missed it, just in case it was not clear to anybody what this bill was really about, the minister says in the second reading speech:

> This bill is a specifically targeted legislative measure to address the unlawful conduct of unions.

So it is all about attacking and destroying the unions.

I understand that the government just do not like unions. They do not actually think that unions should exist. They believe that unions are anathema to their view of what a democratic society is about. I find that an interesting concept and position for the government to adopt. I have heard, time and time again, members of the government come in here and praise people like Lech Walesa because he took on the might of the Soviet empire and the ratbags and bureaucrats who ran the Polish state. They like to come in here and associate themselves with people like Lech Walesa or Morgan Tsvangirai in Zimbabwe, who is currently the leader of the group in Zimbabwe that is taking on President Mugabe. It is the trade union movement in Zimbabwe that is doing that. It was a trade union movement, Solidarity, in Poland that took on the generals. It was COSATU in South Africa that took on the apartheid state. But no, the view over here, the view of this government, is that trade unions are inherently undemocratic, evil and corrupt. That is their position. You only had to listen to Senator Johnston and people like Senator McGauran to understand that.

So that is the fundamental basis upon which this legislation comes before this parliament. It targets only one side. The legislation is based on the false premise that all of the problems in the building and construction industry are caused by the unions, principally the CFMEU, and that all you have to do to solve those problems is to basically take a sledgehammer to the CFMEU and you will sort those problems out. There is no recogni-

tion, of course, in this legislation—as indeed there was no recognition in that expensive exercise, the Cole royal commission—of the need to deal with some of the real, on-the-ground problems in the building industry.

There was no recognition, and there is no recognition in this legislation, of the problems that exist in that industry with respect to health and safety. Why does this industry have the second highest number of fatalities of any industry in the country, with over 50 deaths per year? What is this government doing to ensure that young kids who get an apprenticeship or a start on a building site do not fall to their deaths because of the failure of the employer to put up a safety railing?

What is this government doing about ensuring that employers provide appropriate workers compensation and other accident insurance for their employees? It is doing nothing. There is nothing in this bill that deals with these problems that lead to people being killed or permanently disabled, cost millions and millions of dollars a year and produce heartache and tragedy for families. This government does nothing. What we get is Senator Johnston getting up here and talking about how some building union official happens to own a waterfront property in Perth or whatever.

What is this government doing about stamping out underpayment and cash-in-hand payments in the building and construction industry? We were told the GST was going to fix all that; it was going to clean up the black economy. Those of us who have some experience in these matters know that these practices are still rife, particularly in the non-unionised sector—in this country's housing industry. We know the domestic housing market, which is largely a non-unionised sector, has many examples of cash-in-hand payments on the job. The government is doing nothing about it.

What is this government doing about ensuring that builders are properly licensed? There is nothing in this bill that deals with that. It might improve the building and construction industry if this government actually took a good, hard look at ensuring that there was consistency in licensing arrangements across this country. But, no; this government says, 'That's a state problem; that's a state regulation.'

Senator Abetz—Of course it is.

Senator FORSHAW—'Yes,' the minister interjects, 'it's a state issue.' It is a state issue because you do not want to do anything about it. That is the issue. This government does not want to actually deal with the real problem of unlicensed contractors on building sites in this country.

Just in my own area alone in the last couple of years there have been two fatalities on building sites, one where an electrician was killed because of a failure to check the wiring and the power when he was working and another where an accident occurred while building a bridge over a railway line. That is just in one small suburb in Sydney—tragic episodes for the families of those two workers in that industry. There is nothing in this bill that even remotely suggests that this government is interested in those sorts of problems. No, this is all about taking on a union: the CFMEU. It is about an ideological obsession with getting rid of the CFMEU.

Other problems that demonstrate that this legislation is fundamentally flawed have been raised by other speakers. Reference has been made to the coercive powers that will be given to the Australian Building and Construction Commissioner. This is really McCarthyism. Some might say that is an extreme description. I am not generally given to extreme descriptions in this place, but in my view this is McCarthyism. When you enact a law that says that a citizen can be

required to answer the question 'Have you ever been a member of a political party or have you ever been a member of a trade union' and if you do not answer you can be imprisoned, that to me is actually worse than McCarthyism. At least in the McCarthy era in the US you could try and plead the fifth amendment. It did not do you much good. It meant you probably did not go to jail, but you never worked again. You never got another job in that industry because you were declared to be a communist.

But here there is no out. You cannot rely on some legal right to protect yourself against self-incrimination or a legal right to remain silent because the prosecution has the duty to prove. Here you are required to answer the questions 'Have you been a member of the ALP?' and 'Have you been a member of a trade union?' If you do not answer, you can be imprisoned. That is what can happen under this bill. And this is from people who call themselves liberals, people who say they live in the great tradition of John Stuart Mill and Disraeli. Where are you people coming from when you put up this sort of legislation against one specific group in the community? It is just terrible.

Senator Eggleston interjecting—

Senator FORSHAW—Senator Eggleston just mentioned 'intimidation'. I have some history of involvement in the building and construction industry—I dare say I probably know a lot more than people on the other side of the chamber—and I can recall some of the problems that existed in this industry back in the seventies and eighties when I was an official of the AWU. I can recall the problems, and I will not walk away from them, that existed within the Builders Labourers Federation in those days, when it had essentially been taken over by some criminal elements. We know that. And it was a Labor government that took the action to deal with it and had that organisation deregistered under the then legislation. It had them deregistered through a lawful process under the then Conciliation and Arbitration Act.

So we can stand on our record. We dealt with problems when they existed. Indeed, the CFMEU—as it now is; in those days it was the BWIU—was the union that was at the forefront of supporting what was a very big, serious decision for the Labor movement to make, to clean out that industry. So when you come to this parliament and talk to us about problems in the building industry, you really do not know what you are talking about. If you want to find out about the problems that exist and have existed in the building industry for many years, go back and read the report of the Gyles royal commission in New South Wales, which was set up, like the Cole royal commission was, to produce a predetermined outcome. But what did Roger Gyles have to come up with in the end, because the evidence was too great? Corruption in the building industry by building companies and developers. It was rife: companies put in bids for tenders knowing that they were never going to get them and jacked the price up so that someone else got paid off, because it was not their turn to win the tender.

That is what went on in the building industry, and it went on under a Liberal government in New South Wales—under Premier Greiner and then Premier Fahey. It went on in the building industry when you people were in government under Malcolm Fraser. So do not come in here and lecture us about corruption and bad practices in the building industry because it is not all one-sided. Indeed, the building industry today, I submit, is much cleaner, more efficient and more productive than it has ever been in the history of this country. You only have to look at the sorts of projects that are delivered on time and under budget—for example, in Sydney,

the Sydney Olympics, the Anzac Bridge, the development of the third runway at Sydney airport and the new reactor being built at Lucas Heights. Project after project is being delivered on time and under budget. And you sit there and lecture us and say that the industry is corrupt, it is falling apart and it is a hotbed of industrial lawlessness. That argument is a joke.

As a government, you spent $69 million on a phoney royal commission to produce a predetermined outcome simply to set up a vehicle to go after the union movement. It is a disgrace, an outrage and an attack on decent members of this community—building workers doing an honest day's work in a hard industry for an honest day's pay. Frankly, you should be ashamed of yourselves. You should tear this legislation up and get on and deal with the real issues in this industry, such as the ones I have mentioned—stopping the deaths on building sites, making sure that builders are licensed, making sure that they have got their proper insurance coverage and making sure that companies are not going bankrupt and denying their workers the rights to their entitlements. *(Time expired)*

Senator ABETZ (Tasmania—Special Minister of State) (8.46 pm)—I thank honourable senators for their contribution to this debate. This is important legislation and the government does not resile from it. The legislation reflects the government's commitment to ensuring that the law as it applies to other industries is observed equally by all participants in the building and construction industry. I want to make this point absolutely clear—it is to apply to all participants in the building and construction industry regardless of whether they are union officials, employers or workers. It stands to reason that, if there was not actual collusion, there would have been a degree of cooperation by certain employers with the unlawfulness and illegality that was found by the royal commission. That is why our legislation is dealing with the industry without fear or favour in relation to any particular sector of that industry. Construction is a $50 billion-a-year industry comprising nearly seven per cent of GDP and employing some 700,000 Australians.

During the debate, a few issues were raised. Those on the other side did the bidding of their union masters and asserted that the bill is somehow anti-union. The bill forms part of the government's overall response to the royal commission's report. Many recommendations will be considered as part of the broader workplace relations reform agenda. The government supports the majority of the royal commission's recommendations relating to taxation and superannuation. However, in some cases, the government has already introduced legislation that performs the same functions as the royal commission's recommendations, such as the superannuation guarantee regime and the taxation law amendment act in 2003 in relation to fringe benefits. It also urges state and territories to adopt a greater role through their respective departments and agencies in the enforcement of employee entitlements in the industry.

So it ill behoves Senator Forshaw and those opposite to ask why the legislation does not deal with certain elements of the industry which fall fairly and squarely within the province of the state governments. Might I remind him that, right around Australia, we have state Labor governments. If there are problems with licensing, as asserted, what has Senator Forshaw done to ensure that those state Labor governments look after the workers? What has he done in relation to occupational health and safety issues?

Senator Forshaw interjecting—

Senator ABETZ—Senator Forshaw interjects and I am willing to take the interjection

that prosecutions flow. That is exactly as it ought to be.

Senator Forshaw—Because the unions get on the job and do it, that's why.

Senator ABETZ—In that case, everything is working wonderfully well. Why on earth do we need federal legislation to intervene? But, if you are encouraging the federal government to cover the field, then I dare say you will be supporting our proposal for a national workplace relations system because that is clearly what you are asking for in the building sector, and I will welcome your support in relation to our general reforms when they come up later on.

We were also asked why the legislation does not provide guidelines similar to the codifying contempt offences act. Proposed section 52 confers appropriate investigatory power on the ABC commissioner, who is an independent statutory officer. The guidelines in the codifying contempt offences act concern coercive powers exercised by the Secretary of the Department of Employment and Workplace Relations and how these powers could be delegated to the head of the building industry task force. Proposed section 52 can only be exercised by the ABC Commissioner or a Deputy ABC Commissioner personally, who are also independent statutory officers. Proposed section 13 of the legislation expressly provides that these investigatory powers cannot be delegated to anyone else—for example, ABC inspectors.

It was also asserted that the ABC Commissioner can ask whether a person is a member of a union or political party. Claims that proposed section 52 would allow the ABC Commissioner to randomly ask whether a person is a member of a union or a political party are unfounded. Proposed section 52 clearly sets out that such powers can only be used in relation to an investigation of a breach of the act, the Workplace Relations Act or a Commonwealth industrial instrument. This limitation means that the bill does not authorise the ABC Commissioner to inquire whether someone is a member of a union unless it is relevant to investigating a breach—for example, a right-of-entry matter.

So the sort of scare campaign that those opposite are running can be clearly debunked by the wording of the legislation. But, as we have found so often with those opposite, they will run a scare campaign on any major reform that this government puts up. On balancing the budget, on A New Tax System and on the first wave of industrial relations reform, we got the same rhetoric from those opposite. All that we really had to do was change the date on their press releases. It was all the same prophecies of doom and gloom, which have now been found to be wrong, because we now enjoy in this country a great rate of employment; five per cent unemployment—we still want to drive that down further; real wage increases for the Australian work force, of 14 per cent in comparison to Labor's 1.3 per cent in 13 years of office; and the lowest rate of industrial disputation since records have been kept. So that is the record that we rely on.

In general terms, I think the Australian workplace is a lot better than it was in the past, but the Cole royal commission clearly found a degree of lawlessness and illegality and it is a great pity that an alternative government would come into this place and basically say, 'We do not have to clean up the building industry.' The royal commission has found numerous examples of lawlessness and illegality—

Senator Forshaw—How many prosecutions have there been?

Senator ABETZ—There have been some prosecutions. I am not sure whether Senator Forshaw, who is interjecting, was at the Senate estimates hearings, but we went through

all those figures at Senate estimates as to how many prosecutions there have been. All that evidence is there and undoubtedly some of the CFMEU's mates will front up again at the next Senate estimates and will ask similar questions, and undoubtedly the latest figures will be revealed.

We were told by Senator Forshaw that the Building Workers Industrial Union, I think it was, had cleaned up the industry. The industry must have been in a hell of a mess for the Cole royal commission to have found what it did if the industry had been cleaned up, as asserted by Senator Forshaw. They may well have done a lot of good work; I do not know. What I do know is that the findings of the Cole royal commission are robust. The commission made recommendations for the government in relation to employers, unions, employees and workers, and what we are seeking to do is to implement the vast majority of the Cole royal commission to protect the Australian economy and to protect Australian people.

As I indicated earlier, there are 700,000 Australians employed in this industry. It represents about seven per cent of the gross domestic product of this nation. If we do not clean this industry up, we will be doing a great disservice to the vast majority of Australians, who deserve a lot better. One thing that we as the government have always been willing to do is take on the tough tasks to make Australia a better place. I recall the sorts of comments that were made when we were going to clean up the waterfront: that everything was fair and rosy on the Australian waterfront and that our expectation of getting 19 crane lifts per hour was in fairyland—it could and would never happen. Today Labor are right: we do not get 19 lifts per hour on the Australian waterfront; we get 25 lifts per hour—way beyond our expectations.

They are the sorts of productivity benefits that can be gained by taking the tough decisions that we were willing to take. That has assisted all Australian exporters and, as a result, has supported the manufacturing industries and our primary industries, and of course it is because of that that we have seen the great degree of employment growth in Australia. Just as we sought to fight the bad practices on the waterfront—and were opposed by those opposite—we are now turning our attention to the building and construction industry, which also needs to be cleaned out so we can drive efficiencies and benefits and restore the rule of law for the benefit of all Australians, and so we can grow employment even further and increase wages even further. Future generations of Australians will read the *Hansard* on this, I have no doubt, and ask themselves: why on earth did the Labor Party ever oppose this legislation? I commend the bills to the Senate.

Question agreed to.

Bills read a second time.

In Committee

BUILDING AND CONSTRUCTION INDUSTRY IMPROVEMENT BILL 2005

Bill—by leave—taken as a whole.

Senator MURRAY (Western Australia) (9.00 pm)—I move, jointly with the opposition, amendment (1) on sheet 4652:

(1) Page 2 (after line 12), after clause 2, insert:

2A Accountability for advertising expenditure

(1) Money must not be expended for any public education or advertising project in relation to any programs or matters arising out of this Act, where the cost of the project is estimated or contracted to be $100,000 or more, unless a statement has been presented to the Senate in accordance with this section.

(2) The statement must be presented by the minister to the Senate or, if the Senate is not sitting when the statement is ready for presentation, to the President of the Senate in accordance with the procedures of the Senate.

(3) The statement must indicate in relation to the proposed project:

(a) the purpose and nature of the project; and

(b) the intended recipients of the information to be communicated by the project; and

(c) who authorised the project; and

(d) the manner in which the project is to be carried out; and

(e) who is to carry out the project; and

(f) whether the project is to be carried out under a contract; and

(g) whether such contract was let by tender; and

(h) the estimated or contracted cost of the project; and

(i) whether every part of the project conforms with the Audit and JCPAA guidelines; and

(j) if the project in any part does not conform with those guidelines, the extent of, and reasons for, the non-conformity.

(4) In subsection (3), ***Audit and JCPAA guidelines*** means the guidelines set out respectively in Report No. 12 of 1998-99 of the Auditor-General, entitled *Taxation Reform: Community Education and Information Programme*, and Report No. 377 of the Joint Committee of Public Accounts and Audit, entitled *Guidelines for government advertising*.

I will speak briefly, because we have moved this amendment before for other bills. This amendment is taken directly from the Senate order and from the Auditor-General and the Joint Committee of Public Accounts and Audit guidelines. Those are respectively set out in report no. 12 of 1998-99 of the Auditor-General and Report 337 of the Joint Committee of Public Accounts and Audit, entitled *Guidelines for government advertising*. In summary, it asks the government to sign up to the fact that material should not be liable to misrepresentation as party political material.

The guidelines under this heading recommend that information campaigns should not intentionally promote or be perceived as promoting party political interests, material should be presented in unbiased and objective language and in a manner free from partisan promotion of government policy and political argument. That material should not directly attack or scorn the views, policies or actions of others such as the policies and opinions of opposition parties or groups, and information should avoid party political matters. Those, in essence, are the most important of the Auditor-General guidelines.

I note that the Senate Finance and Public Administration References Committee, of which the chairman is present in the Senate, is presently conducting an inquiry in this area. It has been emphasised to us that the issue of government advertising—its integrity, its probity and its accountability—is an issue throughout the Western world, because of the way in which governments, media and advertising trends have moved. In all the parliaments around the world, there has been an attempt or an actuality of tightening the way in which government advertising is presented, to ensure that the natural and very extensive benefits of incumbency are not perverted or developed in such a way as to allow for what is fundamentally a corrupted process. With those brief remarks, I have moved my side of the amendment. I am sure the Labor Party shadow minister would like to add some remarks.

Senator WONG (South Australia) (9.03 pm)—As Senator Murray indicated, this is a

joint amendment by the opposition and the Democrats. We have had an identical amendment, I think, on the Skilling Australia's Workforce Bill 2005, and we ventilated in the context of that debate the issues surrounding the amendment. This government has been quite profligate in its tendency to spend public moneys for its own political purposes, in particular, on advertising. We join with the Democrats in seeking greater accountability and transparency when it comes to the expenditure of public funds on advertising. It is a matter of record that there have been some fairly high profile advertising campaigns funded through the public purse by this government, a great many of which the reasonable observer would have difficulty in finding to be impartial and not party political in their effect.

I am reminded—and I think I mentioned this in the last debate in which this amendment was moved—of the Medicare advertising which preceded the last election at substantial cost to the public purse. That was justified on the basis that persons ought to be advised of their entitlement. Subsequent to the election, we have had Minister Abbott back down from the rock solid ironclad guarantee and substantially change people's entitlements under the government's Medicare policies. I do not see the government lining up for much public advertising of the new set of entitlements under which the public now operate when it comes to Medicare. So we join with the Democrats in seeking greater transparency of the expenditure of public moneys when it comes to advertising.

Senator ABETZ (Tasmania—Special Minister of State) (9.05 pm)—The Senate has heard the arguments for and against this proposition ad nauseum. It is ventilated on a regular basis in this chamber; it was ventilated at the Senate Finance and Public Administration References Committee hearings. I am delighted that no allegations of corruption have been made this evening—that is delightful. In relation to the suggestion that no government advertising should be capable of misrepresentation—which is one of the suggestions of the Auditor-General—I think I said at the Senate Finance and Public Administration References Committee inquiry that Senator Forshaw chairs, the members of which are not here at the moment, 'Hello, has nobody ever heard of the Australian Greens?' They are liable to misrepresent anything. Does that mean that just because you might have one senator misrepresenting a campaign, the government should not be allowed to inform the Australian people?

It was interesting that, when we first ran the Pharmaceutical Benefits Scheme information campaign, the Labor Party's policy was to oppose it. According to some of the suggestions from the Auditor-General, the government should not have been running that campaign, as it may have been represented as party political because the Labor Party were in opposition to it. Of course, 12 months later, the Labor Party did one of their few sensible backflips and joined with us in the policy. As a result, exactly the same government information campaign that on one day would not have been allowed under the Auditor-General's guidelines all of a sudden becomes allowable. Why? Because the Labor Party have changed their policy position. Excuse me, but the government are elected to govern and, if they have a policy position to put forward, they have the right to put that forward without needing the blessing of the opposition—the party that the Australian people have in fact rejected.

I will reassemble the Medicare campaign that was somewhat dissembled by Senator Wong in her comments. The reason we ran an information campaign was to inform people of their rights and responsibilities, but the most important call to action in that total campaign was advising people of the need to

register. They had to register. Indeed, the booklet had a tear-off section in which families needed to register to get the benefit. It was not the thresholds when the safety net cut in that was the important part; the important part was getting families registered for the safety net irrespective of when the threshold might cut in or out. So for Senator Wong to suggest that the information campaign was all about when the threshold for the safety net cut in was somewhat disingenuous, because the real point of the campaign was the booklet with the tear-off sheet that was required for families to register. I thought I should clear those particular aspects up, because they were raised in the debate. I think we all know the arguments for and against. The government have now been on record on a number of occasions indicating that we do not support the suggestions contained in the Australian Democrats' amendment.

Question put:

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

The committee divided. [9.13 pm]

(The Temporary Chairman—Senator GM Marshall)

Ayes……	31
Noes……	34
Majority……	3

AYES

Allison, L.F.	Bartlett, A.J.J.
Bishop, T.M.	Brown, B.J.
Brown, C.L.	Campbell, G.
Carr, K.J.	Evans, C.V.
Faulkner, J.P.	Forshaw, M.G.
Hogg, J.J.	Hurley, A.
Hutchins, S.P.	Kirk, L.
Ludwig, J.W.	Marshall, G.
McEwen, A.	Milne, C.
Moore, C.	Murray, A.J.M.
Nettle, K.	O'Brien, K.W.K.
Polley, H.	Sherry, N.J.
Siewert, R.	Stephens, U.
Sterle, G.	Stott Despoja, N.
Webber, R. *	Wong, P.
Wortley, D.	

NOES

Abetz, E.	Adams, J.
Barnett, G.	Boswell, R.L.D.
Brandis, G.H.	Chapman, H.G.P.
Colbeck, R.	Eggleston, A.
Ellison, C.M.	Ferguson, A.B.
Ferris, J.M. *	Fierravanti-Wells, C.
Fifield, M.P.	Heffernan, W.
Humphries, G.	Johnston, D.
Joyce, B.	Kemp, C.R.
Lightfoot, P.R.	Macdonald, I.
Macdonald, J.A.L.	Mason, B.J.
McGauran, J.J.J.	Minchin, N.H.
Nash, F.	Parry, S.
Payne, M.A.	Ronaldson, M.
Santoro, S.	Scullion, N.G.
Troeth, J.M.	Trood, R.
Vanstone, A.E.	Watson, J.O.W.

PAIRS

Conroy, S.M.	Hill, R.M.
Crossin, P.M.	Calvert, P.H.
Lundy, K.A.	Patterson, K.C.
McLucas, J.E.	Coonan, H.L.
Ray, R.F.	Campbell, I.G.

* denotes teller

Question negatived.

Senator MURRAY (Western Australia) (9.18 pm)—by leave—I move:

(1) Clause 2, page 2 (table item 2, cell at column 2), omit "9 March 2005.", substitute "The day on which this Act receives the Royal Assent.".

(2) Clause 2, page 2 (table item 4, cell at column 2), omit "9 March 2005.", substitute "The day on which this Act receives the Royal Assent.".

(3) Clause 2 page 2 (table item 6, cell at column 2), omit "9 March 2005.", substitute "The day on which this Act receives the Royal Assent.".

As you can see, these items really seek to avoid the retrospectivity which is being proposed in this bill. One of the things a migrant like me has to learn is, of course, the history

of a country like Australia. In my early days I always thought that describing the Liberal Party in that way was just a cunning device to confuse everybody. Where I had come from, in southern Africa, to be called a liberal was close to being called a communist. In fact, many times I was referred to as a member of the rooi gevaar, which means the red danger or communism. They would use liberal synonymously with that. I believed in democracy and the rights of black people—and all people—to have a vote, and that was regarded as a very unsound and liberal point of view. So I was a bit confused when I arrived here and discovered that the Liberals were actually the conservatives. I had always thought it was designed as a clever device and that it was misleading and deceptive. But, of course, the more I have studied the history of the Liberal Party, the more I have realised that once they were a liberal party and that they have become more conservative as they have got older.

Senator Abetz—And what's happened to the Democrats?

Senator MURRAY—I am sure you can give me a response in the process. Whilst I might not be a conservative, it has a long tradition in political philosophy, as has the labour movement. If you look at the nine political families that constitute the European Union's array of nearly 200 political parties, the top three are in fact the labour-socialist group, the conservative group and the liberal-democratic group, in which I would end up being. But I raise these points not to indicate that I have a strange kind of wandering mind but because retrospectivity to me comes right to the heart of a liberal respect—and I use the word with a small 'l'—for the rule of law and for contract. It is just a fundamental. There has been some debate during the Senate inquiry about retrospectivity and the precedence for it. Large numbers of bills were itemised as having had retrospective provisions. But it is necessary to dig deeply into those to see what those meant. I describe four main types of retrospectivity: the first being practical and necessary, the next two being positive and the last being negative.

It is often practical and necessary for some new tax law to take effect from the date of announcement, subsequently confirmed by legislation—because otherwise people will hear it is going to be done and they will organise their affairs and dodge the taxes which are due to everybody. That sort of retrospectivity makes sense and has long been accepted by all parties in the parliament. Then there is remedial retrospectivity, which corrects mistakes, is technical and is usually beneficial. Of course, that is perfectly acceptable and is, once again, accepted by all sides of the parliament. Then there is retrospectivity that is benign—in other words, it is of neutral effect or is beneficial to individuals or entities. Again, the approach of the parliament and the Scrutiny of Bills Committee, of which I am a member, has long been to recommend that that type of retrospectivity be supported. But retrospectivity which is adverse to those affected should generally be opposed, and I am very conscious that the capital 'l' Liberal Party has long had a history of speaking out against that sort of retrospectivity.

Retrospective legislation does and can offend against the principles of natural justice. It can and does trespass upon the basic tenet of our legal system that those subject to the law are entitled to be treated according to what the law says and means at the relevant time, subject to the interpretation of the courts. Retrospective legislation that brings uncertainty to the environment in which the community and business operate is to be avoided. As a general principle, like all other political parties in this place over time that I am aware of, the Democrats do not support

the use of retrospective legislation that acts to overturn existing contractual arrangements, that makes previously lawful activity unlawful or that acts to the detriment of individuals or organisations. I regard this as a cross-party principle and one of the most important principles in our parliament. It is one which only a conservative without any sense of political history should knock aside as lightly as is intended here. With our amendments, we are trying to prevent that occurring.

I am disappointed that a party such as the Liberal Party—which is proposing this legislation and has a long history of opposing retrospective provisions—should be pushing this. It is contrary to liberalism. I think it is even contrary to conservatism—but maybe it is not quite as contrary. But it is certainly contrary to liberalism and it is contrary to the tradition of parliamentary practice in law. I feel quite strongly about this. I can see that in some circumstances the contracts that are going to be overturned might offend one party or the other—and I might feel sympathy for one party or the other, but that is not the point. You do not retrospectively change a law under which people have lawfully made a contract. It is a simple principle.

Senator WONG (South Australia) (9.26 pm)—I would like to make some brief comments in relation to the amendments moved by Senator Murray—amendment Nos. 1 to 3 which are the ones dealing with the date of commencement of the legislation. I also want to make some comments about retrospectivity. It is the case that there are times when retrospective legislation is appropriate or necessary. Senator Murray referred to the example of tax laws, where you might need to announce the amendments to the tax laws before you actually implement them, for obvious reasons. Another occasion where it would be appropriate would be to remediate errors in the legislation. But we say that to have legislation be retrospective in the imposition of penalty provisions, as this legislation does, is inappropriate. It is only if circumstances really compelled that kind of retrospectivity that it could possibly be countenanced. What we have here is not a set of circumstances which compel retrospectivity in a policy sense. The set of circumstances which compel retrospectivity is a political one, and that is this government's dominance within this chamber and its desired outcome in the building industry, to attack the building union and building workers.

This legislation does impose substantially more significant penalties than currently exist in the Workplace Relations Act. It is interesting to note yet again the different penalties which apply as yet another example of how this government regards the building industry and building industry employees as somehow different and requiring of more punitive measures than the broader work force. The Workplace Relations Act provides a maximum pecuniary penalty of $10,000 for bodies corporate and $2,000 for individuals, which can be compared with the substantially greater grade A contraventions under this legislation of $110,000 for bodies corporate and $22,000 for individuals.

One other issue I want to mention is another example of where the government has taken a rather unbalanced position when it comes to this legislation, and that is in relation to clause 77, which gives protection to the commission for acting in good faith but no analogous protection for trade unions if their officers act in good faith. There is a provision—I think it is clause 69(2)—which refers to protection for unions if they have taken reasonable steps, but there is not the same protection for acting in good faith that is provided to the commission. We agree with Senator Murray in this regard, but I have to say that these amendments, if they are successful, will not cure the substantial

flaws we see with the bill. What we see is a government that is quite happy to retrospectively render conduct unlawful and, more importantly, is quite happy to retrospectively increase the penalties applicable. We are supportive of Senator Murray's amendments.

Senator MARSHALL (Victoria) (9.29 pm)—Along with my concern about the retrospective nature of this bill, I am concerned that the definition of building and construction work has also been significantly expanded. One of the arguments the government has used in the past to make retrospectivity acceptable from their point of view is that building workers should have been aware that this bill was going to be made retrospective because the government announced that it would be in a press release many months ago. It was put to the Senate inquiry that railway workers involved in the maintenance of tracks and railway infrastructure will be caught up in the expanded definition in this bill. That was not disputed by the department during the hearing. They would have no way of understanding, even today, I would submit, that they would be caught up not only in the penalty provisions of this bill but also in the retrospective nature of this bill. Minister, will any occupations or industries caught up in the expanded definition of what constitutes building and construction work also have the retrospective nature of the penalties applied to them?

Senator ABETZ (Tasmania—Special Minister of State) (9.31 pm)—In relation to the issue of retrospectivity, I join to a certain extent with other senators in this chamber who have expressed opposition to retrospectivity. In Senator Wong's case, there was reluctance about retrospectivity. I think Senator Murray expressed an absolute bar against retrospectivity. I hope I am not doing him an injustice.

Senator Murray—In the circumstances.

Senator ABETZ—All around the chamber there seems to be agreement that retrospectivity in principle is not a good thing but we would all use it if we believed the circumstances justified it. I suppose that is the big divide in this debate: we in fact believe that the circumstances in the building industry do require retrospectivity on this occasion, albeit we would not make a habit of doing this and we in fact do not like doing it.

We are proposing that elements of the bill come into force as of 9 March 2005, the date on which the bill was presented to the parliament. We did announce at the time that that would be the date from which we would wish it to take effect. The terms of the bill have been known for a considerable time and have been the subject of extensive scrutiny both inside and outside the parliament. We believe that we have a clear mandate for the changes that we are proposing. The decision to designate 9 March as the date of effect was taken to ensure that industry parties did not take advantage of the time between the bill's introduction and its passage to engage in unlawful or antisocial conduct of the sort identified by the Cole royal commission. As a consequence, persons taking unprotected action from the date of the bill's introduction would run the risk that it will be unlawful and attract significant penalties. This has acted as a deterrent for parties who may have considered using unprotected industrial action as a negotiating tool.

The new provisions will not apply to industrial action that was taken and which ceased before the date of the bill's introduction. Therefore, any action that took place before the date of introduction will not be subject to the penalties prescribed in the bill. The retrospective operation of these laws would appear to be having the desired effect by encouraging those contemplating engaging in industrial action outside the context of

negotiating a single business agreement to think again.

Senator Wong also raised clause 77 of the legislation, which protects the commission if it acted in good faith, and she indicated that there is no provision that provides unions with the same sort of protection. That is right. Can I also indicate that employers are not given protection if it can be asserted that they somehow acted in good faith. It is not unusual to give an enforcement agency—and I think police forces and other like organisations are provided with protection if they acted in good faith—the sort of protection that is not necessarily provided to other people in the community. It is true to say that the unions will not be protected by that provision, nor will employers. Once again, that shows the even-handedness of this legislation and the uneven approach of the Australian Labor Party. All they are concerned about is the union movement. You will not hear them express their concern that employers, for example, should be protected when acting in good faith. They have no regard for that at all. That is where I think we as a government have positioned ourselves very well with the Australian people. We are not beholden to any interest group like those opposite. We apply the legislation fearlessly to both the union movement and employers.

Senator Forshaw—What a lot of crap.

Senator ABETZ—Senator Forshaw makes a very good contribution! I said that deliberately hoping it will get into *Hansard*. I am sure that some of Senator Forshaw's supporters would be horrified at the use of that sort of language. You are in the Australian parliament, not at trades council now, Senator Forshaw. Mr Temporary Chair, I will not get distracted by Senator Forshaw's frivolity and joviality.

I can understand where Senator Murray is coming from, as a matter of regret. He would oppose retrospectivity in this circumstance. We as a government believe that it is appropriate. I think we are all agreed that retrospectivity should be used sparingly. We as a government believe that this is one of those rare occasions when retrospectivity is justified. I can understand that, on balance, others would come to a different conclusion. We respect that. But, in respecting it, that does not mean that we agree with it.

Senator MARSHALL (Victoria) (9.37 pm)—Maybe I missed it, but I do not think the minister came to the question that I asked, whether he is deliberately ducking it or not. It really does go—if you want me to go through it again, because I have some other questions I want to ask you—to the point of the legislation: significantly expanding the definition of what will now be considered building and construction work. You argued—and you have just argued it again—that the justification for applying the retrospective nature of this legislation was the fact that you made a press release on or about 9 March telling people that in the building and construction industry, and we can assume it was commonly known then, there would be these increased penalties. My question went to my understanding and the evidence given to our legislation committee when we were inquiring into this legislation. Just as one example, railway infrastructure workers—workers repairing railway tracks and other railway infrastructure, fettlers and gangers—will now be considered building and construction workers. That proposition was not challenged, if my memory serves me correctly, by the department. They were aware of it. It is in the report that the opposition senators put out. My question was: will any employees that are caught up in the expanded definition of building and construction work also have the retrospective nature of this legislation apply to them?

Senator ABETZ (Tasmania—Special Minister of State) (9.39 pm)—Senator Marshall is correct; I did overlook his question. I apologise for that. I did not mean any slight, in the event that Senator Marshall felt offended. In relation to the definition of 'building work', I understand that that has been in the legislation since 2003. So the building work definition has been on the public agenda for nearly two years. That definition was intentionally broad so that it could effectively bring about the structural and cultural change that the industry requires. The legislation therefore does apply, for example, to the manufacture of prefabricated components which form a major element of construction projects. Construction unions have demonstrated a willingness to target companies manufacturing products for the industry in pursuit of their industrial goals. The definition ensures that the problems endemic in the industry are not shifted down the contractual chain and that all those involved in the construction industry, whether on site or supplying essential materials, are covered.

Importantly, the definition of 'building work' is able to be modified by regulations. Any non construction related activity that is inadvertently captured can be excluded from the operation of the act. Similarly, it will enable the addition of other categories of building work should the need arise. The main object of the proposed legislation is to create an improved workplace relations framework for the benefit of all building industry participants. Although the new laws will specifically target participants within the commercial construction sector, there will also be flow-on effects that benefit the industry as a whole. Therefore this description of building work, having been around for some two years, was well known. If no-one else did, I am sure the CFMEU publicised the definition well and truly. Given the general knowledge about that definition, I would doubt that the backdating to 9 March would have come as a surprise to any in the industry.

Senator MARSHALL (Victoria) (9.42 pm)—I would like to take that issue up a little more. Could you clarify for me, Minister: were you saying that the definition that applies in this bill before us today is in legislation that has been passed before, or are you saying that it has been in proposed legislation that has been around since 2003? I think there is a significant difference if that is what you are putting. I am not quite sure what you are putting. Could you clarify that.

Senator Abetz—The 2003 bill.

Senator MARSHALL—You are saying the 2003 bill. So the legislation before us, if passed, will redefine what is considered to be building and construction—is that what you are putting to me, Minister?

Senator ABETZ (Tasmania—Special Minister of State) (9.43 pm)—What I am putting to the senator is that the bill that was introduced in November 2003 had a definition of 'building work' in it. That definition has now been put into the 2005 bill. It has not been changed. On both occasions, of course, it was in bills as opposed to acts. The 2003 bill lapsed because of the 2004 election. The definition of 'building work' has been translated straight from the 2003 bill into the 2005 bill.

Senator MARSHALL (Victoria) (9.44 pm)—I think this does identify quite a serious problem. In terms of what is commonly known and understood by 270,000 people who work in what we know as the building and construction industry, which could probably be as broad as 350,000 to 400,000 with the new definition, it is quite a jump and an enormous leap of faith if you suggest that what is commonly known to have been in legislation that has been around for a long time should simply be known to at least 270,000 people to be changed because it was

in some legislation that had not been passed and in fact had lapsed because of the election. I think that is an enormous leap of faith. You have indicated, Minister, that you relied on the CFMEU to widely publicise the definition. I do not think even the CFMEU claim to have 270,000 members across the country. Even if they did widely publicise it—and my view is that they have not—

Senator Mark Bishop—You'd be safe!

Senator Forshaw interjecting—

Senator MARSHALL—Thank you, Senator Bishop and Senator Forshaw. I do not think that relying on a union to do your job is really a satisfactory way of conducting the business of this government. Senator Forshaw made the point, even though he did it via interjection: why hasn't the government advertised this significant change that will catch new people who would never have considered themselves to be under the building and construction industry? And why should they, because they never have been considered to be under the building and construction industry before? Why didn't the government spend some of the money they seem to have bottomless pits of to advertise that? One might suspect that it is because it did not serve their political interests at the time. I hope the minister can respond to that.

I would also ask the minister to turn his mind to the fact that my reading of the bill would suggest that the definition of 'industrial action' has been changed by the bill before us today. People may argue about the extent of those changes, but my reading of the bill is that the definition has been changed. Again, why would people understand that difference? Why would people expect that action that they may have taken one day which was legal would not be legal simply via a press release? Can the minister tell me: is there any industrial action that could have been legal at 9 March this year and that will not be legal after this bill receives royal assent?

Senator ABETZ (Tasmania—Special Minister of State) (9.47 pm)—As I understand the situation, what will be outlawed as of 9 March will be unprotected industrial action. That is an issue where, clearly, there is a divide between the Australian Labor Party and the government. We can canvass the issues backwards and forwards all night, but there is a big divide there. I accept and understand that, but I just indicate that we have a different approach to these issues.

In relation to advertising, I am willing to put it to the Minister for Employment and Workplace Relations to ascertain whether or not a campaign should be run on that particular aspect. I would suggest that, if Labor want us to do that, they therefore accept that it is appropriate for governments to advertise even when legislation has not been passed by the parliament. That is something that I will note, and I am sure Senator Forshaw will put that into his report to the Senate in due course. As I understand the definition of 'industrial action' federally, that definition remains the same.

Senator MARSHALL (Victoria) (9.49 pm)—It is that sort of flippant response which really discredits the government's argument about trying to clean up the industry. They do not put any evidence to that effect, but that is the rhetoric they apply. Clearly, Minister, if you were going to make something retrospective, you would need to advise people of the point in time that it was going to be retrospective to. To talk about doing an advertising campaign, after the bill is passed, to advise people who took action between 9 March and now—people who were outside the previous definition and may be caught up in that—is really a bit foolish, I would suggest to you.

Progress reported.

ADJOURNMENT

The DEPUTY PRESIDENT (9.50 pm)—Order! It being 9.50 pm, I propose the question:

That the Senate do now adjourn.

Telstra

Senator NASH (New South Wales) (9.50 pm)—I rise tonight to address the vital issue of telecommunications in rural and regional Australia. Telecommunications plays a significant role in any modern economy. There is no doubt that telecommunications is vital for the future of rural and regional communities—indeed, for the nation as a whole. Telecommunications can reduce the obstacles of distance and time. It contributes to economic efficiency and leads to increases in productivity, particularly through the delivery of services such as education, health and social services, to name but a few. Improving telecommunications in this country is in the national interest. Unfortunately, most of Australia's regional communities are not realising the true benefits of 21st century telecommunications because of the age-old issue of supply and demand.

Prior to entering this place, I had the opportunity to chair The Nationals' Page Research Centre inquiry into regional telecommunications. The report, which was brought forward in March this year, made several recommendations and put forward two key findings: firstly, competition is the best mechanism to deliver services and infrastructure to our rural and regional communities; and, secondly, where there is market failure, the government has a social obligation to assist in the delivery of those services and infrastructure platforms.

Under the current legislative framework, there is effectively little opportunity for competition to deliver other than basic telecommunications services into our regions. This means there is little incentive for Telstra as the existing major provider to deliver services capable of carrying our regions into the future. What we need to take our regional telecommunications services and infrastructure into the future is a regulatory and legislative framework which both encourages competition and enables the government to financially assist where there is market failure. The framework must also provide an environment that encourages private sector investment in telecommunications in our regions, representatives of many of which approached us through the Page Research Centre inquiry.

In recent months the Nationals, under the leadership of Mark Vaile and John Anderson before him, have worked closely with our coalition colleagues and taken steps to address this vital issue of telecommunications in the bush. A little over 2½ weeks ago, the Howard-Vaile government put forward a $3.1 billion regional telecommunications package that I believe addresses the issues of competition, service delivery and infrastructure funding for telecommunications in the bush. Under this package, the Howard-Vaile government plans to boost competition by ensuring operational separation of Telstra. This would enable greater transparency through the separation of the wholesale and retail arms of Telstra, which would ensure a fair and level playing field for new players entering the regional telecommunications marketplace. In simple terms, this means other telecommunications companies would be able to access the Telstra network on the same conditions as Telstra's own retail arm.

I do not believe that under any circumstances we should allow a monopoly telecommunications carrier to operate in rural and regional Australia. I do not believe a monopoly carrier will provide the level of telecommunications services and infrastructure necessary to grow our regions into the future. I also believe the government must

improve the enforcement powers of the Australian Competition and Consumer Commission and the Australian Communications and Media Authority.

The $3.1 billion package identifies $2 billion for a communications fund. The Nationals leader, Mark Vaile—and I commend him on this—proposed the fund to future proof regional telecommunications in the long term, to help fund the roll-out of new technologies and to address areas of market failure. The Howard-Vaile government also plans to spend $1.1 billion over the next four years to upgrade mobile and broadband internet services in regional Australia, and we should expect to see a great deal of private sector investment in this area as well.

I certainly welcome this government's commitment to maintaining the universal service obligation, under which Telstra is required to guarantee access to standard phone services. In addition to the USO, I believe we need to see a strengthening of the customer service guarantee which sets minimum time frames for the installation and repair of phone services and a strengthening of the national reliability framework. Through Connect Australia and the entire package, The Nationals have done what we were elected to do: deliver efficient and effective telecommunications services to the seven million people who live in non-metropolitan Australia. I repeat that: that is what we were elected to do. The Nationals will not shy away from our responsibility to make sure that we get this right.

This means many more businesses will soon be able to do more of their work online. Businesses from towns like Yass, an hour's drive from this place; Yamba, in the state's north; my own home town of Young, in the central west; and Yatte Yattah, on the South Coast, will all now be able to compete more efficiently and effectively in an increased marketplace. Improvements in efficiency and effectiveness will lead to the creation of more jobs, which will in turn contribute to the broader economic stimulation of local economies. We know that our rural and regional communities need a telecommunications platform that will take them into the future. They must be able to play on the same field as their city cousins and their cousins right across the world. We need to ensure that this happens.

Importantly, more ordinary Australians in rural and regional areas will get access to the services that the people in the cities take for granted, such as reliable mobile phone services and higher internet download speeds. Our people in our rural and regional towns not only need to have these services and this infrastructure delivered but deserve to have it delivered. The government's telecommunications package will, I believe, create a strong telecommunications platform that will encourage growth and deliver the services and infrastructure we need in our regions.

As I said in my first speech in this place, the Copper Age was 5,300 years ago and I believe that is where copper wire telephone networks belong. We need to embrace optic fibre, wireless and satellite so we can ensure that we have the right mix of telecommunications infrastructure to take rural and regional Australia into the future, and I believe the government's telecommunications package addresses this in a very significant and complete way.

Leaking of Government Documents

Senator MARK BISHOP (Western Australia) (9.57 pm)—This evening I wish to address the very topical issue of the leaking of government information. I do so in light of the potential jailing of two journalists from the Melbourne *Herald Sun* and the looming issue of whether journalists should be compelled to reveal their sources. More

particularly, however, I want to discuss the stimulus for this controversy, as it occurred during the period when I was opposition spokesperson for veterans' affairs in the last parliament and more recently this parliament. This is especially important because that stimulus was trivial in the extreme. In fact, as a test case for the basic principle of journalistic protection, it is simply absurd.

The circumstances as I recall them were as follows. The then Minister for Veterans' Affairs, having procrastinated and stalled on policy for veterans, took the recommendations of the Clarke review of veterans' entitlements to cabinet. Instead of getting anything like what had been recommended by Justice Clarke and his colleagues, which would have cost over $600 million, the minister was rolled and got only a touch over $100 million. In anticipation of the announcement of this coup, as it was to be presented the government's public relations machine was put into overdrive. Veterans and their leaders from all around Australia were flown to Canberra for afternoon tea and cream cakes with the minister. They dutifully assembled on the afternoon of the planned announcement, straight after the government party room endorsed the package. Draft media releases for the minister and all government backbenchers and senators were drafted, printed and circulated. Fact sheets and questions and answers were also prepared, and all were distributed around the DVA state network for a coordinated and lengthy splash.

This was to be the peak of the then minister's disastrous career. It was to be the crowning glory of three years of doing nothing but cutting ribbons around the world and handing out badges. But, as is often the case, tragedy struck. The party room rolled the minister, the Prime Minister and his cabinet. It was not good enough, they said; veterans would not be happy—and, as it turned out, the party room was absolutely right. Accordingly, the public relations machine was shut down and the veterans and their leaders were sent home without the afternoon tea and cream cakes. And the minister was sent back to try another set of proposals.

Immediately after the party room revolt, the details of the rejected package were revealed. The media on the following Wednesday contained most, if not all, of the detail. This was of course sourced to numerous backbenchers, quite proud of their nerve and seeking credit for the rebellion. The humiliation of the minister had begun. She wore the shame of an incompetent cabinet decision. Her grand parade had been rained upon in torrents. But there was more to come. The public relations material, already now out there on the public record, was junked. One set of that junk found its way to the *Herald Sun* and of course on the following Friday all the great and gory detail was revealed—more humiliation for the then minister. No doubt the minister was enraged and, after counsel from those obsessed with secrecy, the witch-hunt began.

The department set off to find the leaker of this three-day-old material which was, of course, already full public knowledge. The department, to cover itself, called in the Australian Federal Police, who, by analysis of computerised phone records, identified a suspect. That person was duly charged under the Crimes Act by the DPP and has been suspended without pay for some 12 months now. This minor misdemeanour of revealing old information became, apparently, a hanging offence. This heinous criminal was to be transported for life for stealing a loaf of bread—and a very stale loaf indeed it was. It was not a matter of national security, nor was it concerned with any great matter of government policy. This was a petty offence—but of course it was a political one. The minister's ego was smashed; her career lay in

smoking ruins, as subsequently confirmed by the Prime Minister after the October election. Someone had to pay, and his head would be set on a pike in front of the Public Service gates for all to see.

The merits of this petty offence have not yet been tried. In the meantime, none of the absurdity matters, because the journalists—both excellent and highly regarded professionals—have refused to reveal the source of their stale bread. For that, they have been threatened with jail. So this debate has now taken on a different nature. Commentators, journalists and news agency proprietors are preparing to fight. They believe this to be an invasion of a treasured convention and, more importantly, in the public interest. Of course they are right. And I am pleased to note that resident anti-Howard sceptics and liberals within conservative ranks also agree.

This petty case serves to highlight the idiocy of the government's position in this debate. But it is not about repairing the smashed ego of a former minister. It is about protecting the new standards of secrecy of the new Howard government police state. As some commentators have properly observed, especially those published by the *Canberra Times* in recent weeks, government secrecy has now been elevated to an obsession. Any notion of open government is dead. Transparency of decision making has been eliminated. The result of this is that public spin has now become the sole source of hard information. Indeed, in a recently published book, titled *Your Call is Important to Us* and discussed on the ABC last week, this phenomenon has been described appropriately as 'a bullshit pandemic'.

I will not digress, but suffice it to say that leaking of government information in this new environment becomes very important. It may in fact be critical to cracking the heavy hand of secrecy and control now being imposed as a matter of norm by the government—if anyone is brave enough, that is. But, of course, there is great selectivity and convenient memory loss when it comes to the merits of leaking. Naturally, governments do not like it and oppositions rely upon it. It is the bread and butter of the media, whose influence is enormous politically. It is an intrinsic part of government. As a practice, illegal or otherwise, it works as a check against those who transgress good governance and accepted values. It is often worked to reveal corruption, lies and incompetence. Many instances have been referred to in media commentary in recent times.

The Prime Minister himself is a past master of grasping the political opportunities leaking offers. Still today he is adept at manipulating the availability of information to suit his own cause. FOI may now have become impenetrable but, if a government thinks it to be of advantage, information can flow quite readily. It simply depends in which direction the information is flowing and who is in control.

