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HOUSE OF REPRESENTATIVES

Votes and Proceedings

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CORRECTIONS

This is a **PROOF ISSUE**. Suggested corrections for the Official Hansard and Bound Volumes should be lodged in writing with the Director, Chambers, Department of the Parliamentary Reporting Staff **as soon as possible but not later than:**

Tuesday, 18 May 2004

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BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES

PROOF

- (2) Is the Insolvency and Trustee Service Australia's Best Practice Statement enforceable, in particular, for the purpose of affording creditors relief against debtors who are demonstrably abusing the bankruptcy system by deliberately taking assets out of their creditors' reach; if not, why not.

Mr Ruddock—The answer to the honourable member's question is as follows:

- (1) Yes. This does not amount to a gap in the legislation as the provisions intentionally apply to a limited set of circumstances. It would not be appropriate to require the Official Receiver to consider whether to exercise the discretion in every case because the discretion was designed to prevent the most blatant abuses of the system.
- (2) The Insolvency and Trustee Service Australia's Best Practice Statement is not enforceable because it does not have any legislative status. The Best Practice Statement was produced for the purpose of providing a guideline to assist decision-makers.

Maltese Citizenship (Question No. 3287)

Mr Laurie Ferguson asked the Minister for Citizenship and Multicultural Affairs, upon notice, on 10 March 2004:

- (1) Did he inform the House in the answer to question No. 201 (*Hansard*, 14 May 2002, page 2084) that the number of Maltese Australians who renounced their Australian citizenship between 1964 and February 2000 was not available.
- (2) Has he seen reports, based on Maltese Census data on Australian-born people by age obtained by the Southern Cross Group, that approximately 2,500 people appear to have renounced their Australian citizenship during this period; if so, can his department confirm the accuracy of this estimate.
- (3) Will he approach the Maltese Government to seek complete data on the number of Maltese Australians who renounced their Australian citizenship in the period referred to above; if not, why not.
- (4) Since his answer to question No. 201, has the Government discussed with the Maltese community in Australia options to resolve the situation of those who renounced Australian citizenship to meet the previous requirements of Maltese law; if so, what action has the Government taken on this matter.

Mr Hardgrave—The answer to the honourable member's question is as follows:

- (1) Yes.
- (2) No. If this information is available my Department is prepared to consider it.
- (3) No, as it is not numbers alone that indicate the significance of the issue.
- (4) The Maltese community has raised this issue with me when I have attended community functions. The issue is under consideration.

Multicultural Affairs: Adult Migrant English Program (Question No. 3288)

Mr Laurie Ferguson asked the Minister for Citizenship and Multicultural Affairs, upon notice, on 10 March 2004:

- (1) What proportion of Adult Migrant English Program (AMEP) clients are entitled to receive additional tuition under the Special Preparatory Program (SPP) and how is eligibility determined.
- (2) How much was spent on the SPP in (a) 2001-2002, and (b) 2002-2003, and (c) what is its Budget allocation for 2003-2004.
- (3) How many AMEP clients had access to additional assistance under the SPP in (a) 2001-2002, and (b) 2002-2003, and (c) what is the number that is expected to be assisted in 2003-2004.
- (4) Did his media release of 5 March 2004 titled 'New rules improve access to English tuition' state that the AMEP "provides up to 510 hours of English tuition plus another 100 hours for those with special needs".
- (5) What proportion of those receiving assistance under the SPP actually receive a full 100 hours of additional tuition and, for the latest year for which data is available, what was (a) the range, and (b) the average number of additional hours actually provided.

Mr Hardgrave—The answer to the honourable member's question is as follows:

- (1) Access to tuition under the SPP is on the basis of an assessment of an individual's special needs. It is not an entitlement.
- (2) (a) Expenditure for 2001-02 was \$3,819,874.
(b) Expenditure for 2002-03 was \$4,512,223.
(c) The SPP allocation for 2003-04 is capped at \$4.0 million.
- (3) (a) 3,714
(b) 4,171
(c) Eligibility for 2003-04 will be determined by Service Providers on the basis of an assessment of an individual's needs. For the 2003-04 ytd, as of 24 February 2004, 3,340 clients have accessed the SPP.

- (3) Does the Alice Springs Research Station also continue to form part of the US Atomic Energy Detection System which serves US national objectives.
- (4) Is the cooperating US agency involved with the Alice Springs Research Station the US Air Force Technical Applications Centre (AFTAC).
- (5) Does the Alice Springs Research Station send data to the US National Data Centre operated by AFTAC.
- (6) How many staff currently employed at the Alice Springs Research Station are (a) Australian citizens, and (b) US citizens.
- (7) What seismic monitoring equipment is presently operated at the Alice Springs station.
- (8) Are there any plans to upgrade the equipment/capabilities of the Alice Springs Research Station; if so, what is the nature of any current or planned upgrade.
- (9) What are the current funding arrangements for the Alice Springs Research Station.
- (10) What proportion of the operating and capital costs is borne by the US and how long have the current funding arrangements been in place.

Mr Ian Macfarlane—The answer to the honourable member's question is as follows:

- (1) Yes, in a number of ways:
 - (i) Receive a near-real time feed of seismic data from the station;
 - (ii) Inform joint Australia-United States Geological and Geophysical Research Station personnel of any quality control issues with the data;
 - (iii) Liaise with joint Australia-United States Geological and Geophysical Research Station personnel to ensure that any modifications/upgrades to the station met with Australian regulations;
 - (iv) Liaise with joint Australia-United States Geological and Geophysical Research Station personnel with the planning of the upgrade of the station to Comprehensive Nuclear Test Ban Treaty specifications; and
 - (v) Provide administrative assistance for the general maintenance of the station.
- (2) Yes. It is one of the 50 stations in the primary seismic network of the International Monitoring System.
- (3) Yes. It is a key station of United States Atomic Energy Detection System particularly for detection, location and identification of events in the southern hemisphere.
- (4) Yes.
- (5) Yes. The United States National Data Centre receives a direct feed from the station in near real time.
- (6) (a) Zero Australian citizens
(b) 5 United States citizens
- (7) 19 broadband seismometers, one 3 component short-period seismometer and one 3 component long-period seismometer. These seismometers are arranged strategically (over a 10km diameter) to optimise detection of events.
- (8) Yes. It is expected in 2005 that the station will be upgraded to