We on this side look forward to the liberals opposite bringing forward a government bill protecting journalists as they have suggested. We would no doubt support them. But as a minimum can I also suggest that they prevail on their Prime Minister to back off in this case? It is a complete overreaction to a trivial misdemeanour. It demonstrates nothing but the paranoia of power. In conclusion, I think it is fair to say that it is certainly not in the public interest.

West Papua

Youth Poll 2005

Senator STOTT DESPOJA (South Australia) (10.07 pm)—There is little doubt that most countries have some part of their history that continues to cast a shadow over their present. Every country and its people have a responsibility to account for these

past wrongs, whether that involves quashing legal myths such as terra nullius or simply saying sorry. I also believe that every country has an obligation to speak out when these wrongs continue to be perpetuated in other countries. We as the international community must speak out if we see the dignity of life or human rights abused, undermined or eroded in any way. So tonight I would like to acknowledge the suffering of the indigenous people of West Papua. It is something I have done on numerous occasions, but in the last couple of months there has been particular reason to highlight what is going on in the region.

I was recently privileged to host the launch of the Sydney university report *Genocide in West Papua?* that dealt with the history of violence and abuse for which the international community and, I might say, our country of Australia must share a degree of responsibility. We certainly had knowledge. It is a history of abuse largely ignored because of concerns over our diplomatic relationship with Indonesia. I am the first to acknowledge what an impressive country Indonesia is and I believe very strongly in our relationship with Indonesia. But I also think the basis of any relationship with Indonesia should be frank, open and honest dialogue, and I believe that in the pursuit of a positive diplomatic relationship we have at times—at least since 1969, with the Act of Free Choice—turned a blind eye to human rights abuses in the region and in West Papua in particular in order to maintain diplomatic ties.

As indicated to the chamber on previous occasions, in recent weeks and months I have had disturbing reports from West Papua, from both people on the ground—NGOs and churches—as well as people outside the area. The reports expressed grave fears over an increased Indonesian military presence and, concurrently, an increase in intimidation and violence against the West Papuans. These reports of widespread human rights violations, including the burning down of entire villages and the intimidation, shooting and torture of the people, are quite concerning, obviously. I do acknowledge on the record, as I have done previously, that getting verification of the specifics of these reports is difficult, but the broad nature of these reports means that Australia should be very concerned and should at least, at a minimum, be asking the Indonesian government what is going on in that province.

As far as we know, militias continue to be trained, lists continue to be compiled and people continue to disappear. Sadly, these atrocities have in many respects become so common as to barely warrant a mention. We know that the rights of the West Papuan people have been gravely violated over the last four decades. We know that at least 100,000 Papuans have died as a result. While lawyers, academics and politicians argue about the specific meaning of 'genocide', because genocide is a term that has been applied to what is happening in that area, the Papuan people move ever closer to destruction.

In relation to the term 'genocide', I was interested to read in this recent report—and in the Yale report, which I think was referred to in the Senate as well; I think we voted on a motion on that today—that the situation in West Papua has been referred to not only as genocide but as a silent genocide. This is a bit odd, because I know the Papuans are not being silent. The West Papuans have tried very hard to get the attention of different people in the international community and Australia specifically. I know that church groups and NGOs are not being silent. Their calls for help are very loud and clear. The silence, if it is coming from anywhere, is from the upper echelons of this government and others, and that is something I certainly regret. I do not think that Australia can afford

to forget our historical ties with West Papua and, arguably, the debt that we owe the Papuan people, many of whom risked their lives to save Australians during World War II.

West Papua stands as a damning indictment. Schools are burnt down and Papuans are still barred from jobs. We know that HIV-AIDS is increasingly an issue. The infectious diseases physician John McBride, of the James Cook University, has warned that we are looking at an 'HIV disaster' that could be one of the worst in the region. Infant mortality and life expectancy statistics are among the worst in the world. With the Indonesian military apparently able to torture, rape and murder with impunity, the future of the Papuan people is very bleak.

I should acknowledge that steps have been taken within the Indonesian military to redress some past wrongs and to ensure that there is some human rights training and that the military is accountable for any human rights abuses, but I am afraid the information that we have from West Papua is that there are still cases of the military abusing human rights. That is something that I hope the Indonesians would at a minimum investigate, and I would hope Australia would ask Indonesia what is going on in that case. I think that the situation, if not acted upon, may pose a serious threat to the very survival of the indigenous Papuans.

I wonder how this can be happening only around 200 kilometres from Australia. It is quite extraordinary. It is close; it is on our doorstep. The Australian government must pursue a relationship with Indonesia that is based on us being honest and open, on having a mutual respect for human rights and on recognising dignity and the importance of human life. If we believe in these ideals, they must form the basis of our relationship with Indonesia; we cannot have a diplomacy that ignores the tough issues. That is not the answer. We need forthrightness and a strong commitment to working through the issues in contention. That is the true meaning of a comprehensive relationship.

Of course, we can acknowledge the complexities involved, and I do not deny that they are many. It is a difficult situation and all of the issues of independence are fraught in some ways. Certainly I am not advocating that independence is necessarily the solution to West Papua but it is not a licence either for inaction in dealing with the complexity. There are solutions and there are alternatives, from increased and properly targeted aid, scholarships and programs for meeting the most basic needs of the people right through to revisiting the internationally discredited Act of Free Choice. I would love Australia to at least acknowledge our role in that shameful process back in 1969, to at least redress our involvement in that. It was not an election and it was not a referendum; it was an antidemocratic process that did not see the West Papuans ever getting a real choice in determining their future.

I urge the government to reconsider its current stance in relation to this issue specifically when dealing with our near neighbours in Indonesia. This humanitarian disaster has been allowed to continue for long enough and it is certainly high time it was stopped.

Mr Deputy President Hogg, on a completely unrelated matter, I understand I have the permission of the government whip and the whip on duty for the Australian Labor Party to table the results of the annual Democrat Youth Poll. This is Youth Poll 2005, which I was honoured to launch last week. It is an annual survey of 15- to 20-year-olds on a range of issues—everything from employment, education and training through to national issues such as whether we should have a republic, and the views of young Austra-

lians on mandatory detention, and state specific questions such as whether the police should be allowed to impound cars that are responsible for burnouts in South Australia.

It covers a range of issues. It is firstly one chance for young people, certainly in my electorate but more broadly, to provide us with an insight on issues that affect them. But, secondly, the aim of this poll is hopefully to assist with policy formulation, not just for a political party such as the one I belong to but also to provide researchers and welfare, youth and other peak organisations some insight into the views of young people. On that note, I seek leave to table the poll.

Leave granted.

Leaking of Government Documents

Religious Tolerance

Senator BARTLETT (Queensland) (10.17 pm)—I would like to begin by concurring with the comments made tonight by Senator Bishop. I share his concerns about the *Herald Sun* journalists Gerard McManus and Michael Harvey being threatened with jail for contempt of court. In saying that, I do not indicate support for unrestricted shield laws for journalists to always have protection against revealing their sources but I do believe that it is nonetheless a valid principle. It sometimes has to be balanced with other principles in the public interest but clearly in this case refusing to reveal their source on a story is not in any way offending the public interest and is not in any way offending public safety or security. Senator Bishop outlined the details of that story, so I will not repeat them, but it is simply an absurdity for any objective observer to look at the situation and say that these two journalists should be threatened with jail for refusing to reveal their source in this particular case.

I would call on the court in this case. I do not think there is much dispute other than in a technical legal sense with regard to them refusing to answer the questions put to them in this particular case in court. They may well be guilty of contempt in a technical sense but, in the same way as we here in the Senate can find a technical finding of contempt but not bring down any penalty and given, quite frankly, the lack of seriousness of this so-called defence, it should be open to the court to not record a conviction or impose an insignificant penalty.

I think that we have a significant problem when we have these sorts of threats being made and intimidation of journalists in the same way that we have these sorts of threats being made and intimidation of public servants by a government that are clearly obsessed with secrecy and controlling information. They are quite happy to steal taxpayers' money to provide the media with advertising revenue to get their own policy agenda out there but are willing to drag public servants before the courts if some other information they do not like also gets out into the public arena. I found myself in this case agreeing with a lot of people, not just Senator Bishop. A lot of people across the spectrum have a concern about this case. Indeed, I might mention David Flint, the former head of the Broadcasting Authority, who is not somebody I find myself agreeing with terribly often.

Speaking of the *Herald Sun* and other people I do not agree with very often, I find myself agreeing quite strongly with an article written by Andrew Bolt, a journalist I quite frequently disagree with when I can take the time to read his articles. He had an article published in the Brisbane *Sunday Mail* and I think elsewhere over the weekend about the calls by a couple of reasonably prominent Liberal Party members for Muslim girls to be banned from wearing the hijab at state schools. We had the member for Indi, Ms Sophie Panopoulos, saying that Muslim girls should be banned from wearing the veil or

scarf. She said that, for a lot of younger people, it seems to be more an act of rebellion than anything. Leaving aside why it is a horrifying thing for young people to be rebellious—and I am sure no other young people from any other background in Australia are ever rebellious—the notion that this is simply an act of rebellion is a bizarre concept.

But she was topped by Mrs Bronwyn Bishop, member for Mackellar, who said:

> What we're really seeing in our country is a clash of cultures and, indeed, the headscarf is being used as a sort of iconic item of defiance.

On top of that, she went on to say:

> A Muslim woman said to me that as a Muslim woman she felt free.

Mrs Bishop continued:

> Well, a Nazi in Nazi Germany felt free ...

Frankly, these comments are extraordinarily offensive. Andrew Bolt, I am pleased to say, quite rightly labels them as bigotry. But what I found more concerning was the Prime Minister's response. He did not come out and say that this is bigoted, ignorant, stupid, prejudiced, discriminatory or fanning discrimination and antagonism in our community. The Prime Minister just came out and said, 'We can't do that because it's impractical.' How pathetic can you get. Or is it just another dog whistle to those who are prejudiced in our community?

What we should have is a strong statement such as we had, I am pleased to say, from Mr Bolt, saying that these comments are ugly, that they are bigoted, that they are treating all Muslims as the enemy and denying them the symbols of their faith, and that it lurches over into bigotry. It is totally unsatisfactory that the Prime Minister has not categorically disassociated the government from such bigoted, prejudiced and discriminatory comments.

I remind the Senate and the community that this is at a time when we are having huge outrage expressed about comments that Mr Brogden and Mr Abbott made in private meetings. Those were offensive and insensitive comments, I very much agree, but these comments were off-the-cuff, smart-alec, flippant comments made in a meeting, in a group of people. The statements by Mrs Bishop and Ms Panopolous were deliberate, calculated comments, repeated time and again, and frankly I find it far more disturbing when people make deliberately calculated public comments in the public arena that are clearly prejudiced, that are clearly going to inflame intolerance in our community. That is the behaviour that I believe should be being condemned strongly. That is the behaviour I would like to see us all getting up in arms about, and those are the sorts of comments that the Prime Minister should categorically disassociate himself from, and he has failed to do so. I think he should stand condemned for that.

When Andrew Bolt writes a good column he actually writes a good column, and he also has a go at Brendan Nelson for his absurd comments. He quotes a dog whistle from Brendan Nelson, the Minister for Education, Science and Training:

> "People who don't want to be Australians, and they don't want to live by—

so-called—

> Australian values and understand them, well then they can basically clear off."

Again, in the context we all know he is talking just about Muslims and is sending that dog whistle message out again.

But this is a guy who is also sending positive dog whistling to fundamentalists. He is an education and science minister who says it is okay to teach intelligent design, creation science, in science classes. I know Mr Nelson is a reasonably intelligent man, but that

actually makes it worse, because clearly he is just dog whistling to fundamentalist Christians by saying it is okay to teach creation science in a science class. I will quote, because I could not put it better myself, comments from the *Guardian* newspaper on the idea of intelligent design:

> It might be worth discussing in a class on the history of ideas, in a philosophy class on popular logical fallacies, or in a comparative religion class on origin myths from around the world. But it no more belongs in a biology class than alchemy belongs in a chemistry class … or the stork theory in a sex education class. In those cases, the demand for equal time for "both theories" would be ludicrous.
>
> … … …
>
> If ID really were a scientific theory, positive evidence for it, gathered through research, would fill peer-reviewed scientific journals. This doesn't happen. It isn't that editors refuse to publish ID research. There simply isn't any ID research to publish. Its advocates bypass normal scientific due process by appealing directly to the non-scientific public and—with great shrewdness—to the government officials they elect.

Again, it is a matter of great shame that one of those government officials—the minister for education and science, no less—is willing to give any sort of credence to this sort of irrational nonsense.

The columnist Michael Duffy, whom I do not always agree with, talks about this being the false rhetoric of choice, because education is not always about choice; it is actually about discriminating between good ideas and bad ideas. You do not give people a choice in schools between bad ideas and good ideas, between nonsense and reasonable scientific theories. Nobody should suggest that, particularly not our education minister. This is a pretty sad range of indications of the total depths this government has sunk to in moving away from any sort of rational approach and simply sending out dog whistles and threats and controlling on all sorts of different levels. It is time we restored some degree of rationality, at a minimum, to political debate in this country.

Senate adjourned at 10.27 pm

DOCUMENTS

Tabling

The following documents were tabled by the Clerk:

[*Legislative instruments are identified by a Federal Register of Legislative Instruments (FRLI) number*]

A New Tax System (Goods and Services Tax) Act—A New Tax System (Goods and Services Tax) Act 1999 Simplified Accounting Method Determination (No. 1) 2005 [F2005L02513]*.

Aged Care Act—Classification Amendment Principles 2005 (No. 2) [F2005L02358]*.

Air Services Act—Air Services Regulations—Instruments Nos—

AERU-05-30—Class C Airspace [F2005L02323]*.

AERU-05-31—Class C Control Zones [F2005L02332]*.

AERU-05-32—Class D Airspace [F2005L02331]*.

AERU-05-33—Class D Control Zones [F2005L02333]*.

AERU-05-34—Class E Airspace [F2005L02329]*.

Auslink (National Land Transport) Act—

Determination of conditions applying to payments under Part 8, dated 2 August 2005 [F2005L02288]*.

Determination of the Auslink Roads to Recovery List, dated 2 August 2005 [F2005L02286]*.

Australian Bureau of Statistics Act—Proposals Nos—

8 of 2005—Pregnancy and Work Transitions Survey.

9 of 2005—National Resource Management Survey.

Australian Prudential Regulation Authority Act—Non-Confidentiality Determination No. 8 of 2005—Information provided by locally-incorporated banks and foreign ADIs under Reporting Standard ARS 320.0 (2005) [F2005L02319]*.

Australian Research Council Act—Determination No. 28—Approval of expenditure on research programs under section 51—Special Research Initiatives: E-Research Support, dated 8 August 2005; and Linkage International Fellowships (Round 10), dated 15 August 2005.

Aviation Transport Security Act—Select Legislative Instrument 2005 No. 198—Aviation Transport Security Amendment Regulations 2005 (No. 1) [F2005L02343]*.

Banking Act—Banking (Exemption) Order No. 104 [F2005L02350]*.

Christmas Island Act—

Casino Legislation Ordinance 2005 (No. 1) [F2005L02298]*.

Importation of Dogs and Cats Amendment Ordinance 2005 (No. 1) [F2005L02241]*.

Civil Aviation Act—

Civil Aviation Regulations—Instruments Nos—

CASA 375/05—Direction—carriage of life rafts [F2005L02405]*.

WAO 856—Exemption—refuelling with patients on board [F2005L02304]*.

Civil Aviation Safety Regulations—Airworthiness Directives—Part—

105—

AD/A320/135 Amdt 1—Main Landing Gear Side-Stay Cuff Lug [F2005L02427]*.

AD/A320/183—Additional Centre Fuel Tanks [F2005L02399]*.

AD/AS 355/85 Amdt 1—Sliding Door Rear Fitting Pin [F2005L02398]*.

AD/B717/18—Passenger Oxygen Release System [F2005L02392]*.

AD/B727/196—Fuel Tank Float Switches [F2005L02391]*.

AD/B737/110 Amdt 2—Rudder Yaw Damper Valve Replacement [F2005L02397]*.

AD/B737/113 Amdt 1—Rudder Power Control Unit Replacement [F2005L02396]*.

AD/B737/130 Amdt 2—Rudder PCU—Displacement Tests [F2005L02395]*.

AD/B747/332—Fuselage Stringers at Body Station 460, 480, and 500 Frame Locations [F2005L02394]*.

AD/BAe 146/1—Fuselage Skin—Inspection and Modification [F2005L02426]*.

AD/BAe 146/36 Amdt 1—Wing to Fuselage Fairings [F2005L02425]*.

AD/BAe 146/91 Amdt 3—Flap Structure and Machined Ribs [F2005L02424]*.

AD/BAe 146/117—Main Landing Gear Door Hinges [F2005L02423]*.

AD/BEECH 200/21 Amdt 12—Fuselage Fatigue Life Limitation [F2005L02422]*.

AD/BELL 47/71 Amdt 1—Tail Rotor Blades [F2005L02421]*.

AD/BELL 222/12—Swashplate Drive Link [F2005L02390]*.

AD/BELL 222/34—Tail Rotor Counterweight Bellcrank [F2005L02326]*.

AD/BELL 407/27 Amdt 1—Power Turbine RPM Steady State Operation Avoidance [F2005L02430]*.

AD/BELL 430/2—Power Turbine RPM Steady State Operation Avoidance [F2005L02428]*.

AD/BELL 430/3—Tail Rotor Counterweight Bellcrank [F2005L02327]*.

AD/BN-2/83 Amdt 1—Horizontal Stabiliser Attachment Bolts [F2005L02420]*.

AD/CESSNA 180/63 Amdt 1—Fuel Selector Quick Drain Valve [F2005L02387]*.

AD/CESSNA 336/11 Amdt 3—Wing Front and Rear Spars—Inspection [F2005L02419]*.

AD/CESSNA 337/22 Amdt 3—Wing Front and Rear Spars—Inspection [F2005L02418]*.

AD/CESSNA 400/102 Amdt 4—Elevator Forward Spar [F2005L02417]*.

AD/CL-600/66—Rudder Balance Spring Assembly [F2005L02385]*.

AD/CL-600/67—Horizontal Stabilizer Trim Actuator [F2005L02383]*.

AD/CL-600/68—Aileron Power Control Unit Links [F2005L02382]*.

AD/EC 120/12 Amdt 1—Collective Torque Tube Assembly [F2005L02415]*.

AD/ECUREUIL/109 Amdt 1—Sliding Door Rear Fitting Pin [F2005L02393]*.

AD/G1159/44—Adel Wiggins Floor Heater Pad System [F2005L02406]*.

AD/HS 125/176—Cockpit Ventilation and Avionics Cooling System Blowers [F2005L02380]*.

AD/LA-4/23 Amdt 1—Wing Fitting Carry Through Structure [F2005L02414]*.

AD/PA-34/51 Amdt 1—Combustion Heater Fuel Pumps [F2005L02379]*.

AD/PA-44/18 Amdt 1—Combustion Heater Fuel Pumps [F2005L02378]*.

AD/R22/36 Amdt 1—Main Rotor Blades—2 [F2005L02413]*.

AD/R22/52—Door and Window Assembly [F2005L02370]*.

AD/TBM 700/42—Rivets at Frames C18 BIS and C19 [F2005L02412]*.

AD/TBM 700/43—Aileron Control Cable Pulleys [F2005L02310]*.

106—AD/TAY/15—High Pressure Turbine Stage 1 Discs [F2005L02373]*.

107—

AD/FSM/29 Amdt 4—Precision Airmotive Corporation Carburettors [F2005L02381]*.

AD/PHZL/81—Propeller Attachment Bolts [F2005L02377]*.

AD/PROP/5—Incomplete Maintenance [F2005L02376]*.

AD/SEATS/25—Sicma Aero Seats Reading Light Power Supplies [F2005L02374]*.

Class Ruling CR 2005/67.

Cocos (Keeling) Islands Act—Applied Laws (Implementation) Amendment Ordinance 2005 (No. 1) [F2005L02299]*.

Currency Act—Currency (Royal Australian Mint) Determination 2005 (No. 3) [F2005L02342]*.

Customs Act—

CEO Instruments of Approval Nos—

24 of 2005 [F2005L02362]*.

25 of 2005 [F2005L02365]*.

26 of 2005 [F2005L02402]*.

27 of 2005 [F2005L02438]*.

Select Legislative Instruments 2005 Nos—

185—Customs Amendment Regulations 2005 (No. 4) [F2005L02222]*.

186—Customs Amendment Regulations 2005 (No. 5) [F2005L02303]*.

Defence Act—Determinations under section 58B—Defence Determinations—

2005/30—Housing and other conditions of service.

2005/31—Retention allowance—Air traffic controllers.

2005/32—Career Transition Scheme adjustments.

2005/33—Overseas conditions of service—post indexes.

Environment Protection and Biodiversity Conservation Act—

Amendments of lists of—

Specimens taken to be suitable for live import, dated—

10 August 2005 [F2005L02316]*.

23 August 2005 [F2005L02371]*.

Threatened ecological communities, dated 11 August 2005 [F2005L02359]*.

Heard Island and McDonald Islands Marine Reserve Management Plan 2005 [F2005L02346]*.

Extradition Act—Select Legislative Instrument 2005 No. 187—Extradition (Transnational Organised Crime) Amendment Regulations 2005 (No. 1) [F2005L02273]*.

Higher Education Funding Act—Determination No. T69-2004—Grants for Expenditure for Operating Purposes (Marginal Funding Estimates (Over Enrolments)) [F2005L02336]*.

Higher Education Support Act—Higher Education Provider Approval (No. 8 of 2005)—Australian Film, Television and Radio School [F2005L02311]*.

Income Tax Assessment Act 1936—Select Legislative Instrument 2005 No. 195—Income Tax Amendment Regulations 2005 (No. 6) [F2005L02271]*.

Legislative Instruments Act—Select Legislative Instrument 2005 No. 184—Legislative Instruments Amendment Regulations 2005 (No. 3) [F2005L02290]*.

Maritime Transport Security Act—Explanatory statement to Select Legislative Instrument 2005 No. 115—Maritime Transport Security Amendment Regulations 2005 (No. 1) (*in substitution for explanatory statement tabled with instrument on 15 June 2005*).

Migration Act—Migration Regulations—

Approval of educational institutions for the purposes of subparagraphs 1222(3)(cf)(ii) and (iii), dated 29 July 2005 [F2005L01616]*.

Specification of foreign countries and addresses for the purposes of paragraphs 1224A(3)(a) and 1224A(3)(aa), dated 24 August 2005 [F2005L02368]*.

Mutual Assistance in Criminal Matters Act—Select Legislative Instrument 2005 No. 188—Mutual Assistance (Transnational Organised Crime) Amendment Regulations 2005 (No. 1) [F2005L02272]*.

National Health Act—Determinations Nos—

HIB 12/2005 [F2005L02433]*.

PB 24 of 2005 [F2005L02416]*.

Parliamentary Entitlements Act—Select Legislative Instrument 2005 No. 197—Parliamentary Entitlements Amendment Regulations 2005 (No. 1) [F2005L02321]*.

Payment Systems (Regulation) Act—Access Regime for the Visa Debit System [F2005L02367]*.

Plant Health Australia (Plant Industries) Funding Act—Plant Health Australia (Plant Industries) Funding Determination 2005 [F2005L02334]*.

Primary Industries (Excise) Levies Act—Select Legislative Instrument 2005 No. 189—Primary Industries (Excise) Levies Amendment Regulations 2005 (No. 3) [F2005L02338]*.

Product Grant and Benefit Rulings—

Notice of Withdrawal—PGBR 2003/3.

PGBR 2005/2 and PGBR 2005/3.

Product Rulings—

Addenda—PR 2004/115 and PR 2004/116.

Notices of Withdrawal—PR 2005/19, PR 2005/20, PR 2005/79 and PR 2005/93.

Radiocommunications Act—

Radiocommunications (Low Interference Potential Devices) Class Licence Variation 2005 (No. 1) [F2005L02339]*.

Radiocommunications (Spread Spectrum Devices) Class Licence (Revocation) 2005 [F2005L02340]*.

Safety, Rehabilitation and Compensation Act—Notice No. 2 of 2005—Safety, Rehabilitation and Compensation (Definition of Employee) Notice 2005 (2) [F2005L02325]*.

Schools Assistance (Learning Together—Achievement Through Choice and Opportunity) Act—Select Legislative Instrument 2005 No. 190—Schools Assistance (Learning Together—Achievement Through Choice and Opportunity) Regulations 2005 [F2005L02328]*.

Social Security Act—

Social Security (Class of Visas—Qualification for Special Benefit) Determination 2005 [F2005L02349]*.

Social Security (Class of Visas—Qualification for Special Benefit) Determination 2005 (No. 2) [F2005L02353]*.

Social Security (Declaration of Visa in a class of Visas—Special Benefit Activity Test) Determination 2005 [F2005L02354]*.

Social Security Exempt Lump Sum (F-111 Deseal/Reseal) (DEST) Determination 2005 [F2005L02246]*.

Social Security Exempt Lump Sum (F-111 Deseal/Reseal) (DEWR) Determination 2005 [F2005L02208]*.

Social Security Exempt Lump Sum (F-111 Deseal/Reseal) (FaCS) Determination 2005 [F2005L02242]*.

Social Security Foreign Currency Exchange Rate Determination 2005 (No. 1) [F2005L02351]*.

Social Security Foreign Currency Exchange Rate Determination 2005 (No. 2) [F2005L02352]*.

Social Security (International Agreements) Act—Select Legislative Instrument 2005 No. 191—Social Security (International Agreements) Act 1999 Amendment Regulations 2005 (No. 2) [F2005L02322]*.

Superannuation Act 1976—

Superannuation (CSS) (Eligible Employees—Exclusion) Amendment Declaration 2005 (No. 2) [F2005L02386]*.

Superannuation (CSS) (Eligible Employees—Inclusion) Amendment Declaration 2005 (No. 2) [F2005L02388]*.

Superannuation Act 1990—

Superannuation (PSS) Membership Inclusion Amendment Declaration 2005 (No. 3) [F2005L02389]*.

Twenty-sixth Amending Deed to the Public Sector Superannuation Scheme Trust Deed [F2005L02372]*.

Superannuation Act 2005—

Superannuation (PSSAP) Unit Pricing Amendment Determination 2005 (No. 6) [F2005L02260]*.

Superannuation (PSSAP) Unit Pricing Amendment Determination 2005 (No. 7) [F2005L02341]*.

Superannuation (PSSAP) Unit Pricing Amendment Determination 2005 (No. 8) [F2005L02347]*.

Superannuation Industry (Supervision) Act—Determination of requirements for an approved guarantee, dated 16 August 2005 [F2005L02320]*.

Sydney Airport Curfew Act—Curfew Dispensation Report—Dispensation No. 5/05 [2 dispensations].

Taxation Administration Act—PAYG withholding—special tax table for payments to individuals performing work or services in the Joint Petroleum Development Area (JPDA) as defined in the Timor Sea Treaty [F2005L02407]*.

Taxation Determinations—

Notice of Withdrawal—TD 93/56.

TD 2005/34.

Therapeutic Goods Act—

Select Legislative Instrument 2005 No. 192—Therapeutic Goods Amendment Regulations 2005 (No. 1) [F2005L02312]*.

Therapeutic Goods Advertising Code 2005 [F2005L02355]*.

Therapeutic Goods (Charges) Act—Select Legislative Instruments 2005 Nos—

193—Therapeutic Goods (Medical Devices) Amendment Regulations 2005 (No. 1) [F2005L02313]*.

194—Therapeutic Goods (Charges) Amendment Regulations 2005 (No. 1) [F2005L02314]*.

Trade Practices Act—Consumer Protection Notice No. 4 of 2005—Amendment to Consumer Product Safety Standard: Sunglasses and Fashion Spectacles [F2005L02356]*.

Veterans' Entitlements Act—

Instrument No. R18/2005—Veterans' Entitlements Income (Exempt Lump Sum—The F-111 Deseal/Reseal Lump Sum Payment) Determination [F2005L02245]*.

Select Legislative Instrument 2005 No. 196—Veterans' Entitlements (DFISA-like Payment) Amendment Regulations 2005 (No. 1) [F2005L02239]*.

* Explanatory statement tabled with legislative instrument.

Indexed Lists of Files

The following documents were tabled pursuant to the order of the Senate of 30 May 1996, as amended:

Indexed lists of departmental and agency files for the period 1 January to 30 June 2005—Statements of compliance—

Agriculture, Fisheries and Forestry portfolio agencies.

Australian Taxation Office.

Comcare.

Department of Veterans' Affairs.

Employment and Workplace Relations portfolio agencies.

Family and Community Services portfolio agencies.

National Water Commission.

Departmental and Agency Contracts

The following documents were tabled pursuant to the order of the Senate of 20 June 2001, as amended:

Departmental and agency contracts for 2004-05—Letters of advice—

Attorney-General's portfolio agencies.

Environment and Heritage portfolio agencies.

Employment and Workplace Relations portfolio agencies.

Family and Community Services portfolio agencies.

Finance and Administration portfolio agencies.

Prime Minister and Cabinet portfolio agencies.

Treasury portfolio agencies.

Veterans' Affairs portfolio.

QUESTIONS ON NOTICE

The following answers to questions were circulated:

Foreign Fishing Vessels
(Question No. 306)

Senator O'Brien asked, the Minister for Fisheries, Forestry and Conservation, upon notice, on 23 December 2004:

(1) For each of the past 4 financial years, including 2004-05 to date, how many foreign fishing vessels (FFVs) were sighted inside Australia's Fishing Zone.

(2) How many of those vessels were located in waters to the north of Australia.

(3) In relation to the vessels that were located to the north of Australia: (a) on how many occasions was no action taken by Australian authorities; and (b) in each case, on what basis was no action taken.

(4) How many of the FFVs were the subject of an administrative seizure.

(5) (a) How many of the FFVs were towed or escorted to an Australian port; and (b) of those vessels: (i) how many were destroyed, (ii) how many had a bond posted, and (iii) how many crews were charged with an offence and prosecuted and in each case, what was the outcome of that legal process.

Senator Ian Macdonald—The answer to the honourable senator's question is as follows:

(1) and (2) No accurate figures are available for how many foreign fishing vessels (FFVs) were sighted in the Australian Fishing Zone as the majority of FFVs are broadly similar in construction and carry no distinguishing markings. Surveillance aircraft are unable therefore to identify individual FFVs and data involving FFV sightings will inevitably include repeat sightings of individual vessels. It will also include FFVs legitimately within the area.

However, Coastwatch statistics recorded that:

Financial year	Recorded sightings in AFZ[1]	Recorded sightings in Northern Areas[1]
2002-03	5,829	5,468
2003-04	9,348	9,259
2004-05[2]	4,122	4,102
Total	19,299	18,829

[1] Sightings in AFZ include the part of the Torres Strait Zone that overlaps the AFZ

[2] Sighting figures available until 31 December 2004

Note: Figures before 01 January 2002 are archived and would entail a significant effort to retrieve. From 01 January 2002 to 31 June 2002, 2,697 vessels sighting were recorded in the Australian Fishing Zone, 2,656 of these vessels were recorded in northern waters.

(3) In each instance where a foreign fishing vessel is sighted in the Australian Fishing Zone, an action is taken.

(4)

Financial year	Seizure of FFV's catch and gear
2001-02	48
2002-03	29
2003-04	83
2004-05	94 (to 20/01/05)
Total	254

(5) (a)

Financial year	FFV Apprehensions
2001-02	96
2002-03	143
2003-04	132
2004-05	107 (to 20/01/05)
Total	478

(b) (i)

Financial year	FFV destructions (after apprehensions)
2001-02	34
2002-03	52
2003-04	42
2004-05	47 (to 20/01/05)
Total	175

(ii)

Financial year	FFV bonds
2001-02	30
2002-03	68
2003-04	73
2004-05	40 (to 20/01/05)
Total	211

(iii)

Financial year	FFV crews charged
2001-02	185
2002-03	327
2003-04	247
2004-05	130 (to 20/01/05)
Total	889

The details of successful prosecutions against foreign fishers apprehended are described at Attachment 1. A list of abbreviations and a description of charges is at Attachment 2.

ATTACHMENT 1

Prosecution details

2001/2002

Northern Waters

No.	Charges Proven	Penalty
1	100(2) & 101(2)	$18000 fine on each charge default to 8 mnths imprisonment
2	100(2)	$9000 GBB 5 yrs
3	100(2)	$9000 GBB 5 yrs
4	100(2)	$9000 GBB 5 yrs
5	100(2)	$9000 GBB 5 yrs
6	100(2)	$9000 GBB 5 yrs
7	100(2) & 101(2)	$22000 fine global penalty in default 10mnths imprisonment
8	100(2)	$18000 fine in default 8 mnths imprisonment
9	100(2)	$12000 GBB 4yrs

No.	Charges Proven	Penalty
10	100(2)	$12000 GBB 4yrs
11	100(2)	$12000 GBB 4yrs
12	100(2)	$25000 fine in default 14mnths imprisonment
13	100(2)	$12000 GBB 4yrs
14	100(2)	$12000 GBB 4yrs
15	100(2) & 101(2)	$14000 GBB 4yrs
16	100(2)	$12000 GBB 4yrs
17	100(2)	$12000 GBB 4yrs
18	100(2)	$12000 GBB 4yrs
19	100(2)	$12000 GBB 4yrs
20	100(2)	$12000 GBB 4yrs
21	100(2)	$12000 GBB 4yrs
22	100(2)	$12000 GBB 4yrs
23	100(2) & 101(2)	$12000 GBB 4yrs
24	100(2)	$9000 GBB 4 yrs
25	100(2)	$9000 GBB 4 yrs
26	100(2)	$9000 GBB 4 yrs
27	100(2)	$9000 GBB 4 yrs
28	100(2)	$9000 GBB 4 yrs
29	100(2) & 101(2)	$22000 fine in default 9 mnths imprisonment
30	100(2)	$8000 GBB 5yrs + for breach of bond $3000 fine in default 30 days imprisonment
31	100(2)	$8000 GBB 5 yrs
32	100(2)	$8000 GBB 5 yrs
33	100(2)	$8000 GBB 5yrs + for breach of bond $3000 fine in default 30 days imprisonment
34	100(2)	$8000 GBB 5 yrs
35	100(2)	$8000 GBB 5 yrs
36	100(2) & 101(2)	$22000 fine in default 9 mnths imprisonment
37	100(2)	$14000 fine in default 9 mnths imprisonment
38	100(2)	$14000 fine in default 9 mnths imprisonment
39	100(2)	$14000 fine in default 9 mnths imprisonment
40	100(2)	$8000 GBB 5 yrs
41	100(2) & 101(2)	$12000 GBB 4yrs
42	100(2)	$9000 GBB 4 yrs
43	100(2)	$9000 GBB 4 yrs
44	100(2)	$9000 GBB 4 yrs
45	100(2)	$9000 GBB 4 yrs
46	100(2)	$9000 GBB 4 yrs
47	100(2)	$9000 GBB 4 yrs
48	100(2)	$9000 GBB 4 yrs
49	100(2)	$9000 GBB 4 yrs
50	100(2)	$9000 GBB 4 yrs
51	100(2)	$9000 GBB 4 yrs
52	100(2)	$9000 GBB 4 yrs
53	100(2)	$9000 GBB 4 yrs
54	100(2) & 101(2)	$5000 GBB 5 yrs on each charge
55	101(2)	$5000 GBB 5 yrs

No.	Charges Proven	Penalty
56	100(2) & 101(2)	$5000 GBB 5 yrs on 100(2) & $2000 fine in default 10 days imprisonment on 101(2)
57	100(2), 101(2) & 108(a)	$1500 GBB 3 yrs on 100(2), $2000 fine i/d 10 days impnt on 101(2) & $2500 fine i/d 12 days impnt on 108(a)
58	100(2)	$500 GBB 3 yrs
59	100(2)	$6000 fine in default 40 days imprisonment
60	100(2) & 101(2)	$5000 GBB 4 yrs
61	49(1) TSFA1984	$5000 GBB 4 yrs
62	100(2), 101(2) & 108(c)	$1500 fine i/d 15 days impnt on each charge (served concurrently) + for breach of bond $1000 fine i/d 10 days impnt (total $5500 i/d 25 days impnt)
63	101(2)	$5000 GBB 5 yrs
64	100(2), 101(2) & 108(d)	$1250 fine on 100(2), $1000 fine on 101(2), $250 fine on 1018(d) (total $2500), i/d 50 days + for breach of bond $5000 fine i/d 100 days impnt (served concurrently)
65	101(2)	$10000 fine in default 200 days imprisonment
66	100(2) & 101(2)	$5000 GBB 5 yrs
67	100(2)	$5000 GBB 5 yrs
68	100(2)	$5000 GBB 5 yrs
69	100(2) & 101(2)	$5000 GBB 5 yrs
70	100(2) & 101(2)	$6000 fine i/d 30 days impnt on 100(2) & $2000 fine i/d 10 days impnt on 101(2) (served concurrently)
71	100(2)	$4000 fine in default 20 days imprisonment
72	100(2)	$300 fine i/d 2 days impnt on 100(2) + for breach of bond $300 fine i/d 2 days impnt (served cumulatively)
73	100(2) & 108	$4000 fine i/d 20 days impnt on 100(2) & $300 i/d 1 day impnt on 108 (served concurrently)
74	100(2) & 101(2)	$6000 fine i/d 30 days impnt on 100(2) & $2000 fine i/d 10 days impnt on 101(2) (served concurrently)
75	100(2)	$5000 GBB 5 yrs
76	100(2)	$5000 GBB 5 yrs
77	100(2)	$5000 GBB 5 yrs
78	100(2) & 101(2)	$5000 GBB 5 yrs
79	100(2) & 101(2)	$2000 GBB 5 yrs on 100(2) & $1000 GBB 5 yrs on 101(2)
80	100(2)	$500 GBB 5 yrs
81	100(2) & 101(2)	$5000 GBB 5 yrs
82	100(2) & 101(2)	$5000 GBB 5 yrs
83	100(2) & 101(2)	$5000 fine i/d 30 days impnt on each charge + for breach of bond $2000 i/d 15 days impnt (served cumulatively) (total $12000 fine i/d 75 days impnt)
84	100(2)	$4000 fine in default 20 days imprisonment
85	100(2)	$3000 GBB 5 yrs
86	100(2) & 101(2)	$5000 GBB 5 yrs
87	100(2)	$5000 fine in default 30 days imprisonment
88	100(2)	$4000 fine in default 20 days imprisonment
89	100(2) & 101(2)	$8000 fine in default 30 days imprisonment on each charge
90	100(2)	$5000 GBB 5 yrs
91	100(2)	$4000 fine in default 20 days imprisonment

No.	Charges Proven	Penalty
92	100(2) & 108(d)	$4000 fine i/d 20 days impnt on 100(2) & $500 i/d 8 days impnt on 108(d) (served cumulatively)
93	100(2)	$5000 fine in default 30 days imprisonment
94	100(2) & 101(2)	$5000 GBB 5 yrs
95	100(2) & 101(2)	$15000 fine i/d 2.5 mnths impnt on 100(2) & $10000 fine i/d 1.5 mnths impnt on 101(2) (served cumulatively)
96	100(2) & 101(2)	$5000 GBB 5 yrs
97	100(2) & 101(2)	$5000 GBB 5 yrs
98	100(2) & 101(2)	$5000 GBB 5 yrs
99	100(2)	$5000 GBB 5 yrs
100	100(2), 101(2) & 108(a)	$2000 GBB 5 yrs on each charge
101	100(2) & 101(2)	$2000 GBB 5 yrs on each charge
102	100(2) & 101(2)	$2000 GBB 5 yrs on each charge
103	100(2)	$500 GBB 5 yrs
104	100(2) & 101(2)	$2000 GBB 5 yrs on each charge
105	100(2) & 101(2)	$5000 GBB 5 yrs on each charge
106	100(2) & 101(2)	$5000 GBB 5 yrs on each charge
107	100(2) & 101(2)	$10000 fine, nttp, in default 200 days imprisonment on each charge
108	100(2)	$4000, nttp, fine in default 80 days imprisonment
109	100(2)	$5000 GBB 5 yrs
110	100(2)	$5000 GBB 5 yrs
111	100(2) & 101(2)	$5000 GBB 5 yrs on each charge
112	100(2)	$4000 fine, nttp, in default 80 days imprisonment
113	100(2) & 101(2)	$3000 GBB 3 yrs on each charge
114	100(2) & 101(2)	$3000 GBB 3 yrs on each charge
115	100(2) & 101(2)	$3000 GBB 3 yrs on each charge
116	100(2) & 101(2)	$5000 GBB 5 yrs on each charge
117	100(2) & 101(2)	$1000 GBB 3 yrs on each charge
118	100(2) & 101(2)	$4000 GBB 4 yrs on each charge
119	100(2)	$2000 GBB 5 yrs
120	101(2)	Bail of $10000 granted, defendant failed to appear. Cash bail forfeited.
121	101(2)	Bail of $10000 granted, defendant failed to appear. Cash bail forfeited.
122	101(2)	Bail of $10000 granted, defendant failed to appear. Cash bail forfeited.
123	101(2)	Bail of $10000 granted, defendant failed to appear. Cash bail forfeited.
124	101(2)	Bail of $10000 granted, defendant failed to appear. Cash bail forfeited.
125	101(2)	Bail of $10000 granted, defendant failed to appear. Cash bail forfeited.
126	101(2)	Bail of $10000 granted, defendant failed to appear. Cash bail forfeited.
127	100(2) & 101(2)	$3000 GBB 5 yrs on 100(2) & $2000 GBB 5 yrs on 101(2)
128	100(2) & 101(2)	$2000 GBB 5 yrs on 100(2) & $1000 GBB 5 yrs on 101(2)
129	100(2)	$1000 GBB 5 yrs

No.	Charges Proven	Penalty
130	100(2) & 101(2)	$2000 GBB 5 yrs on 100(2) & $1000 GBB 5 yrs on 101(2)
131	100(2)	$3000 GBB 5 yrs
132	100(2) & 101(2)	After appeal $1000 fine on 100(2) & $500 on 101(2) if not paid in 28 days , jail until liability to pay fine is discharged ($100/day)
133	100(2) & 101(2)	$4000 5 yrs GBB
134	100(2) & 101(2)	Original order of $4000 fine on each revoked, resentenced & fined $1000 for both charges
135	100(2) & 101(2)	$3000 fine
136	100(2)	$3000 GBB 5 yrs
137	101(2)	$4000 GBB 5 yrs
138	100(2) & 101(2)	$4000 GBB 5 yrs
139	100(2) & 101(2)	$4000 GBB 5 yrs
140	100(2) & 101(2)	$4000 GBB 5 yrs
141	100(2)	$3000 GBB 5 yrs
142	100(2)	$3000 GBB 5 yrs
143	100(2) & 101(2)	$4000 GBB 5 yrs
144	100(2) & 101(2)	$4000 GBB 5 yrs
145	100(2)	$4000 GBB 5 yrs
146	100(2) & 101(2)	$1500 GBB 5 yrs on each charge
147	100(2) & 101(2)	$3000 GBB 2 yrs on each charge
148	100(2)	$1000 GBB 4 yrs
149	100(2) & 101(2)	$4000 GBB 5 yrs on 100(2) & $1000 GBB 5 yrs on 101(2)
150	100(2) & 101(2)	$3000 GBB 5 yrs on 100(2) & $1000 GBB 5 yrs on 101(2)
151	100(2) & 101(2)	$4000 GBB 5 yrs on each charge
152	101(2)	$2000 GBB 2 yrs
153	101(2)	$2000 GBB 2 yrs
154	100(2) & 101(2)	original order revoked, re-sentenced & fined $2000 on each charge
155	100(2) & 101(2)	$5000 fine on each charge
156	100(2) & 101(2)	$4000 GBB 4 yrs
157	100(2)	$2000 GBB 4 yrs
158	100(2) & 101(2)	$4000 GBB 4 yrs
159	100(2) & 101(2)	$4000 GBB 4 yrs
160	100(2) & 101(2)	$4000 GBB 4 yrs
161	100(2), 101(2) & 108(d)	$5000 fine for both 100(2) & 101(2) & 2 months imprisonment for 108(d)
162	100(2)	$10000 fine
163	100(2)	$1000 GBB 5 yrs
164	100(2)	$1000 GBB 5 yrs
165	100(2)	$1000 GBB 5 yrs
166	100(2) & 101(2)	$3000 GBB 2 yrs
167	100(2)	$2000 GBB 2 yrs
168	100(2)	$500 GBB 12 months (without conviction) under s.53 Juvenile Justice Act 1983
169	100(2)	$2000 GBB 2 yrs
170	100(2)	$2000 GBB 2 yrs
171	100(2) & 101(2)	$2000 GBB 2 yrs
172	100(2) & 101(2)	$2,000 fine on 100(2) & $4000 fine on 101(2)

No.	Charges Proven	Penalty
173	100(2)	$2000 fine
174	100(2) & 101(2)	$1000 GBB 3 yrs
175	100(2) & 101(2)	$1000 GBB 3 yrs
176	100(2) & 101(2)	$1000 GBB 3 yrs
177	100(2) & 101(2)	$1000 GBB 3 yrs
178	100(2) & 101(2)	$1000 GBB 3 yrs
179	49(1),44(1)(b) & 43(1)(a) TSFA1984	$1000 fine on each charge
180	44(1)(b) TSFA1984	$4000 GBB 4 yrs
181	44(1)(b) TSFA1984	$2000 GBB 3 yrs
182	44(1)(b) TSFA1984	$2000 GBB 3 yrs
183	100(2) & 101(2)	$4000 fine on each charge under s.26(2) order + for breach of bond $6000 fine - if not paid in 28 days, imprisoned until liability to pay is discharged ($100/day)
184	100(2), 101(2) & 108(a)	$4000 GBB 5 yrs on each charge - if recognisance forfeited, committed to jail for 80 days
185	100(2) & 101(2)	$5000 GBB 4 yrs on 100(2) if forfeited, jail for 2 mnths & $2000 GBB 4yrs on 101(2) if forfeited, jail for 1 mnth

Southern Oceans

Name of Boat (Flag State)	Date of Apprehension	Outcomes
Lena (Russia)	04/02/02	Master convicted and fined a total of $50,000 Two crew members convicted and fined $25,000 each
Volga (Russia)	07/02/02	Fishing Master fined $30,000 Two senior crew members fined $10,000 each

2002/2003

No.	Charges Proven	Penalty
1	100(2) & 101(2)	$12000 GBB 5yrs
2	100(2)	$9000 GBB 5 yrs
3	100(2)	$9000 GBB 5 yrs
4	100(2)	$9000 GBB 5 yrs
5	100(2)	$18000 GBB 5yrs
6	100(2) & 101(2)	$14000 fine in default 6 mnths imprisonment
7	100(2)	$9000 GBB 4 yrs
8	100(2)	$9000 GBB 4 yrs
9	100(2)	$12000 fine in default 6 mnths imprisonment (served concurrently with prior bond)
10	100(2) & 101(2)	$14000 fine in default 5 mnths imprisonment on each charge (served concurrently)
11	100(2)	$9000 GBB 5 yrs
12	100(2)	$9000 GBB 5 yrs
13	100(2)	$9000 GBB 5 yrs
14	100(2)	$9000 GBB 5 yrs
15	100(2)	$22000 fine in default 8 mnths imprisonment
16	100(2) & 101(2)	$12000 GBB 4 yrs
17	100(2)	$9000 GBB 4 yrs

No.	Charges Proven	Penalty
18	100(2)	$9000 GBB 4 yrs
19	100(2)	$9000 GBB 4 yrs
20	100(2)	$9000 GBB 4 yrs
21	100(2) & 101(2)	$14000 fine in default 5 mnths imprisonment on each charge (served concurrently)
22	100(2)	$18000 fine in default 7 mnths imprisonment (served concurrently with prior bond)
23	100(2)	$9000 GBB 4 yrs
24	100(2)	$9000 GBB 4 yrs
25	100(2) & 101(2)	$14000 fine in default 4 mnths imprisonment
26	100(2)	$14000 fine in default 6 mnths imprisonment
27	100(2)	$12000 fine in default 5 mnths imprisonment (served concurrently with prior bond)
28	100(2)	$9000 GBB 4 yrs
29	100(2)	$9000 GBB 4 yrs
30	100(2) & 101(2)	$14000 fine in default 5 mnths imprisonment on each charge (served concurrently)
31	100(2)	$9000 GBB 4 yrs
32	100(2)	$9000 GBB 4 yrs
33	100(2)	$9000 GBB 4 yrs
34	100(2)	$9000 GBB 4 yrs
35	100(2) & 101(2)	$14000 fine in default 5 mnths imprisonment on each charge (served concurrently)
36	100(2)	$18000 GBB 5 yrs
37	100(2)	$7000 GBB 3 yrs
38	100(2) & 101(2)	$14000 GBB 4 yrs
39	100(2)	$16000 fine in default 5 mnths imprisonment
40	100(2)	$12000 GBB 4 yrs
41	100(2)	$12000 GBB 4 yrs
42	100(2)	$12000 GBB 4 yrs
43	100(2) & 101(2)	$1000 GBB 3 yrs on each charge
44	100(2)	$12000 GBB 4 yrs
45	100(2)	$12000 GBB 4 yrs
46	100(2)	$12000 GBB 4 yrs
47	100(2)	$12000 GBB 4 yrs
48	100(2)	$500 GBB 18 mnths
49	100(2)	$12000 GBB 4 yrs
50	100(2)	$12000 GBB 4 yrs
51	100(2) & 101(2)	$1000 GBB 3 yrs on each charge
52	100(2)	$12000 GBB 4 yrs
53	100(2)	$12000 GBB 4 yrs
54	100(2)	$12000 GBB 4 yrs
55	100(2)	$12000 GBB 4 yrs
56	100(2)	$12000 GBB 4 yrs
57	100(2)	$12000 GBB 4 yrs
58	100(2)	$12000 GBB 4 yrs
59	100(2) & 101(2)	$3000 GBB 3 yrs on each charge
60	100(2)	$12000 GBB 4 yrs
61	100(2)	$12000 GBB 4 yrs

No.	Charges Proven	Penalty
62	100(2)	$12000 GBB 4 yrs
63	100(2)	$12000 GBB 4 yrs
64	100(2)	$12000 GBB 4 yrs
65	100(2)	$12000 GBB 4 yrs
66	100(2)	$12000 GBB 4 yrs
67	100(2)	$14000 GBB 5 yrs
68	100(2) & 101(2)	$18000 fine in default 8 mnths imprisonment & $14000 fine in default 6 mnths imprisonment(served concurrently)
69	100(2)	$12000 GBB 4 yrs
70	100(2)	$12000 GBB 4 yrs
71	100(2)	$12000 GBB 4 yrs
72	100(2)	$12000 fine in default 5 mnths imprisonment
73	100(2) & 101(2)	$14000 fine in default 4 mnths imprisonment on each charge (served concurrently)
74	100(2)	$12000 GBB 4 yrs
75	100(2)	$6000 GBB 4 yrs
76	100(2)	$6000 GBB 4 yrs
77	100(2)	$6000 GBB 4 yrs
78	100(2)	$6000 GBB 4 yrs
79	100(2)	$6000 GBB 4 yrs
80	100(2)	$6000 GBB 4 yrs
81	100(2) & 101(2)	$10000 fine in default 3 mnths imprisonment on each charge (served concurrently)
82	100(2)	$1000 GBB 4 yrs
83	100(2)	$1000 GBB 4 yrs
84	100(2)	$10000 GBB 4 yrs
85	100(2) & 101(2)	$15000 GBB 5 yrs (global penalty)
86	100(2)	$6000 GBB 5 yrs
87	100(2)	$6000 GBB 5 yrs
88	100(2)	$6000 GBB 5 yrs
89	100(2)	$6000 GBB 5 yrs
90	100(2)	$6000 GBB 5 yrs
91	100(2)	$25000 fine in default 9 mnths imprisonment
92	100(2)	$20000 fine in default 3 mnths imprisonment
93	100(2) & 101(2)	$2000 GBB 3 yrs, under s.33B of Justices Act, if recog forf then committed to jail for 15 days in default of payment
94	100(2)	$2500 fine - under s.26(2) of Sentencing Act if fine not paid in 28 days then imprisonment until liability to pay fine is discharged
95	100(2)	$2500 fine - under s.26(2) of Sentencing Act if fine not paid in 28 days then imprisonment until liability to pay fine is discharged
96	100(2) & 101(2)	under s.26(2) of Sentencing Act if fine not paid in 28 days then jail until liability to pay fine is discharged ($100/day)
97	100(2) & 101(2)	$2500 fine on each charge under s.26(2) order + for breach of bond $2500 fine on each charge - under s.26(2) of Sentencing Act if fine not paid in 28 days then jail until liability to pay fine is discharged ($100/day)

No.	Charges Proven	Penalty
98	100(2) & 101(2)	$1000 fine under s.26(2) order + for breach of bond $3500 fine - under s.26(2) of Sentencing Act if fine not paid in 28 days then jail until liability to pay fine is discharged ($100/day)
99	100(2) & 101(2)	$3000 fine on 100(2) & $2000 fine on 101(2)
100	100(2)	$1000 GBB 2 yrs
101	100(2)	$1000 fine - under s.26(2) of Sentencing Act if fine not paid in 28 days then jail until liability to pay fine is discharged ($100/day)
102	100(2) & 101(2)	$3000 GBB 3 yrs
103	100(2) & 101(2)	$3000 GBB 3 yrs
104	100(2) & 101(2)	$3000 GBB 3 yrs
105	100(2) & 101(2)	$4000 GBB 3 yrs
106	100(2)	$5000 GBB 4 yrs
107	100(2)	$5000 GBB 4 yrs
108	100(2) & 101(2)	$15000 fine on 100(2) & $8000 fine on 101(2)
109	100(2)	$3000 GBB 3 yrs
110	100(2) & 101(2)	$1000 GBB 5 yrs
111	100(2) & 101(2)	$1000 GBB 5 yrs
112	100(2) & 101(2)	$1000 GBB 5 yrs on each charge
113	100(2) & 101(2)	$3000 GBB 3 yrs, under s.33B of Justices Act, if recog forf then committed to jail for 30 days in default of payment
114	100(2) & 101(2)	$9000 GBB 4 yrs - if recog forf cmttd to jail for 90 days on 100(2) & $4000 GBB 4 yrs - if recog forfeited cmttd to jail for 40 days on 101(2)
115	100(2)	$1000 GBB 5 yrs, under s.33B of Justices Act, if recog forf then committed to jail for 10 days in default of payment
116	100(2) & 101(2)	$1000 GBB 5 yrs, under s.33B of Justices Act, if recog forf then committed to jail for 10 days in default of payment
117	100(2)	$1000 GBB 5 yrs, under s.33B of Justices Act, if recog forf then committed to jail for 10 days in default of payment
118	100(2)	$1000 GBB 5 yrs, under s.33B of Justices Act, if recog forf then committed to jail for 10 days in default of payment
119	100(2) & 101(2)	$3000 GBB 3 yrs - if recog forf cmmttd to jail for 30 days on 100(2) & $1000 GBB 3 yrs - if recog forf cmmttd to jail for 10 days on 101(2)
120	100(2)	$3000 GBB 3 yrs, under s.33B of Justices Act, if recog forf then committed to jail for 30 days in default of payment
121	100(2)	$3000 GBB 3 yrs, under s.33B of Justices Act, if recog forf then committed to jail for 30 days in default of payment
122	100(2)	$3000 GBB 3 yrs, under s.33B of Justices Act, if recog forf then committed to jail for 30 days in default of payment
123	100(2)	$3000 GBB 3 yrs, under s.33B of Justices Act, if recog forf then committed to jail for 30 days in default of payment
124	100(2)	$3000 GBB 3 yrs, under s.33B of Justices Act, if recog forf then committed to jail for 30 days in default of payment
125	100(2)	$3000 GBB 3 yrs, under s.33B of Justices Act, if recog forf then committed to jail for 30 days in default of payment

No.	Charges Proven	Penalty
126	100(2) & 101(2)	$3500 GBB 3 yrs, under s.33B of Justices Act, if recog forf then committed to jail for 35 days in default of payment
127	100(2)	$2500 GBB 3 yrs
128	100(2)	$2500 GBB 3 yrs
129	100(2)	$2500 GBB 3 yrs
130	100(2)	$3000 GBB 3 yrs
131	100(2)	$2500 GBB 3 yrs
132	100(2)	$5000 fine - if not paid in 28 days imprisonment impnt until liability to pay fine is discharged
133	100(2) & 101(2)	$3000 fine on each charge - under s.26(2) of Sentencing Act if fine not paid in 28 days then imprisonment until liability to pay fine is discharged + for breach of prev bond - $5000 bond estreated & s.26(2) order
134	100(2) & 101(2)	$4000 fine on 100(2) & $5000 fine on 101(2) - s.26(2) order on both + for breach on 100(2) $2000 estreated, s.26(2) order - if fine not paid in 28 days then impnt until liability to pay fine is discharged
135	100(2) & 101(2)	$3000 GBB 4 yrs, under s.33B of Justices Act, if recog forf then committed to jail for 30 days in default of payment
136	100(2) & 101(2)	$5000 GBB 5 yrs, under s.33B of Justices Act, if recog forf then committed to jail for 50 days in default of payment
137	100(2)	$5000 GBB 5 yrs, under s.33B of Justices Act, if recog forf then committed to jail for 50 days in default of payment
138	100(2)	$5000 GBB 5 yrs, under s.33B of Justices Act, if recog forf then committed to jail for 50 days in default of payment
139	100(2), 101(2) & 108(c)	$10000 fine on each charge - under s.26(2) of Sentencing Act if fine not paid in 28 days then imprisonment until liability to pay fine is discharged & 108 charge withdrawn
140	100(2) & 101(2)	$2500 fine on each charge - under s.26(2) of Sentencing Act if fine not paid in 28 days imprisonment for 50 days
141	100(2)	$5000 GBB 5 yrs - under s.33B of Justices Act, if recognisance forfeited then committed to jail for 50 days in default of payment
142	100(2)	$3500 GBB 3 yrs - under s. 33B of Justices Act, if recognisance forfeited then committed to jail for 35 days in default of payment
143	100(2)	$3500 GBB 5 yrs - under s. 33B of Justices Act, if recognisance forfeited then committed to jail for 35 days in default of payment
144	100(2)	$3500 GBB 5 yrs - under s. 33B of Justices Act, if recognisance forfeited then committed to jail for 35 days in default of payment
145	100(2)	$1500 GBB 5 yrs
146	100(2) & 101(2)	$4000 fine on each charge (original $5000 fine on each charge order revoked) - under s.26(2) of Sentencing Act if fine not paid in 28 days then imprisonment until liability to pay fine is discharged

No.	Charges Proven	Penalty
147	100(2)	$3500 GBB 5 yrs - under s. 33B of Justices Act, if recognisance forfeited then committed to jail for 35 days in default of payment
148	100(2)	$3500 GBB 5 yrs - under s. 33B of Justices Act, if recognisance forfeited then committed to jail for 35 days in default of payment
149	100(2)	$3500 GBB 5 yrs - under s. 33B of Justices Act, if recognisance forfeited then committed to jail for 35 days in default of payment
150	100(2)	$3500 GBB 5 yrs - under s. 33B of Justices Act, if recognisance forfeited then committed to jail for 35 days in default of payment
151	100(2) & 101(2)	$4000 fine on each charge (original $4500 fine on each charge order revoked) - under s.26(2) of Sentencing Act if fine not paid in 28 days then imprisonment until liability to pay fine is discharged
152	100(2) & 101(2)	$5000 GBB 5 yrs - under s.33B of Justices Act, if recognisance forfeited then committed to jail for 50 days in default of payment
153	100(2)	$5000 GBB 5 yrs - under s.33B of Justices Act, if recognisance forfeited then committed to jail for 50 days in default of payment
154	100(2)	$5000 GBB 5 yrs - under s.33B of Justices Act, if recognisance forfeited then committed to jail for 50 days in default of payment
155	100(2)	$5000 GBB 5 yrs - under s.33B of Justices Act, if recognisance forfeited then committed to jail for 50 days in default of payment
156	100(2)	$5000 GBB 5 yrs - under s.33B of Justices Act, if recognisance forfeited then committed to jail for 50 days in default of payment
157	100(2)	$5000 GBB 5 yrs - under s.33B of Justices Act, if recognisance forfeited then committed to jail for 50 days in default of payment
158	100(2) & 101(2)	$4000 GBB 5 yrs on each charge - under s.33B of Justices Act, if recognisance forfeited then committed to jail for 6 months in default of payment
159	100(2)	$10000 fine - under s.26(2) of Sentencing Act if fine not paid in 28 days then imprisonment until liability to pay fine is discharged
160	100(2)	$5000 fine - under s.26(2) of Sentencing Act if fine not paid in 28 days then imprisonment until liability to pay fine is discharged
161	100(2)	$5000 fine - under s.26(2) of Sentencing Act if fine not paid in 28 days then imprisonment until liability to pay fine is discharged
162	100(2) & 101(2)	$4000 GBB 4 yrs on each charge - under s.33B of Justices Act, if recognisance forfeited then committed to jail for 40 days in default of payment

No.	Charges Proven	Penalty
163	100(2)	$5000 GBB 5 yrs - under s.33B of Justices Act, if recognisance forfeited then committed to jail for 50 days in default of payment
164	101(2)	$1000 GBB 3 yrs - under s.33B of Justices Act, if recognisance forfeited then committed to jail for 10 days in default of payment
165	100(2) & 101(2)	$2500 GBB 2 yrs - under s.33B of Justices Act, if recognisance forfeited then committed to jail for 25 days in default of payment
166	100(2) & 101(2)	$2000 GBB 3 yrs - under s.33B of Justices Act, if recognisance forfeited then committed to jail for 20 days in default of payment
167	100(2)	$1000 GBB 3 yrs - under s.33B of Justices Act, if recognisance forfeited then committed to jail for 10 days in default of payment
168	100(2)	$4000 GBB 5 yrs - under s.33B of Justices Act, if recognisance forfeited then committed to jail for 5 months in default of payment
169	100(2)	$4000 GBB 5 yrs - under s.33B of Justices Act, if recognisance forfeited then committed to jail for 5 months in default of payment
170	100(2)	$4000 GBB 5 yrs - under s.33B of Justices Act, if recognisance forfeited then committed to jail for 5 months in default of payment
171	100(2)	$4000 GBB 5 yrs - under s.33B of Justices Act, if recognisance forfeited then committed to jail for 5 months in default of payment
172	100(2)	$4000 GBB 5 yrs - under s.33B of Justices Act, if recognisance forfeited then committed to jail for 5 months in default of payment
173	100(2)	$4000 GBB 5 yrs - under s.33B of Justices Act, if recognisance forfeited then committed to jail for 5 months in default of payment
174	100(2)	$4000 GBB 5 yrs - under s.33B of Justices Act, if recognisance forfeited then committed to jail for 5 months in default of payment
175	100(2) & 101(2)	$4000 GBB 5 yrs on each charge - under s.33B of Justices Act, if recognisance forfeited then committed to jail for 5 months in default of payment
176	100(2) & 101(2)	$4000 GBB 5 yrs on each charge - under s.33B of Justices Act, if recognisance forfeited then committed to jail for 5 months in default of payment
177	100(2)	$4000 GBB 5 yrs - under s.33B of Justices Act, if recognisance forfeited then committed to jail for 5 months in default of payment
178	100(2)	$4000 GBB 5 yrs - under s.33B of Justices Act, if recognisance forfeited then committed to jail for 5 months in default of payment

No.	Charges Proven	Penalty
179	100(2)	$4000 GBB 5 yrs - under s.33B of Justices Act, if recognisance forfeited then committed to jail for 5 months in default of payment
180	101(2)	$2500 GBB 2 yrs - under s.33B of Justices Act, if recognisance forfeited then committed to jail for 25 days in default of payment
181	100(2) & 101(2)	$2500 GBB 2 yrs on each charge - under s.33B of Justices Act, if recognisance forfeited then committed to jail for 25 days in default of payment
182	100(2)	$4000 GBB 5 yrs - under s.33B of Justices Act, if recognisance forfeited then committed to jail for 5 months in default of payment
183	100(2)	$4000 GBB 5 yrs - under s.33B of Justices Act, if recognisance forfeited then committed to jail for 5 months in default of payment
184	100(2)	$4000 GBB 5 yrs - under s.33B of Justices Act, if recognisance forfeited then committed to jail for 5 months in default of payment
185	100(2) & 101(2)	$2500 GBB 2 yrs - under s.33B of Justices Act, if recognisance forfeited then committed to jail for 25 days in default of payment
186	100(2) & 101(2)	$4000 fine on each charge - under s.26(2) of Sentencing Act if fine not paid in 28 days then imprisonment until liability to pay fine is discharged
187	100(2)	$4000 GBB 5 yrs - under s.33B of Justices Act, if recognisance forfeited then committed to jail for 5 months in default of payment
188	100(2) & 101(2)	$2000 GBB 3 yrs - under s.33B in default, jail for 1 month for 100(2) & $3000 GBB 3 yrs - under s.33B in default, jail for 2 mnths for 101(2)
189	100(2)	$3000 GBB 3 yrs - under s.33B in default, jail for 2 mnths + for breach of prev 100(2) $5000 estreated, 2 mnths jail i/d + for prev breach of 101(2) $2000 estreated, 1 mnth jail i/d (concurrent)
190	100(2)	$2000 GBB 2 yrs - under s.33B of Justices Act, if recognisance forfeited then committed to jail for 1 month in default of payment
191	100(2)	$3000 GBB 2 yrs - under s.33B of Justices Act, if recognisance forfeited then committed to jail for 30 days in default of payment
192	100(2) & 101(2)	$3000 GBB 5 yrs - under s.33B of Justices Act, if recognisance forfeited then committed to jail for 30 days in default of payment
193	100(2)	$3000 fine - under s.26(2) of Sentencing Act if fine not paid in 28 days then impnt until liability to pay is discharged + for breach of prev 100(2) & 101(2) $3000 fine on each and same s.26(2)

No.	Charges Proven	Penalty
194	100(2)	$3000 fine - under s.26(2) of Sentencing Act if fine not paid in 28 days then impnt until liability to pay is discharged + for breach of prev 100(2) $1800 fine on each and same s.26(2)
195	100(2)	$2000 GBB 5 yrs - under s.33B of Justices Act, if recognisance forfeited then committed to jail for 20 days in default of payment
196	100(2) & 101(2)	$3000 GBB 5 yrs - under s.33B of Justices Act, if recognisance forfeited then committed to jail for 30 days in default of payment
197	100(2)	$1500 fine - under s.26(2) of Sentencing Act if fine not paid in 28 days then imprisonment until liability to pay fine is discharged
198	100(2) & 101(2)	$3000 GBB 2 yrs - under s.33B of Justices Act, if recognisance forfeited then committed to jail for 30 days in default of payment
199	100(2) & 101(2)	$3000 GBB 2 yrs - under s.33B of Justices Act, if recognisance forfeited then committed to jail for 30 days in default of payment
200	100(2) & 101(2)	$3000 GBB 2 yrs - under s.33B of Justices Act, if recognisance forfeited then committed to jail for 30 days in default of payment
201	100(2) & 101(2)	$3000 GBB 5 yrs - under s.33B of Justices Act, if recog forf commttd to jail for 30 days i/d of payment on 100(2) & $3000 GBB 5 yrs on 101(2)
202	100(2) & 101(2)	$3000 GBB 5 yrs - under s.33B of Justices Act, if recog forf commttd to jail for 30 days i/d of payment on 100(2) & $3000 GBB 5 yrs on 101(2)
203	100(2) & 101(2)	$3000 GBB 5 yrs - under s.33B of Justices Act, if recog forf commttd to jail for 30 days i/d of payment on 100(2) & $3000 GBB 5 yrs on 101(2)
204	100(2) & 101(2)	$1000 GBB 3 yrs - under s.33B of Justices Act, if recognisance forfeited then committed to jail for 10 days in default of payment on each charge
205	100(2) & 101(2)	$5000 GBB 5 yrs - under s.33B of Justices Act, if recognisance forfeited then committed to jail for 100 days in default of payment
206	100(2)	$5000 GBB 5 yrs - under s.33B of Justices Act, if recognisance forfeited then committed to jail for 100 days in default of payment
207	100(2)	$5000 GBB 5 yrs - under s.33B of Justices Act, if recognisance forfeited then committed to jail for 50 days in default of payment
208	100(2) & 101(2)	$5000 GBB 5 yrs - under s.33B of Justices Act, if recognisance forfeited then committed to jail for 100 days in default of payment
209	100(2) & 101(2)	$5000 GBB 5 yrs - under s.33B of Justices Act, if recognisance forfeited then committed to jail for 100 days in default of payment

No.	Charges Proven	Penalty
210	100(2) & 101(2)	$2000 GBB 3 yrs - under s.33B of Justices Act, if recognisance forfeited then committed to jail for 15 days in default of payment on each charge
211	100(2) & 101(2)	$2000 GBB 3 yrs - under s.33B of Justices Act, if recognisance forfeited then committed to jail for 15 days in default of payment on each charge
212	100(2) & 101(2)	$4000 GBB 5 yrs - under s.33B of Justices Act, if recog forf then commttd to jail for 30 days i/d of payment on each charge + for breach of prev bond, $2000 estreated
213	100(2) & 101(2)	$4000 GBB 5 yrs - under s.33B of Justices Act, if recognisance forfeited then committed to jail for 40 days in default of payment
214	100(2) & 101(2)	$4000 GBB 5 yrs - under s.33B of Justices Act, if recognisance forfeited then committed to jail for 30 days in default of payment
215	100(2) & 101(2)	$3000 GBB 5 yrs - under s.33B of Justices Act, if recognisance forfeited then committed to jail for 30 days in default of payment
216	100(2) & 101(2)	$4000 GBB 5 yrs - under s.33B of Justices Act, if recognisance forfeited then committed to jail for 40 days in default of payment
217	100(2) & 101(2)	$4500 GBB 3 yrs - under s.33B of JA, if recog forf then jail for up to 45 days on 100(2) & $3500 GBB 3 yrs - under s.33B JA jail for up to 35 days.
218	100(2)	$4000 fine - under s.26(2) of Sentencing Act if fine not paid in 28 days then imprisonment for 30 days
219	100(2) & 101(2)	$4500 GBB 3 yrs - under s.33B of JA, if recog forf then jail for up to 45 days on 100(2) & $3500 GBB 3 yrs - under s.33B JA jail for up to 35 days.
220	100(2)	$5000 GBB 4 yrs - under s.33B of Justices Act, if recognisance forfeited then committed to jail for up to 2 months (or less if determined by the court) + for breach of prev bond $1500 recog forf i/d 15 days impnt
221	100(2)	$3000 GBB 2 yrs - under s.33B of Justices Act, if recognisance forfeited then committed to jail for 30 days in default of payment
222	100(2) & 101(2)	$5000 GBB 3 yrs - under s.33B of JA, if recog forf then jail for up to 50 days on 100(2) & $4000 GBB 3 yrs - under s.33B JA jail for up to 40 days.
223	100(2)	$3000 GBB 2 yrs - under s.33B of Justices Act, if recognisance forfeited then committed to jail for up to 30 days in default of payment
224	100(2)	$3000 GBB 2 yrs - under s.33B of Justices Act, if recognisance forfeited then committed to jail for up to 30 days in default of payment
225	100(2)	$3000 GBB 2 yrs - under s.33B of Justices Act, if recognisance forfeited then committed to jail for up to 30 days in default of payment

No.	Charges Proven	Penalty
226	100(2) & 101(2)	$5000 GBB 5 yrs - under s.33B of Justices Act, if recognisance forfeited then committed to jail for 3 months, or if partial forf for a period = the amount forfeited divided by $55.00
227	100(2) & 101(2)	$500 GBB 3 yrs - under s.33B of Justices Act, if recognisance forfeited then committed to jail for up to 5 days in default of payment
228	100(2) & 101(2)	$1000 GBB 5 yrs - under s.33B of Justices Act, if recognisance forfeited then committed to jail for up to 10 days in default of payment on each charge
229	100(2)	$2000 fine - under s.26(2) of Sentencing Act if fine not paid in 28 days then imprisonment for 20 days + for breach of prev bond $1000 estreated i/d 10 days imprisonment
230	100(2)	$1000 GBB 5 yrs - under s.33B of Justices Act, if recognisance forfeited then committed to jail for 10 days in default of payment
231	100(2) & 101(2)	$1000 GBB 5 yrs - under s.33B of Justices Act, if recognisance is forfeited then committed to jail for 10 days in default of payment on each charge
232	100(2)	$1000 GBB 5 yrs - under s.33B of Justices Act, if recognisance forfeited then committed to jail for 10 days in default of payment
233	101(2)	$1000 GBB 5 yrs - under s.33B of Justices Act, if recognisance forfeited then committed to jail for 10 days in default of payment
234	100(2) & 101(2)	$3000 GBB 5 yrs - under s.33B of Justices Act, if recognisance forfeited then committed to jail for 30 days in default of payment on each charge
235	100(2) & 101(2)	$3000 GBB 5 yrs - under s.33B of Justices Act, if recognisance forfeited then committed to jail for 30 days in default of payment on each charge
236	100(2) & 101(2)	$3000 GBB 5 yrs - under s.33B of Justices Act, if recognisance forfeited then committed to jail for 30 days in default of payment on each charge
237	100(2) & 101(2)	$3000 GBB 3 yrs - under s.33B of Justices Act, if recognisance forfeited then committed to jail for 30 days in default of payment
238	100(2) & 101(2)	$5000 GBB 5 yrs - under s.33B of Justices Act, if recognisance forfeited then committed to jail for 100 days in default of payment
239	100(2) & 101(2)	$5000 GBB 4 yrs - under s.33B of Justices Act, if recognisance forfeited then committed to jail for 50 days in default of payment on each charge
240	100(2)	$4000 GBB 3 yrs - under s.33B of Justices Act, if recognisance forfeited then committed to jail for 40 days in default of payment
241	100(2)	$4000 GBB 3 yrs - under s.33B of Justices Act, if recognisance forfeited then committed to jail for 40 days in default of payment

No.	Charges Proven	Penalty
242	100(2)	$4000 GBB 3 yrs - under s.33B of Justices Act, if recognisance forfeited then committed to jail for 40 days in default of payment
243	100(2)	$4000 GBB 3 yrs - under s.33B of Justices Act, if recognisance forfeited then committed to jail for 40 days in default of payment
244	100(2) & 101(2)	$5000 GBB 5 yrs - under s.33B of Justices Act, if recognisance forfeited then committed to jail for 100 days in default of payment
245	100(2)	$5000 GBB 5 yrs - under s.33B of Justices Act, if recognisance forfeited then committed to jail for 100 days in default of payment
246	100(2)	$5000 GBB 5 yrs - under s.33B of Justices Act, if recognisance forfeited then committed to jail for 100 days in default of payment
247	100(2)	$5000 GBB 5 yrs - under s.33B of Justices Act, if recognisance forfeited then committed to jail for 100 days in default of payment
248	100(2)	$5000 GBB 5 yrs - under s.33B of Justices Act, if recognisance forfeited then committed to jail for 100 days in default of payment
249	100(2)	$5000 GBB 5 yrs - under s.33B of Justices Act, if recognisance forfeited then committed to jail for 100 days in default of payment
250	100(2) & 101(2)	$3000 GBB 3 yrs - under s.33B of Justices Act, if recognisance forfeited then committed to jail for 30 days in default of payment
251	100(2)	$1000 GBB 2 yrs - under s.33B of Justices Act, if recognisance forfeited then committed to jail for 14 days in default of payment
252	100(2)	$1000 GBB 2 yrs - under s.33B of Justices Act, if recognisance forfeited then committed to jail for 14 days in default of payment
253	100(2)	$1000 GBB 2 yrs - under s.33B of Justices Act, if recognisance forfeited then committed to jail for 14 days in default of payment
254	100(2) & 101(2)	$4000 GBB 4 yrs - under s.33B of JA, if recog forf then jail for 2 mnths on 100(2) & $3000 GBB 4 yrs - under s.33B JA jail for 40 days.
255	100(2)	$3000 GBB 3 yrs - under s.33B of Justices Act, if recognisance forfeited then committed to jail for 40 days in default of payment
256	100(2)	$3000 GBB 3 yrs - under s.33B of Justices Act, if recognisance forfeited then committed to jail for 40 days in default of payment
257	100(2)	$3000 GBB 3 yrs - under s.33B of Justices Act, if recognisance forfeited then committed to jail for 40 days in default of payment

No.	Charges Proven	Penalty
258	100(2)	$3000 GBB 3 yrs - under s.33B of Justices Act, if recognisance forfeited then committed to jail for 40 days in default of payment
259	100(2)	$3000 GBB 3 yrs - under s.33B of Justices Act, if recognisance forfeited then committed to jail for 40 days in default of payment
260	100(2)	$3000 GBB 3 yrs - under s.33B of Justices Act, if recognisance forfeited then committed to jail for 40 days in default of payment
261	100(2) & 101(2)	$5000 GBB 5 yrs - under s.33B of Justices Act, if recognisance forfeited then committed to jail for 100 days in default of payment
262	100(2)	$5000 GBB 5 yrs - under s.33B of Justices Act, if recognisance forfeited then committed to jail for 100 days in default of payment
263	100(2)	$5000 GBB 5 yrs - under s.33B of Justices Act, if recognisance forfeited then committed to jail for 100 days in default of payment
264	100(2)	$5000 GBB 5 yrs - under s.33B of Justices Act, if recognisance forfeited then committed to jail for 100 days in default of payment
265	100(2)	$5000 GBB 5 yrs - under s.33B of Justices Act, if recognisance forfeited then committed to jail for 100 days in default of payment
266	100(2) & 101(2)	$2100 fine - under s.26(2) of SA if fine not pd in 28 days then impnt for 21 days on 100(2) & $25000 GBB 5 yrs - under s.33B JA jail for 6 mnths i/d+ for breach of prev bond $4000 estreated i/d 6 weeks impnt
267	100(2)	$1400 fine - under s.26(2) of Sentencing Act if not paid in 28 days then 14 days impnt + for breach of prev bond original order revoked, re-sentenced $10000 GBB 5 yrs or 3 mnths jail + $4000 bond estreated i/d 1 mnth impnt
268	100(2)	$3000 GBB 3 yrs - under s.33B of Justices Act, if recognisance forfeited then committed to jail for 30 days in default of payment
269	100(2)	$3000 GBB 3 yrs - under s.33B of Justices Act, if recognisance forfeited then committed to jail for 30 days in default of payment
270	100(2)	$3000 GBB 3 yrs - under s.33B of Justices Act, if recognisance forfeited then committed to jail for 30 days in default of payment
271	100(2) & 101(2)	$4000 GBB 4 yrs - under s.33B of JA, if recog forf then jail for 40 days on 100(2) & $3000 GBB 4 yrs - under s.33B JA jail for 30 days.
272	100(2)	$3000 GBB 3 yrs - under s.33B of Justices Act, if recognisance forfeited then committed to jail for 30 days in default of payment

No.	Charges Proven	Penalty
273	100(2)	$3000 GBB 3 yrs - under s.33B of Justices Act, if recognisance forfeited then committed to jail for 30 days in default of payment
274	100(2)	$3000 GBB 3 yrs - under s.33B of Justices Act, if recognisance forfeited then committed to jail for 30 days in default of payment
275	100(2)	$3000 GBB 3 yrs - under s.33B of Justices Act, if recognisance forfeited then committed to jail for 30 days in default of payment
276	100(2)	$3000 GBB 3 yrs - under s.33B of Justices Act, if recognisance forfeited then committed to jail for 30 days in default of payment
277	100(2)	$3000 GBB 3 yrs - under s.33B of Justices Act, if recognisance forfeited then committed to jail for 30 days in default of payment
278	100(2) & 101(2)	$5000 fine - under s.26(2) of SA if fine not pd in 28 days then impnt for 50 days on 100(2) & $5000 GBB 5 yrs - under s.33B JA jail for 50 days i/d of payment
279	100(2) & 101(2)	$5000 GBB 5 yrs - under s.33B of Justices Act, if recognisance forfeited then committed to jail for 50 days in default of payment on each charge
280	100(2)	$4000 GBB 5 yrs - under s.33B of Justices Act, if recognisance forfeited then committed to jail for 40 days in default of payment
281	100(2)	$4000 GBB 5 yrs - under s.33B of Justices Act, if recognisance forfeited then committed to jail for 40 days in default of payment
282	100(2)	$4000 GBB 5 yrs - under s.33B of Justices Act, if recognisance forfeited then committed to jail for 40 days in default of payment
283	100(2)	$3000 fine - under s.26(2) of SA if fine not pd in 28 days then impnt for 30 days on 100(2) & for breach of bond $5000 GBB 4 yrs, i/d 40 days impnt
284	100(2) & 101(2)	$3000 GBB 2 yrs - under s.33B of Justices Act, if recognisance forfeited then committed to jail for 21 days in default of payment
285	100(2) & 101(2)	$2500 GBB 2 yrs - under s.33B of Justices Act, if recognisance forfeited then committed to jail for 16 days in default of payment
286	100(2) & 101(2)	$3000 GBB 2 yrs - under s.33B of Justices Act, if recognisance forfeited then committed to jail for 21 days in default of payment
287	100(2) & 101(2)	$1000 GBB 2 yrs - under s.33B of Justices Act, if recognisance forfeited then committed to jail for 8 days in default of payment
288	100(2) & 101(2)	$3000 GBB 2 yrs - under s.33B of Justices Act, if recognisance forfeited then committed to jail for 21 days in default of payment

No.	Charges Proven	Penalty
289	100(2) & 101(2)	$3000 GBB 2 yrs - under s.33B of Justices Act, if recognisance forfeited then committed to jail for 21 days in default of payment
290	100(2) & 101(2)	$3000 GBB 2 yrs - under s.33B of Justices Act, if recognisance forfeited then committed to jail for 21 days in default of payment
291	100(2) & 101(2)	$3000 GBB 2 yrs - under s.33B of Justices Act, if recognisance forfeited then committed to jail for 21 days in default of payment
292	100(2) & 101(2)	$3000 GBB 2 yrs - under s.33B of Justices Act, if recognisance forfeited then committed to jail for 21 days in default of payment
293	100(2) & 101(2)	$10000 fine - under s.26(2) of SA if fine not pd in 28 days then impnt for 100 days on 100(2) & $10000 GBB 5 yrs - under s.33B Justices Act jail for 3 mnths i/d of payment
294	100(2) & 101(2)	$4000 GBB 4 yrs - under s.33B of JA, if recog forf then jail for 40 days on 100(2) & $3000 GBB 4 yrs - under s.33B JA jail for 30 days.
295	100(2) & 101(2)	$4000 GBB 4 yrs - under s.33B of Justices Act, if recognisance forfeited then committed to jail for 40 days in default of payment on each charge
296	100(2)	$3000 GBB 4 yrs - under s.33B of Justices Act, if recognisance forfeited then committed to jail for 30 days in default of payment
297	100(2) & 101(2)	$4000 GBB 5 yrs - under s.33B of JA, if recog forf then jail for 40 days on 100(2) & $4000 GBB 4 yrs - under s.33B JA jail for 40 days.
298	100(2) & 101(2)	$11000 fine - under s.26(2) of SA if fine not pd in 28 days then impnt for 110 days on 100(2) & $10000 GBB 5 yrs - under s.33B Justices Act jail for 3 mnths i/d of payment
299	100(2) & 101(2)	$7500 fine, no time to pay, in default 150 days imprisonment
300	100(2) & 101(2)	$7500 fine, no time to pay, in default 150 days imprisonment
301	100(2) & 101(2)	$5000 fine, no time to pay, in default 100 days imprisonment
302	100(2) & 101(2)	$5000 fine, no time to pay, in default 100 days imprisonment
303	51(1) TSFA1984	$7500 fine, no time to pay, in default 91 days imprisonment
304	49(1) & 51(1) TSFA1984	$4000 fine on 49(1) & $4000 fine on 51(1) - i/d 100 days impnt , nttp
305	49(1), 51(1) TSFA1984 & 88(1) NCA	$4000 fine on 49(1) & $4000 fine on 51(1) - i/d 100 days impnt , nttp + 50 days impnt for 88(1)NCA
306	45(1)(a), 49(1) & 51(1) TSFA1984	$1000 fine on 45(1)(a), $4000 fine on 49(1) & $4000 fine on 51(1) - i/d 120 days impnt , nttp
307	49(1), 51(1) TSFA1984 & 88(1) NCA	$4000 fine on 49(1) & $4000 fine on 51(1) - i/d 100 days impnt , nttp + $50 fine for 88(1)NCA
308	101(2)	$3000 fine, no time to pay, in default 30 days imprisonment

No.	Charges Proven	Penalty
309	100(2) & 101(2)	$5000 fine, nttp, i/d 3 mnths impnt on 100(2) & $3000 fine, nttp, i/d 2 mnths impnt on 101(2) (served concurrently)
310	100(2), 101(2) & 229, 229B, 229DEPBC	$5000 fine, nttp, i/d 3 mnths impnt on 100(2) & $3000 fine, nttp, i/d 2 mnths impnt on 101(2) (served concurrently) + 2 mnths impnt cumulative with fine default periods on EPBCA (total 5 mnths impnt)
311	100(2)	$5000 fine, no time to pay, in default 4 months imprisonment
312	100(2) & 101(2)	$5000 fine, nttp, i/d 4 mnths impnt on 100(2) & $3000 fine, nttp, i/d 3 mnths impnt on 101(2) (served concurrently)
313	100(2) & 101(2)	$5000 fine, nttp, i/d 53 days impnt on 100(2) & $5000 fine, nttp, i/d 53 days impnt on 101(2) (served cumulatively)
314	100(2), 101(2) & 229EPBC	$4000 fine, nttp, i/d 70 days impnt on 100(2) & $4000 fine, nttp, i/d 70 days impnt on 101(2) (served cumulatively) + 2 mnths impnt cumulative with fine default periods on 229 EPBC
315	100(2) & 101(2)	$5000 fine, nttp, i/d 70 days impnt on 100(2) & $5000 fine, nttp, i/d 70 days impnt on 101(2) (served cumulatively)
316	100(2), 101(2) & 229EPBC	$6800 fine, nttp, i/d 120 days impnt on 100(2) & $6800 fine, nttp, i/d 120 days impnt on 101(2) (served cumulatively) + 1 mnth impnt cumulative with fine default periods on 229EPBC
317	100(2) & 101(2)	$3000 fine, nttp, i/d 45 days impnt on 100(2) & $3000 fine, nttp, i/d 45 days impnt on 101(2) (served cumulatively)
318	100(2)	$3000 fine, no time to pay, in default 30 days imprisonment
319	100(2)	$3000 fine, no time to pay, in default 30 days imprisonment
320	100(2) & 101(2)	$5000 fine, nttp, i/d 85 days impnt on 100(2) & $5000 fine, nttp, i/d 85 days impnt on 101(2) (served cumulatively)
321	100(2) & 101(2)	$6500 fine, nttp, i/d 119 days impnt on 100(2) & $6500 fine, nttp, i/d 119 days impnt on 101(2) (served cumulatively)
322	100(2)	$3500 fine, no time to pay, in default 48 days imprisonment
323	100(2)	$4500 fine, no time to pay, in default 68 days imprisonment
324	100(2) & 101(2)	$6000 fine, nttp, i/d 110 days impnt on 100(2) & $6000 fine, nttp, i/d 110 days impnt on 101(2) (served cumulatively)
325	100(2) & 101(2)	$6000 fine, nttp, i/d 114 days impnt on 100(2) & $6000 fine, nttp, i/d 114 days impnt on 101(2) (served cumulatively)
326	100(2) & 101(2)	$5400 fine, nttp, i/d 90 days impnt on 100(2) & $5400 fine, nttp, i/d 90 days impnt on 101(2) (served cumulatively)
327	100(2) & 101(2)	$5000 fine, nttp, i/d 90 days impnt on 100(2) & $5000 fine, nttp, i/d 91 days impnt on 101(2) (served cumulatively)

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No.	Charges Proven	Penalty
1	100(2) & 101(2)	$5000 fine on each charge in default 90 days imprisonment
2	100(2)	$9000 fine in default 90 days imprisonment
3	100(2)	$4000 GBB 4 yrs
4	100(2)	$5000 fine in default 45 days imprisonment
5	100(2) & 101(2)	$9000 GBB 5 yrs
6	100(2)	$6000 fine in default 60 days imprisonment
7	100(2)	$6000 GBB 5 yrs
8	100(2)	$6000 GBB 5 yrs
9	100(2)	$5000 fine in default 45 days imprisonment
10	100(2)	$6000 GBB 5 yrs
11	100(2), 101(2) & 108	$7000 GBB 4 yrs on 100(2), $10000 GBB 4 yrs on 101(2) & $4000 GBB 2yrs on 108
12	100(2) & 108	$7000 GBB 4 yrs on 100(2) & $4000 GBB 2 yrs on 108
13	100(2)	$7000 GBB 4 yrs
14	100(2)	$7000 GBB 4 yrs
15	100(2) & 108	$7000 GBB 4 yrs on 100(2) & $4000 GBB 2 yrs on 108
16	100(2) & 101(2)	$7000 GBB 4 yrs on 100(2) & $10000 GBB 4 yrs on 101(2)
17	100(2)	$7000 GBB 4 yrs
18	100(2)	$7000 GBB 4 yrs
19	100(2) & 101(2)	$7000 GBB 4yrs on 100(2) & $10000 GBB 4 yrs on 101(2)
20	100(2)	$7000 GBB 4 yrs
21	100(2)	$15000 fine in default 6 mnths imprisonment
22	100(2) & 101(2)	$14000 fine on each charge in default 10 mnths imprisonment
23	100(2)	$7000 GBB 5 yrs
24	100(2)	$7000 GBB 5 yrs
25	100(2)	$7000 GBB 4 yrs
26	100(2)	$9000 fine in default 7 mnths imprisonment
27	100(2) & 101(2)	$15000 fine in default 6 mnths imprisonment on each charge (served concurrently)
28	100(2)	$14000 GBB 5 yrs
29	100(2)	$7000 GBB 4 yrs
30	100(2)	$7000 GBB 4 yrs
31	100(2)	$7000 GBB 4 yrs
32	100(2) & 101(2)	$12000 GBB 4 yrs on each charge (served concurrently)
33	100(2)	$12000 fine in default 6 mnths imprisonment
34	100(2)	$9000 GBB 4 yrs
35	100(2)	$9000 GBB 4 yrs
36	100(2)	$9000 GBB 4 yrs
37	100(2)	$9000 GBB 4 yrs
38	100(2)	$9000 GBB 4 yrs
39	100(2)	$9000 GBB 4 yrs

No.	Charges Proven	Penalty
40	100(2) ,101(2) & 108(a)	$3000 GBB 2 yrs - under s.33B Justices Act if recog forf then jail for up to 21 days i/d of payment on 100(2) & 101(2) & $300 fine - under s.26(2) Sentencing Act if not paid in 28 days impnt until liability to pay is discharged
41	100(2)	$3000 GBB 3 yrs - under s.33B Justices Act if recognisance is forfeited then committed to jail for up to 30 days in default of immediate payment
42	100(2)	$3000 GBB 3 yrs - under s.33B Justices Act if recognisance is forfeited then committed to jail for up to 30 days in default of immediate payment
43	100(2)	$3000 GBB 3 yrs - under s.33B Justices Act if recognisance is forfeited then committed to jail for up to 30 days in default of immediate payment
44	100(2) & 101(2)	$3000 fine on each charge + for breach of prev bond $1000 estreated i/d jail for 7 days
45	100(2)	$4000 GBB 3 yrs - under s.33B Justices Act if recognisance is forfeited then committed to jail for up to 40 days in default of payment
46	100(2)	$4000 GBB 3 yrs - under s.33B Justices Act if recognisance is forfeited then committed to jail for up to 40 days in default of immediate payment
47	100(2)	$4000 GBB 3 yrs - under s.33B Justices Act if recognisance is forfeited then committed to jail for up to 40 days in default of payment
48	100(2) & 101(2)	$8000 GBB 5 yrs - under s.33B Justices Act if recog forf commttd to jail for up to 80 days i/d on 100(2) & $4000 GBB 5 yrs - under s.33B Justices Act if recog forf commttd to jail for up to 40 days i/d on 101(2)
49	100(2) & 101(2)	$3000 GBB 12 mnths - under s.33B Justices Act if recognisance is forfeited then committed to jail for up to 15 days in default of payment
50	100(2)	$2500 fine - under s.26(2) Sentencing Act if fine not paid in 28 days then impnt until liability to pay fine is discharged + for breach of prev bond, original order revoked, $1000 fine - under s.26(2) SA if not pd in 28 days then impnt until liability to pay is discharged
51	100(2)	$3000 GBB 12 mnths - under s.33B Justices Act if recognisance is forfeited then committed to jail for up to 15 days in default of payment
52	100(2)	$1000 fine - under s.26(2) Sentencing Act if fine not paid in 28 days then imprisonment until liability to pay is discharged
53	100(2)	$1000 fine - under s.26(2) Sentencing Act if fine not paid in 28 days then imprisonment for 5 days in default of payment
54	100(2) & 101(2)	$3000 GBB 12 mnths - under s.33B Justices Act if recognisance is forfeited then committed to jail for up to 15 days in default of payment
55	100(2)	$1000 fine - under s.26(2) Sentencing Act if fine not paid in 28 days then imprisonment for 5 days in default of payment

No.	Charges Proven	Penalty
56	100(2)	$1000 fine - under s.26(2) Sentencing Act if fine not paid in 28 days then imprisonment for 5 days in default of payment
57	100(2)	$1000 fine - under s.26(2) Sentencing Act if fine not paid in 28 days then imprisonment for 5 days in default of payment
58	100(2) & 101(2)	$1500 GBB 5 yrs - under s.33B of Justices Act if recognisance is forfeited then committed to jail for up to 15 days in default of payment on each charge
59	100(2)	$1500 GBB 5 yrs - under s.33B of Justices Act if recognisance is forfeited then committed to jail for up to 15 days in default of payment on each charge
60	100(2)	$1500 GBB 5 yrs - under s.33B Justices Act if recognisance is forfeited then committed to jail for up to 15 days in default of payment on each charge
61	100(2)	$1500 GBB 5 yrs - under s.33B Justices Act if recognisance is forfeited then committed to jail for up to 15 days in default of payment on each charge
62	100(2)	$1500 GBB 5 yrs - under s.33B of Justices Act if recognisance is forfeited then committed to jail for up to 15 days in default of payment on each charge
63	100(2) & 101(2)	$3000 GBB 4 yrs - under s.33B Justices Act if recognisance is forfeited then committed to jail for 50 days in default of payment
64	100(2)	$1000 GBB 3 yrs - under s.33B Justices Act if recognisance is forfeited then committed to jail for 30 days in default of payment
65	100(2)	$1000 GBB 3 yrs - under s.33B Justices Act if recognisance is forfeited then committed to jail for 30 days in default of payment
66	100(2) & 101(2)	$1500 GBB 5 yrs - under s.33B Justices Act if recognisance is forfeited then committed to jail for up to 15 days in default of payment on each charge
67	100(2)	$1500 GBB 5 yrs - under s.33B Justices Act if recognisance is forfeited then committed to jail for up to 15 days in default of payment on each charge
68	100(2)	$1500 GBB 5 yrs - under s.33B Justices Act if recognisance is forfeited then committed to jail for up to 15 days in default of payment on each charge
69	100(2) & 101(2)	$4000 GBB 3 yrs - under s.33B Justices Act if recognisance is forfeited then committed to jail for 30 days in default of payment
70	100(2)	$2000 GBB 2 yrs - under s.33B Justices Act if recognisance is forfeited then committed to jail for 30 days in default of payment
71	100(2)	$2000 GBB 2 yrs - under s.33B Justices Act if recognisance is forfeited then committed to jail for 30 days in default of payment
72	100(2)	$750 GBB 18 mnths - s.53 Juvenile Justice Act 1983

No.	Charges Proven	Penalty
73	100(2) & 101(2)	$4000 GBB 3 yrs - under s.33B Justices Act if recognisance is forfeited then committed to jail for 40 days in default of payment
74	100(2)	$2000 GBB 2 yrs - under s.33B Justices Act if recognisance is forfeited then committed to jail for 30 days in default of payment
75	100(2) & 101(2)	$4000 GBB 5 yrs - under s.33B Justices Act if recognisance is forfeited then committed to jail for 40 days in default of payment on each charge
76	100(2) & 101(2)	$4000 GBB 5 yrs - under s.33B Justices Act if recognisance is forfeited then committed to jail for 40 days in default of payment on each charge
77	100(2) & 101(2)	$4000 GBB 5 yrs - under s.33B Justices Act if recognisance is forfeited then committed to jail for 40 days in default of payment on each charge
78	100(2)	$4000 GBB 5 yrs - under s.33B Justices Act if recognisance is forfeited then committed to jail for 40 days in default of payment
79	100(2)	$4000 GBB 5 yrs - under s.33B Justices Act if recognisance is forfeited then committed to jail for 40 days in default of payment
80	100(2)	$4000 GBB 5 yrs - under s.33B Justices Act if recognisance is forfeited then committed to jail for 40 days in default of payment
81	100(2)	$2500 GBB 2 yrs - under s.33B Justices Act if recognisance is forfeited then committed to jail for 3 mnths in default of payment
82	100(2)	$1500 GBB 18 mnths - under s.33B of Justices Act if re-cognisance is forfeited then committed to jail for 2 mnths in default of payment
83	100(2)	$1500 GBB 18 mnths - under s.33B of Justices Act if re-cognisance is forfeited then committed to jail for 2 mnths in default of payment
84	100(2)	$1500 GBB 18 mnths - under s.33B of Justices Act if re-cognisance is forfeited then committed to jail for 2 mnths in default of payment
85	100(2)	$1500 GBB 18 mnths - under s.33B of Justices Act if re-cognisance is forfeited then committed to jail for 2 mnths in default of payment
86	100(2)	$1500 GBB 18 mnths - under s.33B of Justices Act if re-cognisance is forfeited then committed to jail for 2 mnths in default of payment
87	100(2)	$1500 GBB 18 mnths - under s.33B of Justices Act if re-cognisance is forfeited then committed to jail for 2 mnths in default of payment

No.	Charges Proven	Penalty
88	100(2) & 101(2)	$10000 fine - under s.26(2) SA if not paid in 28 days then 40 days impnt on 100(2) & $5000 fine - under s.26(2) SA if not paid in 28 days then 20 days impnt on 101(2)+ for breach of prev bond, orig order rvkd, $4000 estreated 40 days impnt i/d
89	100(2)	$5000 fine - under s.26(2) Sentencing Act if not paid in 28 days then 21 days impnt + for breach of prev bond,org order rvkd, $4000 estreated 40 days impnt i/d
90	100(2) & 101(2)	$5000 GBB 5 yrs - under s.33B Justices Act if recognisance is forfeited then committed to jail for 55 days in default of payment on 100(2) & $3000 GBB 5 yrs on 101(2)
91	100(2)	$5000 fine - under s.26(2) Sentencing Act if not paid in 28 days then 50 days impnt + for breach of prev bond,org order rvkd, $2000 estreated 3 weeks impnt i/d
92	100(2) & 101(2)	$5000 GBB 5 yrs - under s.33B Justices Act if recognisance is forfeited then committed to jail for 100 days in default of payment
93	100(2) & 101(2)	$2000 GBB 2 yrs - under s.33B Justices Act if recognisance is forfeited then committed to jail for 30 days in default of payment on each charge
94	100(2)	$1000 GBB 2 yrs - under s.33B of Justices Act if recognisance is forfeited then committed to jail for 30 days in default of payment
95	100(2) & 101(2)	$5000 GBB 5 yrs - under s.33B Justices Act if recognisance is forfeited then committed to jail for 100 days in default of payment
96	100(2)	$5000 GBB 5 yrs - under s.33B Justices Act if recognisance is forfeited then committed to jail for 100 days in default of payment
97	100(2)	$5000 GBB 5 yrs - under s.33B Justices Act if recognisance is forfeited then committed to jail for 100 days in default of payment
98	100(2)	$5000 GBB 5 yrs - under s.33B Justices Act if recog forf then commttd to jail for 100 days i/d of payment + for breach of prev bond, orig order rvkd, $5000 estreated, 100days impnt i/d
99	100(2) & 101(2)	$2000 GBB 3 yrs - under s.33B Justices Act if recognisance is forfeited then committed to jail for 30 days in default of payment
100	100(2)	$2000 GBB 3 yrs - under s.33B Justices Act if recognisance is forfeited then committed to jail for 30 days in default of payment
101	100(2)	$2000 GBB 3 yrs - under s.33B Justices Act if recognisance is forfeited then committed to jail for 30 days in default of payment
102	100(2) & 101(2)	$4000 GBB 5 yrs - under s.33B Justices Act if recognisance is forfeited then committed to jail for 40 days in default of payment

No.	Charges Proven	Penalty
103	100(2) & 101(2)	$4000 GBB 5 yrs - under s.33B Justices Act if recognisance is forfeited then committed to jail for 40 days in default of payment
104	100(2) & 101(2)	$2000 GBB 3 yrs on each charge
105	100(2) & 101(2)	$4000 GBB 5 yrs - under s.33B Justices Act if recognisance is forfeited then committed to jail for 40 days in default of payment
106	100(2)	$5000 GBB 5 yrs - under s.33B Justices Act if recognisance is forfeited then committed to jail for 100 days in default of payment
107	100(2), 101(2) & 108	$5000 GBB 5 yrs - under s.33B Justices Act if recog forf commttd to jail for 40 days i/d on 100(2) & $6000 GBB 5 yrs - under s.33B Justices Act if recog forf commttd to jail for 50 days i/d on 101(2) & 3 mnths imp (released after 1 mnth under $10000 GBB 5 yrs)
108	100(2) & 101(2)	$5000 GBB 5 yrs - under s.33B Justices Act if recognisance is forfeited then committed to jail for 3 mnths in default of payment
109	100(2), 101(2) & 229C EPBA	$1000 GBB 5 yrs - under s.33B Justices Act if recognisance is forfeited then committed to jail for 20 days in default of payment
110	100(2) & 101(2)	$2500 GBB 18 mnths - under s.33B Justices Act if recognisance is forfeited then committed to jail for 25 days in default of payment
111	100(2)	$1500 GBB 18 mnths - under s.33B of Justices Act if recognisance is forfeited then committed to jail for 15 days in default of payment
112	100(2)	$1500 GBB 18 mnths - under s.33B of Justices Act if recognisance is forfeited then committed to jail for 15 days in default of payment
113	100(2) & 101(2)	$2000 GBB 3 yrs - under s.33B Justices Act if recognisance is forfeited then committed to jail for 30 days in default of payment
114	100(2)	$3000 GBB 3 yrs + for breach of prev bond, partial forf prev recog - committed to 15 days impnt immediately
115	100(2)	$3000 GBB 3 yrs + for breach of prev bond, partial forf prev recog - committed to 15 days impnt immediately
116	100(2) & 101(2)	$2000 GBB 2 yrs - under s.33B Justices Act if recognisance is forfeited then committed to jail for 10 days in default of payment
117	100(2) & 101(2)	$1000 GBB 2 yrs - under s.33B Justices Act if recognisance is forfeited then committed to jail for 5 days in default of payment
118	100(2) & 101(2)	$1000 GBB 2 yrs - under s.33B Justices Act if recognisance is forfeited then committed to jail for 5 days in default of payment
119	100(2) & 101(2)	$1000 GBB 2 yrs - under s.33B Justices Act if recognisance is forfeited then committed to jail for 5 days in default of payment

No.	Charges Proven	Penalty
120	100(2) & 101(2)	$2000 GBB 3 yrs - under s.33B Justices Act if recognisance is forfeited then committed to jail for 30 days in default of payment on each charge
121	100(2) & 101(2)	$2000 GBB 3 yrs - under s.33B Justices Act if recognisance is forfeited then committed to jail for 60 days in default of payment + for breach of 101(2), orig order rvkd $2000 partial estreatment 25 days impnt i/d
122	100(2) & 101(2)	$2000 GBB 3 yrs - under s.33B Justices Act if recognisance is forfeited then committed to jail for 30 days in default of payment on each charge
123	100(2)	$1000 GBB 2 years - s.53 Juvenile Justice Act 1983
124	100(2), 101(2) & 108(a)	$5000 fine - under s.26(2) Sentencing Act if not paid in 28 days then impnt until liability to pay fine is discharged on 100(2), 101(2) & $5000 GBB 5 yrs on 108(a)
125	100(2) & 101(2)	$3000 GBB 5 yrs - under s.33B Justices Act if recognisance is forfeited then committed to jail for 30 days in default of payment on each charge
126	100(2), 101(2) & 108(a)	$4000 GBB 3 yrs - under s.33B JA if recog forf then 40 dys impnt i/d on 100(2), $3000 fine - under s.26(2) SA if not pd in 28 dys impnt until liability to pay is dischgrd on 101(2) & $4000 GBB 3 yrs - under s.33B JA if recog forf then 40 days impnt i/d
127	100(2) & 101(2)	$3000 GBB 5 yrs - under s.33B Justices Act if recognisance is forfeited then committed to jail for 30 days in default of payment on each charge
128	100(2)	$1500 fine - under s.26(2) SA if fine not paid in 28 days then impnt until liability to pay is discharged + for breach of prev bond,orig order rvkd, $2000 partial estreatment 20 days impnt i/d
129	100(2) & 101(2)	$10000 fine - under s.26(2) SA if not paid in 28 days then impnt until liability to pay is dischrgd on 100(2) & $15000 fine - under s.26(2) SA if not paid in 28 days then impnt until liability to pay is dischrgd on 101(2)+ for breach of prev bond on 100(2) & 101(2), orig order rvkd, $4000 fine or impnt until LTP is dischrgd on each
130	100(2)	$6000 fine - under s.26(2) Sentencing Act if not paid in 28 days then impnt until liability to pay fine is discharged + for breach of prev bond, orig order rvkd $2500 fine - under s.26(2) SA if not paid in 28 days then impnt until liability to pay fine is discharged
131	100(2)	$5000 GBB 4 yrs - under s.33B Justices Act if recognisance is forfeited then committed to jail for 50 days in default of payment
132	100(2)	$5000 GBB 4 yrs - under s.33B Justices Act if recognisance is forfeited then committed to jail for 50 days in default of payment
133	100(2) & 101(2)	$5000 GBB 5 yrs - under s.33B Justices Act if recognisance is forfeited then committed to jail for 100 days in default of payment

No.	Charges Proven	Penalty
134	100(2)	$5000 GBB 5 yrs - under s.33B Justices Act if recognisance is forfeited then committed to jail for 100 days in default of payment
135	100(2) & 101(2)	$1000 GBB 6 mnths
136	100(2) & 101(2)	$5000 GBB 5 yrs - under s.33B Justices Act if recognisance is forfeited then committed to jail for 100 days in default of payment
137	100(2) & 101(2)	$5000 GBB 5 yrs - under s.33B Justices Act if recognisance is forfeited then committed to jail for 100 days in default of payment
138	100(2) & 101(2)	$5000 GBB 5 yrs - under s.33B Justices Act if recognisance is forfeited then committed to jail for 100 days in default of payment
139	100(2) & 101(2)	$6000 GBB 5 yrs - under s.33B Justices Act if recognisance is forfeited then committed to jail for 60 days in default of payment
140	100(2) & 101(2)	$7500 GBB 5 yrs - under s.33B Justices Act if recognisance is forfeited then committed to jail for 75 days in default of payment
141	100(2)	$5000 GBB 5 yrs - under s.33B Justices Act if recognisance is forfeited then committed to jail in default of payment
142	100(2) & 101(2)	$10000 GBB 4 yrs - under s.33B Justices Act if recognisance is forfeited then committed to jail for up to 90 days in default of payment
143	100(2)	$5000 fine - under s.26(2) Sentencing Act if not paid in 28 days then impnt until liability to pay fine is discharged
144	100(2) & 101(2)	$2000 GBB 3 yrs - under s.33B Justices Act if recognisance is forfeited then committed to jail for 15 days in default of payment
145	100(2) & 101(2)	$6000 GBB 4 yrs - under s.33B JA if recog forf then 60 dys impnt i/d on 100(2), $2000 fine - under s.26(2) SA if not pd a warrant for arrest will be issued for impnt until liability to pay fine is discharged
146	100(2)	$500 GBB 2 years - s.53 Juvenile Justice Act 1983
147	100(2)	$6000 GBB 4 yrs - under s.33B Justices Act if recognisance is forfeited then committed to jail for 60 days in default of payment
148	100(2) & 101(2)	$6000 GBB 4 yrs - under s.33B Justices Act if recognisance is forfeited then committed to jail for 60 days in default of payment
149	100(2) & 101(2)	$2000 GBB 3 yrs - under s.33B JA if recog forf then 40 days impnt i/d on 100(2), $2000 GBB 3 yrs - under s.33B JA if recog forf then 40 days impnt i/d on 101(2)
150	100(2)	$2000 GBB 2 yrs - under s.33B Justices Act if recognisance is forfeited then committed to jail for 30 days in default of payment
151	100(2)	$3000 GBB 3 yrs - under s.33B Justices Act if recognisance is forfeited then committed to jail for 40 days in default of payment

No.	Charges Proven	Penalty
152	100(2)	$2000 GBB 2 yrs - under s.33B Justices Act if recognisance is forfeited then committed to jail for 30 days in default of payment
153	100(2)	$5000 GBB 5 yrs - under s.33B Justices Act if recog is forf then committed to jail for 30 days i/d of pymnt on 100(2) + for breach of prev bond of 100(2) & 101(2) $5000 GBB 5 yrs - s. 33B JA if recog forf then committed to jail for 50 days i/d of payment on each
154	100(2)	$5000 GBB 5 yrs - under s.33B Justices Act if recog is forf then committed to jail for 60 days i/d of pymnt on 100(2) + for breach of prev bond $4000 GBB 5 yrs - s. 33B JA if recog forf then committed to jail for 40 days i/d of payment
155	100(2) & 101(2)	$4000 GBB 4 yrs - under s.33B JA if recog forf then 40 days impnt i/d on 100(2), $4000 GBB 4 yrs - under s.33B JA if recog forf then 40 days impnt i/d on 101(2)
156	100(2)	$4000 GBB 4 yrs - under s.33B JA if recog forf then 40 days impnt i/d
157	100(2)	$4000 GBB 4 yrs - under s.33B JA if recog forf then 90 days impnt i/d + for breach of prev bond original order revoked and estreatment $3000 i/d of immediate payment committed to jail for 20 days
158	100(2)	$4000 GBB 4 yrs - under s.33B JA if recog forf then 40 days impnt i/d
159	100(2)	$2000 GBB 2 yrs - under s.33B JA if recog forf then 30 days impnt i/d
160	100(2)	$2000 GBB 2 yrs - under s.33B JA if recog forf then 30 days impnt i/d
161	100(2), 101(2) & 10(1)(a) NT FA	$3000 GBB 4 yrs - under s.33B JA if recog forf then 40 days impnt i/d on 100(2), $3000 GBB 4 yrs - under s.33B JA if recog forf then 40 days impnt i/d on 101(2) & $60 fine + $40 victims levy fee under s.26(2) SA (NT) if fine not pd in 28 days then impnt until liability to pay is discharged
162	100(2) & 101(2)	$4000 GBB 4 yrs - under s.33B JA if recog forf then 90 days impnt i/d + for breach of prev bond original order revoked & estreatment of $6000 - court ordered forfeiture of $6000 (being the entire amount of each bond), i/d committed to jail for 30 days
163	100(2)	$3000 GBB 2 yrs - under s.33B JA if recog forf then 30 days impnt i/d
164	100(2) & 101(2)	$4000 GBB 5 yrs - under s.33B JA if recog forf then 3 mnths impnt i/d on 100(2), $4000 GBB 5 yrs - under s.33B JA if recog forf then 3 mnths impnt i/d on 101(2)
165	100(2) & 101(2)	$4500 fine - under s.26(2) SA if not paid in 28 days then 45 days impnt on 100(2) & $4500 fine - under s.26(2) SA if not paid in 28 days then 45 days impnt on 101(2)
166	100(2) & 101(2)	$5000 GBB 5 yrs - under s.33B JA if recog forf then 3 mnths impnt i/d on 100(2), $5000 GBB 5 yrs - under s.33B JA if recog forf then 3 mnths impnt i/d on 101(2)

No.	Charges Proven	Penalty
167	100(2)	$5000 fine - under s.26(2) SA if not paid in 28 days then 50 days impnt on 100(2) + for breach of prev bond of 100(2) & 101(2) $2000 GBB 4 yrs - s. 33B JA if recog forf then committed to jail for 30 days i/d of payment on each
168	100(2)	$3000 GBB 4 yrs - under s.33B Justices Act if recognisance is forfeited then committed to jail for 2 mnths in default of payment
169	100(2) & 101(2)	$3000 GBB 3 yrs - under s.33B JA if recog forf then 15 days impnt i/d on 100(2) & $3000 GBB 3 yrs - under s.33B JA if recog forf then 15 days impnt i/d on 101(2)
170	100(2)	$2000 GBB 3 yrs - under s.33B JA if recog forf then 9 days impnt i/d
171	100(2) & 101(2)	$1000 GBB 3 yrs - under s.33B JA if recog forf then 9 days impnt i/d on 100(2) & $1000 GBB 3 yrs - under s.33B JA if recog forf then 9 days impnt i/d on 101(2)
172	100(2) & 101(2)	$4000 GBB 4 yrs - under s.33B JA if recog forf then 20 days impnt i/d on 100(2) & $4000 GBB 4 yrs - under s.33B JA if recog forf then 20 days impnt i/d on 101(2)
173	100(2) & 101(2)	$1000 GBB 3 yrs - under s.33B JA if recog forf then 9 days impnt i/d on 100(2) & $1000 GBB 3 yrs - under s.33B JA if recog forf then 9 days impnt i/d on 101(2)
174	100(2) & 101(2)	$1000 GBB 3 yrs - under s.33B JA if recog forf then 9 days impnt i/d
175	101(2) & 10(1)(a) NT FA	$1000 GBB 3 yrs - under s.33B JA if recog forf then 9 days impnt i/d on 101(2) & convicted but no further action except payment of victim's levy fee $40 under 10(1)(a) NT FA
176	101(2) & 10(1)(a) NT FA	$1000 GBB 3 yrs - under s.33B JA if recog forf then 9 days impnt i/d on 101(2) & convicted but no further action except payment of victim's levy fee $40 under 10(1)(a) NT FA
177	100(2) & 101(2)	$2000 GBB 3 yrs - under s.33B JA if recog forf then 15 days impnt i/d on 100(2) & $2000 GBB 3 yrs - under s.33B JA if recog forf then 15 days impnt i/d on 101(2)
178	100(2) & 101(2)	$2000 GBB 3 yrs - under s.33B JA if recog forf then 15 days impnt i/d on 100(2) & $2000 GBB 3 yrs - under s.33B JA if recog forf then 15 days impnt i/d on 101(2)
179	100(2) & 101(2)	$5000 GBB 5 yrs - under s.33B JA if recog forf then 2 mnths impnt i/d
180	100(2)	$3000 fine - under s.26(2) SA if not paid in 28 days then impnt until liability to pay fine is discharged
181	100(2)	$5000 GBB 5 yrs - under s.33B JA if recog forf then 2 mnths impnt i/d
182	101(2)	$1000 GBB 3 yrs - under s.33B JA if recog forf then 9 days impnt i/d
183	100(2) & 101(2)	$1000 GBB 3 yrs - under s.33B JA if recog forf then 9 days impnt i/d on 100(2) & $1000 GBB 3 yrs - under s.33B JA if recog forf then 9 days impnt i/d on 101(2)

No.	Charges Proven	Penalty
184	100(2) & 101(2)	$1000 GBB 3 yrs - under s.33B JA if recog forf then 9 days impnt i/d on 100(2) & $1000 GBB 3 yrs - under s.33B JA if recog forf then 9 days impnt i/d on 101(2)
185	100(2) & 101(2)	$2000 GBB 3 yrs - under s.33B JA if recog forf then 15 days impnt i/d on 100(2) & $2000 GBB 3 yrs - under s.33B JA if recog forf then 15 days impnt i/d on 101(2)
186	100(2)	$1000 GBB 3 yrs - under s.33B JA if recog forf then 9 days impnt i/d
187	101(2)	$1000 GBB 3 yrs - under s.33B JA if recog forf then 9 days impnt i/d
188	101(2)	$1000 GBB 3 yrs - under s.33B JA if recog forf then 9 days impnt i/d
189	101(2)	$5000 GBB 5 yrs - under s.33B JA if recog forf then 2 mnths impnt i/d
190	101(2)	$3000 GBB 3 yrs - under s.33B JA if recog forf then 30 days impnt i/d
191	100(2) & 101(2)	$6000 fine, nttp, i/d 111 days impnt on 100(2) & $6000 fine, nttp, i/d 112 days impnt on 101(2) (served cumulatively)
192	100(2) & 101(2)	$4000 fine, nttp, i/d 55 days impnt on 100(2) & $4000 fine, nttp, i/d 56 days impnt on 101(2) (served cumulatively)
193	100(2) & 101(2)	$4000 fine, nttp, i/d 54 days impnt on 100(2) & $5000 fine, nttp, i/d 74 days impnt on 101(2) (served cumulatively)
194	100(2) & 101(2)	$5000 fine, nttp, i/d 66 days impnt on 100(2) & $5500 fine, nttp, i/d 110 days impnt on 101(2) (served cumulatively)
195	100(2) & 101(2)	$5000 fine, nttp, i/d 66 days impnt on 100(2) & $5000 fine, nttp, i/d 100 days impnt on 101(2) (served cumulatively)
196	45(1)(a) & 51(1) TSFA1984	$4000 fine i/d 58 days impnt on 45(1)(a) & $4000 fine i/d 80 days impnt on 51(1), nttp, (served cumulatively)
197	100(2), 101(2) & 149.1CC	$6500 fine, nttp, i/d 73 days impnt on 100(2) & $6500 fine, nttp, i/d 130 days impnt on 101(2) (served cumulatively) + 6 weeks impnt (cumulative on fine default periods) for 149.1CC
198	100(2) & 149.1CC	$3500 fine, no time to pay, in default 13 days imprisonment + 14 days impnt (cumulative on fine default period) for 149.1CC
199	100(2) & 149.1CC	$3500 fine, no time to pay, in default 13 days imprisonment + 14 days impnt (cumulative on fine default period) for 149.1CC
200	100(2) & 149.1CC	$3500 fine, no time to pay, in default 13 days imprisonment + 14 days impnt (cumulative on fine default period) for 149.1CC
201	45(1)(a), 49(1) & 51(1) TSFA1984	$4250 fine i/d 50 days impnt on 45(1)(a), $4250 fine i/d 85 days impnt on 49(1) & $4250 fine i/d 85 days impnt on 51(1), nttp, (served cumulatively)
202	45(1)(a), 49(1) & 51(1) TSFA1984	$4500 fine i/d 55 days impnt on 45(1)(a), $4500 fine i/d 90 days impnt on 49(1) & $4500 fine i/d 90 days impnt on 51(1), nttp, (served cumulatively)

No.	Charges Proven	Penalty
203	100(2) & 101(2)	$5500 fine, nttp, i/d 96 days impnt on 100(2) & $5500 fine, nttp, i/d 96 days impnt on 101(2) (served cumulatively)
204	100(2)	$4500 fine, no time to pay, in default 48 days imprisonment
205	100(2) & 101(2)	$6000 fine, nttp, i/d 99 days impnt on 100(2) & $6000 fine, nttp, i/d 99 days impnt on 101(2) (served cumulatively)
206	100(2) & 101(2)	$3500 fine, nttp, i/d 63 days impnt on 100(2) & $4500 fine, nttp, i/d 63 days impnt on 101(2) (served cumulatively)
207	100(2) & 101(2)	$5500 fine, nttp, i/d 83 days impnt on 100(2) & $4500 fine, nttp, i/d 83 days impnt on 101(2) (served cumulatively)
208	100(2) & 101(2)	$5000 fine, nttp, i/d 100 days impnt on 100(2) & $6500 fine, nttp, i/d 100 days impnt on 101(2) (served cumulatively)
209	100(2) & 101(2)	$5500 fine, nttp, i/d 100 days impnt on 100(2) & $6000 fine, nttp, i/d 100 days impnt on 101(2) (served cumulatively)
210	100(2) & 101(2)	$6500 fine, nttp, i/d 118 days impnt on 100(2) & $6500 fine, nttp, i/d 118 days impnt on 101(2) (served cumulatively)
211	100(2) & 101(2)	$3500 fine, nttp, i/d 68 days impnt on 100(2) & $4500 fine, nttp, i/d 68 days impnt on 101(2) (served cumulatively)
212	100(2) & 101(2)	$4500 fine, nttp, i/d 76 days impnt on 100(2) & $4000 fine, nttp, i/d 76 days impnt on 101(2) (served cumulatively)
213	100(2) & 101(2)	$7000 fine, nttp, i/d 97 days impnt on 100(2) & $7000 fine, nttp, i/d 96 days impnt on 101(2) (served cumulatively)
214	100(2) & 101(2)	$3500 fine, nttp, i/d 75 days impnt on 100(2) & $4500 fine, nttp, i/d 75 days impnt on 101(2) (served cumulatively)
215	45(1)(a) & 49(1) TSFA1984	$4500 fine i/d 4 days impnt on 45(1)(a) (to start after 49(1) term) & 4 mnths impnt on 49(1) (no early release)
216	100(2) & 101(2)	$5000 fine, nttp, i/d 72 days impnt on 100(2) & $5000 fine, nttp, i/d 72 days impnt on 101(2) (served cumulatively)
217	100(2) & 101(2)	$5000 fine, nttp, i/d 72 days impnt on 100(2) & $5000 fine, nttp, i/d 72 days impnt on 101(2) (served cumulatively)
218	100(2) & 101(2)	$6500 fine, nttp, i/d 95 days impnt on 100(2) & $6500 fine, nttp, i/d 94 days impnt on 101(2) (served cumulatively)
219	100(2) & 101(2)	$5500 fine, nttp, i/d 99 days impnt on 100(2) & $5500 fine, nttp, i/d 98 days impnt on 101(2) (served cumulatively)
220	100(2)	$5500 fine, no time to pay, in default 39 days imprisonment
221	100(2) & 101(2)	$5500 fine, no time to pay, i/d 50 days impnt on 100(2) & $5500 fine, nttp, i/d 49 days impnt on 101(2) (served cumulatively)
222	49(1) & 51(1) TSFA1984	$4000 fine i/d 39 days impnt on 49(1) & $4000 fine i/d 80 days impnt on 51(1) (served cumulatively)
223	45(1)(a), 49(1) & 51(1) TSFA1984	$4000 fine i/d 80 days impnt on 45(1)(a), $4000 fine i/d 42 days impnt on 49(1) & $4000 fine i/d 80 days impnt on 51(1) (served cumulatively)
224	45(1)(a), 49(1) & 51(1) TSFA1984	$4250 fine i/d 85 days impnt on 45(1)(a), $4250 fine i/d 67 days impnt on 49(1) & $4250 fine i/d 85 days impnt on 51(1) (served cumulatively)

QUESTIONS ON NOTICE

No.	Charges Proven	Penalty
225	49(1), 51(1) TSFA1984 & 11.1 CC	$4000 fine i/d 42 days impnt on 49(1), $4000 fine i/d 80 days impnt (cumulative) on 51(1) & $500 fine i/d 10 days impnt (cumulative) on 11.1CC
226	49(1) & 51(1) TSFA1984	$4000 fine i/d 42 days impnt on 49(1) & $4000 fine i/d 80 days impnt (cumulative) on 51(1)
227	49(1) & 51(1) TSFA1984	$8000 fine on each charge - i/d 425 days impnt
228	100(2) & 101(2)	$6500 fine, nttp, i/d 80 days impnt on 100(2) & $6500 fine, nttp, i/d 130 days impnt on 101(2)
229	100(2)	$4500 fine, in default 40 days imprisonment, nttp
230	100(2)	$4500 fine, in default 40 days imprisonment, nttp
231	100(2)	$4500 fine, in default 40 days imprisonment, nttp
232	45(1)(a), 49(1) & 51(1) TSFA1984	$1500 fine i/d 1 day impnt on 45(1)(a), $1500 fine i/d 11 days impnt (cumulative) on 49(1) & $1500 fine i/d 30 days impnt (cumulative) on 51(1)
233	100(2) & 101(2)	$6000 fine, nttp, i/d 83 days impnt on 100(2) & $6000 fine, nttp, i/d 120 days impnt on 101(2) (served cumulatively)
234	100(2) & 101(2)	$6500 fine, nttp, i/d 85 days impnt on 100(2) & $6500 fine, nttp, i/d 130 days impnt on 101(2) (served cumulatively)
235	100(2)	$7500 fine, nttp, i/d 105 days impnt
236	100(2)	$5500, nttp, i/d 65 days impnt
237	100(2) & 101(2)	$6500 fine, nttp, i/d 80 days impnt on 100(2) & $6500 fine, nttp, i/d 130 days impnt on 101(2)
238	100(2) & 101(2)	$6500 fine, nttp, i/d 106 days impnt on 100(2) & $6500 fine, nttp, i/d 130 days impnt on 101(2)
239	100(2) & 101(2)	$8000 fine, nttp, i/d 137 days impnt on 100(2) & $8000 fine, nttp, i/d 160 days impnt on 101(2)
240	100(2)	$6000 fine, nttp, i/d 97 days impnt
241	49(1) & 51(1) TSFA1984	$4500 fine i/d 41 days impnt on 49(1) & $4000 fine i/d 80 days impnt (cumulative) on 51(1)
242	100(2) & 101(2)	$6000 fine, nttp, i/d 71 days impnt on 100(2) & $6500 fine, nttp, i/d 130 days impnt on 101(2) (cumulative)
243	45(1)(a) & 149.7(1) CC	$4000 fine i/d 40 days impnt on 45(1)(a) & 4 months imprisonment on 149.7(1) CC
244	45(1)(a), 49(1) & 51(1) TSFA1984	$4000 fine i/d 40 days impnt on 45(1)(a), $4000 fine i/d 80 days impnt (cumulative) on 49(1) & $4000 fine i/d 80 days impnt (cumulative) on 51(1);nttp
245	45(1)(a), 49(1) & 51(1) TSFA1984	$3000 fine i/d 26 days impnt on 45(1)(a), $4500 fine i/d 90 days impnt (cumulative) on 49(1) & $4000 fine i/d 80 days impnt (cumulative) on 51(1);nttp
246	45(1)(a), 49(1) & 51(1) TSFA1984	$4000 fine i/d 47 days impnt on 45(1)(a), $4000 fine i/d 80 days impnt (cumulative) on 49(1) & $4000 fine i/d 80 days impnt (cumulative) on 51(1);nttp
247	45(1)(a), 49(1) & 51(1) TSFA1984	$4000 fine i/d 47 days impnt on 45(1)(a), $4000 fine i/d 80 days impnt (cumulative) on 49(1) & $4000 fine i/d 80 days impnt (cumulative) on 51(1);nttp

Southern Oceans

Name of Boat (Flag State)	Date of Apprehension	Outcomes
Viarsa 1 (Uruguay)	28/08/03	Still subject to legal action.
Maya V (Uruguay)	24/01/04	32 Crew members convicted with each being fined $1,000 and placed on a five year $4,000 good behaviour bond. The three remaining junior crew members out of the group of thirty five who were charged pleaded not guilty and their cases have been set down for trial on 15 November 2004. The captain and chief mate were convicted and fined a total of $30,000 each. A further three junior crew member from the group of five were each convicted and fined $1,500 and placed on a $6,000 5 year good behaviour bond.

2004/2005 (to 20 January 2005)

Northern Waters

No.	Charges Proven	Penalty
1	100(2) & 101(2)	$12000 fine i/d 7 months impnt + $18000 fine i/d 9 months impnt - to be served concurrently
2	100(2)	$9000 GBB 4 yrs
3	100(2)	$9000 GBB 4 yrs
4	100(2)	$12000 fine i/d 5 months impnt on each charge - to be served concurrently
5	100(2)	$9000 GBB 4 yrs
6	100(2) & 101(2)	$22000 fine i/d 9 months imprisonment on each charge - to be served concurrently
7	100(2)	$9000 GBB 4 yrs
8	100(2) & 101(2)	$9000 GBB 4 yrs on each charge
9	100(2)	$9000 GBB 4 yrs
10	100(2) & 101(2)	$12000 GBB 5 yrs on each charge - to be served concurrently
11	100(2)	$9000 GBB 4 yrs
12	100(2)	$9000 GBB 4 yrs
13	100(2)	$15000 GBB 5 yrs
14	100(2) & 101(2)	$12000 fine i/d 6 months impnt on each charge - to be served concurrently
15	100(2)	$9000 fine i/d 5 months impnt
16	100(2) & 101(2)	$8000 GBB 5yrs
17	100(2)	$4000 GBB 3 yrs
18	100(2) & 101(2)	$8000 GBB 5 yrs
19	100(2)	2 x $6000 fine i/d 36 Days impnt - to be served concurrently
20	100(2)	$4000 GBB 3yrs
21	100(2) & 101(2)	$9000 fine i/d 4 months impnt + $6000 fine i/d 3 months impnt - to be served concurrently
22	100(2) & 101(2)	$9000 fine i/d 4 months impnt + $6000 fine i/d 3 months impnt - to be served concurrently
23	100(2) & 101(2)	$14000 fine i/d 6 months impnt on each charge - to be served concurrently

No.	Charges Proven	Penalty
24	100(2)	$9000 GBB 4 yrs
25	100(2) & 101(2)	$14000 GBB 4 yrs
26	100(2) & 101(2)	$3000 GBB 5 yrs - under s.33B Justices Act if recog forf commttd to jail for up to 30 days i/d on 100(2) & $3000 GBB 5 yrs - under s.33B Justices Act if recog forf commttd to jail for up to 30 days i/d on 101(2)
27	100(2) & 101(2)	$3000 GBB 3 yrs - under s.33B Justices Act if recog forf commttd to jail for up to 30 days i/d
28	100(2) & 101(2)	$2000 GBB 3 yrs - under s.33B Justices Act if recog forf commttd to jail for up to 20 days i/d
29	100(2) & 101(2)	$5500 fine - under s.26(2) SA if not paid in 28 days then 50 days impnt on 100(2) & $5500 fine - under s.26(2) SA if not paid in 28 days then 50 days impnt on 101(2)
30	100(2)	$4000 fine - under s.26(2) SA if not paid in 28 days then 40 days impnt
31	100(2)	$4000 fine - under s.26(2) SA if not paid in 28 days then 40 days impnt
32	100(2)	$4000 fine - under s.26(2) SA if not paid in 28 days then 40 days impnt
33	100(2) & 101(2)	$5500 fine - under s.26(2) SA if not paid in 28 days then 50 days impnt on 100(2) & $5500 fine - under s.26(2) SA if not paid in 28 days then 50 days impnt on 101(2)
34	100(2) & 101(2)	$2000 GBB 2 yrs - under s.33B JA if recog forf then 9 days impnt i/d on 100(2) + $2000 GBB 2 yrs - under s.33B JA if recog forf then 9 days impnt i/d on 101(2)
35	100(2)	$1000 GBB 2 yrs - under s.33B JA if recog forf then 5 days impnt i/d
36	100(2) & 101(2)	$1000 fine - under s.26(2) SA if not paid in 28 days then 9 days impnt on 100(2) + $1000 fine - under s.26(2) SA if not paid in 28 days then 9 days impnt on 101(2) + for breach of prev bond $550 fine -under s.26(2) SA if not paid in 28 days then 5 days impnt
37	100(2)	$1000 GBB 2 yrs - under s.33B JA if recog forf then 5 days impnt i/d
38	100(2) & 101(2)	$2000 GBB 2 yrs - under s.33B JA if recog forf then 9 days impnt i/d on 100(2) + $2000 GBB 2 yrs - under s.33B JA if recog forf then 9 days impnt i/d on 101(2)
39	100(2), 101(2), 108(1)(d) & 149.1 (1) Cth Criminal Code	$5500 fine - under s.26(2) SA if not paid in 28 days then 50 days impnt on 100(2) + $5500 fine - under s.26(2) SA if not paid in 28 days then 50 days impnt on 101(2) + 2 mnths imp on 149.1(1) + $500 fine -under s.26(2) SA if not paid in 28 days then 5 days impnt + $500 fine -under s.26(2) SA if not paid in 28 days then 5 days impnt on 108(1)(d) + warrant issued for 2 months imp. All sentences to be served concurrently.
40	100(2) & 101(2)	$5500 GBB 2 yrs - under s.33B JA if recog forf then 50 days impnt i/d on 100(2) + $5500 GBB 2 yrs - under s.33B JA if recog forf then 50 days impnt i/d on 101(2)

No.	Charges Proven	Penalty
41	100(2)	$6000 fine - under s.26(2) SA if not paid in 28 days then impnt until liability to pay fine is discharged
42	100(2) & 101(2)	$2000 GBB 5 yrs - under s.33B JA if recog forf then 20 days impnt i/d
43	100(2)	$2000 GBB 5 yrs - under s.33B JA if recog forf then 20 days impnt i/d
44	100(2), 101(2) & 49 Criminal Code	$2000 fine on 100(2) + $3000 fine on 101(2) + released without passing sentence on count 3.
45	100A(2) & 101A(2)	$12000 fine - under s.26(2) SA if not paid in 28 days then 3 months impnt on 100A(2) + $12000 fine - under s.26(2) SA if not paid in 28 days then 3 months impnt on 101A(2)
46	100A(2), 101A(2) & 149.1(1) Cth Criminal Code	$50000 fine - under s.26(2) SA if not paid in 28 days then 3 mnths impnt on 100A(2) + $50000 fine - under s.26(2) SA if not paid in 28 days then 3 mnths impnt on 101A(2) + 4 mnths impnt on 149.1(1). Count 1 to be served concurrently with count 3 after 28 days has expired, count 2 to be served cumulatively on count 1.
47	100(2)	$12000 fine - under s.26(2) SA if not paid in 28 days then impnt until liability to pay is discharged (max 3 months)
48	100(2)	$12000 fine - under s.26(2) SA if not paid in 28 days then impnt until liability to pay is discharged (max 3 months)
49	100(2), 101(2) & 108(1)(d)	$2500 fine - under s.26(2) SA if not paid in 28 days then impnt until liability discharged on 100(2) + $1000 fine - under s.26(2) SA if not paid in 28 days then impnt until liability discharged on 101(2) + $750 fine -under s.26(2) SA if not paid in 28 days then impnt until liability discharged on 108(1)(d) + for breach of bond $2310 recog ordered forf - if not pd immediately imp for 21 days.
50	100(2) & 101(2)	$1500 GBB 5 yrs - under s.33B JA if recog forf then 15 days impnt i/d on 100(2) + $1500 GBB 5 yrs - under s.33B JA if recog forf then 15 days impnt i/d on 101(2)
51	100(2) & 101(2)	$1500 GBB 5 yrs - under s.33B JA if recog forf then 15 days impnt i/d on 100(2) + $1500 GBB 5 yrs - under s.33B JA if recog forf then 15 days impnt i/d on 101(2)
52	100(2)	$1500 GBB 5 yrs - under s.33B JA if recog forf then 15 days impnt i/d
53	100(2) & 101(2)	$1500 GBB 5 yrs - under s.33B JA if recog forf then 15 days impnt i/d on 100(2) + $1500 GBB 5 yrs - under s.33B JA if recog forf then 15 days impnt i/d on 101(2)
54	100(2) & 108(1)(d)	$1500 GBB 5 yrs - under s.33B JA if recog forf then 15 days impnt i/d on 100(2) + $500 fine -under s.26(2) SA if not paid in 28 days then impnt until liability to pay is discharged
55	100(2) & 101(2)	$3000 GBB 4 yrs - under s.33B JA if recog forf then 30 days impnt i/d on 100(2) + $3000 GBB 4 yrs - under s.33B JA if recog forf then 30 days impnt i/d on 101(2)
56	100(2) & 20A Crimes Act (breach)	$12000 fine - under s.26(2) SA if not paid in 28 days then impnt

No.	Charges Proven	Penalty
57	100(2) & 101(2)	$5000 GBB 5 yrs - under s.33B JA if recog forf then 3 months impnt i/d on 100(2) + $5000 GBB 5 yrs - under s.33B JA if recog forf then 3 months impnt i/d on 101(2)
58	100(2) & 101(2)	$1500 GBB 5 yrs - under s.33B JA if recog forf then 15 days impnt i/d on 100(2) + $1500 GBB 5 yrs - under s.33B JA if recog forf then 15 days impnt i/d on 101(2)
59	100(2) & 101(2)	$10000 fine - under s.26(2) SA if not paid in 28 days then impnt i/d until liability to pay is discharged on 100(2)+ $5000 GBB 5 yrs - under s.33B JA if recog forf then 3 months impnt i/d on 101(2)
60	100(2), 101(2) & 108(1)(d)	$6000 fine - under s.26(2) SA if not paid in 28 days then impnt until liability discharged on 100(2) + $6000 fine - under s.26(2) SA if not paid in 28 days then impnt until liability discharged on 101(2) + $6000 fine -under s.26(2) SA if not paid in 28 days then impnt until liability discharged on 108(1)(d)
61	100(2)	$4000 GBB 4 yrs - under s.33B Justices Act if recog forf commttd to jail for 30 days i/d
62	100(2)	$4000 GBB 4 yrs - under s.33B Justices Act if recog forf commttd to jail for 30 days i/d
63	100(2) & 101(2)	$5000 GBB 5 yrs - under s.33B JA if recog forf then 3 months impnt i/d on 100(2) + $5000 GBB 5 yrs - under s.33B JA if recog forf then 3 months impnt i/d on 101(2)
64	100(2), 101(2) & 20A Crimes Act (breach)	$3000 fine - under s.26(2) SA if not paid in 28 days then impnt until liability discharged on 100(2) + $4000 fine - under s.26(2) SA if not paid in 28 days then impnt until liability discharged on 101(2) + for breach of bond (set on 13/08/04) warrant issued to imp for 15 days
65	100(2)	$3000 GBB 3 yrs - under s.33B Justices Act if recog forf commttd to jail for 20 days i/d
66	100(2)	$3000 GBB 3 yrs - under s.33B Justices Act if recog forf commttd to jail for 20 days i/d
67	100(2) & 101(2)	$3000 GBB 4 yrs - under s.33B JA if recog forf then 30 days impnt i/d on 100(2) + $3000 GBB 4 yrs - under s.33B JA if recog forf then 30 days impnt i/d on 101(2)
68	100(2), 101(2) & 149.1(1) Cth Criminal Code	$3000 GBB 5 yrs - under s.33B Justices Act if recog forf commttd to jail for up to 15 days i/d on 100(2) & $4000 GBB 5 yrs - under s.33B Justices Act if recog forf commttd to jail for up to 15 days i/d on 101(2)
69	100(2) & 101(2)	$4000 fine - under s.26(2) SA if not paid in 28 days then impnt until liability discharged on 100(2) + $4000 fine - under s.26(2) SA if not paid in 28 days then impnt until liability discharged on 101(2) + for breach of bond impnt for 15 days
70	100(2)	$4000 fine - under s.26(2) SA if not paid in 28 days then 40 days impnt on 100(2) + for breach of bond impnt for 40 days
71	100(2) & 101(2)	$3000 GBB 3 yrs - under s.33B JA if recog forf then 20 days impnt i/d on 100(2) + $3500 GBB 3 yrs - under s.33B JA if recog forf then 25 days impnt i/d on 101(2)

No.	Charges Proven	Penalty
72	100(2) & 101(2)	$5000 fine - under s.26(2) SA if not paid in 28 days then 3 mnths impnt i/d on 100(2)+ $5000 fine - under s.26(2) SA if not paid in 28 days then 3 mnths impnt i/d on 101(2) + for breach of bond on 100(2) $6000 recog estreated & impnt 60 days, and on 101(2) warrant for arrest issued with jail until liability to pay $2000 fine is discharged.
73	100(2) & 101(2)	$3000 GBB 3 yrs - under s.33B JA if recog forf then 20 days impnt i/d on 100(2) + $4000 GBB 3 yrs - under s.33B JA if recog forf then 30 days impnt i/d on 101(2)
74	100(2), 101(2) & 149.1(1) Cth Criminal Code	$12000 fine - under s.26(2) SA if not paid in 28 days then impnt on 100(2) + $10000 fine - under s.26(2) SA if not paid in 28 days then impnt on 101A(2) + 2 months impnt on 149.1(1)
75	100(2)	$3000 GBB 5 yrs - under s.33B Justices Act if recog forf commttd to jail for 2 months i/d
76	100(2) & 147.2(1) Criminal Code	$4000 GBB 5 yrs - under s.33B Justices Act if recog forf commttd to jail for 3 months i/d on 100(2) + 6 weeks impnt on 147.2(:1)
77	100(2) & 108(1)(d)	$8000 fine - under s.26(2) SA if not paid in 28 days then impnt
78	100(2), 101(2) & 149.1(1) Cth Criminal Code	$5000 GBB 5 yrs - under s.33B JA if recog forf then 3 months impnt i/d on 100(2) + $4000 GBB 5 yrs - under s.33B JA if recog forf then 2 months impnt i/d on 101(2) (cumulative to count 1) + $4000 fine - under s.26(2) SA if not paid in 28 days then impnt (cumulative to Counts 1 & 2)
79	100(2) & 149.1(1) Cth Criminal Code	$4000 GBB 3 yrs - under s.33B JA if recog forf then 36 days impnt i/d on 100(2) + $2000 fine - under s.26(2) SA if not paid in 28 days then impnt until liability to pay is discharged
80	100(2) & 149.1(1) Cth Criminal Code	$4000 GBB 3 yrs - under s.33B JA if recog forf then 36 days impnt i/d on 100(2) + $2000 fine - under s.26(2) SA if not paid in 28 days then impnt until liability to pay is discharged
81	100(2) & 149.1(1) Cth Criminal Code	$4000 GBB 3 yrs - under s.33B JA if recog forf then 36 days impnt i/d on 100(2) + $2000 fine - under s.26(2) SA if not paid in 28 days then impnt until liability to pay is discharged
82	100(2) & 149.1(1) Cth Criminal Code	$5000 GBB 3 yrs - under s.33B JA if recog forf then 36 days impnt i/d on 100(2) + $2000 fine - under s.26(2) SA if not paid in 28 days then impnt until liability to pay is discharged
83	100(2) & 149.1(1) Cth Criminal Code	$15000 fine - under s.26(2) SA if not paid in 28 days then impnt i/d on 100(2)+ $2000 fine - under s.26(2) SA if not paid in 28 days then impnt i/d on 101(2). Ipmnt terms to be served cumulatively.
84	100(2) & 101(2)	$5000 GBB 5 yrs - under s.33B JA if recog forf then 3 months impnt i/d on 100(2) + $5000 GBB 5 yrs - under s.33B JA if recog forf then 3 months impnt i/d on 101(2)
85	100(2) & 101(2)	$3000 GBB 3 yrs - under s.33B Justices Act if recog forf commttd to jail for up to 20 days i/d on 100(2) & $4000 GBB 3 yrs - under s.33B Justices Act if recog forf commttd to jail for up to 30 days i/d on 101(2)

No.	Charges Proven	Penalty
86	100(2)	$3000 GBB 3 yrs - under s.33B JA if recog forf then 20 days impnt i/d
87	100(2) & 101(2)	No evidence offered on 100(2) + $4000 GBB 3yrs - under s.33B Justices Act if recog forf commttd to jail for 30 days i/d
88	100(2) & 101(2)	$3000 GBB 4 yrs - under s.33B Justices Act if recog forf commttd to jail for up to 30 days i/d on 100(2) & $3000 GBB 4 yrs - under s.33B Justices Act if recog forf commttd to jail for up to 30 days i/d on 101(2)
89	100(2)	$3000 GBB 3 yrs - under s.33B JA if recog forf then 20 days impnt i/d
90	100(2)	$5000 fine - under s.26(2) SA if not paid in 28 days then impnt until liability to pay is discharged + for breach of bond original order revoked, committed to jail for 20 days
91	100(2)	$4000 fine - under s.26(2) SA if not paid in 28 days then impnt until liability to pay is discharged + for breach of bond original order revoked, committed to jail for 9 days
92	100(2) & 101(2)	$3000 GBB 3 yrs - under s.33B JA if recog forf then 20 days impnt i/d on 100(2) + $4000 GBB 3 yrs - under s.33B JA if recog forf then 30 days impnt i/d on 101(2)
93	100(2) & 101(2)	$4000 GBB 3 yrs - under s.33B JA if recog forf then 30 days impnt i/d on 100(2) + $4000 GBB 3 yrs - under s.33B JA if recog forf then 30 days impnt i/d on 101(2) + $1000 fine - under s.26(2) SA if not paid in 28 days then impnt until liability to pay is discharged on 149.1(1)
94	100(2)	$3000 GBB 5 years- under s.33B Justices Act if recog forf commttd to jail for 15 days i/d
95	100(2)	$3000 GBB 5 years- under s.33B Justices Act if recog forf commttd to jail for 15 days i/d
96	100(2), 101(2) & 149.1(1) Cth Criminal Code	$4000 GBB 3 yrs - under s.33B JA if recog forf then 30 days impnt i/d on 100(2) + $4000 GBB 3 yrs - under s.33B JA if recog forf then 30 days impnt i/d on 101(2) + $1000 fine - under s.26(2) SA if not paid in 28 days then impnt until liability to pay is discharged on 149.1(1)
97	100(2) & 101(2)	$2600 fine on 100(2) + $3000 GBB 5 yrs under s.33B Justices Act if recog forf commttd to jail for 15 days i/d on 101(2)
98	100(2) & 101(2)	$4000 GBB 4 yrs - under s.33B JA if recog forf then 60 days impnt i/d on 100(2) + $5000 GBB 5 yrs - under s.33B JA if recog forf then 60 days impnt i/d on 101(2). Impnt terms to be served cumulatively
99	100(2) & 101(2)	$3000 GBB 3 yrs - under s.33B JA if recog forf then 20 days impnt i/d on 100(2) + $3000 GBB 3 yrs - under s.33B JA if recog forf then 20 days impnt i/d on 101(2)
100	100(2) & 101(2)	$2750 fine on 100(2) + $3000 GBB 5 yrs - under s.33B JA if recog forf then 15 days impnt i/d on 101(2)
101	100(2) & 101(2)	Offered no evidence on 100(2) + $2500 GBB 5 yrs - under s.33B JA if recog forf then 14 days impnt i/d on 101(2)

No.	Charges Proven	Penalty
102	100(2), 101(2) & 149.1(1) Cth Criminal Code	$2000 fine - under s.26(2) SA if not paid in 28 days then impnt 18 days on 100(2) + $2500 GBB 5 yrs under s.33B Justices Act if recog forf commttd to jail for 15 days i/d on 101(2) + on 149.1(1) 3 months impnt, but after 21 days released on $5000 GBB 5 yrs under s.33B Justices Act
103	100(2) & 101(2)	$2000 GBB 3 years- under s.33B Justices Act if recog forf commttd to jail for up to 1month i/d for both charges
104	100(2) & 101(2)	$3000 fine on 100(2) + $3000 GBB 5 yrs under s.33B Justices Act if recog forf commttd to jail for 15 days i/d on 101(2)
105	100(2)	$3000 GBB 5 yrs under s.33B Justices Act if recog forf commttd to jail for 15 days i/d
106	100(2) & 101(2)	$5000 GBB 5 years- under s.33B Justices Act if recog forf commttd to jail for up to 100 days i/d for both charges
107	100(2) & 101(2)	$3000 GBB 3 years- under s.33B Justices Act if recog forf commttd to jail for up to 6 weeks i/d for both charges
108	100(2) & 101(2)	$5000 GBB 5 years- under s.33B Justices Act if recog forf commttd to jail for up to 100 days i/d for both charges
109	100(2) & 101(2)	$12000 fine - under s.26(2) SA if not paid in 28 days then impnt until liability to pay is discharged (max 3 months)
110	100(2), 101(2) & 149.1(1) Cth Criminal Code	$5000 fine - under s.26(2) SA if not paid in 28 days then impnt until liability to pay is discharged on 100(2) + $2500 fine - under s.26(2) SA if not paid in 28 days then impnt until liability to pay is discharged on 101(2) + $2000 GBB 5 yrs on 149.1(1) + for breach of bond on 100(2) & 101(2) $1500 recog estreated on each - 28 days to pay
111	100(2)	$1500 GBB 3 yrs - under s.33B Justices Act if recog forf commttd to jail for up to 30 days i/d
112	45(1)(a), 49(1) & 51(1) TSFA	$4000 fine i/d 40 days impnt (40 days pre-sentence custody considered) on 45(1)(a) + $4000 fine i/d 80 days impnt on 49(1) + $4000 fine i/d 80 days impnt on 51(1) - to be served cumulatively. Forfeiture of vessel, fishing equipment and product ordered.
113	100(2) & 101(2)	$7000 fine, nttp, i/d 101 days impnt on 100(2) & $7000 fine, nttp, i/d 140 days impnt on 101(2) - to be served cumulatively
114	45(1)(a) TSFA	$8000 fine i/d 3 days impnt (157 days pre-sentence custody considered)
115	45(1)(a), 49(1) & 51(1) TSFA + 196(B) EPBC	$8000 fine i/d 3 days impnt (157 days pre-sentence custody considered) on 45(1)(a) + $8000 fine i/d 160 days impnt on 49(1) + $8000 fine i/d 160 days impnt on 51(1) + 30 days impnt on each EPBC charge (served concurrently). Counts 1,2 &3 served cumulatively on EPBC charges.
116	45(1)(a), 49(1) & 51(1) TSFA	$4000 fine i/d 47 days impnt (39 days pre-sentence custody considered & default period adjusted) on 45(1)(a) + $4000 fine i/d 80 days impnt on 49(1) + $4500 fine i/d 90 days impnt on 51(1) - to be served cumulatively. Forfeiture of vessel, fishing equipment and product ordered.

No.	Charges Proven	Penalty
117	45(1)(a), 49(1) & 51(1) TSFA	45(1)(a) withdrawn + $4500 fine i/d 57 days impnt (30 days pre-sentence custody considered & default period adjusted) on 49(1) + $4500 fine i/d 90 days impnt on 51(1) - to be served cumulatively. Forfeiture of vessel, fishing equipment and product ordered.
118	100(2) & 101(2)	$6300 fine i/d 87 days impnt (39 days pre-sentence custody considered) on 100(2) + $6300 fine i/d 126 days impnt on 101(2) - to be served cumulatively.
119	100(2) & 101(2)	$6000 fine i/d 88 days impnt (39 days pre-sentence custody considered) on 100(2) + $6000 fine i/d 120 days impnt on 101(2) - to be served cumulatively.
120	100(2) & 101(2)	$7500 fine i/d 93 days impnt (57 days pre-sentence custody considered) on 100(2) + $7500 fine i/d 150 days impnt on 101(2) - to be served cumulatively.
121	100(2) & 101(2)	$6500 fine i/d 74 days impnt (56 days pre-sentence custody considered) on 100(2) + $6500 fine i/d 130 days impnt on 101(2) - to be served cumulatively.
122	100(2) & 101(2)	$7000 fine i/d 85 days impnt (55 days pre-sentence custody considered) on 100(2) + $7000 fine i/d 140 days impnt on 101(2) - to be served cumulatively.
123	100(2) & 101(2)	$6500 fine i/d 75 days impnt (55 days pre-sentence custody considered) on 100(2) + $6500 fine i/d 130 days impnt on 101(2) - to be served cumulatively.
124	100(2) & 101(2)	$7000 fine i/d 78 days impnt (62 days pre-sentence custody considered) on 100(2) + $7000 fine i/d 140 days impnt on 101(2) - to be served cumulatively.
125	100(2) & 101(2)	$7500 fine i/d 91 days impnt (59 days pre-sentence custody considered) on 100(2) + $7500 fine i/d 150 days impnt on 101(2) - to be served cumulatively.
126	100(2) & 101(2) + 2 x 196C EPBC	$7500 fine i/d 92 days impnt (58 days pre-sentence custody considered) on 100(2) + $7500 fine i/d 150 days impnt on 101(2) - to be served cumulatively + $2000 fine i/d 40 days impnt on each of the 2 EPBC charges - to be served concurrently.
127	100(2) & 101(2)	$6500 fine i/d 95 days impnt (35 days pre-sentence custody considered) on 100(2) + $6500 fine i/d 130 days impnt on 101(2) - to be served cumulatively.
128	100(2) & 101(2) + 229B EPBC	$7000 fine, nttp, i/d 140 days impnt on 100(2) + $7000 fine, nttp, i/d 140 days impnt on 101(2) + 1 month imprisonment on EPBC charge - all to be served cumulatively
129	100(2) & 101(2)	$7000 fine, nttp, i/d 140 days impnt on 100(2) + $7000 fine, nttp, i/d 140 days impnt on 101(2) - to be served cumulatively
130	100(2) & 101(2)	$6000 fine, nttp, i/d 120 days impnt on 100(2) + $6000 fine, nttp, i/d 120 days impnt on 101(2) - to be served cumulatively

ATTACHMENT 2

ABBREVIATIONS

i/d	in default
impnt	imprisonment
nttp	no time to pay
GBB	Good Behaviour Bond
cmttd	committed
recog	recognisance
forf	forfeited
FMA1991	Fisheries Management Act 1991
TSFA1984	Torres Strait Fisheries Act 1984
SA	Sentencing Act
JA	Justices Act
NCA	Nature Conservation Act
CC	Criminal Code
EPBC(A)	Environment Protection and Biodiversity Conservation (Act)

FISHERIES MANAGEMENT ACT 1991

100(2)	used a foreign boat for commercial fishing in the Australian Fishing Zone
101(2)	in charge of a foreign boat equipped for fishing
108(a)	failed to facilitate the boarding of a boat
108(c)	refused to comply with a requirement made by an officer
108(d)	gave false name or address

TORRES STRAIT FISHERIES ACT 1984

45(1)(a)	commercial fishing in an area of Australian jurisdiction without a licence
49(1)	in charge of a foreign fishing boat other than in accordance with a licence brings a boat to a place in Australia that is within the protected zone
51(1)	in control of an unlicensed boat equipped for taking fish
44(1)(b)	in possession of a fish that is prohibited by a notice under the TSFA1984
16	breach of a Torres Strait fisheries regulation

ENVIRONMENT PROTECTION AND BIODIVERSITY ACT 1999

229	recklessly killing or injuring a cetacean

NATURE CONSERVATION ACT 1992 (QLD)

88(1)	took, used or kept a protected animal

CRIMINAL CODE

149.1	obstruction of a Commonwealth official
11.1	attempt to commit a crime

JUSTICES ACT (NT) - as in force 2002

33B	the court may order commitment (to jail) in default of recognisance

SENTENCING ACT (NT) - as in force 2004

26(2)	the court may order, if a fine is not paid in 28 days the offender may be imprisoned until the liability to pay the fine is discharged

JUVENILE JUSTICE ACT (NT)

53	charges imposed on juveniles are the court's discretion

Mental Health

(Question No. 366)

Senator Allison asked the Minister representing the Minister for Health and Ageing, upon notice, on 7 March 2005:

(1) How many general practitioners have registered to participate in the 'Better outcomes in mental health care' initiative.

(2) What is the total amount of expenditure for those one-off payments when a general practitioner (GP) registers for a course.

(3) How many GPs have participated in: (a) level 1 training (6 hours – how to assess and plan); and (b) level 2 training (20 hours – teaching psych therapy).

(4) How many of these trained GPs have claimed the relevant Medical Benefits Scheme (MBS) rebate items.

(5) (a) What has been the total expenditure on the Better Outcomes MBS items 2574, 2575, 2577 and 2578; and (b) can that expenditure be broken down by year on a geographical basis.

(6) On average, how much income per annum is a participating GP receiving from these items.

(7) Why is funding directed through a general practitioner, who may have comparatively little training in this area, rather than through, for example a psychologist or similarly highly-trained professional.

(8) Upon completion of this training, how is a GP's competency evaluated.

(9) Given that there is no requirement for any clinical supervision of GPs when they commence providing mental health therapy, how does this initiative ensure that GPs are providing appropriate standards of therapy when they commence treating people.

(10) Has any investigation been undertaken into the quality of mental health treatment that is being provided, particularly in comparison to what may have been provided by a more highly trained mental health professional; if so, what was the outcome of this investigation.

(11) Has patient satisfaction with this program been evaluated; if so, what were the outcomes of this evaluation.

(12) (a) Can the Government confirm that the expansion of the Better Outcomes project announced during the 2004 election alluded to expanding the Allied Health Services component, and (b) what consultation has been undertaken.

(13) (a) How much of the $30 million will go to mental health workers for providing therapy; and (b) how much will go to GPs.

(14) Is the Government considering expanding the number of sessions or range of people with mental health conditions for which mental health professionals would be able to access MBS rebates.

(15) Is the Government investigating models of access to mental health professionals which do not rely on a referral by a GP.

Senator Patterson—The Minister for Health and Ageing has provided the following answer to the honourable senator's question:

(1) Up to 31 December 2004, a total of 3,974 general practitioners (GPs) had registered with the Health Insurance Commission to participate in the Better Outcomes in Mental Health Care initiative.

(2) A one-off sign-on payment of $150 is paid when a GP has successfully met the pre-requisite criteria set by the General Practice Mental Health Standards Collaboration and is registered for the Better Outcomes in Mental Health Care initiative with the Health Insurance Commission.

The total expenditure paid to 4,078 GPs for sign-on payments as at 11 March 2005, was $611,700.

(3) Between 1 August 2002 and 31 December 2004 (a) a total of 8,612 GPs had completed at least one activity accredited as a component of Level 1 training for best practice mental health care (3 Step Mental Health Process); and (b) a total of 1,130 GPs had completed at least one activity accredited as a component of Level 2 training for the delivery of evidence-based focussed psychological strategies (QA&CPD Program data, RACGP, 2005).

(4) Between 1 August 2002 and 31 December 2004 a total of 1,889 Level 1 trained GPs claimed at least one 3 Step Mental Health Process Medicare Benefits Schedule item and 373 GPs claimed at least one Focussed Psychological Strategies Medicare Benefits Schedule item.

(5) (a) The total expenditure on the Better Outcomes in Mental Health Care Medicare Benefits Schedule items 2574, 2575, 2577 and 2578 to the end of January 2005 was $1,650,415. (b) See table below.

Benefits Paid for Better Outcomes Items 2574,2575,2577,2578

	State								Total
	NSW	VIC	QLD	SA	WA	TAS	ACT	NT	
	$Benefit	$Benefit	$Benefit	$Benefit	$Benefit	$Benefit	$Benefit	$Benefit	$Benefit
Aug 2002-Jun 2003	$126,486	$109,328	$63,947	$39,133	$42,823	$10,710	$2,386	$1,962	$396,775
Jul 2003-Jun 2004	$235,509	$194,672	$121,449	$63,783	$77,045	$23,333	$3,929	$4,833	$724,553
Jul 2004-Jan 2005	$187,334	$131,747	$78,807	$51,580	$56,532	$15,811	$4,143	$3,133	$529,087
Total Benefits Paid for Items	$549,329	$435,747	$264,203	$154,496	$176,400	$49,854	$10,458	$9,928	$1,650,415

Data Source: Health Insurance Commission Website

(6) The average annual GP income received from the Medicare Benefits Schedule items 2574, 2575, 2577 and 2578 between July 2003 and June 2004 was $544.

(7) The Better Outcomes in Mental Health Care initiative increases GP access to education and training, remuneration and support for the provision of best practice primary mental health care in recognition of the high number of general practice consultations related to mental health (more than 10 million general practice consultations per year are for mental health related conditions - Mental Health Services in Australia 2002-03, AIHW, 2005). The Initiative equips GPs to support the mental health, as well as physical health, needs of patients in recognition of the importance of holistic care and the opportunities for early detection and intervention in relation to mental health through general practice.

(8) The Department funds the Royal Australian College of General Practitioners (RACGP) to facilitate the General Practice Mental Health Standards Collaboration to develop and administer the education and training standards required under the Better Outcomes in Mental Health Care initiative. All training courses under the Initiative must be accredited by the Collaboration. Upon completion of relevant mental health training a GP applies to the Collaboration for accreditation in order to

register with the Health Insurance Commission to claim Medicare Benefits Schedule items for the 3 Step Mental Health Process or Focussed Psychological Strategies.

(9) Continuing Professional Development requirements under the Initiative are determined by the General Practice Mental Health Standards Collaboration. This quality assurance process ensures GPs who have undertaken education and training activities under the Initiative maintain a certain standard of knowledge and commitment to the delivery of primary mental health services through participation in interactive learning activities.

(10) No.

(11) A recent review of the Better Outcomes in Mental Health Care initiative revealed a high level of consumer satisfaction with the Initiative. For instance, the 3 Step Mental Health Process was reported as producing a positive change in the way consumers related to their GP.

(12) (a) The Australian Government's 2004 election commitment to expand the Initiative gave priority to expanding the successful Access to Allied Health Services component to increase GPs access to psychological services for their patients.

(b) The Australian Government has incorporated the views of many stakeholders in the mental health election commitment. Extensive consultation has taken place in relation to the recent review of the Better Outcomes in Mental Health Care initiative. Organisations and individuals consulted during the review included the following:

- *beyondblue*;
- Royal Australian and New Zealand College of Psychiatrists;
- Rural Doctors' Association of Australia;
- Australian Psychological Society;
- Australian Divisions of General Practice;
- Divisions of General Practice;
- Australian Medical Association;
- Mental Health Council of Australia;
- Royal Australian College of General Practitioners;
- General Practice Mental Health Standards Collaboration;
- Educational Health Solutions;
- McKesson Asia-Pacific;
- General practitioners;
- Psychiatrists;
- Allied health professionals; and
- Consumers.

(13) (a) and (b) The relative proportions of the $30 million expansion funding that will go to mental health workers and GPs respectively are not known at this stage. The priority for additional funding will be in accordance with the announced election commitment.

(14) No changes to the number of sessions or patient eligibility are anticipated in 2005. To be eligible for Medicare rebates for certain allied health and/or dental services, patients need to have a chronic condition and complex care needs which are being managed by their GP under an Enhanced Primary Care (EPC) multidisciplinary care plan. A chronic medical condition is defined as a medical condition that has been, or is likely to be, present for at least six months, or that is terminal. The decision to manage a patient's chronic condition and complex care needs under an EPC multidisci-

plinary care plan is a clinical one made by the patient's GP. The Medicare Benefits Schedule does not restrict the types of mental health conditions which may be managed under such a plan.

(15) The Government is not currently investigating models of access to mental health professionals which do not rely on a referral by a GP. However, there are a number of ways in which allied health services can be accessed within the Australian health system, including through public hospitals, private health insurance and some community health services.

Mr Adlmoneim (Abdul) Khogali

(Question No. 390)

Senator Bob Brown asked the Minister for Immigration and Multicultural and Indigenous Affairs, upon notice, on 8 March 2005:

Regarding Adlmoneim Khogali (Abdul) who was detained in Villawood Detention Centre for seven years and one month:

(1) Was Abdul ever assessed by a registered psychiatrist or psychologist in view of warnings by refugee advocates that he was spiralling in to deep depression and irrational behaviour; if not, why not.

(2) (a) Was Abdul removed from Australia accompanied by nine police and departmental personnel wearing riot gear; if so; why (b) was Abdul removed late at night without being previously advised about his removal; if so why.

(3) Was the family member who held Abdul's power of attorney, and who had previously met with the Minister, advised of his removal or given information after calling the Department of Immigration and Multicultural and Indigenous Affairs on 12 and 13 January 2005; if not why not.

(4) Was Abdul transported by a private plane or by an air force plane.

(5) Were Abdul's arms and legs shackled and was he chemically restrained by way of sedation; if so, why.

(6) Was Abdul deported directly to Khartoum or did the plane stop in Dubai.

(7) If Abdul was taken to Dubai en route to Sudan, was he forcibly or chemically restrained on arrival; if so, why.

(8) Was Abdul handed an account to pay for seven years and one month of imprisonment; if so, how much was the account.

(9) Was Abdul together with his documents, handed over to Interpol on his arrival to Sudan.

(10) Does Abdul now have to face military court.

Senator Vanstone—The answer to the honourable senator's question is as follows:

(1) Mr Khogali has been assessed by registered psychologists on a number of occasions during his time in Villawood Immigration Detention Centre and has participated in counselling sessions.

(2) (a) The escort group who removed Mr Khogali from Australia consisted of four Police officers and one departmental officer. This escort team was not wearing riot gear.

(b) No notice of removal was handed to Mr Khogali. This was because on three previous occasions Mr Khogali's aggressive behaviour had led to his removal being aborted.

(3) No notice of removal was given to any third person. During the removal, Mr Khogali provided officers with a mobile telephone number he wished to contact. There were several attempts made to make contact with this person however there was no answer. Mr Khogali requested that this mobile number be called again during a transit stop; however there was no mobile reception available.

(4) Mr Khogali was transported by private air charter aircraft.

(5) Mechanical restraints, such as flexi-cuffs are generally not considered to be "shackles". At various times Mr Khogali's arms and legs were restrained. It is Australian Government policy not to use sedation as a means of restraint.

(6) The aircraft stopped in Dubai.

(7) The Department is not aware that Mr Khogali was forcibly or chemically restrained on arrival in Sudan.

(8) Mr Khogali was not informed of his detention costs at the time of his removal. He was an unauthorised air arrival; the airline on which he travelled to Australia was served a notice of liability after his arrival. Mr Khogali will be notified of any residual debt owed by him should he make contact in the future.

(9) Mr Khogali went through normal immigration procedures at Khartoum International Airport. Escorting officers provided Mr Khogali's Sudanese travel documents to local immigration officers in line with usual procedures; Sudanese immigration authorities accepted these documents. The departmental escorting officer is unaware of any Interpol presence at the airport.

(10) No information is held on this matter.

Alternative Fuels Conversion Program

(Question No. 579)

Senator Allison asked the Minister for the Environment and Heritage, upon notice, on 3 May 2005:

(1) For each of the financial years 2000-01, 2001-02, 2002-03, 2003-04 and 2004-05: (a) how many vehicles attracted conversion grants under the Alternative Fuels Conversion Program; (b) at what value; and (c) what is the average total cost of total conversion in each class of vehicle.

(2) For the past 4 financial years, how many dual fuel vehicles (diesel/gas and petrol/gas) were imported to Australia.

Senator Ian Campbell—The answer to the honourable senator's question is as follows:

(1) The number of vehicles, value and average total cost in each class of vehicle, for vehicles that attracted conversion grants under the Alternative Fuels Conversion Programme is shown in the table, below. Note that the answer to 1 (c), cost of conversions, is given only for vehicles for which AFCP funding was provided.

Table 1.

Year	No of vehicles funded (1a)	Total value of grants (1b)	Average total cost – buses (1c)	Average total cost – trucks (1c)	Average total cost – other commercial vehicles (1c)
2000-01	688	$11,396,541	$49,130	$27,748	$1,958
2001-02	125	$2,436,016	$33,994	$62,302	None funded
2002-03	49	$733,409	$45,072	$19,732	$3,844
2003-04	167	$5,007,395	$55,644	$93,656	None funded
2004-05	43	$1,328,922	None funded	$61,810	None funded

Note: The number of vehicles (1a) and total value of grants (1b) is recorded against the year in which each grant was approved. With most large projects, vehicles were delivered and grants were paid over several years.

Funding in the early years of the programme was predominantly paid to major public transport authorities for major orders of new CNG-powered buses. The smaller number of vehicles funded in later years is a result of a lack of market ready heavy duty gas truck engines that deliver both

greenhouse and air quality benefits. In order to remedy this and following a review of the programme in 2003, the focus has shifted to working in cooperation with major fleet operators to carry out evaluation trials of new gas truck engines in order to evaluate their performance from both an environmental and financial perspective.

The Department of the Environment and Heritage does not have information on the number of imported dual fuel vehicles. No imported dual fuel vehicles were funded under the Alternative Fuels Conversion Programme.

Prime Minister and Cabinet: Staff

(Question No. 647)

Senator Chris Evans asked the Minister representing the Prime Minister, upon notice, on 4 May 2005:

For each of the financial years 2000-01 to 2004-05 to date, can the following information be provided for the department and/or its agencies:

(1) What were the base and top level salaries of the Australian Public Service (APS) level 1 to 6 officers and equivalent staff employed.

(2) What were the base and top level salaries of the APS Executive Level and Senior Executive Service officers and equivalent staff employed.

(3) Are APS officers eligible for performance and other bonuses; if so: (a) to what levels are these bonuses applied; (b) are these applied on an annual basis; (c) what conditions are placed on the qualification of these bonuses; and (d) how many bonuses were paid at each level, and what was their dollar value for the periods specified above.

(4) (a) How many senior officers have been supplied with motor vehicles; and (b) what has been the cost to date.

(5) (a) How many senior officers have been supplied with mobile phones; and (b) what has been the cost to date.

(6) How many management retreats or training programs have staff attended.

(7) How many management retreats or training programs have been held off site.

(8) In the case of each off-site management retreat or training program: (a) where was the event held; and (b) what was the cost of: (i) accommodation, (ii) food, (iii) alcohol, (iv) transport, and (v) other costs incurred.

(9) How many official domestic trips have been undertaken by staff and what was the cost of this domestic travel, and in each case: (a) what was the destination; (b) what was the purpose of the travel; and (c) what was the cost of the travel, including a breakdown of: (i) accommodation, (ii) food, (iii) alcohol, (iv) transport, and (v) other costs incurred.

(10) How many official overseas trips have been undertaken by staff and what was the cost of this travel, and in each case: (a) what was the destination; (b) what was the purpose of the travel; and (c) what was the cost of the travel, including a breakdown of: (i) accommodation, (ii) food, (iii) alcohol, (iv) transport, and (v) other costs incurred.

(11) (a) What was the total cost of air charters used, and (b) on how many occasions was aircraft chartered, and in each case, what was the name of the charter company that provided the service and the respective costs.

Senator Hill—The Prime Minister has provided the following answer to the honourable senator's question:

I am advised that:

(1) to (3) The Special Minister of State will respond on behalf of the Prime Minister.

(4) All SES officers' remuneration packages include either a motor vehicle or cash in lieu of a motor vehicle. Cash is set at an equivalent notional level to the cost of the car.

(5) All senior officers are provided with a mobile phone, as a tool of trade, where required.

(6) to (10) The Special Minister of State will respond on behalf of the Prime Minister.

(11) The following figures represent domestic charter travel.

PM&C	2000-01		2001-02		2002-03		2003-04		2004-05	
Charter Company	$	No	$	No	$	No	$	No	$	No
Adagold Aviation	114,922	2	8,152	2			19,657	1	11,440	1
Skipper Aviation									11,896	1
TOTAL	114,922	2	8,152	2	Nil	Nil	19,657	1	23,336	2

Office of the Official Secretary to the Governor-General	2000-01		2001-02		2002-03		2003-04		2004-05	
Charter Company	$	No	$	No	$	No	$	No	$	No
Independent Aviation Charter	5,203	1	10,664	1	2,238	1	2,794	1	2,761	1
Jayrow Helicopters Pty Ltd					2849	1				
Anindilyakwa Air Pty Ltd			4,030	1	2,170	1				
TOTAL	5,203	1	14,694	2	7,257	3	2,794	1	2,761	1

Health and Ageing: Staff

(Question No. 653)

Senator Chris Evans asked the Minister representing the Minister for Health and Ageing, upon notice, on 4 May 2005:

For each of the financial years 2000-01 to 2004-05 to date, can the following information be provided for the department and/or its agencies:

(1) What were the base and top level salaries of Australian Public Service (APS) level 1 to 6 officers and equivalent staff employed.

(2) What were the base and top level salaries of APS Executive level and Senior Executive Service officers and equivalent staff employed.

(3) Are APS officers eligible for performance or other bonuses; if so: (a) to what levels are these bonuses applied; (b) are these applied on an annual basis; (c) what conditions are placed on the qualification for these bonuses; and (d) how many bonuses were paid at each level, and what was their dollar value for the periods specified above.

(4) (a) How many senior officers have been supplied with motor vehicles; and (b) what has been the cost to date.

(5) How many senior officers have been supplied with mobile phones; and (b) what has been the cost to date.

(6) How many management retreats or training programs have staff attended.

(7) How many management retreats or training programs have been held off-site.

(8) In the case of each off-site management retreat or training program: (a) where was the event held; and (b) what was the cost of: (i) accommodation, (ii) food, (iii) alcohol, (iv) transport, and (v) other costs incurred.

(9) How many official domestic trips have been undertaken by staff and what was the cost of this domestic travel, and in each case: (a) what was the destination; (b) what was the purpose of the travel; and (c) what was the cost of the travel, including a breakdown of: (i) accommodation, (ii) food, (iii) alcohol, (iv) transport, and (v) other costs incurred.

(10) How many official overseas trips have been undertaken by staff and what was the cost of this travel, and in each case: (a) what was the destination; (b) what was the purpose of the travel; (c) what was the cost of the travel, including a breakdown of: (i) accommodation, (ii) food, (iii) alcohol, (iv) transport, and (v) other costs incurred.

(11) (a) What was the total cost of air charters used; and (b) on how many occasions was aircraft chartered, and in each case, what was the name of the charter company that provided the service and the respective costs.

Senator Patterson—The Minister for Health and Ageing has provided the following answer to the honourable senator's question:

(1) The Special Minister of State will provide an answer on behalf of all Ministers.

(2) The Special Minister of State will provide an answer on behalf of all Ministers.

(3) The Special Minister of State will provide an answer on behalf of all Ministers.

(4) (a) and (b) The department is unable to provide a cost for the period 2000-01 as the work involved in collating the information would require a significant diversion of resources. Cost is defined as expenditure on lease, fuel, maintenance, insurance, interim vehicle, registration, and other minor costs.

Department of Health and Ageing

Financial Year	No. of officers issued with a vehicle during the financial year	Cost
2000-01	94	Not available
2001-02	83	$788,725
2002-03	89	$821,419
2003-04	87	$851,332
2004-05 (to May)	82	$623,725*

*Includes CRS Australia until October 2004

Portfolio Agencies

Financial Year	No. of officers issued with a vehicle during the financial year	Cost
2000-01	28	$281,446
2001-02	29	$350,151
2002-03	27	$369,542
2003-04	29	$317,818
2004-05 (to May)	25	$289,309

(5) (a) and (b) The department does not hold separate records for the provision of mobile phones to senior officers. The following details have been taken from records provided by Telstra and Optus. The charges shown in the table are for call costs for all departmental personnel.

Financial Year	No. of officers issued with a mobile phone during the financial year	Call costs
2000-01	1,047	$521,732
2001-02	1,014	$478,638
2002-03	1,043	$455,467
2003-04	1,049	$436,385
2004-05	1,068	$446,494

Portfolio Agencies

Agency details have been provided by financial year and apply to all agency staff.

Financial Year	Number of officers issued with a mobile phone	Call costs
2000-01	83	$26,367
2001-02	87	$26,893
2002-03	90	$32,725
2003-04	103	$37,230
2004-05	110	$38,953

Aged Care Standards and Accreditation Agency Ltd (ACSAA) and the General Practice Education and Training Ltd (GPET) are not included in the above figures. Their responses do not cover the entire period as explained below:

- ACSAA was only able to provide the number of phones issued for 2004-05 (10). Costs are only available for 2003-04 ($4,800) and 2004-05 ($4,400 - to June).

- GPET was only able to provide the number of phones issued for 2004-05 (14), and a total cost of $16,158.

(6) The Special Minister of State will provide an answer on behalf of all Ministers.

(7) The Special Minister of State will provide an answer on behalf of all Ministers.

(8) The Special Minister of State will provide an answer on behalf of all Ministers.

(9) The Special Minister of State will provide an answer on behalf of all Ministers.

(10) The Special Minister of State will provide an answer on behalf of all Ministers.

(11) (a) and (b) Details of domestic charter travel for 2004-05 to date are provided below. Information on the financial years preceding 2004-05 is not readily available and cannot be compiled without a significant diversion of resources.

Department of Health and Ageing 2004-05 to date (May 2005)

Company Name	Domestic Charter Cost
Air Ngukurr	$168
Air North	$1,206
Airlines of Tasmania	$168
Airlines of Tasmania	$2,178
Airlines of Tasmania	$280
Airlines of Tasmania	$589
Airlines of Tasmania	$308
Aust Outback Flights	$1,925
Brindabella Airlines	$1,983
Brindabella Airlines	$1,742
Chart Air	$1,793
Gunbalanya Air	$627

Company Name	Domestic Charter Cost
Gunbalanya Charters	$583
Hardy Aviation	$1,795
Inland Pacific	$147
Inland Pacific	$148
Inland Pacific	$150
Inland Pacific	$150
Launceston Flying Service	$579
Murin Air	$378
Murin Air	$2,244
Northern Air Charter	$3,811
Qantas	$418
Qantas	$808
Skytrans	$651
Tas Air	$732
Tas Air	$1,942
Tiwi Airlines	$168
Tiwi Travel	$1,155
Total	$28,826

Portfolio Agencies*

General Practice Education and Training Limited 2000-01 to 2004-05 (March 2005)

Year	Company Name	Domestic Charter Cost
2000-01	N/A	N/A
2001-02	N/A	N/A
2002-03	N/A	N/A
2003-04	Corporate Air	$1,182
	Corporate Air	$2,255
	Corporate Air	$2,346
	Corporate Air	$3,500
	Corporate Air	$1,255
	Skippers Aviation	$10,284
2004-05	Coffs Coast Jet Centre	$1,468
	Corporate Air	$1,273
	Corporate Air	$4,760
	Corporate Air	$1,210
	Queensland Aviation Services	$773
Total		$30,306

* General Practice Education and Training Limited was the only portfolio agency to use a domestic air charter company.

Minister for Immigration and Multicultural and Indigenous Affairs and the Minister representing the Minister for Citizenship and Multicultural Affairs

(Question Nos 688 and 699)

Senator Chris Evans asked the Minister for Immigration and Multicultural and Indigenous Affairs, and the Minister representing the Minister for Citizenship and Multicultural Affairs, upon notice, on 4 May 2005:

(1) In relation to all overseas travel where expenses were met by the Minister's portfolios, for each of the financial years 2000-01 to 2004–05 to date what was the total cost of travel and related expenses in relation to: (a) the Minister; (b) the Minister's family; and (c) the Minister's staff.

(2) In relation to all air charters engaged and paid for by the Minister and/or the Minister's office and/or the department and its agencies, for each of the financial years 2000-01 to 2004-05 to date: (a) on how many occasions did the Minister or his/her office or department and/or agency charter aircraft, and in each case, what was the name of the charter company that provided the service and the related respective costs; and (b) what was the total cost.

Senator Vanstone—The answer to the honourable senator's questions is as follows:

(1) The information requested in relation to the total cost of travel and related expenses for both the Minister for Immigration and Multicultural and Indigenous Affairs and the Minister for Citizenship and Multicultural Affairs for each of the financial years 2000–01 to 2004-05 is not held with the Department of Immigration and Multicultural and Indigenous Affairs. This information is held with the Department of Finance and Administration.

(2) (a) In relation to all international air charters, the Minister for Immigration and Multicultural and Indigenous Affairs and the Minister for Citizenship and Multicultural Affairs, and staff of the department, chartered aircraft on 115 occasions between the years 2000 and 2005. Please see the table below for details of the names of the Charter companies that provided the service and the related respective costs.

(b) The total cost of air charters for the period specified was $11,766,093.18.

Total Number and Cost of International Air Charters used by the Ministers or his/her department from 2000 - 2005 Inclusive

Date	No of Charters	Name of Charter Company	Cost of Charter in $AUD
2000 - 2001	5	Skytrans	$4,325.04
	1	Rebel Marine	$363.64
	2	Air North	$46,368.00
	4	Airlink	$243,523.00
	3	Christmas Island Community Airlines	$59,963.00
2001 - 2002	4	Skytrans	$16,050.00
	1	Regional Pacific	$3,994.00
	1	PT-SGI Island Seaplanes Bali	$1,445.00
	2	Adagold	$806,090.00
	1	Air Charter Brokers of Australia	$327,736.00
	4	Airlink	$349,140.00
	1	Alltrans International	$1,828,423.00
	1	Far East Charters	$315,037.00
	1	FlightWest	$181,700.00
	2	Malaysian Airlines	$1,059,395.00
	1	Maroomba Airlines	$27,225.00
	14	National Jet Systems	$1,306,212.00
	4	Pearl Aviation	$92,605.00
	1	Qantas	$75,166.00
2002 - 2003	1	PT Derazona Air Service Jakarta	$6,699.00
	2	Adagold	$682,277.00
	1	Air North	$18,500.00
	1	Execujet	$87,090.00
	3	National Jet Systems	$223,140.00

Date	No of Charters	Name of Charter Company	Cost of Charter in $AUD
	2	Pearl Aviation	$43,681.00
	1	SOS International	$129,021.00
2003 - 2004	1	Execujet	$79,900.00
	2	Skytrans	$3,098.00
	3	Skytrans	$4,227.00
	1	Air South	$9,470.00
	1	Execujet	$79,900.00
	6	National Jet Systems	$501,720.00
	7	Pearl Aviation	$47,665.00
2004 - 2005	2	Skytrans	$2,842.00
	1	Regional Pacific	$3,157.50
	1	PT Concord Consulting Jakarta	$2,300.00
	2	Orient Thai	$2,211,500.00
	13	Air North	$388,973.00
	1	Alliance Airlines	$189,000.00
	10	National Jet Systems	$307,172.00
TOTALS	115		$11,766,093.18

Minister for Small Business and Tourism

(Question No. 704)

Senator Chris Evans asked the Minister representing the Minister for Small Business and Tourism, upon notice, on 4 May 2005:

(1) In relation to all overseas travel where expenses were met by the Minister's portfolios, for each of the financial years 2000-01 to 2004-05 to date what was the total cost of travel and related expenses in relation to: (a) the Minister; (b) the Minister's family; and (c) the Minister's staff.

(2) In relation to all air charters engaged and paid for by the Minister and/or the Minister's office and/or the department and its agencies, for each of the financial years 2000-01 to 2004-05 to date: (a) on how many occasions did the Minister or his/her office or department and/or agency charter aircraft, and in each case, what was the name of the charter company that provided the service and the related respective costs; and (b) what was the total cost.

Senator Abetz—The Minister for Small Business and Tourism has provided the following answer to the honourable senator's question:

Note: Information has only been provided in relation to overseas travel undertaken by the Minister during the period from October 2004 to June 2005 in her current capacity as the Minister for Small Business and Tourism. There was only one overseas trip undertaken by the Minister during this period. The Minister travelled to Hong Kong, London and Singapore from 18-31 January 2005.

(1) The Minister was not accompanied by family and therefore no expense was incurred.

Costs and expenses related to the Ministers travel in which she was accompanied by her Chief of Staff were met by the Department of Finance and Administration.

(2) The Minister did not use charter aircraft during her overseas trip to Hong Kong, London and Singapore in January 2005.

Minister for Small Business and Tourism: Overseas Travel

(Question No. 736)

Senator Chris Evans asked the Minister representing the Minister for Small Business and Tourism, upon notice, on 4 May 2005:

For each financial year since 2000-01 to 2004-05 to date:

(1) (a) What overseas travel was undertaken by the Minister; (b) what was the purpose of the Minister's visit; (c) when did the Minister depart Australia; (d) who travelled with the Minister; and (e) when did the Minister return to Australia.

(2) (a) Who did the Minister meet during the visit; and (b) what were the times and dates of each meeting.

(3) (a) On how many of these trips was the Minister accompanied by a business delegation; and (b) can details be provided of any delegation accompanying the Minister.

(4) Who met the cost of travel and other expenses associated with the trip.

(5) What total travel and associated expenses, if any, were met by the department in relation to: (a) the Minister; (b) the Minister's family; (c) the Minister's staff; and (d) departmental and/or agency staff.

(6) What were the costs per expenditure item for: (a) the Minister; (b) the Minister's family; and (c) the Minister's staff, including but not necessarily limited to: (i) fares, (ii) allowances, (iii) accommodation, (iv) hospitality, (v) insurance, and (vi) other costs.

(7) What were the costs per expenditure item for each departmental and/or agency officer, including but not necessarily limited to: (a) fares; (b) allowances; (c) accommodation; (d) hospitality; (e) insurance; and (f) other costs.

(8) (a) What was the total cost of air charters used by the Minister or his/her office or department; and (b) on how many occasions did the Minister or his/her office or department and/or agency charter aircraft, and in each case, what was the name of the charter company that provided the service and the respective costs.

Senator Abetz—The Minister for Small Business and Tourism has provided the following answer to the honourable senator's question:

Responses to parts (1), (4), (6), (7) and (8) will be provided by the Special Minister of State on behalf of all ministers.

Responses to parts (2), (3) and (5) are provided below.

Note: Information has only been provided in relation to overseas travel undertaken by the Minister during the period from October 2004 to June 2005 in her current capacity as the Minister for Small Business and Tourism. There was only one overseas trip undertaken by the Minister during this period. The Minister travelled to Hong Kong, London and Singapore from 18-31 January 2005.

(2) The Minister met with the following people during her overseas trip to Hong Kong, London and Singapore in January 2005.

Hong Kong (18-21 January 2005)	
Mr Greig McAllan	General Manager (Asia), Tourism Australia
Mr Murray Cobban	Consul-General, Australian Consulate-General
Mr Peter Osborne	Senior Trade Commissioner, Austrade
Mr Stephen Ip, GBS JP	Secretary for Economic Development and Labour, Government of Hong Kong
Ms Eva Cheng	Commissioner for Tourism, Government of Hong Kong

Mr Freddy Li	General Manager (Greater China), Qantas Airways Ltd.
Mr Andy Tung	Chief Executive Officer, Dragon Airlines Ltd.
Ms Singmay Chou	General Manager Marketing, Dragon Airlines Ltd.
Ms Yvonne Ho	Manager (Marketing and Sales), Dragon Airlines Ltd.
Mr Philip Chen	Chief Executive Officer, Cathay Pacific Airways Ltd.
Mr James Barrington	Director (Sales and Marketing), Cathay Pacific Airways Ltd.
Mr Philippe de Gentile-Williams	General Manager (Airline Planning), Cathay Pacific Airways Ltd.
Mr Benjamin Chau	Assistant Executive Director, Hong Kong Convention and Exhibition Centre
Mr Johnny Wan	Senior Exhibitions Manager, Hong Kong Trade Development Council
Ms Bonnie Shek	Director (Australia and New Zealand), Hong Kong Trade Development Council
Mr Ronnie Ho	Chairman, Travel Industry Council, Hong Kong
Mr Manohar Chugh	Chairman, Asia Africa Committee, General Chamber of Commerce
Mr Alan Johnson	Chairman, Australian Chamber of Commerce in Hong Kong
Mr Cliff Sun	President, Australian Chinese Association of Hong Kong Ltd.
Ms Debbie Biber	Chief Executive, Austcham
Tourism industry lunch	
Mr Steve Huen	Executive Director, Evergloss Tours
Mr Freddy Yip	Managing Director, Goldjoy Travel
Mr Francis Lai	General Manager, Miramar
Ms Edith Tsang	Assistant General Manager, Morning Star
Mr David Chau	General Manager, Charming Holidays
Ms Nancy Chung	General Manager (Travel Division), P&O Travel Ltd.
Mr Lionel Kwok	Managing Director, Cathay Pacific Holidays Ltd.
Mr Florian Preuss	Contracts and Purchasing Manager, Virgin Atlantic
London (21-27 January 2005)	
Mr Bill Tweddell	Acting High Commissioner, Australian High Commission
Ms Judy Watkins	General Manager (Europe), Tourism Australia
Ms Charlotte Atkins MP	Parliamentary Under-Secretary of State for Transport
Rt Hon Nigel Griffiths MP	Minister for Construction, Small Business and Enterprise, Department of Trade and Industry
Mr Rod Eddington	Chief Executive Officer, British Airways
Mr Stephen Lyle Smythe	Deputy CEO (UK), Small Business Service
Mr Stephen Thompson	Regional General Manager, Qantas Airways
Mr Maurice De Rohan	Agent General for South Australia Chair, Australia Day Foundation, State of South Australia
Mrs Helen Lidell MP	High Commissioner Designate for Australia
Mr Martin Graeme	Head of Marketing Service, London Stock Exchange
William Sargent	Chair, Small Business Council
Mr Trevor Harding	Publisher, Travel Weekly
Mr Roger Johnson	Director Overseas Operations, Visit Britain

Ms Frances-Anne Callaghan	Head of Overseas Operations, Visit Britain
Outbound operators lunch	
Mr Mike Gooley	Chairman, Trailfinders
Mr Dick Porter	Chairman, STA Travel
Mr Shaun Hinds	Managing Director, Travel2
Mr Wayne Pearce	Managing Director, Gold Medal
Mr Jerry Bridges	Managing Director, Bridge & Wickers
Mr Yashish Dahiya	Managing Director, Ebookers
Mr Costas Voutris	Managing Director, Travelmood
Mr Dave Simmons	Managing Director, Quest Travel
Mr Brian Barton	Managing Director, Turquoise Holiday Company
Business Link for London	
Ms Judith Rutherford	Business Link for London
Ms Annelie Oliver	Managing Director, Tribe Events Ltd.
Business and incentives operators lunch	
Mr Leigh Jaeger	Managing Director, Banks Sadler Ltd.
Mr David Hackett	Executive Vice President, BI Worldwide
Mr Nick Bender	Managing Director, Maritz Travel
Ms Sally McGarvey	Managing Director, McGarvey Russell Ltd.
Mr Nigel Cooper	Director, P&MM Travel Ltd.
Mr Rzandle Stonier	Chief Executive, Euro Skybridge Group
Mr Peter Franks	Group Chairman, TFI
Mr Roger Harvey	Incentive Travel & Meetings Association
Mr Martin Lines	TFI Group Ltd.
Mr Alan Rogers	Red Carpet
Mr Chris Hawkins	Kuoni Travel Ltd.
Proud Gallery opening	
Mr Alex Proud	Owner, Proud Galleries
Austrade Briefing	
John Finnin	Regional Director (Europe, Middle East and Africa), Australian Trade Commission
Alison McGuigan-Lewis	Senior Trade Commissioner, Australian Trade Commission
Singapore (28-31 January 2005)	
Mr Gary Quinlan	High Commissioner, Australian High Commission
Ms Maggie White	Manager (Asia and South Asia), Tourism Australia
Dr Vivian Balakrishnan	Senior Minister of State (Trade & Industry)
Mr C S Chew	Chief Executive Officer, Singapore International Airlines
Industry lunch attendees	
Mr Steve Limbrick	Regional General Manager (SEA), Qantas British Airways
Ms Annabelle Deken	District Manager Asia, Gulf Air
Mr Edwin Kwee	Area Vice President Singapore, Singapore Airlines

Mr Liat Cheng, Lee	Chairman & CEO, Anglo-French Travel Pty Ltd.
Ms Guat Chan	Executive Director, Chan Brothers Travel Pty Ltd.
Ms Hee Ling, Wee	Managing Director, Commonwealth Travel Service Corporation Pty Ltd.
Mr Robert Koh	General Manager, Diners World Travel Pty Ltd.
Mr Philip Sim	Managing Director, Dynasty Travel Pty Ltd.
Mr Ricky Seah	Group General Manager (Holiday Tours & Travel), Qantas Holidays
Mr Alan Ong	General Manager, New Shan Travel Service Pty Ltd.
Mr Anthony Loh	Director, Gasi Holidays Pty Ltd.

(3) The Minister was not accompanied by a business delegation on her overseas trip to Hong Kong, London and Singapore in January 2005.

(5) (a) to (c) The Minister was not accompanied by family and therefore no expense was incurred. Costs and expenses related to the Ministers travel in which she was accompanied by her Chief of Staff were met by the Department of Finance and Administration.

(d) Mr Peter Morris (General Manager, Market Access Group, Department of Industry, Tourism and Resources) and Mr Rodney Harrex (General Manager, International Operations, Tourism Australia) accompanied the Minister on her overseas trip to Hong Kong, London and Singapore in January 2005. The Department met the travel and associated expenses for Mr Morris (these expenses totalled $25,546.83). Tourism Australia met the travel and associated expenses for Mr Harrex.

Communications, Information Technology and the Arts: Customer Service

(Question Nos 848 and 852)

Senator Chris Evans asked the Minister for Communications, Information Technology and the Arts and the Minister for the Arts and Sport, upon notice, on 4 May 2005:

With reference to the department and/or its agencies:

(1) For each of the financial years 2000-01 to 2004-05 to date, can a list be provided of customer service telephone lines, including: (a) the telephone number of each customer service line; (b) whether the number is toll free and open 24 hours; (c) which output area is responsible for the customer service line; and (d) where this call centre is located.

(2) For each of the financial years 2000-01 to 2004-05 to date, what was the cost of maintaining the customer service lines.

(3) For each of the financial years 2000-01 to 2004-05 to date, can a breakdown be provided of all direct and indirect costs, including: (a) staff costs; (b) infrastructure costs (including maintenance); (c) telephone costs; (d) departmental costs; and (e) any other costs.

(4) How many calls have been received, by year, in each year of the customer service line's operation.

Senator Coonan—The answer to the honourable senator's question is as follows:

The question is being answered in relation to the core Department in its current structure as at end May 2005. The former Departmental agency, Screensound Australia was integrated with the Australian Film Commission on 1 July 2003 and the former Departmental agency, the National Science and Technology Centre (NSTC) became part of the Education, Science and Training portfolio on 1 July 2003. 'Customer Service lines' are deemed to be those 1800 and 1300 numbers operated by the Department. Figures are based on electronic records held by the Department of Communications, Information Technology and the Arts.

(1) (a) – (d)

Number & Financial Year in Operation	Toll free / hours	Area responsible	Call centre location
1800 883 488 2001/02-2004/05	Toll free (not 24 hour)	Regional Communications Policy Branch, Telecommunications	Not a call centre – Head Office, Department of Communications, Information Technology and the Arts (DCITA) From 8/5/04-30/7/04 – outsourced to Cooma Call Centre
1800 064 851 (i) 2000/01-2004/05	Toll free (not 24 hour)	Competition and Consumer Branch, Telecommunications	DCITA (as above)
1800 267 837 2004/05 (few months only)	Toll free (24 hours)	Access Branch, Information Economy	DCITA (as above)
1800 222 797 2003/04-2004/05	Toll free (not 24 hours)	Number was originally managed by call centre staff under contract (by NOIE) Canprint in Canberra but in 2004 the service was provided directly by staff in NOIE/DCITA Access Branch, Information Economy	Canberra DCITA (as above)
1800 674 058 2000/01-2004/05	Toll free (not 24 hours)	Information and Communications Technology	DCITA (as above)
1800 680 841 2000/01-2004/05	Toll free (not 24 hours).	Broadcasting	DCITA (as above)
1300 792 222 2001/02-2004/05	Local call fee (not 24 hours)	Film and Digital Content, Arts and Sport	DCITA (as above)
1800 065 754 2000/01-2004/05	Local call fee (not 24 hours)	Film and Digital Content, Arts and Sport	DCITA (as above)
1800 208 222 2001/02-2004/05	Toll free (not 24 hours)	Old Parliament House	Old Parliament House (not a call centre)
1800 779 955 2001/02-2004/05	Toll free (not 24 hours)	National Portrait Gallery	Old Parliament House (not a call centre)
1800 819 461 2000/01-2004/05	Toll free (not 24 hours)	Regional and Governance, Arts and Sport	DCITA (as above)
1800 672 842 2000/01-2004/05	Toll free (not 24 hours)	Indigenous Culture and Arts Support, Arts and Sport	DCITA (as above)

(i) This number has been shared at different times by two areas. The first relates to providing information to potential applicants for consumer representation and research grants under s.593 of the Telecommunications Act 1997; the second relates to providing information about the

suspension of the Regional Telecommunications Inquiry Community Information Campaign due to the Caretaker Convention for the 2004 Election.

(2) Costs of maintaining the lines, excluding salary costs (Prior to November 2003, records did not generally provide individual line costs)

	2000/01	2001/02	2002/03	2003/04	2004/05 (until 31/5/05)
1800 883 488	Not In operation	$3162	Approx $400	$36522.26	$8716.90
1800 064 851	Not available	Not available	$26.67	$253.81	$422.66
1800 267 837	Not in operation	Not in operation	Not in operation	Not in operation	$132.00
1800 222 797	Not in operation	Not in operation	Not in operation	$247.86	$246.43
1800 674 058	$5,086.09	$5,107.26	$7,120.12	$1,739.53	$2,710.80
1800 068 841	Not available	Not available	Not available	$699.50	$704.48
1300 792 222	Not in operation	Not in operation	Not available	$233.83	$277.87
1800 065 754	Not available	Not available	Not available	$254.86	$365.12
1800 208 222	Not in operation	Not available	Not available	$218.33	$275.39
1800 779 955	Not in operation	Not available	Not available	$319.17	$374.74
1800 819 461	Not available	Not available	Not available	$780.31	$827.67
1800 672 842	Not available	Not available	Not available	$1024.19	$1274.77

(3) (a) In the main calls are handled by Departmental staff as part of their normal duties and no breakdowns are available.

(b) Infrastructure costs (includes Service and Equipment and Installation costs, if applicable).

	2000/01	2001/02	2002/03	2003/04	2004/05 (until 31/5/05)
1800 883 488 Maintenance only, no new infrastructure required.	Not in operation	$3162	$400	$242.03	$275
1800 064 851 Maintenance only, no new infrastructure required.	Not available	Not available	Not available	$246.71	$275
1800 267 837	Not in operation	Not in operation	Not in operation	Not in operation	$125
1800 222 797	Not in operation	Not in operation	Not in operation	$223.60	$225
1800 674 058	Not available	Not available	Not available	$217.85	$275
1800 680 841	Not available	Not available	Not available‘	$249.18	$275.00
1300 792 222	Not in operation	Not in operation	Not available	$232.81	$275
1800 065 754	Not available	Not available	Not available	$229.70	$275
1800 208 222	Not in operation	Not available	Not available	$216.20	$275
1800 779 955	Not in operation	Not available	Not available	$216.07	$275
1800 819 461	Not available	Not available	Not available	$245.89	$275
1800 672 842	Not available	Not available	Not available	$216.07	$275

(c)

	2000/01	2001/02	2002/03	2003/04	2004/05 (until 31/5/05)
1800 883 488	Not in operation	Not available	Not available	$1,568.23	$1,886.78
1800 064 851	Not available	Not available	Not available	$7.10	$147.66
1800 267 837	Not in operation	Not in operation	Not in operation	Not in operation	$7.00
1800 222 797	Not in operation	Not in operation	Not in operation	$24.26	$21.43
1800 674 058	$5,086.09	$5,107.26	$7,120.12	$1521.68	$2,710.80
1800 680 841	Not available	Not available	Not available	$450.32	$429.48
1300 792 222	Not in operation	Not in operation	Not available	$1.02	$2.87
1800 065 754	Not available	Not available	Not available	$25.16	$90.12
1800 208 222	Not in operation	Not available	Not available	$2.13	$0.39
1800 779955	Not in operation	Not available	Not available	$103.10	$99.74
1800 819 461	Not available	Not available	Not available	$534.42	$552.67
1800 672 842	Not available	Not available	Not available	$808.12	$999.77

(d) As described in part 3(a) - (c)

(e) A call centre was engaged for the period 8 May to 30 July 2004 to assist with calls to the Regional Telecommunications Inquiry Community Information Campaign.

	2000/01	2001/02	2002/03	2003/04	2004/05
1800 883 488	-	-	-	$34,712	$6,555.12

(4)

	2000/01	2001/02	2002/03	2003/04	2004/05 (until 31/5/05)
1800 883 488	Not in operation	1028	Approx 50	5268	5494
1800 064 851	Not available. It is estimated that less than 50 calls per year were received.			26	178
1800 267 837	Not in operation	Not in operation	Not in operation	Not in operation	20
1800 222 797	Not in operation	Not in operation	Not in operation	92	112
1800 674 058	3,907	3,952	4,573	3,542	5,720
1800 680 841	Not available	Not available	Not available	806	692
1300 792 222	Not in operation	Not in operation	Not available	11	40
1800 065 754	Not available	Not available	Not available	44	239
1800 208 222	Not in operation	Not available	Not available	10	8
1800 779955	Not in operation	Not available	Not available	391	440
1800 819 461	Not available	Not available	Not available	1123	1131
1800 672 842	Not available	Not available	Not available	1946	2526

Industry, Tourism and Resources: Customer Service

(Question No. 859)

Senator Chris Evans asked the Minister representing the Minister for Small Business and Tourism, upon notice, on 4 May 2005:

With reference to the department and/or its agencies:

(1) For each of the financial years 2000-01 to 2004-05 to date, can a list be provided of customer service telephone lines, including: (a) the telephone number of each customer service line; (b) whether the number is toll free and open 24 hours; (c) which output area is responsible for the customer service line; and (d) where this call centre is located.

(2) For each of the financial years 2000-01 to 2004-05 to date, what was the cost of maintaining the customer service lines.

(3) For each of the financial years 2000-01 to 2004-05 to date, can a breakdown be provided of all direct and indirect costs, including: (a) staff costs; (b) infrastructure costs (including maintenance); (c) telephone costs; (d) departmental costs; and (e) any other costs.

(4) How many calls have been received, by year, in each year of the customer service line's operation.

Senator Abetz—The Minister for Small Business and Tourism has provided the following answer to the honourable senator's question:

This question was also asked of the Minister for Industry, Tourism and Resources (Question No. 846). The Minister for Industry, Tourism and Resources will provide a portfolio response to this question.

Minister for Defence

(Question No. 872)

Senator Chris Evans asked the Minister for Defence, upon notice, on 6 May 2005:

For each of the financial years 2000-01, 2001-02, 2002-03, 2003-04 and 2004-05 to date, can details be provided of all privately or commercially sponsored travel, including cost and sponsor for: (a) the Minister; (b) the Minister's family; (c) the Minister's personal staff; and (d) officers of the Minister's department.

Senator Hill—The answer to the honourable senator's question is as follows:

(a) and (b) The Special Minister of State will respond on behalf of all ministers.

(c) No such travel is recalled.

(d) Defence has a policy in place that relates to the acceptance of gifts and hospitality by Defence personnel. This policy specifically advises that offers of free or concessional travel, or accommodation that could give rise to the reality or appearance of conflicts of interest should not be accepted.

Minister for Justice and Customs

(Question No. 885)

Senator Chris Evans asked the Minister for Justice and Customs, upon notice, on 6 May 2005:

For each of the financial years 2000-01, 2001-02, 2002-03, 2003-04 and 2004-05 to date, can details be provided of all privately or commercially sponsored travel, including cost and sponsor for: (a) the Minister; (b) the Minister's family; (c) the Minister's personal staff; and (d) officers of the Minister's department.

Senator Ellison—The answer to the honourable senator's question is as follows:

(a) and (b) The Special Minister of State will respond to these questions on behalf of all Ministers.

(c) My personal staff have not undertaken any privately or commercially sponsored travel during the financial years 2000-01 to 2004-05 inclusive.

(d) Sponsored travel is dealt with on a case by case basis. Records of the occasions on which sponsored travel is undertaken are not available and could not be readily created. However, acceptance of sponsored travel by the Department is in accordance with the guidelines set down in the Australian Public Service Commission publication "APS Values and Code of Conduct—A Guide to Official Conduct for APS Employees and Agency Heads".

Eyre Peninsula Bushfire Recovery Assistance

(Question No. 920)

Senator O'Brien asked the Minister for the Environment and Heritage, upon notice, on 31 May 2005:

With reference to the joint media release by the Minister for Agriculture, Fisheries and Forestry and the Minister for the Environment and Heritage of 25 February 2005 (reference DAFF05/040WTJ), announcing the provision of $2.68 million in bushfire recovery assistance for Eyre Peninsula farmers:

(1) What is: (a) by each financial year of this program, the projected expenditure profile; (b) the expenditure by the Commonwealth to date; (c) the starting date of this program; and (d) the projected completion date of this program.

(2) By financial year, what amount of funding is projected to be made available from: (a) the Natural Heritage Trust; and (b) the National Landcare program.

(3) When and who in the South Australian Government did the Minister approach to: (a) negotiate the South Australian Government's contribution to this program; (b) invite the South Australian Government to jointly announce this program; and (c) negotiate the South Australian community's contribution of an estimated $2.74 million to this program.

(4) (a) Who made the estimate that the community's in kind support for this program would be equivalent to $2.74 million; (b) how was this estimate made; and (c) can a copy of the modelling used to make this estimate be provided; if not, why not.

(5) When and in what form did the Member for Grey make representations to the Minister in relation to this program.

(6) For each financial year, what is the total projected number of grants of up to $4 000 to be made available to assist landholders to develop property management plans.

(7) As at 30 May 2005, how many grants of up to $4 000 have been made to assist landholders to develop property management plans.

(8) For each financial year, what is the total projected number of grants of up to $10 000 to be made available to assist landholders to implement property management plans.

(9) As at 30 May 2005, how many grants of up to $10 000 have been made to assist landholders to develop property management plans.

(10) Can a copy of the guidelines and application form be provided; if not, why not.

Senator Ian Campbell—The answer to the honourable senator's question is as follows:

(1) (a)

Projected Expenditure (Combined State and Australian Government contributions)		
2004-05 (program commenced 15 June 2005)	2005-06	2006-07 (program ends 30 June 2007)
$2,050,000	$1,270,000	$2,040,000

(b) $1.64 million representing the initial payment from the Commonwealth to the State on signing by both Parties of the contract on 15 June 2005.

(c) 15 June 2005.

(d) 30 June 2007.

(2)

	2004-05	2005-06	2006-07
a) Natural Heritage Trust	$1,490,000	$0	$1,040,000
b) National Landcare Program	$150,000	$0	$0

(3) (a) Australian Government officials on behalf of the Minister commenced discussions with the State on receiving their first draft of the proposal on 4 February 2005.

(b) The South Australian Government, through the office of the Hon John Hill, MP, Minister for Environment and Conservation was consulted on the development of a joint draft announcement prior to Minister Truss' visit to the Eyre Peninsula on Thursday 24 and Friday 25 February 2005.

(c) A joint announcement did not take place as the State was not able to confirm its funding commitment to the program at that time.

(d) The South Australian community's contribution of an estimated $2.74 million to this program was based on information provided by the South Australian Government.

(4) (a) and (b) South Australian Government.

(c) No. The estimate was made by the South Australian Government.

(5) The Member for Grey and his office held numerous discussions with the office of the Minister for Agriculture, Fisheries and Forests commencing directly following the fires on the Eyre Peninsula.

(6)

2004-05	2005-06	2006-07
0	60	32

(7) The program commenced on 15 June 2005.

(8)

2004-05	2005-06	2006-07
0	80	104

(9) The program commenced on 15 June 2005.

(10) No. Guidelines are currently being finalised by the State in consultation with Australian Government officials.

Tourism Australia

(Question No. 922)

Senator O'Brien asked the Minister representing the Minister for Small Business and Tourism, upon notice, on 2 June 2005:

With reference to the appointment of the Managing Director of Tourism Australia announced on 15 November 2004:

(1) (a) Would the Minister advise:

(i) the term of the Managing Director's appointment,

(ii) the Managing Director's annual salary, and

(iii) the rate and actual superannuation contribution made on behalf of the Managing Director by Tourism Australia; and

(b) can a copy of the employment contract between the Managing Director and Tourism Australia be provided; if not, why not.

(2) Does Tourism Australia supply the Managing Director with a motor vehicle; if so, would the Minister advise:

(a) what type of motor vehicle;

(b) where the vehicle is garaged;

(c) the projected annual cost of fuel, insurance, registration and lease payments to be met by Tourism Australia; and

(d) the cost to date to Tourism Australia of the provision of the vehicle.

(3) Does Tourism Australia supply the Managing Director with an expense account; if so:

(a) would the Minister advise,

(i) the limit of the account,

(ii) the actual monthly expenditure on the account to date, and

(iii) the method of acquittal; and

(b) can a copy of the guidelines governing the use of the expense account be provided; if not, why not.

(4) Does Tourism Australia supply the Managing Director with a credit card; if so:

(a) would the Minister advise,

(i) the limit of the account,

(ii) the actual monthly expenditure on the account to date, and

(iii) the method of acquittal; and

(b) can a copy of the guidelines governing the use of the credit card be provided; if not, why not.

(5) Does Tourism Australia supply the Managing Director with a mobile telephone; if so, would the Minister advise:

(a) what limit applies to the use of the telephone for personal calls; and

(b) the total actual monthly cost to Tourism Australia of the mobile telephone service since 13 December 2004.

Senator Abetz—The Minister for Small Business and Tourism has provided the following answer to the honourable senator's question:

(1) (a) (i) as per Board approved contract with 3 year term.

(ii) as per Board approved contract and Remuneration Tribunal determination, Classification Band C and Tier 1.

(iii) Superannuation rate of 15%.Details of actual contributions are staff-in-confidence.

(b) No. Employment contracts are private and confidential

(2) No

(a) n/a

(b) n/a

(c) n/a

(d) n/a

(3) No

(a) (i) n/a

(ii) n/a

(iii) n/a

(b) n/a

(4) Yes

(a) (i) Standard TA Executive Management limit ($20,000)

(ii) December 2004 - $110.42

January - $2237.21

February - $6847.23

March - $963.23

April - $6964.13

May - $3307.78

June - $1750.65

YTD - $22,180.65, including accommodation and some travel costs, as well as other sundry Management expenditure.

(iii) No prescribed limit but assessed monthly and acquitted by Chairman of Audit committee and Chairman of TA.

(b) Yes, see attached.

(5) Yes.

(a) Monthly acquittal by Chairman of Audit committee and Chairman of TA.

(b) January - $589.06

February - $102.16

March - $254.89

April - $991.04

May - $888.96

June - $618.71

YTD - $3444.82, including international roaming and email costs.

Travel and Entertainment Card Guidelines

Definition Travel & Entertainment (T&E) cards are issued to frequent travellers and staff who need to engage in business entertaining. T&E Cards are issued to individuals. Financial liability, for business expenses only, rests with TA.

Guidelines A T&E Card may be issued to nominated employees whose job involves frequent travel and/or entertaining.

The Card cannot be issued to:

- Contractors;
- Casuals; and
- Trainees.

Personnel are selected to be Cardholders on the basis that they are trustworthy, sensible individuals who can be counted on to use the Card according to the guidelines and limits advised to them by their Managers. Managers must exercise firm control of T&E Cards and Cardholders under their responsibility.

T&E Card purchases may be transacted in person, by telephone, fax or mail.

Goods/services purchased by the card typically include:

- airfare;
- rail;
- car rental;
- gas/oil;
- hotels;
- restaurants; and
- taxi.

T&E Cards may not be used in Department Stores and Mail Order.

T&E Cards are to be used in accordance with the travel policy.

Nominating a Cardholder

Department Managers nominate appropriate Cardholders amongst their

Department's personnel and notify the Financial Controller. The staff members

are requested to complete an application form.

The completed and approved form is forwarded by internal mail to the Accounts

Payable Officer in Sydney Finance.

Transaction and Monthly Value Limits

The Commission has established a monthly domestic limit of A$5,000 and international limit of A$10,000 per month.

In exceptional cases, higher limits may be set for individual Cardholders.

Department Managers recommend limit increase and obtain approval from the Director Corporate Services in such cases.

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Cardholder Responsibilities

The Cardholder is responsible to:

- Read and sign the Commission's Cardholders Consent.
- Use the Card according to the guidelines and limits advised to them by their Supervisors.
- Reconcile their monthly Cardholder Statements by 15th of the month and forward the documents to their manager (or their manager's manager if

their manager is absent) for approval.

- Make the first approach to the Card Provider when there are perceived errors on the Statement, involving the Accounts Payable Officer, only when

the individual's attempt at resolving the problem fails.

- Pass their reconciled statements, together with all associated receipts, to Finance for processing. If there are difficulties in effecting the

reconciliation which will cause delays, Cardholders are to notify the Accounts Payable Officer.

- Return the Card to the cardholder's manager when terminating employment, or when they no longer have a business need for the Card.

Nominees who are unwilling to accept these responsibilities will not be given a T&E Card. Individual Departments may introduce further controls.

Cardholder's Manager's Responsibility

Process promptly and approve reconciliation from their staff no later than 20th of each month and forward to Accounts Payable Officer in Finance.

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Expense Claim Report

A template will be provided by Finance for T&E Statement reconciliation.

 Available on the intranet:

Corporate Services > Finance > Finance Forms > Accounts Payable Forms

> Corporate Card Reconciliation

OR

Resources > Forms & Templates > Corporate Services Forms > Accounts Payable > Corporate Card Reconciliation

 Information provided must be accurate, legible and easy to reconcile. To expedite clearing of your T&E account, ensure your claim equals to the

total due on the credit card statement.

 List the items on the Expense claim in the same order as the items on the credit card statement. Again, to expedite clearing, attach the receipts to

an A4 page to minimise the chance of receipts going astray. Note clearly where receipts are missing citing the reason for the expense and why the

receipt is not attached.

 For entertainment/hospitality expenses, attach the receipt to a completed Hospitality Attendee Details form.

 Include any finance charges which appear on the credit card statement on the Expense Claim. Allocate this amount to the Bank fee and charges

account.

 Each item on the Expense Claim must be categorised into one of the key areas listed, e.g. airfare, accommodation, meals, vehicle hire/taxi fare,

hospitality etc. Be sure to balance the total on the expense claim and cross check with credit card statement.

 Out of Pocket claims (cash or other personal credit card) should not be mixed with credit card items on the same Expense Claim form. Using the

Online Expense claim form for Out of Pocket expenses allows employees to be reimbursed quickly.

 Travel Requisition Form number (TR Number) is to be quoted on all travel related expenses.

 If part of the expenses for the same trip does not appear in the first statement, keep the supporting documents for the next statement.

 An electronic copy of the Corporate Card Monthly Statement Reconciliation form is to be submitted to "accountspayable" upon approval.

 All documentation is to be submitted to Finance at the end of each month enclosed within a sealed green/olive Staff Expense Claim envelope.

Rejection of Expense Claims

Any expense claims which is not prepared in accordance with this policy or lacking the appropriate supporting documents will be returned by Finance. It is the responsibility of the employee to correct the claim and re-submit it to Finance.

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Tourism Australia

(Question No. 923)

Senator O'Brien asked the Minister representing the Minister for Small Business and Tourism, upon notice, on 2 June 2005:

(1) Can details be provided of the official travel arrangements of the Managing Director of Tourism Australia since 13 December 2004, including:

(a) date of travel;

(b) mode of travel;

(c) class of travel (i.e. first class, business class, economy, other);

(d) point of departure and destination;

(e) cost to Tourism Australia of the travel;

(f) duration of journey;

(g) place, number of nights and cost to Tourism Australia of accommodation:

(h) purpose of journey; and

(i) where the Managing Director was accompanied on the journey:

(i) the name of the person(s) accompanying the Managing Director,

(ii) the capacity in which they accompanied the Managing Director, and

(iii) the amount of any extra cost to Tourism Australia as a result of the person(s) travelling with the Managing Director.

(2) Where the cost of travel or accommodation was met by an entity other than Tourism Australia, would the Minister advise:

(a) the name of the entity;

(b) the date, duration and purpose of travel;

(c) the value of the travel and accommodation;

(d) the names of those who accompanied the Managing Director; and

(e) the capacity in which they did so.

Senator Abetz—The Minister for Small Business and Tourism has provided the following answer to the honourable senator's question:

(1) (a) When required to carry out official duties as Managing Director of Tourism Australia.

(b) As required to fulfil official duties as Managing Director of Tourism Australia.

(c) As per Tourism Australia guidelines (attached).

(d) As required to fulfil official duties as Managing Director of Tourism Australia.

(e) Total cost of travel $92,067, including airfares, accommodation and all travel expenses, including international and domestic travel for official Tourism Australia activities such as the in-market reviews for the global agency tender and international trade missions.

(f) As required to fulfil official duties as Managing Director of Tourism Australia.

(g) Total cost of travel $92,067, including international and domestic airfares, accommodation and all travel expenses.

(h) As required to fulfil official duties as Managing Director of Tourism Australia.

(i) (i), (ii)and (iii)The Managing Director is accompanied by Tourism Australia staff as required to carry out official duties.

(2) (a) Tourism Tropical North Queensland (TTNQ).

(b) Duties as Managing Director attending TTNQ regional conference

(c) $125.00 for accommodation in Queensland as a guest of TTNQ.

(d) and (e)The Managing Director is accompanied by Tourism Australia staff as required to carry out official duties.

TRAVEL and ENTERTAINMENT

POLICY

AUSTRALIA

Revisions

2003.10-08 Richard Llewellyn

2003.11-11 John Hopwood

2004.03-30 John Hopwood

2004.08-02 Jhosie Capuyan Updated for TA

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1. General Policy

1.1 Overview

For staff issued with TA Corporate T&E Card, business related travel and entertainment expenses should be paid for with this card wherever it is accepted. The T&E Card should be used only to charge company business related activities i.e. it should NOT be used for personal expenses. For staff who do not have this card, expenses can be paid through personal credit cards or cash and subsequently claiming back reimbursement. Cash advances can be obtained to assist in this process.

Accommodation and meal expenses are to follow ATC standards wherever possible.

Entertainment on behalf of the company must help establish, enhance or maintain a good business relationship with business associates.

Total yearly travel and entertainment expenditure is to be within approved budget.

1.2 Employee Responsibilities

To complete, reconcile and submit accurate and clearly described Business Expense Claims promptly after incurring the expenditure (for Out Of Pocket Expenses) or on receipt of statement (for T&E Card expenses).

Provide original receipts for all expenses and include expense claims balanced to T&E Statements where the corporate card has been utilised.

For all trips a copy of the approved travel requisition accompanied by the relative boarding passes and itinerary (if trip is international and more than 6 nights) is to be forwarded on completion of the travel to Corporate Services Business Unit Assistant.

If trip costs are reported over two statements (one month apart) then a separate claim will need to be submitted for each statement.

The responsibility for exercising good judgment is vested in the employee.

1.3 Management Responsibilities

Ensure that employees who incur travel and entertainment expenses are properly instructed in the specifics of this policy and procedures.

Openly discuss the procedures and the standards behind it with all employees before their first travel on behalf of the company.

Promptly approve Expense Claims for expense reimbursements and credit card charges deemed to be within guidelines, reasonable, proper and necessary.

Ensure that the expense claim forms are completed correctly and accurately, so payment can be made with the minimum of effort.

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2. General Guidelines

2.1 Approval

All reimbursable expenses require approval in line with delegations (Refer Appendix A –extract from Delegations and Authorities Manual).

2.2 Receipts

Receipts (in addition to the T&E Card or other credit card stub receipt) are required for all credit card expenditures and cash expenses greater than A$10.00. Receipts should be imprinted with establishment

name, location, date and expense amounts and preferably computer generated. Receipts for amounts less than the $10 must be obtained where possible i.e. parking, bridge tolls etc.

Due to the GST legislation all AUD claims over $50 require a tax invoice or docket clearly showing the ABN of the supplier – the T&E Card EFTPOS docket is not sufficient.

Where it is impractical to obtain a receipt (e.g. portage tips) the employee must submit a brief written description of the expense on the expense claim form.

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3. Travel By Air

3.1 Preferred Carrier

TA's preferred carrier for air travel is Qantas. Other carriers should only be considered when suitable Qantas flights are not available, or there isn't Qantas available in your home country. However, if better deals can be arranged through other carriers in your home country, you are encouraged to do so.

3.2 Class of Travel – Intracontinental and Intercontinental

3.2.1 Intracontinental less than three hours

Chairman - Business Class (Intracontinental), First Class (Intercontinental).

Board members, Managing Director - Business Class.

All other staff – Economy (or at similar cost).

Applies to all types of travel (Air, rail, etc).

3.2.2 Intercontinental / Intracontinental three hours or more

Chairman - First Class.

All other ATC staff/Board members - Business Class.

Applies to all types of travel.

3.2.3 Asia Only: Exceptions for Business Class less than three hours

To and from China, India and Indonesia for air.

To and from Japan for rail.

The total business class fare for a multi-destination travel (e.g. HKG/TPE/TYO/HKG or HKG/BNE/SYD/HKG) is cheaper than a mix of class fare.

3.3 Upgrades

Employees are encouraged to utilise the frequent flyer points earned on business related travel to up-grade class of travel when available.

3.4 Advance Purchase and Discount Fares

It is expected that all employees will take advantage of any advance purchase discounts offered by the airlines. The lower cost of non-refundable tickets should be carefully weighted against refundable full fare tickets.

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3.5 Booking Travel

3.5.1 Intercontinental and Intracontinental Travel

All intended trips to be undertaken for the financial year are to be documented in the respective "Intercontinental" and "Intracontinental" section of the travel schedule which is submitted for approval by the Managing Director.

Trips listed on these schedules can be approved by Executive General Managers depending upon who the staff report to.

Where applicable, a monthly travel plan is to be submitted to the Executive General Manager/General Manager for approval will continue. Once approved, the managers can sign off the travel requisition forms for their respective staff accordingly.

Any proposed trip that does not appear on the approved schedule requires Managing Director's approval for Intercontinental travel or Executive General Manager's/General Manager's approval for Intracontinental travel.

All requests for international travel bookings are to have a copy of the relevant page of the authorised travel plan attached to them with the intended trip highlighted.

Asia Only

All travel which is to be booked by the Travel Manager (Marketing Officer or Market Coordinator), unless the correct documentation is provided (no matter what the circumstances or degree of urgency involved).

If the documentation is not attached then the request is to be processed as an unauthorised trip.

Any changes in booking prior to travel must be made by the Travel Manager; otherwise, the traveler has to make their own changes. A brief written description of the change must be provided when completing the Travel Diary.

Airlines often offer special fares. You are encourage to take advantage of these lower fares whenever possible.

3.5.2 Intracontinental Travel (Sydney Only)

Cheaper Class of Airfares

The Qantas K class of travel is considerably cheaper than the usual fares and has the same level of flexibility but is restricted in its availability.

This means that if you are a traveller and you do not change your booked flights then you will save money. However, if you do need to alter your bookings and there is no availability left in the these lower class fares, then you will be charged the price difference between the booked fare and the replacement economy fare with no further penalty.

How do you change your flights

Qantas prefers that changes of bookings for all classes be made by the Sydney Administration Supervisor during working hours (02 9361 1215) or after hours through Qantas Corporate Travel (1300 659 196). It is preferable, if flight changes are required, that you contact the above before arriving at the airport as the Airport Staff may not have your profile details on file.

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Further Information

If you require further information on this matter, please contact your Business Unit Assistant.

3.6 Unused Tickets

The employee is responsible for ensuring unused airline tickets (refundable and nonrefundable) purchased by the company are promptly forwarded to the Business Unit Assistant. Any costs incurred for

failure to advise the Business Unit Assistant of cancelled bookings may be payable by the individual employee.

3.7 Excess Baggage

When employees are required to carry additional baggage of a business nature where excess baggage costs are incurred, the total charge is claimable upon presentation of receipts and explanation.

3.8 Frequent Flyer Points

It is important to note that, in line with Federal Government Policy, Frequent Flyer Points acquired on ATC business travel are not to be utilised for personal purposes.

3.9 Splitting Travel

When more than four staff are required to travel to the same location at the same time for risk management purposes, separate flights are to be booked to facilitate a split in the travelling arrangements.

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4. Travel by Road/Rail

4.1 Travel Requisitions

If you are required to attend an ATC related activity or event that requires overnight accommodation and you travel to or from the event by road or rail then a travel requisition is to be completed and processed in exactly the same manner as that relating to air travel with “road” or “rail” being recorded as the class of travel on the form.

4.2 Car Rentals/Taxis

Rental cars/Limousines should only be considered when airport shuttles, taxi or other less expensive modes of public transportation are not available or appropriate.

4.3 Use of Personal Car On Company Business

Use of an employee’s private vehicle for business purposes will be reimbursed per kilometre travelled, at the rate advised by Human Resources. Employees required to attend approved training or business conferences will be reimbursed for out of pocket expenditure and may claim private vehicle usage where applicable - employees may claim the additional distance required to be travelled after deducting the distance of travel to the usual place of work.

4.4 Car Parking

Receipts are to be provided when claiming reimbursement for parking fees incurred whilst conducting business. The reason for the parking must be detailed when the voucher is presented for payment with the general expense claim.

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5. Living Expenses

5.1 Accommodation

Please note that all business travel related accommodation within Australia is to be booked through the Business Unit Assistant.

The company has developed a standard list of hotel accommodation which is to be utilised. If it can be demonstrated that savings are achieved by staying at another hotel then alternatives can be booked. Please contact your Business Unit Assistant for further details.

5.2 Personal Meals

Reasonable meal expenses for employees away from their home location are reimbursable. Whether employees are eating alone or with co-workers, reimbursable meal expenses should not include expensive wines or excessive amounts of alcohol.

Between meal snacks are the employee's responsibility during business travel. Minibar costs will be treated as between meal snacks and will not be claimable unless incurred as a meal substitute, details of the reason must be provided on presentation of the voucher for reimbursement. Bottled water from mini bars will be claimable.

Tips paid, where customary, should be reasonable with respect to the services provided. Meal tips are expected to approximate 5 - 10% of the total.

Reasonable daily meal rates are based on levels communicated by the Australian Taxation Office, and are displayed on the intranet on the Administration Home Page and referenced in the Finance Forms section.

The levels of reasonable meal expenses do not relate to entertainment meals.

The level of reasonable meal expenses will not be assessed on an individual meal basis but on a "whole of trip" basis.

5.3 Travel Insurance

Please refer to Appendix B – ATC Corporate Travel Insurance.

5.4 Telephone Calls

Reasonable costs incurred calling home are reimbursable

Employees travelling overseas are asked to minimise the cost of long distance telephone calls – where possible employees are asked not to use the Hotel phones for international calls. Employees who travel frequently are requested to obtain and utilise a "telecard".

Infrequent travellers are to use the Sydney office toll free line (See Appendix C) for calls to Sydney office or mobile phones for other calls.

5.5 Other Expenses

Reasonable laundry/dry cleaning costs and charges for use of hotel gym/swimming pool facilities will be reimbursed. The traveller's manager is responsible to determine if the costs are reasonable.

Passport / Visa expenses necessary for business travel are reimbursable.

The costs of vaccinations and inoculations required for business travel will be reimbursed by

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the company but are the responsibility of the employee to arrange.

5.6 "In Lieu Of" Expenses

Travellers are encouraged to use the hotels in line within policy, if a traveller chooses to reside with family or friends no claim will be allowed for gifts made to them "In Lieu Of' the defrayment of normal hotel costs.

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6. Business Entertainment, Meals and Meetings

Any decision to spend Tourism Australia (public) money for the purpose of official hospitality must be publicly defensible.

6.1 Business Meals and Meetings (Hospitality)

The cost of business meals held under circumstances conducive to business discussions is reimbursable.

The employee must provide the name of all parties involved, the date and amount and nature of the business discussion. This information is included in the Hospitality Claim Form available on the Intranet.

In all circumstances, payment of hospitality is to be made by the most senior ATC staff member present at the meal.

The approval of hospitality expense is to be made by the most senior staff member's manager, who (by definition) should not be present at the meal.

6.2 All Employee Meals

Casual meals between colleagues and personal special occasion activities generally will be considered personal even though some business discussions may take place. On those occasions when the meal is of a business nature (i.e. staff performance discussions), pre approval by the manager of the most senior staff member in attendance is required.

Where an official function is to be held:

The number of employees should be a minor proportion of those attending any large scale function;

The number of employees should not exceed the number of visitors for any small function (e.g. less that 10 people);

6.3 Catering

Expenses for staff meetings/training are to be treated as "Catering" and are reimbursable.

Working lunches would normally be at the work/meeting location and be of a simple standard (i.e. sandwiches, fruit, coffee, etc.).

6.4 Entertainment

Expenses incurred for meals or meetings with staff at which business is not discussed and under circumstances which are not conducive to business discussions (eg. sporting events, theatres etc.) are not ordinarily reimbursable. All expenditure of this nature is to be authorised beforehand by Executive Management.

6.5 FBT

As a general rule, FBT applies to A based employees as follows:

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6.6 Related Forms

Official Hospitality Form

6.7 Useful Links (Other Policies)

Chief Executive Instructions 2.12 – Official Hospitality

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7. Unallowable Expenses

Listed below is a partial list of items considered to be of a personal nature, and therefore not chargeable to the company even when incurred whilst on company business. This list is provided as an example of the types of expenditures considered ineligible for reimbursement and should be used as a guide for claimants when submitting expenses for reimbursement.

Please consult the Executive General Manager Corporate Services if you have queries regarding expenses you have incurred.

Loss of cash advance money, personal funds, property or tickets. TA Corporate Travel insurance policy covers these items in some situations, please discuss with the Risk Manager.

Excess costs of making circuitous or side trips for personal convenience or gain.

Insurance on personal property not covered by the Insurance Policy.

Fines for traffic or parking violations.

Purchase of magazines, newspapers, shoeshine, hairdressing, beauty salon expenses or any similar items.

Gifts to employees, or employee's families.

Cost of hire of video (in house movies) or other entertainment facilities extended in connection with the provision of accommodation

Clothing, toilet items etc, are considered personal expenditures.

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8. Expense Reimbursement Procedure

8.1 T&E Card

American Express Corporate Cards are issued to employees who are required to travel or entertain regularly for business purposes. The T&E Card is the employee's responsibility and is to be used as a convenient method of charging business Travel and Entertainment related expenses.

Business related expenses charged to the T&E Card are to be processed by submitting original receipts with the monthly statement along with a coding sticker for the charge codes.

Receipts must reconcile with the amounts charged to the T&E Card account.

Statement is to be acquitted within two weeks of receipt.

8.2 Out of Pocket Purchases (Personal Credit Card or Cash)

Expense claims for Out of Pocket expenses must be claimed separately from any T&E Card costs incurred. It is essential to submit all cash and/or personal credit card receipts for expenses greater than AUD$10.00 and all restaurant meal receipts regardless of the amount.

Note: Expense claims under $100.00 will be paid out of Petty Cash if nominated by the staff.

8.3 Travel Documentation

For all trips a copy of the approved travel requisition accompanied by the relative boarding passes and itinerary (if trip is international and more than 6 nights) is to be forwarded on completed of the travel to Corporate Services Assistant.

Documents/receipts to retain for processing:-

- Travel Requisition Form

- Record of Advance memorandum

- Airline Ticket/E-Ticket
- Boarding Passes
- Foreign currency transaction receipts
- Hotel Invoices
- Hospitality receipts/details (names, positions, companies, reason for hospitality)
- Departure Tax receipts
- Transport (Taxi/Bus) receipts
- Miscellaneous Expenses receipts
- Credit card statements

8.4 Itinerary

For all international trips of 6 and more nights' duration a formal itinerary is to be Travel and Entertainment Policy - Australia

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documented.

A copy of this itinerary is to be attached to the copy of the travel requisition/ boarding passes when acquitting your travel expenses.

The itinerary is to contain the following information:-

- Start of trip (date/time)
- A log/record of each meeting/activity (date, time, duration, location, name of other parties, description of activities) undertaken whilst abroad
- Conclusion of trip (date/time)

8.5 Advances

Advances are available in foreign currency or AUD (Cash or Travellers Cheques) to assist you cover your non credit card travel expenses. Any advance requested in excess of $2,000 requires Executive General Manager, Corporate Services' approval

Advance money is the Travellers' responsibility. Any unused cash/Travellers cheques should be cashed upon return to Australia at the traveller's discretion. Under no circumstances are cash or Travellers cheques to be returned to the Finance Department.

Points to note when completing claim forms

All Hospitality claims are to be supported by a separate hospitality claim form (signed and approved separately) which is to be included in the T&E reconciliation or out of pocket expense claim.

The Traveller should record the exchange rate and Australian dollar amount of the expense as per the credit card statement.

Record the foreign currency amount of all non credit card business travelling expenses incurred. The 'exchange rate' column and '$AUD amount' column should not be completed by the Traveller. This will be completed by Finance based on advance exchange rates or the official rate used by TA for the month of the transaction.

Claim forms are located on the intranet.

8.5.1 Miscellaneous items you CAN claim:

Currency Exchange Transactions: Tourism Australia paid for FX conversion including encashment of FX on return to Australia (complete appropriate foreign currency claim form)

Departure Tax: when paid separately at airports

8.5.2 What you CAN'T claim:-

Credit Card Interest - you should be able to avoid credit card cash advances by the use of travel advances and avoid purchase fees by acquitting your expenses before the statement due date. If necessary, you can split the expense acquittal to match the statement issuance dates.

Information provided must be accurate, legible and easy to reconcile.

List the items on the Expense Claim in the same order as the items on the T&E Statement.

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For entertainment/hospitality expenses, distinguish between personnel and include details of the company, guests' names and reason for entertainment/hospitality.

Include any charges, which appear on the T&E Statement on the Expense Claim.

Out of Pocket claims should not be mixed with T&E items when being listed on the Expense

Claim form. Please use the date marked on the receipt in the column provided on the Expense Claim.

Rejection of Expense Claims - Any expenses claims that are not prepared in accordance with this policy will not be processed by Finance. It is up to the employee to correct the claim and re-submit it to Finance.

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Appendix A

Extract from Financial Delegations and Authorisation Manual

SCHEDULE

Part 6 – Travel

The power or function specified in an item in column 2 of the following Table is delegated to the person from time to time holding, or occupying, an office specified in column 3 of the item.

Item no. Value Limit Office / Grade

1. To authorise travel incurred by employees, and non-staff travelling on TA business, for intercontinental travel

Managing Director

2. To authorise travel incurred by employees and non-staff travelling on TA business, for intra-continental travel within approved budgets

Managing Director

Executive General Managers

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Authorisation to Enter into a Commitment Requiring the Expenditure of Tourism Australia Money for Travel

I, Ken Boundy, Acting Managing Director of Tourism Australia:

1. authorise each person from time to time holding or occupying an office specified in the Column 2 to approve the expenditure of TA money on travel relating to projects ultimately under their control, which do not exceed the following amounts, in accordance with an approved Travel Requisition subject to the limitations set out in respect of that person in Column 1 of the table below.

Limitations Office

1. Limited to the authorisation of travel and the reimbursement of travel expenses, incurred by employees, and non-staff travelling on TA business, for intercontinental travel approved by the

Managing Director

Executive General Managers

General Managers

International Corporate

Services Director

Regional Partnership Marketing

Managers

Directors

Deputy General Manager Japan

2. Limited to the authorisation of travel, incurred by employees, and non-staff travelling on TA business, for approved intra-continental

General Managers

International Corporate

Services Director

Regional Partnership Marketing

Managers

Directors

Deputy General Manager Japan

3. Limited to the reimbursement of travel expenses, incurred by employees and nonstaff travelling on TA business, under their responsibility for approved intracontinental Travel

Regional staff as listed under items 1-5 in the "Authorisation for the receipt and application of TA money"

4. Limited to the arrangement and booking of approved travel and accommodation, the issue of necessary Travel Orders and the approval of invoices for payment

Receptionist

Executive Assistant

Corporate Services Manager/

Director

5. Limited to the arrangement and booking of travel and accommodation, the issue of necessary Travel Orders and the approval of invoices for payment, subject to and in accordance with approved VJP and Broadcast itineraries

International Media Coordinator

International Media Consultants

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Appendix B

Tourism Australia Corporate Travel Insurance

[to be updated]

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Tourism Australia

(Question No. 925)

Senator O'Brien asked the Minister representing the Minister for Small Business and Tourism, upon notice, on 2 June 2005:

With reference to the appointment of the Managing Director of Tourism Australia announced on 15 November 2004:

(1) Would the Minister advise:

(a) how Korn Ferry International was selected to undertake the executive search process and who else was considered for this role;

(b) what was the total cost to the Commonwealth of Korn Ferry International's services in this matter;

(c) how many candidates for the position were identified by Korn Ferry International;

(d) how many candidates were interviewed by Korn Ferry International;

(e) how many candidates were interviewed either formally or informally by:

(i) the Chair of Tourism Australia,

(ii) the Minister, and

(iii) the Prime Minister and/or his office and/or his department;

(f) who made the final decision; and

(g) when the final decision was taken.

(2) Can a copy be provided of the job advertisement for the position.

(3) Can the Minister advise in which media outlets the advertisement was placed and the date of each placement.

Senator Abetz—The Minister for Small Business and Tourism has provided the following answer to the honourable senator's question:

(1) (a) Decision taken by Board.

(b) $108,512.00

(c) Korn Ferry was required to identify candidates and provide a short list to the Board of Tourism Australia.

(d) This is a matter for Korn Ferry.

(e) (i) Korn Ferry put forward more than one candidate to the Board for consideration.

(ii) None

(iii) None

(f) Board and through the Minister this was ratified by Cabinet.

(g) Board Meeting on Friday 12 November 2004, announced on 15 November 2004.

Please refer to Korn Ferry as this process was conducted by them and Tourism Australia has no copies of the ads that ran.

6th August 2004 – AFR, 14th August – The Australian.

Tourism Australia

(Question No. 947)

Senator O'Brien asked the Minister representing the Minister for Small Business and Tourism, upon notice, on 9 June 2005:

(1) Can details be provided of the official travel arrangements of the General Manager of Corporate Affairs of Tourism Australia since 29 March 2005 including:

(a) date of travel;

(b) mode of travel;

(c) class of travel (i.e. first class, business class, economy, other);

(d) point of departure and destination;

(e) cost to Tourism Australia of the travel; including airfares, accommodation and all travel expenses.

(f) duration of journey;

(g) place, number of nights and cost to Tourism Australia of accommodation; including airfares, accommodation and all travel expenses.

(h) purpose of journey; and

(i) where the General Manager of Corporate Affairs was accompanied on the journey:

(i) the name of the person(s) accompanying the General Manager,

(ii) the capacity in which they accompanied the General Manager, and

(iii) the amount of any extra cost to Tourism Australia as a result of the person(s) travel with the General Manager.

(2) Where the cost of travel or accommodation was met by an entity other than Tourism Australia, can the following information be provided:

(a) the name of the entity;

(b) the date, duration and purpose of travel;

(c) the value of the travel and accommodation;

(d) the names of those who accompanied the General Manager; and

(e) the capacity in which they did so.

Senator Abetz—The Minister for Small Business and Tourism has provided the following answer to the honourable senator's question:

(1) (a) When required to fulfil official duties as General Manager, Corporate Affairs.

(b) As required to fulfil official duties as General Manager, Corporate Affairs.

(c) As booked and as per TA guidelines (see attached).

(d) As required to fulfil official duties as General Manager, Corporate Affairs.

(e) Total cost of travel - $3,757.00 including airfares and accommodation.

(f) As necessary to fulfil official duties as General Manager, Corporate Affairs.

(g) Accommodation as required to fulfil duties. Total cost of accommodation - $692.00.

(h) As required to fulfil official duties as General Manager, Corporate Affairs.

(i) n/a.

(i) n/a

(ii) n/a

(iii) n/a

(2) (a) n/a

(b) n/a

(c) n/a

(d) n/a

(e) n/a

TRAVEL and ENTERTAINMENT
POLICY
AUSTRALIA
Revisions
2003.10-08 Richard Llewellyn
2003.11-11 John Hopwood
2004.03-30 John Hopwood
2004.08-02 Jhosie Capuyan Updated for TA
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1. General Policy

1.1 Overview

For staff issued with TA Corporate T&E Card, business related travel and entertainment expenses should be paid for with this card wherever it is accepted. The T&E Card should be used only to charge company business related activities i.e. it should NOT be used for

personal expenses. For staff who do not have this card, expenses can be paid through personal credit cards or cash and subsequently claiming back reimbursement. Cash advances can be obtained to assist in this process.

Accommodation and meal expenses are to follow ATC standards wherever possible.

Entertainment on behalf of the company must help establish, enhance or maintain a good business relationship with business associates.

Total yearly travel and entertainment expenditure is to be within approved budget.

1.2 Employee Responsibilities

To complete, reconcile and submit accurate and clearly described Business Expense Claims promptly after incurring the expenditure (for Out Of Pocket Expenses) or on receipt of statement (for T&E Card expenses).

Provide original receipts for all expenses and include expense claims balanced to T&E Statements where the corporate card has been utilised.

For all trips a copy of the approved travel requisition accompanied by the relative boarding passes and itinerary (if trip is international and more than 6 nights) is to be forwarded on completion of the travel to Corporate Services Business Unit Assistant.

If trip costs are reported over two statements (one month apart) then a separate claim will need to be submitted for each statement.

The responsibility for exercising good judgment is vested in the employee.

1.3 Management Responsibilities

Ensure that employees who incur travel and entertainment expenses are properly instructed in the specifics of this policy and procedures.

Openly discuss the procedures and the standards behind it with all employees before their first travel on behalf of the company.

Promptly approve Expense Claims for expense reimbursements and credit card charges deemed to be within guidelines, reasonable, proper and necessary.

Ensure that the expense claim forms are completed correctly and accurately, so payment can be made with the minimum of effort.

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2. General Guidelines

2.1 Approval

All reimbursable expenses require approval in line with delegations (Refer Appendix A –extract from Delegations and Authorities Manual).

2.2 Receipts

Receipts (in addition to the T&E Card or other credit card stub receipt) are required for all credit card expenditures and cash expenses greater than A$10.00. Receipts should be imprinted with establishment name, location, date and expense amounts and preferably

computer generated. Receipts for amounts less than the $10 must be obtained where possible i.e. parking, bridge tolls etc.

Due to the GST legislation all AUD claims over $50 require a tax invoice or docket clearly showing the ABN of the supplier – the T&E Card EFTPOS docket is not sufficient.

Where it is impractical to obtain a receipt (e.g. portage tips) the employee must submit a brief written description of the expense on the expense claim form.

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3. Travel By Air

3.1 Preferred Carrier

TA's preferred carrier for air travel is Qantas. Other carriers should only be considered when suitable Qantas flights are not available, or there isn't Qantas available in your home country.

However, if better deals can be arranged through other carriers in your home country, you are encouraged to do so.

3.2 Class of Travel – Intracontinental and Intercontinental

3.2.1 Intracontinental less than three hours

Chairman - Business Class (Intracontinental), First Class (Intercontinental).

Board members, Managing Director - Business Class.

All other staff – Economy (or at similar cost).

Applies to all types of travel (Air, rail, etc).

3.2.2 Intercontinental / Intracontinental three hours or more

Chairman - First Class.

All other ATC staff/Board members - Business Class.

Applies to all types of travel.

3.2.3 Asia Only: Exceptions for Business Class less than three hours

To and from China, India and Indonesia for air.

To and from Japan for rail.

The total business class fare for a multi-destination travel (e.g. HKG/TPE/TYO/HKG or

HKG/BNE/SYD/HKG) is cheaper than a mix of class fare.

3.3 Upgrades

Employees are encouraged to utilise the frequent flyer points earned on business related

travel to upgrade class of travel when available.

3.4 Advance Purchase and Discount Fares

It is expected that all employees will take advantage of any advance purchase discounts offered by the airlines. The lower cost of non-refundable tickets should be carefully weighted against refundable full fare tickets.

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3.5 Booking Travel

3.5.1 Intercontinental and Intracontinental Travel All intended trips to be undertaken for the financial year are to be documented in the respective "Intercontinental" and "Intracontinental" section of the travel schedule which is submitted for approval by the Managing Director.

Trips listed on these schedules can be approved by Executive General Managers depending upon who the staff report to.

Where applicable, a monthly travel plan is to be submitted to the Executive General Manager/General Manager for approval will continue. Once approved, the managers can sign off the travel requisition forms for their respective staff accordingly.

Any proposed trip that does not appear on the approved schedule requires Managing Director's approval for Intercontinental travel or Executive General Manager's/General Manager's approval for Intracontinental travel.

All requests for international travel bookings are to have a copy of the relevant page of the authorised travel plan attached to them with the intended trip highlighted.

Asia Only

All travel which is to be booked by the Travel Manager (Marketing Officer or Market Coordinator), unless the correct documentation is provided (no matter what the circumstances or degree of urgency involved).

If the documentation is not attached then the request is to be processed as an unauthorised trip.

Any changes in booking prior to travel must be made by the Travel Manager; otherwise, the traveler has to make their own changes. A brief written description of the change must be provided when completing the Travel Diary.

Airlines often offer special fares. You are encourage to take advantage of these lower fares whenever possible.

3.5.2 Intracontinental Travel (Sydney Only)

Cheaper Class of Airfares

The Qantas K class of travel is considerably cheaper than the usual fares and has the same level of flexibility but is restricted in its availability.

This means that if you are a traveller and you do not change your booked flights then you will save money. However, if you do need to alter your bookings and there is no availability left in the these lower class fares, then you will be charged the price difference between the booked fare and the replacement economy fare with no further penalty.

How do you change your flights

Qantas prefers that changes of bookings for all classes be made by the Sydney

Administration Supervisor during working hours (02 9361 1215) or after hours through Qantas Corporate Travel (1300 659 196). It is preferable, if flight changes are required, that you contact the above before arriving at the airport as the Airport Staff may not have your profile details on file.

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Further Information

If you require further information on this matter, please contact your Business Unit Assistant.

3.6 Unused Tickets

The employee is responsible for ensuring unused airline tickets (refundable and nonrefundable) purchased by the company are promptly forwarded to the Business Unit Assistant. Any costs incurred for failure to advise the Business Unit Assistant of cancelled bookings may be payable by the individual employee.

3.7 Excess Baggage

When employees are required to carry additional baggage of a business nature where excess baggage costs are incurred, the total charge is claimable upon presentation of receipts and explanation.

3.8 Frequent Flyer Points

It is important to note that, in line with Federal Government Policy, Frequent Flyer Points acquired on ATC business travel are not to be utilised for personal purposes.

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When more than four staff are required to travel to the same location at the same time for risk management purposes, separate flights are to be booked to facilitate a split in the travelling arrangements.

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Infrequent travellers are to use the Sydney office toll free line (See Appendix C) for calls to Sydney office or mobile phones for other calls.

5.5 Other Expenses

Reasonable laundry/dry cleaning costs and charges for use of hotel gym/swimming pool facilities will be reimbursed. The traveller's manager is responsible to determine if the costs are reasonable.

Passport / Visa expenses necessary for business travel are reimbursable.

The costs of vaccinations and inoculations required for business travel will be reimbursed by Travel and Entertainment Policy - Australia

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the company but are the responsibility of the employee to arrange.

5.6 "In Lieu Of" Expenses

Travellers are encouraged to use the hotels in line within policy, if a traveller chooses to reside with family or friends no claim will be allowed for gifts made to them "In Lieu Of' the defrayment of normal hotel costs.

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6. Business Entertainment, Meals and Meetings

Any decision to spend Tourism Australia (public) money for the purpose of official hospitality must be publicly defensible.

6.1 Business Meals and Meetings (Hospitality)

The cost of business meals held under circumstances conducive to business discussions is reimbursable.

The employee must provide the name of all parties involved, the date and amount and nature of the business discussion. This information is included in the Hospitality Claim Form available on the Intra-net.

In all circumstances, payment of hospitality is to be made by the most senior ATC staff member present at the meal.

The approval of hospitality expense is to be made by the most senior staff member's manager, who (by definition) should not be present at the meal.

6.2 All Employee Meals

Casual meals between colleagues and personal special occasion activities generally will be considered personal even though some business discussions may take place. On those occasions when the meal is of a business nature (i.e. staff performance discussions), pre approval by the manager of the most senior staff member in attendance is required.

Where an official function is to be held:

The number of employees should be a minor proportion of those attending any large scale function;

The number of employees should not exceed the number of visitors for any small function

(e.g. less that 10 people);

6.3 Catering

Expenses for staff meetings/training are to be treated as "Catering" and are reimbursable.

Working lunches would normally be at the work/meeting location and be of a simple standard (i.e. sandwiches, fruit, coffee, etc.).

6.4 Entertainment

Expenses incurred for meals or meetings with staff at which business is not discussed and under circumstances which are not conducive to business discussions (eg. sporting events, theatres etc.) are not ordinarily reimbursable. All expenditure of this nature is to be authorised beforehand by Executive Management.

6.5 FBT

As a general rule, FBT applies to A based employees as follows:

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6.6 Related Forms

Official Hospitality Form

6.7 Useful Links (Other Policies)

Chief Executive Instructions 2.12 – Official Hospitality

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7. Unallowable Expenses

Listed below is a partial list of items considered to be of a personal nature, and therefore not chargeable to the company even when incurred whilst on company business. This list is provided as an example of the types of expenditures considered ineligible for reimbursement and should be used as a guide for claimants when submitting expenses for reimbursement.

Please consult the Executive General Manager Corporate Services if you have queries regarding expenses you have incurred.

Loss of cash advance money, personal funds, property or tickets. TA Corporate Travel insurance policy covers these items in some situations, please discuss with the Risk Manager.

Excess costs of making circuitous or side trips for personal convenience or gain.

Insurance on personal property not covered by the Insurance Policy.

Fines for traffic or parking violations.

Purchase of magazines, newspapers, shoeshine, hairdressing, beauty salon expenses or any similar items.

Gifts to employees, or employee's families.

Cost of hire of video (in house movies) or other entertainment facilities extended in connection with the provision of accommodation

Clothing, toilet items etc, are considered personal expenditures.

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8. Expense Reimbursement Procedure

8.1 T&E Card

American Express Corporate Cards are issued to employees who are required to travel or entertain regularly for business purposes. The T&E Card is the employee's responsibility and is to be used as a convenient method of charging business Travel and Entertainment related expenses.

Business related expenses charged to the T&E Card are to be processed by submitting original receipts with the monthly statement along with a coding sticker for the charge codes.

Receipts must reconcile with the amounts charged to the T&E Card account.

Statement is to be acquitted within two weeks of receipt.

8.2 Out of Pocket Purchases (Personal Credit Card or Cash)

Expense claims for Out of Pocket expenses must be claimed separately from any T&E Card costs incurred. It is essential to submit all cash and/or personal credit card receipts for expenses greater than AUD$10.00 and all restaurant meal receipts regardless of the amount.

Note: Expense claims under $100.00 will be paid out of Petty Cash if nominated by the staff.

8.3 Travel Documentation

For all trips a copy of the approved travel requisition accompanied by the relative boarding passes and itinerary (if trip is international and more than 6 nights) is to be forwarded on completed of the travel to Corporate Services Assistant.

Documents/receipts to retain for processing:-

- Travel Requisition Form
- Record of Advance memorandum
- Airline Ticket/E-Ticket
- Boarding Passes
- Foreign currency transaction receipts
- Hotel Invoices
- Hospitality receipts/details (names, positions, companies, reason for hospitality)
- Departure Tax receipts
- Transport (Taxi/Bus) receipts
- Miscellaneous Expenses receipts
- Credit card statements

8.4 Itinerary

For all international trips of 6 and more nights' duration a formal itinerary is to be Travel and Entertainment Policy - Australia

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documented.

A copy of this itinerary is to be attached to the copy of the travel requisition/ boarding passes when acquitting your travel expenses.

The itinerary is to contain the following information:-

- Start of trip (date/time)
- A log/record of each meeting/activity (date, time, duration, location, name of other parties, description of activities) undertaken whilst abroad
- Conclusion of trip (date/time)

8.5 Advances

Advances are available in foreign currency or AUD (Cash or Travellers Cheques) to assist you cover your non credit card travel expenses. Any advance requested in excess of $2,000 requires Executive General Manager, Corporate Services' approval Advance money is the Travellers' responsibility. Any unused cash/Travellers cheques should be cashed upon return to Australia at the traveller's discretion. Under no circumstances are cash or Travellers cheques to be returned to the Finance Department.

Points to note when completing claim forms All Hospitality claims are to be supported by a separate hospitality claim form (signed and approved separately) which is to be included in the T&E reconciliation or out of pocket expense claim.

The Traveller should record the exchange rate and Australian dollar amount of the expense as per the credit card statement.

Record the foreign currency amount of all non credit card business travelling expenses incurred. The 'exchange rate' column and '$AUD amount' column should not be completed by the Traveller. This will

be completed by Finance based on advance exchange rates or the official rate used by TA for the month of the transaction.

Claim forms are located on the intranet.

8.5.1 Miscellaneous items you CAN claim:

Currency Exchange Transactions: Tourism Australia paid for FX conversion including encashment of FX on return to Australia (complete appropriate foreign currency claim form) Departure Tax: when paid separately at airports

8.5.2 What you CAN'T claim:-

Credit Card Interest - you should be able to avoid credit card cash advances by the use of travel advances and avoid purchase fees by acquitting your expenses before the statement due date. If necessary, you can split the expense acquittal to match the statement issuance dates.

Information provided must be accurate, legible and easy to reconcile.

List the items on the Expense Claim in the same order as the items on the T&E Statement.

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For entertainment/hospitality expenses, distinguish between personnel and include details of the company, guests' names and reason for entertainment/hospitality.

Include any charges, which appear on the T&E Statement on the Expense Claim.

Out of Pocket claims should not be mixed with T&E items when being listed on the Expense Claim form. Please use the date marked on the receipt in the column provided on the Expense Claim.

Rejection of Expense Claims - Any expenses claims that are not prepared in accordance with this policy will not be processed by Finance. It is up to the employee to correct the claim and re-submit it to Finance.

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Appendix A

Extract from Financial Delegations and Authorisation Manual

SCHEDULE

Part 6 – Travel

The power or function specified in an item in column 2 of the following Table is delegated to the person from time to time holding, or occupying, an office specified in column 3 of the item.

Item no. Value Limit Office / Grade

1. To authorise travel incurred by employees, and non-staff travelling on TA business, for intercontinental travel

Managing Director

2. To authorise travel incurred by employees and non-staff travelling on TA business, for intracontinental travel

within approved budgets

Managing Director

Executive General Managers

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Authorisation to Enter into a Commitment Requiring the Expenditure of Tourism Australia Money for Travel

I, Ken Boundy, Acting Managing Director of Tourism Australia:

1. authorise each person from time to time holding or occupying an office specified in the Column 2 to approve the expenditure of TA money on travel relating to projects ultimately under their control, which do not exceed the following amounts, in accordance with an approved Travel Requisition subject to the limitations set out in respect of that person in Column 1 of the table below.

Limitations Office

1. Limited to the authorisation of travel and the reimbursement of travel expenses,

incurred by employees, and non-staff travelling on TA business, for intercontinental travel approved by the

Managing Director

Executive General Managers

General Managers

International Corporate

Services Director

Regional Partnership Marketing

Managers

Directors

Deputy General Manager Japan

2. Limited to the authorisation of travel, incurred by employees, and non-staff

travelling on TA business, for approved intra-continental

General Managers

International Corporate

Services Director

Regional Partnership Marketing

Managers

Directors

Deputy General Manager Japan

3. Limited to the reimbursement of travel expenses, incurred by employees and nonstaff

travelling on TA business, under their responsibility for approved intracontinental Travel

Regional staff as listed under items 1-5 in the "Authorisation for the receipt and application of TA money"

4. Limited to the arrangement and booking of approved travel and accommodation, the issue of necessary Travel Orders and the approval of invoices for payment

Receptionist

Executive Assistant

Corporate Services Manager/Director

5. Limited to the arrangement and booking of travel and accommodation, the issue of necessary Travel Orders and the approval of invoices for payment, subject to and in accordance with approved VJP and Broadcast itineraries

International Media Coordinator

International Media Consultants

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Appendix B

Tourism Australia Corporate Travel Insurance

[to be updated]

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Tourism Australia

(Question No. 948)

Senator O'Brien asked the Minister representing the Minister for Small Business and Tourism, upon notice, on 9 June 2005:

With reference to the appointment of the General Manager of Corporate Affairs of Tourism Australia announced by media statement headlined: 'Tourism Australia Executive Leadership Team Recruits New Member':

(1) From whom and on what dates did:

(a) Talent 2 seek references about the successful candidate, either formally or informally;

(b) the Chair, any Board member or any employee or contractor of Tourism Australia seek references about the successful candidate, either formally or informally; and

(c) the Minister or any member of the Minister's staff seek references about the successful candidate, either formally or informally.

(2) (a) Who were the referees nominated by the successful candidate;

(b) when were the nominated referees contacted; and

(c) who made contact with the referees.

Senator Abetz—The Minister for Small Business and Tourism has provided the following answer to the honourable senator's question:

(1) (a) This is a matter for Talent 2.

(b) Candidates are required to supply references during the employment process.

(c) No.

(2) (a) This is a matter for Talent 2.

(b) This is a matter for Talent 2.

(c) This is a matter for Talent 2.

Tourism Australia

(Question No. 949)

Senator O'Brien asked the Minister representing the Minister for Small Business and Tourism, upon notice, on 9 June 2005:

With reference to the appointment of the General Manager of Corporate Affairs of Tourism Australia announced by media statement headlined: 'Tourism Australia Executive Leadership Team Recruits New Member':

(1) (a) Can information be provided on:

(i) the term of the General Manager's appointment,

(ii) the General Manager's annual salary, and

(iii) the rate and actual superannuation contribution made on behalf of the General Manager by Tourism Australia; and

(b) can a copy of the employment contract between the General Manager be provided; if not, why not.

(2) Does Tourism Australia supply the General Manager with a motor vehicle; if so:

(a) what type of vehicle;

(b) where is the vehicle garaged;

(c) what is the projected annual cost of fuel, insurance, registration and lease payments to be met by Tourism Australia; and

(d) what is the cost to date to Tourism Australia of the provision of the vehicle.

(3) Does Tourism Australia supply the General Manager with an expense account; if so:

(a) what is:

(i) the limit of the account,

(ii) the actual monthly expenditure on the account to date, and

(iii) the method of acquittal; and

(b) can a copy of the guidelines governing the use of the expense account be provided; if not, why not.

(4) Does Tourism Australia supply the General Manager with a credit card; if so:

(a) what is:

(i) the limit of the account,

(ii) the actual monthly expenditure on the account to date, and $8,521.16

(iii) the method of acquittal; and As per TA Guidelines

(b) can a copy of the guidelines governing the use of the credit card be provided; if not, why not.

(5) Does Tourism Australia supply the General Manager with a mobile telephone; if so:

(a) what limit applies to the use of the telephone for personal calls; and

(b) what is the total actual monthly cost to Tourism Australia of the mobile telephone service since 29 March 2005.

Senator Abetz—The Minister for Small Business and Tourism has provided the following answer to the honourable senator's question:

(1) (a) (i) and (ii) As per the contract approved by the Board of Tourism Australia.

(iii) The superannuation rate is 16% as per Public Sector Superannuation Scheme and actual amount included in the Board approved contract.

(b) No, employment contracts are private and confidential.

(2) No

(a) (b), (c) and (d) Not applicable.

(3) No

(a) (i), (ii), (iii) and (b) Not applicable.

(4) Yes

(a) (i) As per Tourism Australia guidelines ($10,000).

(ii) $8,521.16 year to date including airfares, accommodation and all travel expenses:

April $1,190.40

May $5,122.13

June $2,208.63

(iii) As per Tourism Australia Guidelines. See attached.

(5) Yes.

(a) There is no prescribed limit, but invoices are assessed monthly and acquitted by approving manager.

(b) Year to date: $593.47 including email costs:

May $325.39

June $268.08

Travel and Entertainment Card Guidelines

Definition Travel & Entertainment (T&E) cards are issued to frequent travellers and staff who need to engage in business entertaining. T&E Cards are issued to individuals. Financial liability, for business expenses only, rests with TA.

Guidelines A T&E Card may be issued to nominated employees whose job involves frequent travel and/or entertaining.

The Card cannot be issued to:

- Contractors;
- Casuals; and
- Trainees.

Personnel are selected to be Cardholders on the basis that they are trustworthy, sensible individuals who can be counted on to use the Card according to the guidelines and limits advised to them by their Managers. Managers must exercise firm control of T&E Cards and Cardholders under their responsibility.

T&E Card purchases may be transacted in person, by telephone, fax or mail.

Goods/services purchased by the card typically include:

- airfare;
- rail;
- car rental;
- gas/oil;
- hotels;
- restaurants; and

- taxi.

T&E Cards may not be used in Department Stores and Mail Order.

T&E Cards are to be used in accordance with the travel policy.

Nominating a Cardholder

Department Managers nominate appropriate Cardholders amongst their Department's personnel and notify the Financial Controller. The staff members are requested to complete an application form.

The completed and approved form is forwarded by internal mail to the Accounts Payable Officer in Sydney Finance.

Transaction and Monthly Value Limits

The Commission has established a monthly domestic limit of A$5,000 and international limit of A$10,000 per month.

In exceptional cases, higher limits may be set for individual Cardholders.

Department Managers recommend limit increase and obtain approval from the Director Corporate Services in such cases.

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Cardholder Responsibilities

The Cardholder is responsible to:

- Read and sign the Commission's Cardholders Consent.

- Use the Card according to the guidelines and limits advised to them by their Supervisors.

- Reconcile their monthly Cardholder Statements by 15th of the month and forward the documents to their manager (or their manager's manager if

their manager is absent) for approval.

- Make the first approach to the Card Provider when there are perceived errors on the Statement, involving the Accounts Payable Officer, only when

the individual's attempt at resolving the problem fails.

- Pass their reconciled statements, together with all associated receipts, to Finance for processing. If there are difficulties in effecting the

reconciliation which will cause delays, Cardholders are to notify the Accounts Payable Officer.

- Return the Card to the cardholder's manager when terminating employment, or when they no longer have a business need for the Card.

Nominees who are unwilling to accept these responsibilities will not be given a T&E Card. Individual Departments may introduce further controls.

Cardholder's Manager's Responsibility

Process promptly and approve reconciliation from their staff no later than 20th of each month and forward to Accounts Payable Officer in Finance.

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Expense Claim Report

A template will be provided by Finance for T&E Statement reconciliation.

- Available on the intranet:

Corporate Services > Finance > Finance Forms > Accounts Payable Forms

> Corporate Card Reconciliation

OR

Resources > Forms & Templates > Corporate Services Forms > Accounts

Payable > Corporate Card Reconciliation

- Information provided must be accurate, legible and easy to reconcile. To expedite clearing of your T&E account, ensure your claim equals to the

total due on the credit card statement.

- List the items on the Expense claim in the same order as the items on the credit card statement. Again, to expedite clearing, attach the receipts to

an A4 page to minimise the chance of receipts going astray. Note clearly where receipts are missing citing the reason for the expense and why the

receipt is not attached.

- For entertainment/hospitality expenses, attach the receipt to a completed Hospitality Attendee Details form.

- Include any finance charges which appear on the credit card statement on the Expense Claim. Allocate this amount to the Bank fee and charges

account.

- Each item on the Expense Claim must be categorised into one of the key areas listed, e.g. airfare, accommodation, meals, vehicle hire/taxi fare,

hospitality etc. Be sure to balance the total on the expense claim and cross check with credit card statement.

- Out of Pocket claims (cash or other personal credit card) should not be mixed with credit card items on the same Expense Claim form. Using the

Online Expense claim form for Out of Pocket expenses allows employees to be reimbursed quickly.

- Travel Requisition Form number (TR Number) is to be quoted on all travel related expenses.

- If part of the expenses for the same trip does not appear in the first statement, keep the supporting documents for the next statement.

- An electronic copy of the Corporate Card Monthly Statement Reconciliation form is to be submitted to "accountspayable" upon approval.

- All documentation is to be submitted to Finance at the end of each month enclosed within a sealed green/olive Staff Expense Claim envelope.

Rejection of Expense Claims

Any expense claims which is not prepared in accordance with this policy or lacking the appropriate supporting documents will be returned by Finance. It is the responsibility of the employee to correct the claim and re-submit it to Finance.

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Tourism Australia

(Question No. 950)

Senator O'Brien asked the Minister representing the Minister for Small Business and Tourism, upon notice, on 9 June 2005:

With reference to the appointment of the General Manager of Corporate Affairs of Tourism Australia announced by media statement headlined: 'Tourism Australia Executive Leadership Team Recruits New Member':

What background in tourism has the successful candidate had besides the 4 year role as a senior advisor to the former Minister for Small Business and Tourism (Mr Hockey).

Senator Abetz—The Minister for Small Business and Tourism has provided the following answer to the honourable senator's question:

The recruitment process was conducted by Talent 2 and short-listed candidates were determined by Talent 2.

Tourism Australia

(Question No. 951)

Senator O'Brien asked the Minister representing the Minister for Small Business and Tourism, upon notice, on 9 June 2005:

With reference to the appointment of the General Manager of Corporate Affairs of Tourism Australia announced by media statement headlined: 'Tourism Australia Executive Leadership Team Recruits New Member':

(1) Can information be provided on:

(a) how Talent 2 was selected to undertake the executive search process and who else was considered for this role;

(b) what the total cost was to the Commonwealth of Talent 2's services;

(c) how many candidates for the position were identified by Talent 2;

(d) how many candidates were interviewed by Talent 2;

(e) how many candidates were interviewed either formally or informally by:

(i) the Chair of Tourism Australia,

(ii) the Managing Director of Tourism Australia,

(iii) the Minister, and

(iv) the Prime Minister and/or his office and/or his department;

(f) who made the final decision;

(g) when the final decision was taken; and

(h) when the announcement made.

(2) Can a copy be provided of the job advertisement for the position.

(3) Can information be provided outlining:

(a) in which media outlets the advertisement was placed; and

(b) the date of each placement.

Senator Abetz—The Minister for Small Business and Tourism has provided the following answer to the honourable senator's question:

(1) (a) The Managing Director, after considering a range of recruitment agencies, made the appointment based on the reputation in the marketplace of Talent 2 as a specialist in the field of public affairs and government relations.

(b) $27,215.10

(c) Talent 2 identified a range of candidates.

(d) This is a matter for Talent 2.

(e) (i) No candidates were interviewed by the Chair of the Tourism Australia Board.

(ii) More than one candidate was interviewed by the Managing Director of Tourism Australia.

(iii) No candidates were interviewed by the Minister.

(iv) No candidates were interviewed by the Prime Minister and/or his office and/or his department

(f) The Board of Tourism Australia made the final decision.

(g) The Tourism Australia Board made the final decision on 9 March 2005.

(h) The announcement was made on 18 March 2005.

(2) See attached.

(3) (a) Australian Financial Review, Sydney Morning Herald and Seek Executive.

(b) 22/1/05 AFR, 22/1/05 SMH and a Seek Executive advertisement was placed by Talent2 on 20 January 2005.


Corporate Affairs Manager
> Media, government and issues management focus
> Executive level package
Tourism Australia
Tourism Australia is responsible for the global marketing of Australia as a preferred tourism destination. It is one of the most innovative and successful tourism marketing organisations in the world.
Reporting to the MD, this strategic role has responsibility for the reputation management and influence of Tourism Australia with media, government, industry and stakeholders through the leadership and management of the team across government relations, media, PR, internal and corporate communications.
You will have a strong track record in developing and implementing media, issues management, government relations and advocacy strategy as well as day to day media management. You will have extensive networks in government and media, a thorough knowledge of the political, government and policy development process and outstanding communication and people management skills. Experience in tourism would be advantageous.
For more information visit www.talent2.com.au and enter AFR25000 or you can call Amanda Burke at Talent2 on (02) 9087 6230.
talent2
it's who you know

Medibank Private

(Question No. 952)

Senator O'Brien asked the Minister for Finance and Administration, upon notice, on 9 June 2005:

(1) By federal electorate, what is the current location and address of each Medibank Private office.

(2) For each of the past 3 financial years and for the 2004-05 financial year to date, by federal electorate, what is the location and address of each Medibank Private office which has been closed.

(3) For the 2005-06 financial year, by federal electorate, what is the location and address of each Medibank Private office scheduled for closure.

Senator Minchin—The answer to the honourable senator's question is as follows:

(1) Medibank Private Limited (Medibank) is the only private health insurance fund with a national network of retail centres. The current location and address of each retail centre by Federal electorate is provided at Attachment A.

(2) Medibank closed 5 retail centres in the 2004-05 financial year (table below refers). No retail centres were closed in the financial years 2001-02, 2002-03 or 2003-04, however, over the same period, Medibank opened an additional 3 retail centres.

Retail Centre	Address	Electorate	Date Closed
Chirnside Park	Shop 715 Chirnside Park Shopping Centre Maroondah Hwy CHIRNSIDE PARK VIC 3116	Casey	15 January 2005
Coburg	451-459 Sydney Road COBURG VIC 3058	Wills	15 January 2005
Warriewood (in-store)	37-38 Warriewood Square WARRIEWOOD NSW 2102	Mackellar	15 January 2005
Roselands (instore)	Shop L25 Roselands Centre ROSELANDS NSW 2196	Blaxland	15 January 2005
Eastwood (instore)	133 Rowe Street EASTWOOD NSW 2122	Bennelong	14 May 2005

Note: This list includes instore offices. These are retail outlets operated by private vendors such as pharmacies, which offer members a point of contact and member processing facilities.

(3) Medibank has no current plans to close any retail centres in the current financial year, though Medibank is constantly reviewing its retail network.

ATTACHMENT A

Retail Centre	Address	Electorate
South Australia		
Adelaide (city) 5000	75 Gawler Place	Adelaide
Oaklands Park 5046	Shop 1039 Westfield Shoppingtown 297 Diagonal Rd Oaklands Park	Boothby
Modbury 5092	Shop 9A Tea Tree Plus Shopping Centre 1020 North East Rd	Makin
Unley 5061	Shop 42A Unley Shopping Centre 204 Unley Rd	Adelaide
West Lakes 5021	Amcal Pharmcay Shop 56 Ground Floor West Lakes Mall	Hindmarsh

Retail Centre	Address	Electorate
Victoria		
Airport West 3042	Shop 76 Westfield Shoppingtown Louis St	Maribyrnong
Ballarat 3350	Shop 48 Central Square Armstrong St	Ballarat
Bendigo 3550	Units 1&2 Centreway Arcade 10 Queen St	Bendigo
Broadmeadows 3047	Shop G.60B Broadmeadows Town Centre 1099-1169 Pascoe Vale Rd	Calwell
Camberwell 3124	503 Riversdale Rd Camberwell	Kooyong
Chadstone 3148	Shop F7 Chadstone Shopping Centre Princes Hwy	Chisholm
Dandenong 3175	Shop 325 Level 3 Dandenong Plaza (Cnr Walker & McCrae Sts)	Bruce
Doncaster 3108	Shop 277 Westfield Shoppingtown 619 Doncaster Rd	Menzies
Elsternwick 3185	486 Glenhuntly Rd	Melbourne Ports
Forest Hill 3131	Shop 135-136 Forest Hill Chase Shopping Centre Canterbury Rd	Deakin
Fountain Gate 3805	Shop 2019 Fountain Gate Shoppingtown Princes Hwy	Holt
Frankston 3199	Level 3 Bayside Shopping Centre 28 Beach St	Dunkley
Melbourne (city) 3000	Shop E27 The Galleria, 385 Bourke St	Melbourne
Geelong 3220	Level 1 Market Square Shopping Centre Moorabool St	Corio
Glen Waverley 3150	Shop 176 The Glen Shopping Centre 235 Springvale Rd	Chisholm
Greensborough 3088	Shop 103A Greensborough Plaza 25 Main Rd	Jagajaga
Highpoint Maribyrnong 3032	Shop 2091 Level 2 Highpoint Shopping Centre 200 Rosamond Rd Maribyrnong	Gellibrand
Wantirna South 3152	Shop 2081A Knox City Shopping Centre (Cnr Burwood Hwy & Stud Rd) Wantirna South	Aston
Melbourne 3000	QV Newsagency, Shop 57-59, Level 1, QV bound by Lonsdale, Russell and Swanston Street's, Melbourne	Melbourne
Preston 3072	Shop F01 Northland Shopping Centre Murray Rd Preston	Batman
Prahran 3181	Shop G38 Prahran Central Commercial Rd	Higgins
Ringwood 3134	Shop L04 Eastland Shopping Centre Maroondah Hwy	Deakin
Shepparton 3630	Matthew Webb Pharmacist Advice 248-250 Wyndham St	Murray
Cheltenham 3192	Shop 2079 Level 2 Southland Shopping Centre Nepean Hwy Cheltenham	Hotham
Traralgon 3844	Lifetime Health Pharmacy 92-102 Franklin St	Gippsland
Warrnambool 3280	Healthwise Pharmacy 161 Liebig St	Wannon
Taylors Lakes 3038	Terry White Chemist Shop 23-24 Watergardens Shopping Centre Melton Hwy Taylors Lakes	Gorton
Werribee 3030	Guardian Pharmacy Shop T 109 Werribee Plaza Shopping Centre (Cnr Heaths & Derrimut Rds)	Lalor

Retail Centre	Address	Electorate
Tasmania		
Glenorchy 7010	Elizabeth Hope Pharmacy 346 Main St	Denison
Hobart 7000	115 Collins St	Denison
Kingston 7050	Australia Post Shop Shop 17 Channel Court Shopping Centre Channel Highway	Franklin
Launceston 7250	Shop 1, 13 The Quadrant Mall	Bass
Rosny Mall 7018	Suite 8 2 Bayfield St (until 12.00 pm 23/6/05), Shop 2/17a Bligh Street Rosny Park (from 31/7/05)	Franklin
New South Wales		
Albury 2640	Shop 4 & 5 501 Dean St	Farrer
Armidale 2350	Shop 14 Kmart Plaza Beardy St	New England
Bankstown 2200	Shop 4 Podium level Bankstown Shopping Centre North Terrace	Blaxland
Blacktown 2148	Shop 27B2 Patrick Court Westpoint Market Town Patrick St	Greenway
Bondi Junction 2022	Shop 4 Tiffany Plaza 422 Oxford St	Wentworth
Broken Hill 2880	Shop 17 - 19 Exchange Arcade, Argent St	Parkes
Brookvale 2100	Shop 187 Warringah Mall (Cnr Condamine & Pittwater Rds)	Warringah
Burwood 2134	Shop 325 Westfield Shopping Town 100 Burwood Rd	Lowe
Campbelltown 2560	Shop U60 Campbelltown Mall 271 Queen St	MacArthur
Castle Hill 2154	Shop 499 Castle Towers Shopping Centre Castle St	Mitchell
Charlestown 2290	Shop 121B Lower Level 01 Charlestown Shopping Centre Pearson St	Charlton
Chatswood 2067	261 Westfield Shoppingtown 1 Anderson St	Bradfield
Coffs Harbour 2450	Terry White Pharmacy Shop 51 Park Beach Plaza Pacific Hwy	Cowper
Dubbo 2830	Shop 32 Dubbo City Centre 177 Macquarie St	Parkes
Erina 2250	Shop T378 Erina Fair Shopping Centre Terrigal Dr	Robertson
Haymarket (Sydney) 2000	9.15 World Square 644 George St	Sydney
Hornsby 2077	Shop 3106 Westfield Shoppingtown (Cnr Edgeworth David Dr & George St)	Berowra
Hurstville 2220	Shop 211 Westfield Shoppingtown (Cnr Park & Cross Sts)	Watson
Kensington 2033	University of New South Wales Shop 4 The Block Anzac Pde Kensington	Kingsford Smith
Lismore 2480	Shop 3 Lismore Central Shopping Centre 36-42 Carrington St	Page
Liverpool 2170	Shop 17 Liverpool Plaza 165-191 Macquarie St	Fowler
Miranda 2228	Shop 1013A Level 1 Westfield Shoppingtown 600 The Kings Way	Cook
North Ryde 2113	Shop 47 Level 2 Macquarie Centre	Bennelong
North Sydney 2060	Shop C10 11 Greenwood Plaza (Cnr Pacific Hwy & Miller St)	North Sydney

Retail Centre	Address	Electorate
Orange 2800	Blooms the Chemist Shop 19 Metro Plaza 227 Summer St	Calare
Pagewood 2036	Shop 229 Westfield Shoppingtown Eastgardens 152 Bunnerong Rd	Kingsford Smith
Parramatta 2150	Shop 1134-1135 Level 1 Westfield Shoppingtown 159-175 Church St	Parramatta
Penrith 2750	Shop L01060 Penrith Plaza Riley St	Lindsay
Sydney (Martin Place) 2000	32 Martin Place	Sydney
Tamworth 2340	Shop 21 Tamworth Shoppingworld (Cnr Bridge & Denne Sts)	New England
Tweed Heads 2485	Shop 17B Tweed Mall Shopping Centre (Cnr Wharf & Bay Streets)	Richmond
Wagga Wagga 2650	Shop 3 80 Bayliss St	Riverina
Wollongong 2500	131 Crown St	Cunningham
Australian Capital Territory		
Belconnen 2617	Shop 140 Level 3 Belconnen Mall Westfield Shoppingtown Benjamin Way	Fraser
Civic 2608	Shop CG09 The Canberra Centre City Walk	Fraser
Woden 2606	Shop GD09 Palm Court Woden Plaza Keltie St Phillip	Canberra
Queensland		
Southport 4215	Shop 1038 Australia Fair Shopping Centre 42 Marine Pde	Moncrief
Brisbane 4000	Shop Q230-232 Wintergarden Centre 171-209 Queen St Mall	Brisbane
Broadbeach 4218	Shop 84 Pacific Fair Shopping Centre Hooker Blvd Broadbeach	Moncrief
Michelton 4053	Shop 82 Brookside Shopping Centre Osbourne Rd Mitchelton	Brisbane
Cairns 4870	Shop 19 Cairns Central Shopping Centre 50 McLeod St	Leichhardt
Capalaba 4157	Shop 80 Capalaba Park Shopping Centre (Cnr Mt Cotton & Redland Bay Rds)	Bowman
Chermside 4032	Shop 218 Westfield Shoppingtown Gympie Rd	Lilley
Carindale 4152	Shop 1028 Westfield Carindale Shopping Centre Creek Rd	Bonner
Gladstone 4680	Shop 10 The Palms Shopping Centre Herbert St	Hinkler
Indooroopilly 4068	Shop 1024 Westfield Shoppingtown 318 Moggill Rd	Ryan
Ipswich 4305	Shop 240 Ipswich City Square Nicholas St	Blair
Kippa-Ring 4021	Shop 47 Kippa-Ring Village Anzac Ave	Petrie
Loganholme 4129	Shop 104 Logan Hyperdome (Cnr Bryants Rd & Pacific Hwy)	Rankin
Mackay 4740	Shop 47 Caneland Shopping Centre (Cnr Victoria St & Mangrove Rd)	Dawson

Retail Centre	Address	Electorate
Maroochydore 4558	Shop 241 Sunshine Plaza (Cnr Horton & Plaza Pde)	Fairfax
Rockhampton 4701	Shop 19-20 Kmart Plaza Shopping Centre Musgrave St	Capricornia
Toowoomba 4350	Shop 59 - 60 Grand Central Shopping Centre (Cnr Dent & Margaret Sts)	Groom
Townsville 4810	Shop 62 Stockland Plaza Ross River Rd	Herbert
Bundaberg West 4670	Shop 351 Sugarland Shoppingtown 115-119 Takalvan St	Hinkler
Mt Gravatt 4122	Shop 1048 Garden City Shopping Centre (Cnr Kessels & Logan Roads) Upper Mt Gravatt Upper	Bonner
Northern Territory		
Casuarina 0810	Casuarina Shopping Centre Trower Rd	Solomon
Western Australia		
Booragoon 6154	Shop 2 Garden City Shopping Centre 125 Riseley St	Tangney
Cannington 6107	Shop 1121 Westfield Shopping town, Albany Hwy	Swan
Fremantle 6160	11A Queen St	Freemantle
Joondalup 6027	Shop T59 Lakeside Shopping Centre 420 Joondalup Dr	Moore
Karrinyup 6018	Shop 155 Karrinyup Shopping Centre Karrinyup Rd	Stirling
Midland 6056	Midland Gate AMCAL Shop 51-52 Midland Gate Shopping Centre The Crescent	Hasluck
Morley 6062	Shop 1086 Galleria Shopping Centre (Cnr Walter & Collier Rds)	Perth
Perth (City) 6000	Ground Floor 111 St George's Terrace	Perth

Digital Radio

(Question No. 965)

Senator Conroy asked the Minister for Communications, Information Technology and the Arts, upon notice, on 16 June 2005:

With reference to the Government's plans to introduce a policy framework for the introduction of digital radio:

(1) (a) Will the Government's framework: (i) provide equitable access to the digital radio VHF and L-Band spectrum; (ii) promote modern spectrally efficient audio encoding; (iii) ensure more program choice, and promote effective competition; (iv) ensure that all Australians, including those in rural and remote areas, have timely access to the benefits of high fidelity digital radio technology services; and (b) what safeguards will be incorporated in the new policy framework to achieve these objectives.

(2) Does the Minister agree that in planning for the introduction of digital radio, it is important that all Australians, including those in rural and remote areas, have timely access to the benefits of high quality digital radio technology.

(3) In developing the new policy framework for digital radio will the Minister ensure that both satellite and terrestrial digital radio delivery platforms will be available to all Australians.

(4) (a) Can the Minister confirm that the Government allowed the Australian digital radio satellite (DBStar) orbit reservation to lapse in 2004; and (b) if so, can the Minister explain why the Government failed to take steps to preserve the orbit reservation.

Senator Coonan—The answer to the honourable senator's question is as follows:

(1) (a) and (b) The Government will elaborate on a framework for the introduction of digital radio at the appropriate time.

(2) Yes. In December 2004, the Government released broad policy principles to guide its consideration of digital radio issues which included a commitment to ensuring that all Australians, regardless of where they live, have access to the best radio services possible, and noted that in choosing suitable digital radio technology, the ability to serve metropolitan, regional and rural areas in a viable fashion is an important factor to be considered.

(3) See parts (1) and (2).

(4) (a) and (b) The Australian digital radio satellite (DBStar) orbit reservation lapsed in 2003. This orbit reservation, to provide for the delivery of digital radio services throughout Australia and the region, was originally filed in 1993 and published by the International Telecommunication Union (ITU) in 1994. Under ITU regulations the maximum period during which a satellite network had to be brought into use using the DBStar filing ended in May 2003. It lapsed at that time as no operator was prepared to take up the assignment. The Australian Communications and Media Authority has recently submitted a proposal to the ITU for a new filing for a digital radio satellite.

Power Assisted Bicycles

(Question No. 975)

Senator Brown asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 23 June 2005:

With reference to the rule that for power-assisted bicycles to be exempt from Australian Motor Vehicle Standards the motor must have a power of less than 200 Watts, and that this is considerably less than the threshold which applies in many other countries:

(1) When was the last official review of this regulation, or of the way in which it is interpreted within the various state and territory States and Territories.

(2) Is any such review currently in place; if so: (a) which body is conducting the review; (b) what are its terms of reference; (c) is there an opportunity for public input; if so, where should submissions be directed; and (d) will a report on the findings of the review be published; if so, where.

(3) If there is no current review, is any future review scheduled or planned; if so: (a) will the terms of reference of the review be published, if so, where; (b) when will this review take place; (c) which body will conduct the review; and (d) will a report on the findings of the review be published; if so, where.

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

(1) There has been no formal review of vehicle categorisation codes since the enactment of the Motor Vehicle Standards Act 1989.

(2) No.

(3) No.

Transport and Regional Services: Grants

(Question No. 983)

Senator O'Brien asked the Minister representing the Minister for Transport and Regional Services, in writing, on 24 June 2005:

For each of the financial years 2001-02, 2002-03, 2003-04 and 2004-05, has the Minister, the department or any agency or statutory authority for which the Minister is responsible, made grants or other payments to business organisations and/or associations, including but not necessarily limited to peak employer groups; if so, can information be provided for each grant or other payment including: (a) the name and address of the recipient organisation; (b) the quantum and purpose of the payment; (c) the name of the program under which the grant or other payment was funded; (d) who approved the grant or other payment; and (e) whether the grant or payment was successfully acquitted; if so, when; if not, can details be provided, including action taken to recover the grant or other payment.

Senator Ian Campbell—The Minister for Transport and Regional Services has provided the following answer to the Senator's question.

Given the broad nature of the question, to prepare a detailed response would involve a significant diversion of departmental and agency resources which I am not prepared to authorise.

However, details of major payments made by the Department of Transport and Regional Services can be found in the Department's annual report. This is available on their website www.dotars.gov.au. The site also contains information on the programmes administered by my department.

In relation to grants made under regional programmes, an internet based resource is available that enables a search for details of all approved grants according to programme, State and location. The direct link to this resource is:

http://dynamic.dotars.gov.au/regional/approved_grants/grants_all.cfm

The annual reports for the agencies within my portfolio are also available online:

Australian Maritime Safety Authority	www.amsa.gov.au
Airservices Australia	www.airservices.gov.au
Civil Aviation Safety Authority	www.casa.gov.au
National Capital Authority	www.nationalcapital.gov.au

Foreign Affairs and Trade: Grants

(Question No. 985)

Senator O'Brien asked the Minister representing the Minister for Trade, upon notice, on 24 June 2005:

For each of the financial years 2001-02, 2002-03, 2003-04 and 2004-05, has the Minister, the department or any agency or statutory authority for which the Minister is responsible, made grants or other payments to business organisations and/or associations, including but not necessarily limited to peak employer groups; if so, can information be provided for each grant or other payment including: (a) the name and address of the recipient organisation; (b) the quantum and purpose of the payment; (c) the name of the program under which the grant or other payment was funded; (d) who approved the grant or other payment; and (e) whether the grant or payment was successfully acquitted; if so, when; if not, can details be provided, including action taken to recover the grant or other payment.

Senator Hill—The following answer has been provided by the Minister for Trade to the honourable senator's question:

To obtain the information requested would involve a significant diversion of resources and in the circumstances I do not consider the additional work can be justified.

Transport and Regional Services: Grants

(Question No. 1009)

Senator O'Brien asked the Minister representing the Minister for Local Government, Territories and Roads, upon notice, on 24 June 2005:

For each of the financial years 2001-02, 2002-03, 2003-04 and 2004-05, has the Minister, the department or any agency or statutory authority for which the Minister is responsible, made grants or other payments to business organisations and/or associations, including but not necessarily limited to peak employer groups; if so, can information be provided for each grant or other payment including: (a) the name and address of the recipient organisation; (b) the quantum and purpose of the payment; (c) the name of the program under which the grant or other payment was funded; (d) who approved the grant or other payment; and (e) whether the grant or payment was successfully acquitted; if so, when; if not, can details be provided, including action taken to recover the grant or other payment.

Senator Ian Campbell—The Minister for Local Government, Territories and Roads has provided the following answer to the senator's question.

Given the broad nature of the question, to prepare a detailed response would involve a significant diversion of departmental and agency resources which I am not prepared to authorise.

However, details major payments made by the Department of Transport and Regional Services can be found in their annual report. This is available on their website www.dotars.gov.au. The site also contains information on the programmes administered by the department.

In relation to grants made under regional programmes, an internet based resource is available that enables a search for details of all approved grants according to programme, State and location. The direct link to this resource is:

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Airservices Australia	www.airservices.gov.au
Civil Aviation Safety Authority	www.casa.gov.au
National Capital Authority	www.nationalcapital.gov.au

Australian Customs Service: Part-Time Employees Trial

(Question No. 1020)

Senator Ludwig asked the Minister for Justice and Customs, upon notice, on 8 July 2005:

(1) What powers: (a) will the proposed trial part-time employees be able to exercise under the Customs Act 1901; and (b) are other employees able to exercise that the proposed trial part-time employees will not be able to.

(2) Will the proposed trial part-time employees be Australian Customs Service (ACS) officers for the purposes of the Act; if not, why not and how will they be classified.

(3) (a) What duties will the proposed trial part-time employees be able to exercise, compared to the full-time employees; (b) of the duties which they will be able to exercise, which duties will they be normally exercising; and (c) will they be required to exercise other duties or perform other roles in case of a shortfall of staff in another area.

(4) Can information be provided specifying: (a) which training modules are offered to new employees (i.e. other than the proposed trial part-time employees); and (b) which training modules are offered to the proposed trial part-time employees.

(5) How much training is being given to proposed trial part-time employees, in comparison to the training given to other employees.

(6) Have any guarantees been provided by ACS to its employees that the work of proposed trial part-time employees will not be extended to the entry desks; if so: (a) can details of the guarantee be provided; and (b) when and how was this guarantee given.

(7) (a) What supervision will be afforded to each of the proposed trial part-time employees; and (b) what is the ratio of supervisors to: (i) proposed trial part-time employees, and (ii) to other employees performing the same duties.

(8) Will extra supervisors be required for the trial; if so: (a) how many; (b) were they sourced and where from; and (c) were any specific groups targeted; if so, which ones and why.

(9) For the proposed trial part-time employees: (a) what conditions of employment are being offered; (b) what annual leave, sick leave and other leave entitlements are being offered; (c) what rate of pay will the employees receive; (d) will this rate of pay be hourly or weekly; (e) what overtime entitlements will be offered; (f) what equivalent level in relation to an ACS officer will they be employed at; (g) what contract will the employees be offered; and (h) can a copy be provided of each employee's contract; if not, why not.

(10) Were the positions for the proposed trial part-time employees advertised; if so: (a) can a copy be provided of the advertisement; (b) where and when was it advertised; and (c) what was the cost of the advertisement.

(11) Was the advertisement targeted towards specific groups; if so, which groups and why.

(12) (a) How many applications for the positions were received; (b) when was the cut-off date for the receipt of applications; (c) what was the interview process; and (d) was it the same as the process for other employees; if not, how did it differ.

(13) (a) What security checks have been undertaken by ACS for each part-time employee; and (b) are these the same as the normal security checks.

(14) (a) How many applicants were rejected because of security issues; and (b) does this represent a higher or lower proportion of rejections due to security issues than the regular intake; if so, can a comparison be provided.

(15) (a) Can details be provided of the interview process, including details of various stages and interview techniques; and (b) did role-playing form a part of this process; if so, can a description be given.

(16) Was the trial a departmental or a ministerial initiative.

(17) With reference to the decision to trial the employment of part-time employees at Sydney and Adelaide: (a) how and when was the decision made; (b) who made the decision; (c) what discussions and consultations with current employees have been undertaken by ACS and can a copy be provided of those minutes, circulars and newsletters; (d) what options were considered prior to the decision to use part-time employees to deal with peak workloads; and (e) was a discussion paper produced prior to the trial being commenced; if so, can a copy be provided.

(18) When was the need for the trial identified.

(19) (a) Has this been referred to the Airport Security Investigation; and (b) have airport owners been consulted.

(20) When was the Minister's office notified of this plan.

(21) What is the projected workload for ACS officers at each airport in the various roles they perform.

(22) What is the expected workload in each international airport.

(23) Are projected figures for the next 12 months available; if not, why not; if so, can a copy of the figures be provided.

(24) (a) When and how was the need for extra staff for peak periods at international airports first recognised; (b) can figures be provided from 2001 including the projected increase in work load requirements; and (c) can the figures relating to passenger movements be split between entry desk processing and exit desk processing.

(25) Is a review of the trial scheduled at the completion of the 3 months trial period; if so, can a copy be provided when it is available.

(26) (a) What, if any, guarantees have been given to the part-time employees about their future employment with ACS after the completion of the trial; and (b) can a copy of the guarantee be provided.

(27) Has the measure been fully costed; if so, what is the expected cost.

(28) (a) What are the current passenger processing target times; and (b) do these target times vary based on: (i) airport, (ii) time of day, (iii) time of year, (iv) or any other factors; if so, can a copy be provided of the variations.

(29) For each airport, what percentage of passengers are processed: (a) within the target time; (b) more than 50 per cent but less than 100 per cent outside of the target times; (c) more than 100 per cent but less than 200 per cent outside of the target times; and (d) more than 200 per cent outside of the target times.

(30) Who sets the targets for passenger processing times and how often are they revised.

(31) (a) When was the last revision; and (b) what was the outcome.

(32) What arrangements, if any, are in place which require the proposed part-time trial employees to be recalled where they may have been involved in a prosecution of a suspected breach of the Customs legislation.

(33) (a) What arrangements are in place to protect part-time employees from any potential litigation arising from their work; and (b) what workplace workers' compensation provisions apply to the 23 proposed part-time trial employees.

(34) Are any of the 23 proposed part-time trial employees former ACS employees; if so, how many.

(35) Did the Minister consider an approach of Surge Capacity Building, such as used by the Australian Federal Police and other agencies; if so: (a) what was the nature of those considerations and why was the approach ultimately rejected; and (b) were any discussion papers or reports produced; if so, can copies be provided; if not, why not.

Senator Ellison—The answer to the honourable senator's question is as follows:

(1) (a) The Customs intermittent employees are able to exercise the following powers under the Customs Act 1901:

Section 195 - Power to question passengers etc.

(b) Other Customs employees are allowed to exercise additional powers upon the successful completion of training relevant to that power.

(2) All Customs employees are employed under the Public Service Act 1999. To date, employment in Customs has been predominantly under Sections 22(2)(a) and (b) of the Public Service Act 1999 which covers employees engaged on an ongoing basis or for a specified term or for the duration of a specified task. Such employees may be employed to work on either a part time or full time basis. The employees participating in the trial are classified as irregular and intermittent employees and are employed under section 22(2)(c) of the Public Service Act 1999. Locally these employees will be known as Customs Intermittent Employees (CIEs). The CIEs are Customs Officers and are

classified as Customs Level 1, work value 2 employees, due to the narrow range of duties (outwards Primary Processing only) to be undertaken.

(3) (a) The duties of Customs intermittent employees will be limited to clearance functions at the outwards primary line.

(b) The intermittent employees will only exercise duties related to the outwards clearance of passengers and crew.

(c) No.

(4) Customs employees who are recruited as Customs Trainees are required to complete a Certificate level III in Government and complete the following mandatory modules:

- Uphold the Values and Principles of the Public Service
- Comply with Legislation in the Public Sector
- Work Effectively in the Organisation
- Contribute to Workgroup Activities
- Work Effectively with Diversity
- Follow Defined Occupational Health and Safety Policies and Procedures
- Communicate in the Workplace
- Exercise Regulatory Powers
- Prepare Evidence
- Conduct Records of Interview
- Make Arrest

Other work specific training including the Passenger Clearance Course may be conducted depending on the work placement of the recruits.

CIEs complete a training course that includes the full Passenger Clearance Course and the following subject matter:

- Airport Briefing (structure and functions)
- Communication in the Workplace (including client service)
- Comply with legislation in the Public Sector
- Uphold the Values and Principles of the Public Service
- Working with Diversity
- OH&S
- Role of a Primary Officer
- Powers of Officers
- Passenger Concessions
- Passenger Cards
- PACE
- Outwards alerts processing
- Security Awareness.

While the CIEs may receive statements of attainment when they have successfully completed these courses, they will not complete the full range of courses required for a Certificate III in Government.

(5) CIEs will be required to undertake a three-week training course. Customs Trainees are required to complete a training course that is usually 6 months in duration and involves 10-12 weeks classroom theory while the remainder involves structured practical work placements.

(6) Existing employees and CIEs have been told that during the twelve-month trial, their duties will only comprise outwards passenger processing.

(7) (a) Each intermittent employee will be supervised by the Level 2 Compliance Team Leader responsible for the Outwards Control Point (OCP).

(b) The Level 2 Compliance Team Leader responsible for the OCP can supervise between 2 (min) and 20 (max) staff throughout a shift. The number of staff assigned to the Outwards clearance duties changes through the day (hour by hour) in-line with departing passenger numbers. The supervisory ratio will change throughout the day and depends on the number of CIEs/fulltime staff on station.

(8) No extra supervisors are required for the trial.

(9) (a) The CIEs are offered the conditions of employment detailed in the Australian Customs Service Certified Agreement 2004-2007.

(b) CIEs do not accrue any leave except long service leave. The CIEs receive a 15% loading on top of their hourly rate as payment in lieu of accrued leave and payment for public holidays not worked.

(c) and (d). The CIEs will be paid on an hourly rate commensurate with the classification and their age. These rates are

18 years	$11.62 (plus $1.74 loading)
19 years	$13.44 (plus $2.02 loading)
20 years	$15.10 (plus $2.27 loading)
Adult	$16.58 (plus $2.48 loading)

(e) CIEs will only be paid overtime if they work in excess of the hours they agreed to work for each attendance. Overtime will be paid at the applicable rates as determined in the Certified Agreement.

Monday to Friday - time and a half for the first 3 hours each day and double-time thereafter;

Saturday - time and a half for the first 3 hours each day and double time thereafter;

Sunday - double time; and

Public Holidays - double time and a half.

(f) CIEs are classified as Customs Level 1 work value 2. Customs Officers are classified as Customs Level 1 work value 3 in recognition of the completion of the Customs Trainee course (a progression barrier from work value 2 to 3) and the greater complexity of their work.

(g) The Australian Public Service can enter into an overarching employment relationship with persons engaged for duties that are irregular or intermittent under section 22(2)(c) of the Public Service Act 1999, in order to ensure that a group of employees is available to perform work as needed. Customs has entered into such an employment relationship with the CIEs.

(h) Identical offers of employment and Notices of Engagement were sent to all CIEs. The only varying details were location of training between Adelaide and Sydney, personal details and hourly rate offered depending on age. A copy without the personal details of the employees is attached.

(10) To determine whether the use of irregular and intermittent employees was a potential option for Customs, DFP Recruitment Services Pty Ltd, on behalf of Customs, developed a survey to determine if an interest existed in the type of employment Customs was offering.

(a) A copy of the advertisement is attached.

(b) An advertisement for the survey was publicised. The Sydney Morning Herald and the Adelaide Advertiser carried advertisements on 28 January 2005, referring potentially interested parties to the online Internet survey. The advertisement did not identify Customs as the employer. The survey was readvertised on 5 February 2005 and also in Sydney local papers in March 2005. Additionally the survey was advertised on TAFE and university websites and on the SEEK website.

(c) The total cost of the advertisements in both Adelaide and Sydney was $13 687.43.

(11) The advertisements were targeted at two specific groups people who choose not to work full time or regular hours, including retirees, and students as these were deemed to be groups of employees who might be particularly attracted to intermittent work.

(12) DFP Recruitment Services Pty Ltd wrote to all those who responded positively to the survey and sent them information regarding the positions Customs was offering.

(a) In Sydney a total of 155 completed applications were received and in Adelaide 160 completed applications were received.

(b) The close off date for applications was 20 May 2005. The date was extended to 27 May in Sydney due to the later date scheduled for the assessment of candidates.

(c) The interview process included a number of assessment methodologies. Computer testing was conducted to assess checking, processing skills, and working styles. Behavioural exercises were conducted in simulated job related activities and included a role play, a group exercise and a behavioural event interview.

(d) The process is similar but not identical with the process used to assess applicants for Customs Trainee positions. The process undertaken for CIEs was not as extensive and did not include Australian Institute of Forensic Science testing. Candidates were also assessed against selection criteria, commensurate with the level and complexity of the work to be undertaken.

(13) The security checks undertaken for the intermittent staff project were carried out in accordance with the Commonwealth Protective Security Manual for the clearance level of Protected (refer Part D paragraphs 6.48 to 6.91). These checks included obtaining a completed security pack from the applicant and documents relating to the applicant's life circumstances and history were collected. As part of the process, address and police checks were carried out, as well as the checking of relevant Customs databases. A Protected clearance is the minimum level of clearance for all staff and contractors gaining access to Customs premises and/or information.

(14) No applicants were rejected because of the security clearance process, although one applicant's clearance could not be finalised by the required deadline due to a number of outstanding queries, and therefore, no offer of employment was made to this applicant.

(15) (a) As detailed in 12 (c). The interview or assessment process involved a number of assessment tools including computer-based testing, a group exercise, role play and a behavioural interview. The behavioural interview involves asking questions, which seek specific examples of past experiences to allow the interviewer to assess how the applicant responded to particular situations. The questions focus on the job capabilities and look for past evidence of the behaviours that are required.

(b) A short one-to-one role play was conducted with each candidate using a work-related scenario. The role play examined customer service, communication and interpersonal skills.

(16) The trial was a department initiative.

(17) (a) The decision to trial the employment of irregular or intermittent employees was made on 10 March 2005 after consideration was given to the results of the Flexible Employment Survey conducted on behalf of Customs by DFP Recruitment Pty Ltd

(b) The decision was made by the Steering Committee of the Recruitment Strategies Project.

(c) All Staff Messages were circulated on 28 January 2005, 11 April 2005 and a brief prepared for Managers for discussion with staff was distributed. Copies of these are attached.

(d) A number of options were considered including the identification of critical positions and functions that had to be performed during seasonal peak periods and the redeployment of staff from non-critical areas to the critical areas. Some restrictions on staff accessing leave during seasonal peaks were put in place as well as staff being requested to perform extra duty if required.

(e) No consolidated discussion paper was produced prior to the trial being commenced. Various perspectives were sought on particular issues and individual briefings were provided as required.

(18) November 2004.

(19) (a) No.

(b) Airport owners have not been consulted, as adequate staffing is an issue for Customs. Airport owners are likely to welcome additional staff as it will improve passenger facilitation.

(20) The Minister's office was notified on 29 January 2005.

(21) Customs processed 20,695,932 passengers at international airports and 33,149 at other airports last financial year. Workload included the inwards and outwards clearance of passengers and crew, risk assessment of passengers for border protection purposes, examination of passengers and baggage and air border security functions.

(22) The workload at each international airport was

Airport	Passenger Numbers 04/05	Increase from 03/04
Brisbane	3,602,659	18.6%
Melbourne	4,303,870	14.4%
Sydney	9,258,729	7.8%
Adelaide	328,052	26%
Cairns	859,138	6.5%
Coolangatta	197,924	11.7%
Darwin	155,291	9.4%
Perth	1,989,729	12.1%

(23) The Tourism Forecasting Council predicts passenger numbers to grow by more than 5% this financial year.

(24) (a) Customs has always had workload peaks during holiday periods at airports. Peaks also occur at specific times of the day because of flight scheduling. The peaks have increased due to the growth in Passenger numbers. Resourcing for the efficient and cost effective processing of these peaks is complex. Customs continuously monitors passenger numbers and staff workload and aims to recruit and train staff to meet identified requirements.

(b) and (c) The passenger numbers from 2001 are:

Year	Total	Growth	Inwards	Outwards
2000/01	17,806,425	7.8%	8,959,723	8,846,702
2001/02	16,990,200	- 4.6%	8,539,164	8,451,036
2002/03	16,623,214	- 1.2%	8,832,806	8,240,408
2003/04	18,598,229	11.9%	9,310,430	9,287,799
2004/05	20,728,541	11.5%	10,420,505	10,308,036

(25) The trial is for a period of 12 months. A copy of the results of the review can be provided upon completion.

(26) There has been no guarantee of employment made to the irregular and intermittent employees. The employees will be contacted to supplement full-time staffing resources during times of peak workloads. The irregular and intermittent employees will not have a regular attendance pattern.

(27) The measure has not been fully costed.

(28) Customs is required to process 95% of arriving international passengers through the entry control point within 30 minutes of joining the queue. This standard is measured over the whole year for all airports.

(29) Customs achieved a national 95% facilitation rate in 2004-05. The national breakdown of passenger processing performance was:

Monthly Passenger Facilitation Rates (%)Facilitation % within Standard									
	Brisbane	Melbourne	Sydney	Adelaide	Cairns	C'gatta	Darwin	Perth	Total
Jun 2005	95.41	96.65	97.53	90.91	94.23	99.59	94.32	97.70	96.70
May 2005	97.75	97.87	97.86	96.53	99.10	99.93	88.64	98.57	97.88
Apr 2005	94.58	96.22	97.29	94.08	98.04	99.20	95.87	98.64	96.70
Mar 2005	93.98	93.20	96.60	96.11	96.57	99.22	97.67	95.12	95.30
Feb 2005	88.09	87.29	93.66	85.79	95.65	99.35	92.96	91.92	91.15
Jan 2005	93.83	94.72	92.96	91.09	93.39	99.28	96.14	95.97	93.82
Dec 2004	94.71	93.33	95.29	95.43	98.03	98.64	96.90	96.12	95.01
Nov 2004	95.63	93.90	95.32	92.21	93.11	97.94	96.29	96.45	95.06
Oct 2004	93.89	94.43	95.11	93.95	95.39	99.70	97.20	97.16	95.01
Sep 2004	96.99	97.14	94.01	91.72	94.52	99.51	91.63	96.13	95.43
Aug 2004	95.38	97.55	96.22	96.49	98.35	99.99	96.19	98.53	96.70
Jul 2004	93.84	94.75	92.10	93.20	97.68	99.61	96.65	96.56	93.73

(30) The performance measure is set by government and is measured nationally and reported in the Portfolio Budget Statements. There is no regular revision of the standard.

(31) (a) The method of calculating the performance standard was last revised in 2004 to more accurately take account of individual airport infrastructure.

(b) The outcome was that system changes were made to reflect the fact that the size and infrastructure of each airport influences how long it takes for passengers to disembark the aircraft and walk to the primary line.

(32) If intermittent staff are required for the purposes of a prosecution, they will be recalled.

(33) Customs intermittent employees are covered under the same arrangements as other Customs employees.

(34) None of the intermittent employees are former Australian Customs Service employees.

(35) Surge Capacity Building was not considered as the use of irregular and intermittent employees will be only during times of peak workloads.

Indigenous Education

(Question Nos 1035 and 1036)

Senator Allison asked the Minister representing the Minister for Education, Science and Training, upon notice, on 20 July 2005:

(1) Is it the case that Indigenous Australian 4-year-olds are receiving preschool education at half the rate of their non-Indigenous counterparts?

(2) (a) What is the Government doing to increase the number of Indigenous 4 year-olds in preschool; and (b) have targets been set; if so, what are they and when are they to be met; if not, why not.

(3) (a) For each year since 1999, what proportion of Indigenous students exceeded the cut-off point for the national literacy benchmarks in schools; (b) how does this compare with numbers for non-Indigenous students; and (c) how does the Government account for the difference.

(4) Have targets been set for Indigenous students to achieve the national literacy benchmarks; if so, what are they and when are they to be met.

(5) Is it the case that the Indigenous Australian participation rate in higher education is 1.2 per cent, compared with the non-Indigenous rate of 2.5 per cent.

(6) (a) What is the Government doing to improve the Indigenous participation rate in higher education; and (b) have targets been set; if so, what are they and when are they to be met; if not, why not.

(7) (a) Why are there significant gender differences in the participation and performance of Indigenous Australians in higher education; (b) why do Indigenous males continue to fall even further behind; and (c) how is this situation being improved.

Senator Vanstone—The Minister for Education, Science and Training has provided the following answer to the honourable senator's question:

Preschool

(1) Is it the case that Indigenous Australian 4-year-olds are receiving preschool education at half the rate of their non-Indigenous counterparts?

According to the ABS 2001 Census of Population and Housing, there were 10, 893 eligible Indigenous 4 year olds but only 4, 847 were attending preschool (equating to 44% attending preschool). There were 233, 760 eligible non-Indigenous 4 year olds but only 130, 903 were attending preschool (equating to 56% attending preschool). There were 12, 127 students who did not identify as either Indigenous or non-Indigenous. There were 10, 448 Indigenous and 264, 138 non-Indigenous preschoolers enrolled which includes 3, 4 and 5 year olds.

The National Indigenous Preschool Census reported in 2003 there were 4, 963 preschools in Australia with enrolments of 211, 627 non-Indigenous and 9, 051 Indigenous students. According to the 2003 National Report to Parliament on Indigenous Education and Training, there was a 21.8% increase in total Indigenous enrolments between 2001 and 2003.

(2) (a) What is the Government doing to increase the number of Indigenous 4 year-olds in preschool?

While preschool education is the responsibility of State and Territory governments, the Australian Government provides Supplementary Recurrent Assistance under the Indigenous Education (Targeted Assistance) Act 2000 (as amended 2004) (the Act) to provide preschool opportunities for Indigenous children.

Funding for preschool education providers is based on a per capita basis of the number of full-time equivalent Indigenous preschoolers counted in the National Indigenous Preschool Census in August each year.

To receive funding providers must make a commitment to achieve the objectives of the Act which relate to access and participation of Indigenous children in preschool education.

(b) Have targets been set; if so, what are they and when are they to be met; if not, why not. Preschools report against a suite of performance indicators including literacy and numeracy awareness, attendance, Indigenous and non-Indigenous enrolments, the proportion of Indigenous and non-Indigenous staff, qualifications, professional learning and the promotion of a culturally-inclusive curriculum.

Target setting for the 2005-2008 quadrennium has taken account of the circumstances of providers rather than imposing a one-size-fits-all approach. The Australian Government acknowledges that enrolments fluctuate and that this is not entirely within the control of the preschool. Enrolment tar-

gets have been negotiated with individual providers to establish both realistic and challenging targets aimed at increasing the number of full time equivalent Indigenous preschool enrolments.

Education providers must complete an annual performance report on the performance of their preschool (including the achievement of targets) by 31 May in the year following the funding year. There will be an ongoing process of monitoring provider's progress through a Strategic Directions Meeting and a Performance Monitoring Meeting each funding year. Providers are encouraged to contact DEST for any assistance with regard to meeting their performance reporting obligations.

Preschool education providers in receipt of Supplementary Recurrent Assistance funding must make a commitment to:

- improving the education and training outcomes of Indigenous students;
- reporting on performance indicators; and
- achieving the agreed and negotiated targets.

School

(3) (a) For each year since 1999, what proportion of Indigenous students exceeded the cut-off point for the national literacy benchmarks in schools;

See table 1 below.

(b) How does this compare with numbers for non-Indigenous students?

See table 1 below.

The nationally agreed literacy and numeracy benchmarks for Years 3, 5 and 7 represent minimum standards of performance below which students will have difficulty progressing satisfactorily at school[1]. Ministers of Education have agreed that the national goal should be for all students to achieve at least the benchmark level of performance. Benchmarking data is collated by Indigenous and all students rather than Indigenous and non-Indigenous, so comparisons can only be made by Indigenous and all students.

While the majority of all students do achieve the benchmarks in reading, writing and numeracy, a significant proportion of Indigenous students in Years 3, 5, and 7 do not. In 2003 the gap between all and Indigenous students ranged from 14 percentage points in Year 3 reading and numeracy to 32 percentage points in Year 7 numeracy.

However, with five years of data now available, there appears to be evidence of improvement in Indigenous achievement in some areas, in particular, in Year 5 and 7 reading. While this is encouraging care needs to taken when making judgements about progress. It is difficult to pinpoint precisely student performance against benchmarks. Statisticians use confidence intervals to reflect this uncertainty.

In Table 1, 95% confidence intervals[2] are given. For example, the 2003 reading benchmark result for Year 3 is given as 78.8% + or – 6.9. This means there is a 95% probability that between 71.9% and 85.7% of Indigenous students in Year 3 in 2003 achieved the benchmark.

The results are more precise for all students where there is a 95% probability that between 90.8% and 94.2% of them achieved the benchmark.

Table 1: Percentage of students achieving the benchmarks by Indigenous and all

READING[3]			Year 3					Year 5				Year 7	
	1999	2000	2001	2002	2003	1999	2000	2001	2002	2003	2001	2002	2003
Indigenous	73.4	76.9	72.0	76.7	78.8	58.7	62.0	66.9	68.0	67.7	60.1	65.3	66.5
	±6.2	±6.5	±4.8	±4.1	±6.9	±4.2	±4.8	±3.6	±3.5	±4.1	±3.1	±2.9	±3.1
All students	89.7	92.5	90.3	92.3	92.5	85.6	87.4	89.8	89.3	89.0	88.4	89.1	89.4
	±2.5	±2.2	±2.0	± 1.7	± 1.7	±2.0	±2.1	±1.3	±1.5	±1.5	±0.9	±0.8	±0.9
WRITING[4]			Year 3					Year 5				Year 7	
Indigenous	66.9	65.0	67.8	77.1	75.2	74.6	74.3	79.9	76.5	79.6	74.3	71.6	74.4
	± 4.8	± 5.4	± 4.9	±3.1	±4.1	± 3.6	± 3.7	± 3.3	±3.8	±3.8	±4.6	±4.8	±4.4
All students	91.9	90.0	89.5	93.6	92.2	93.0	92.5	94.0	93.6	94.1	92.6	90.7	92.1
	± 1.8	± 2.6	± 2.3	±1.2	±1.5	± 1.1	± 1.3	± 1.0	±1.1	±1.1	±1.6	±1.7	±1.7
NUMERACY[5]			Year 3					Year 5				Year 7	
Indigenous		73.7	80.2	77.6	80.5		62.8	63.2	65.6	67.6	48.6	51.9	49.3
		± 7.1	± 3.9	±3.6	±3.7		± 4.5	± 3.7	±3.8	±3.9	±2.8	±3.0	±2.9
All students		92.7±	93.9	92.8	94.2		89.6	89.6	90.0	90.8	82.0	83.5	81.3
		2.0	± 1.2	±1.3	±1.1		± 1.7	± 1.3	±1.3	±1.2	±0.9	±0.9	±0.8

Source: Australian National Report on Schooling 2003.

[1] The benchmarks were developed in consultation with stakeholders and experts in the areas of literacy, numeracy and educational measurement. They were trialled in classrooms in all States and Territories.

[2] These confidence intervals account for three components of uncertainty: error associated with the location of the benchmark cuts-score, sampling error and measurement error. Error associated with the location of the benchmark cut-score is by far the largest component.

[3] The achievement percentages reported in this table include 95% confidence intervals, for example, 80% ± 2.7%.

[4] Year 7 data first collected in 2001

[5] Does not include NSW Year 7 data

(c) How does the Government account for the difference?

As stated in the 2005 Productivity Commission report Overcoming Indigenous Disadvantage dealing with the Council of Australian Governments (COAG) key indicators, there are many factors that contribute to Indigenous disadvantage. It is acknowledged by COAG that closing the social and economic divide between Indigenous and non-Indigenous outcomes cannot be achieved quickly or easily and represents a long term national commitment.

The Australian Government provides significant amounts of funding for Indigenous education and training both through mainstream educational programmes and through specific assistance targeting Indigenous students. Specific payments for Indigenous education and training are covered by the Indigenous Education (Targeted Assistance) Act 2000 (as amended 2004) (the Act). The Act provides for the development of agreements between the Australian Government and education providers aimed at improving educational outcomes.

The Australian Government has committed $2.1 billion in supplementary funding for Aboriginal and Torres Strait Islander education. This is allocated to preschool, school, vocational education and training, tertiary education providers and Aboriginal and Torres Strait Islander students (including through ABSTUDY) over the 2005-2008 quadrennium.

The Australian Government expects that mainstream funding will also be used to redress the significant gaps in educational outcomes between Indigenous and non-Indigenous Australians. Clos-

ing the education divide between Aboriginal and Torres Strait Islander people and other Australian's remains one of the Australian Government's highest education priorities. As a condition of the schools quadrennial general recurrent funding, major systemic providers must lodge an Indigenous Education Statement by 31 May of each year. This statement will require information from providers on initiatives funded from General Recurrent Grants that specifically target Indigenous education.

(4) Have targets been set for Indigenous students to achieve the national literacy benchmarks; if so, what are they and when are they to be met?

Target setting for the 2005-2008 quadrennium has taken account of the circumstances of providers rather than imposing a one-size-fits-all approach. Targets have been negotiated that are both realistic and challenging and produce significant and measurable progress towards closing the educational divide between Indigenous and non-Indigenous people.

The Australian Government's aspirational goal for the 2005-2008 quadrennium is to close the gap between Indigenous and non-Indigenous educational outcomes by 50% on average across the nation by the end of 2008.

More ambitious targets have been negotiated with some providers for various performance indicators where it is realistic to expect substantial improvements. In fact, some targets negotiated with government and Catholic school systems would close the educational divide (i.e. reduce the gap) between Indigenous and non-Indigenous students educational outcomes to five percentage points or less, or close it entirely, by the end of 2008.

There are nine performance indicators that school education providers must report on that relate to literacy and numeracy for Years 3, 5 and 7 students as well as an indicator which reports on the percentage of Indigenous students in each quartile of literacy and numeracy achievement. This reflects Indigenous results against all students who sat the statewide benchmark test.

Higher Education

(5) Is it the case that the Indigenous Australian participation rate in higher education is 1.2 per cent, compared with the non-Indigenous rate of 2.5 per cent?

The Indigenous Australian participation rate in higher education was 1.20 per cent in 2003. In 2004 it was 1.22 per cent.

The Indigenous Australian participation rate calculates the total number of Indigenous higher education students as a percentage of all Australian higher education students. The figure of 2.5% is the proportion of Australian students that would be expected to be Indigenous, if Indigenous people were represented according to their proportion of the higher education aged population, adjusting for the different age profiles of Indigenous and non-Indigenous people. 2.5% has been quoted as the benchmark for Indigenous equity in higher education.

(6) (a) What is the Government doing to improve the Indigenous participation rate in higher education?

The Australian Government has implemented several initiatives to improve the Indigenous participation rate in higher education.

These include:

- establishing an Indigenous Higher Education Advisory Council (IHEAC) to advise the Minister for Education, Science and Training on strategies to improve outcomes for Indigenous students and staff in relation to their participation, progression, and retention in both study and employment in higher education;

- an Indigenous Staff Scholarships Programme (ISSP) which supports the higher education sector in its drive to improve employment opportunities for Indigenous people as a priority for all institu-

tions. Indigenous Higher Education Staff Scholarships are made available annually to Indigenous staff only (academic or general) working in higher education institutions;

- establishing the Indigenous Youth Leadership Programme (IYLP) which will provide 250 scholarships to secondary schools and universities. These are directed towards talented Indigenous students generally from remote parts of the country. Participants will be supported to undertake educational, personal and community development including orientation, study tours and practical leadership exercises;

- increasing the Indigenous Support Programme (ISP) funds by an additional $10.3 million over 3 years (2005-2007). This supplementary funding is allocated to institutions to assist in meeting the special needs of Indigenous students and to advance the goals of the National Aboriginal Education Policy (AEP);

- continuing funding for the What Works Project and Dare to Lead national projects to run throughout the 2005-2008 quadrennium. Both projects are aimed at enabling teachers and school leaders to access support to develop greater cross-cultural awareness, partnership building and inclusive teaching and learning practices, which will improve education outcomes for Indigenous students. The What Works project incorporates elements that will facilitate the development of ongoing support processes for tertiary educators and preparing pre-service teachers for working with Indigenous students.

The impact of these reforms will be reported in future editions of the National Report to Parliament on Indigenous Education and Training.

(b) Have targets been set; if so, what are they and when are they to be met; if not, why not.

The Indigenous Higher Education Advisory Council is considering recommending setting targets for Indigenous students in higher education.

(7) (a) Why are there significant gender differences in the participation and performance of Indigenous Australians in higher education?

There are fewer male students in higher education in both the Indigenous and non-Indigenous populations in Australia. The most recent data (2003) shows that 63.1% of commencing Indigenous students were female and 36.9% were male, while 63.4% of all Indigenous students were female and 36.6% male. Comparable figures for non-Indigenous students are 57.0% female and 43.0% male for commencing non-Indigenous students and 56.3% female and 43.7% male of all non-Indigenous students.

Those cultural, social, economic and geographic factors that have been shown to affect boys' academic achievement, also affect Indigenous boys. For instance, living in a rural or remote locality and coming from a low socio-economic background have been shown to reduce the likelihood of undertaking higher education for both Indigenous and non-Indigenous boys. Indigenous boys are more likely to leave school before completing Year 12 than Indigenous females (Years 7/8 to 12 apparent retention rates for 2004 – Indigenous males: 35.3%; Indigenous females: 43.9%), and are more likely to continue their education at vocational education and training institutions than Indigenous females (53.2% of Indigenous students in VET in 2003 were males).

(b) Why do Indigenous males continue to fall even further behind?

The continued gender difference in participation of Indigenous students has been highlighted in the 2003 National Report to Parliament on Indigenous Education and Training which has been circulated to all universities. The Department will raise this issue when it holds officer-to-officer level visits at universities in 2005 and 2006 to discuss Indigenous issues.

(c) How is this situation being improved?

The Australian Government has allocated $27 million over 2003 – 2008 towards initiatives intended to improve boys' educational and social outcomes. Several specifically address Indigenous boys' education. Three are listed below.

1. Boys Education Lighthouse Initiative

The Boys Education Lighthouse Schools (BELS) project aims to improve educational outcomes for boys in Australian schools by establishing effective teaching and learning practices in groups or 'clusters' of schools. In Stage One of this initiative, 230 Australian schools working on 110 individual projects were granted up to $5,000 each to identify and document their successful practices in education boys.

Stage Two of BELS is a schools-based approach to the development and testing of strategies for improving learning outcomes for boys. In this stage, 51 clusters of schools are receiving grants of up to $100,000 to develop strong projects and subject these to a rigorous evidence-based test of their effectiveness in raising the learning outcomes of their target group of boys. BELS 2 cluster's projects will be finalised by December 2005, and the Department will receive a final report on BELS 2 in June 2006.

Findings from Stage One of BELS are described in the report 'Meeting the Challenge: Guiding Principles for Success from the Boys' Education Lighthouse Schools Programme Final Stage One 2003. The mix of schools presented in the report reflected schools from a range of contexts including: schools in different States and Territories; government and non-government schools; primary and secondary schools; rural, regional and metropolitan schools; and schools with high numbers of students from challenging socioeconomic circumstance, linguistically and culturally diverse backgrounds, Indigenous students, students with disabilities and students deemed 'at risk'. The report draws on examples from the selected schools to discuss successful teaching and learning practices. Throughout the report initiatives addressing Indigenous boys' education practices are discussed.

2. Success for Boys Initiative

In June 2004 the Australian Government announced funding for a new national $19.4 million dollar project, Success for Boys. The primary objective of Success for Boys is to develop a critical mass of schools with the capacity to improve boys' learning outcomes and engagement in learning.

Success for Boys aims to improve educational outcomes for boys and to support boys at risk of disengaging from schooling, including boys from disadvantaged backgrounds. The initiative will have a particular focus on the three key intervention areas that evidence from the BELS initiative has found are of particular benefit to boys: giving boy's opportunities to benefit from positive male role models and mentors; effective literacy teaching and assessment; and using information and communication technology (ICT) to improve boys' engagement with active learning.

Success for Boys will have an emphasis on meeting the needs of Indigenous boys, particularly though addressing the important area of Indigenous boys' transition from primary to secondary school.

In the first phase of Success for Boys (2005), the Department has engaged James Cook University and Curriculum Corporation to develop a professional learning programme for teachers and trial it in 40 schools across Australia.

In the second phase of Success for Boys (2006 – 2007), up to 1,600 schools across Australia will receive funding grants to help them access this professional learning. Schools will receive average grants of $10,000, which they will be able to use to purchase the professional learning and implement activities intended to help them embed the professional learning in their daily practice.

3. Motivation and engagement of boys: research evidence

A third project, Motivation and engagement of boys: Evidence-based teaching practices for boys in the early and middle years of schooling: A synthesis of the research evidence is funded under the

Quality Teacher Programme. The project will synthesise the Australian and international research evidence on factors impacting on the motivation, engagement and learning outcomes of boys in the early and middle years of schooling, particularly for boys at risk of disengaging from school-based learning activities.

It will also identify and describe evidence-based teaching practices in the early and middle years of schooling which have proven effective in motivating and engaging boys, and improving boys' learning and social outcomes.

The particular target groups for the project are boys in the early and middle years of schooling who are considered to be at risk of under-achieving such as those who are identified as belonging to one or more of the following categories:

- low-performing;
- low-SES backgrounds;
- Indigenous; and
- from regional and rural areas.

A set of case studies have identified factors within or connected to a number of schools which produce improved motivation and engagement, and academic and social outcomes for boys, particularly those from low-performing, Indigenous, low SES and rural/regional backgrounds. The case studies will develop a set of principles that will inform both teachers' professional learning and school improvement programs that would aid improved educational outcomes. Findings are being incorporated into a formal report.

Several published research projects funded by the Department on boys education also address Indigenous boys education, and provide information on initiatives designed to improve the higher education participation of Indigenous males. For example, a (2000) report undertaken by Deakin University and funded by the Department 'Factors Influencing the Educational Performance of Males and Females in School and their Initial Destinations after Leaving School' investigates factors affecting Indigenous boys' post-school education choices.

These publications are located on the Department's internet at:

www.dest.gov.au/sectors/school_education/policy_initiatives_reviews/key_issues/boys_education/boys_education_research_and_websites.htm.

People with Disabilities

(Question No. 1038)

Senator Nettle asked the Minister representing the Minister Assisting the Prime Minister for the Public Service, upon notice, on 25 July 2005:

(1) What proportion of Commonwealth public servants are identified as having a disability.

(2) For each year from 1996 to date, what was the proportion of Commonwealth public servants identified as having a disability.

(3) What proportion of employees, identified as having a disability, are employed at: (a) the Department of Employment and Workplace Relations; (b) the Department of the Prime Minister and Cabinet; and (c) Centrelink.

(4) For each year from 1996 to date, what proportion of Commonwealth public servants, identified as having a disability, were employed at: (a) the Department of Employment and Workplace Relations; (b) the Department of the Prime Minister and Cabinet; and (c) Centrelink.

Senator Abetz—The Minister Assisting the Prime Minister for the Public Service has provided the following answer to the honourable senator's question:

The source of this data is the APS Employment Database (APSED). The most recent data available is for 30 June 2004.

The provision of EEO data by APS employees to their agency is voluntary. Therefore, as with any large voluntary data collection, APSED tends to under-represent the number of employees with a disability.

Employees for whom no data is available are included in the population for calculating percentages. Therefore, the percentages provided may under-estimate the actual proportions in the population.

(1) and (2) The following table shows the proportion of ongoing APS employees who identified themselves as having a disability, from 1996 to 2004.

Proportion of ongoing staff with a disability, 1996 to 2004

1996	1997	1998	1999	2000	2001	2002	2003	2004
5.6%	5.5%	5.4%	5.1%	4.7%	4.3%	4.0%	3.8%	3.8%

Source: APSED

(3) and (4) The following table shows the proportion of ongoing APS employees who identified themselves as having a disability, for the specified agencies, from 1996 to 2004.

Proportion of ongoing staff with a disability for the specified agencies, 1996 to 2004

	1996	1997	1998	1999	2000	2001	2002	2003	2004
DEWR[1]	n/a	n/a	n/a	5.7%	5.4%	5.5%	5.0%	4.1%	3.5%
PM&C	4.6%	4.9%	4.1%	3.8%	2.7%	1.8%	2.4%	1.2%	2.2%
Centrelink[2]	n/a	n/a	7.2%	6.8%	6.1%	5.4%	5.3%	5.8%	6.2%

Source: APSED

[1] Subject to a major AAO change on 21 October 1998, which brought the employment function into the department. This increased the size of the department significantly, making comparison with earlier periods unreliable.

[2] Created on 1 July 1997

Indigenous Affairs

(Question No. 1039)

Senator Nettle asked the Minister representing the Minister Assisting the Prime Minister for the Public Service, upon notice, on 25 July 2005:

(1) What proportion of Commonwealth public servants are identified as being Indigenous.

(2) For each year from 1996 to date, what was the proportion of Commonwealth public servants identified as being Indigenous.

(3) What proportion of employees, identified as being Indigenous, are employed at: (a) the Department of Employment and Workplace Relations; (b) the Department of the Prime Minister and Cabinet, and (c) Centrelink.

(4) For each year from 1996 to date, what proportion of Commonwealth public servants, identified as being Indigenous, were employed at: (a) the Department of Employment and Workplace Relations; (b) the Department of the Prime Minister and Cabinet; and (c) Centrelink.

(5) What amount of funding has been provided to Commonwealth departments and agencies under the Indigenous Wage Assistance program over the period 1996 to 2005.

(6) (a) What were the total amounts budgeted for the Indigenous Wage Assistance program; and (b) what was the actual amount spent on the Indigenous Wage Assistance program.

Senator Abetz—The Minister Assisting the Prime Minister for the Public Service has provided the following answer to the honourable senator's question:

The source of this data is the APS Employment Database (APSED). The most recent data available is for 30 June 2004.

The provision of EEO data by APS employees to their agency is voluntary. Therefore, as with any large voluntary data collection, APSED tends to under-represent the number of employees who are Indigenous.

Employees for whom no data is available are included in the population for calculating percentages. Therefore, the percentages provided may under-estimate the actual proportions in the population.

(1) and (2) The following table shows the proportion of ongoing APS employees who identified themselves as being Indigenous, from 1996 to 2004.

Proportion of ongoing staff who are Indigenous, 1996 to 2004

1996	1997	1998	1999	2000	2001	2002	2003	2004
2.5%	2.6%	2.7%	2.7%	2.5%	2.5%	2.5%	2.4%	2.3%

Source: APSED

(3) and (4) The following table shows the proportion of ongoing APS employees who identified themselves as being Indigenous, for the specified agencies, from 1996 to 2004.

Proportion of ongoing staff who are Indigenous for the specified agencies, 1996 to 2004

	1996	1997	1998	1999	2000	2001	2002	2003	2004
DEWR[1]	n/a	n/a	n/a	3.2%	4.0%	4.4%	4.8%	4.5%	4.5%
PM&C	2.5%	1.9%	1.8%	2.0%	1.9%	1.2%	1.8%	2.1%	1.6%
Centrelink[2]	n/a	n/a	4.3%	4.2%	4.1%	4.0%	4.0%	3.9%	3.8%

Source: APSED

[1] Subject to a major AAO change on 21 October 1998, which brought the employment function into the department. This increased the size of the department significantly, making comparison with earlier periods unreliable.

[2] Created on 1 July 1997

(5) Funding to Australian Government departments and agencies under the Indigenous Wage Assistance Programme for the period July 2001 – June 2005 was $263,305.87 (GST exclusive). Data limitations preclude provision of expenditure details for this specific programme component prior to 1 July 2001.

(6) Funds with the Indigenous Employment Programme are allocated flexibly across programme elements. The actual amount spent on the Indigenous Wage Assistance program from the 1999/2000 financial year to the 2004/2005 financial year was $35.136M

Pre-Mixed Drinks

(Question No. 1041)

Senator Allison asked the Minister representing the Minister for Health and Ageing, upon notice, on 28 July 2005:

(1) Is the Minister aware that the following 'super-strength' pre-mixed drinks are now being sold: (a) Woodstock Blue (9 per cent alcohol by volume and the 375ml can contains 2.7 standard drinks); (b) Bulleit Bourbon (9 per cent alcohol by volume and the 375ml can contains 2.7 standard drinks); and (c) Jim Bean Long Black (8 per cent alcohol by volume and the 330ml bottle contains 2.1 standard drinks).

(2) Is the Minister concerned that these products contain approximately twice as much alcohol as standard pre-mixed drinks, wine and beer.

(3) Does the Minister consider that the availability of these drinks will increase unsafe levels of drinking, especially among young people.

(4) Would the Minister be concerned at any move to double the alcohol content of all pre-mixed drinks; if so, are there any proposals to prevent this level of alcohol content becoming the 'norm'.

(5) Given that the industry has justified the selling of pre-mix drinks on the basis of parity of alcohol content with beer: (a) what, if any, justification has been given to the Government for putting these super-strength drinks on the market; and (b) how does this move comply with the industry's claim to be committed to the responsible marketing of alcohol.

(6) Will the Government consider imposing limits on the distribution and marketing of these super-strength drinks.

(7) Will the Government commission research to determine the extent to which pre-mix drinks contribute to the burden on the health system of acute drinking episodes or binge drinking.

(8) Will the Government consider reforming alcohol labelling laws to require clear and prominent warnings on containers, particularly for super-strength drinks.

Senator Patterson—The Minister for Health and Ageing has provided the following answer to the honourable senator's question:

(1) and (2) There is a considerable range in alcohol content and container sizes of ready to drink (RTD) alcohol products. On average, RTD products most frequently contain about 5% alcohol by volume and in a 375 ml container this equates to about 1.5 standard drinks – the same alcohol content as full strength beer. Most wine contains about 12% alcohol by volume and in the new 375 ml containers this equates to about 3.5 standard drinks. The Distilled Spirits Industry Council have stated publicly that RTD beverages containing higher amounts than this constitute about 5% of total RTD sales.

(3) (4), (5) and (6) The supply of all alcohol products must meet the guidelines established by Food Standards Australia and New Zealand and existing state and territory legislation. These products are not exempt from this requirement. It is difficult to justify limitations on the distribution and marketing of RTD beverages with certain alcohol content when commonly sold spirits are frequently 40% alcohol by volume and consumers can mix their own spirit drinks.

(7) There is research evidence that shows the risky and high risk drinking rates for young people under 18 years of age have not changed greatly over the last five years. This has occurred despite the increasing popularity of RTD products, often displacing consumption of beer.

(8) Following the May meeting of the Ministerial Council on Drug Strategy my Parliamentary Secretary, the Hon Christopher Pyne MP, and the New South Wales Special Minister of State, the Hon John Della Bosca MLC, met with the alcohol industry seeking an industry-wide national approach to the labelling of alcoholic beverages with graphics that clearly depict the number of standard drinks in the beverage. Work is currently under way to achieve a voluntary uniform labelling approach.

Green Corps

(Question No. 1043)

Senator Nettle asked the Minister representing the Minister for Employment and Workplace Relations, upon notice, on: 2 August 2005.

(1) (a) What guidelines apply to public events and publicity for Green Corps projects; and (b) when and to whom were the guidelines issued.

(2) Has the Minister, or the previous Minister, issued directions that all public notification of Green Corps vacancies must be made through the office of the local member of Parliament from the Liberal Party of Australia or The Nationals.

(3) Has the Minister, or the previous Minister, issued directions that all graduation ceremonies for Green Corps participants are to include the local member of Parliament from the Liberal Party of Australia and/or The Nationals.

(4) Has the Minister, or the previous Minister, issued directions to exclude non-coalition members of Parliament from graduation ceremonies for Green Corps participants.

Senator Abetz—The Minister for Employment and Workplace Relations has provided the following answer to the honourable senator's question:

(1) Guidelines for public events and publicity for Green Corps projects were issued to the Green Corps service provider by the Department of Family and Community Services at the time of the signing of the Green Corps funding agreement in November 2002. The purpose of launches and graduations is to promote the Green Corps Programme, highlight the activities of the Green Corps participants, build community links and raise public awareness of the environmental problem being addressed.

(2) Neither the Minister, nor previous Ministers, have issued directions that all public notification of Green Corps vacancies must be made through the office of the local member of Parliament from the Liberal Party of Australia or The Nationals. Advertising of Green Corps vacancies is the responsibility of the Green Corps service provider. Vacancies are usually advertised through a number of mechanisms, including local newspapers and radio, via the Green Corps Internet site, via Job Network members and through Centrelink.

(3) Neither the Minister, nor previous Ministers, have issued directions that all graduation ceremonies for Green Corps participants are to include the local member of Parliament from the Liberal Party of Australia and/or The Nationals. The guidelines, issued by the Department of Family and Community Services, encourage the service provider to invite the local member of Parliament, but do not make any reference to the political party of the local member.

(4) Neither the Minister, nor previous Ministers have issued directions to exclude non-coalition members of Parliament from graduation ceremonies for Green Corps participants.

Australian Defence Force Personnel

(Question No. 1050)

Senator Mark Bishop asked the Minister representing the Minister for Employment and Workplace Relations, upon notice, on 4 August 2005:

(1) Has COMCARE conducted an inquiry into the alleged bullying of Australian Defence Force (ADF) personnel at Robertson Barracks, Darwin, and in particular the circumstances surrounding the complaint of Private Tim Williss, as publicised in the *Northern Territory News* of 12 July 2005; if so, what were the findings of the investigation, and what action resulted.

(2) (a) In how many instances during the past 5 years has COMCARE investigated similar occupational health and safety complaints from other ADF bases: (b) what were the particular circumstances of each investigation; and (c) what was the outcome in each case.

(3) Given that the Department of Defence is a licensee of the Safety Rehabilitation and Compensation Commission (SRCA), under what power are such interventions made.

(4) In the event of breaches of the SRCA Act, regulations and guidelines by licensees; (a) what sanctions exist; (b) in how many instances since 1986 have they been exercised; and (c) against which agencies.

Senator Abetz—The Minister for Employment and Workplace Relations has provided the following answer to the honourable senator's question:

(1) Comcare has commenced an investigation under the Occupational Health and Safety (Commonwealth Employment) Act 1991 into allegations of bullying made by Private Tim Williss of Robertson Barracks, Darwin. The investigation has not been finalised.

(2) Comcare has not received similar occupational health and safety complaints of bullying during the past 5 years from other Australian Defence Force bases.

(3) The Australian Defence Force and the Department of Defence are Commonwealth employers for the purposes of the Occupational Health and Safety (Commonwealth Employment) Act 1991. Section 41 of that Act empowers Comcare to conduct an investigation.

(4) Breaches of occupational health and safety responsibilities are dealt with under the Occupational Health and Safety (Commonwealth Employment) Act 1991, not the Safety Rehabilitation and Compensation Act 1988.

Australian Customs Service

(Question No. 1056)

Senator Ludwig asked the Minister for Justice and Customs, upon notice, on 4 August 2005:

(1) For each of the years 2000 to date, how many cases of bird and animal smuggling have been referred to the Australian Customs Service (ACS) for prosecution from the Department of Environment and Heritage.

(2) Does the ACS initiate prosecutions for bird and animal smuggling on its own volition; if so, can details be provided, by year from 2000 to date, on the breakdown of prosecutions; if not, why not.

(3) Can details be provided for the number of cases regarding birds and animals: (a) smuggled into Australia; and (b) smuggled out of Australia.

(4) (a) Of these cases, how many has ACS prosecuted; (b) how many were successfully prosecuted; and (c) how many persons have been convicted, based on these prosecutions.

(5) (a) Is funding given to ACS specifically for this purpose; if so, how much; if not, what output is this funded under; and (b) what is the total cost of the prosecutions that ACS has undertaken for animal and bird smuggling.

Senator Ellison—The answer to the honourable senator's question is as follows:

(1) The Department of Environment and Heritage (DEH) or their predecessors have referred 29 cases to the Australian Customs Service (Customs) since 2000. These include:

Table One: Referrals to Customs by DEH or predecessor

Year	Animal	Bird
2000	1	0
2001	5	0
2002	6	2
2003	10	2
2004	4	1
2005	0	0

(2) Customs initiates prosecutions for the illegal importation or exportation of birds and animals on its own volition. Since 2000, Customs has commenced 46 prosecutions involving illegal importation or exportation of birds and animals. Of these cases, 14 refer to birds and 31 refer to animals - one case involves an attempt to simultaneously import both birds and animals and has been included in each statistic.

(3) (a) There are 122 cases relating to the illegal importation of birds and animals from 2000. Of these cases, 97 involve animals and 23 involve birds. Two cases involved an attempt to simultaneously import both birds and animals and have been included in each statistic.

(b) There are 66 cases relating to the illegal exportation of birds and animals from 2000. Of these cases, 48 involve animals and 18 involve birds.

Table Two: Illegal importations/exportations of birds and animals into Australia

Year	Cases	Import		Export	
		Birds	Animals	Birds	Animals
2000	19	4*	7*	2	7
2001	42	2	27	2	11
2002	24	1*	17*	3	4
2003	44	5	26	1	12
2004	26	2	13	3	8
01 Jan 2005 - 10 Aug 2005	33	11	9	7	6

*statistic includes attempt to simultaneously import both bird and animal

(4) (a) Customs has initiated prosecution in 43 of these cases.

(b) Of these cases 38 were successfully prosecuted.

(c) Of these cases 40 persons were convicted.

(5) (a) Customs does not receive specific funding to investigate the illegal importation and exportation of birds and animals. This is funded under Output 1 – Facilitation of the legitimate movement of goods across the border, while intercepting prohibited and restricted imports and exports.

(b) The total cost of the prosecutions initiated by Customs for the illegal importation or exportation of birds and animals is $360,541.25.

Clerk of the Senate

(Question No. 1107)

Senator Brown asked the President of the Senate, upon notice, on 22 August 2005:

With reference to the article on page 3 of *The Australian* on 19 August 2005. Did the President or any of his staff brief reporters from *The Australian* newspaper on the issue.

The President—The answer to the honourable senator's question is as follows:

No.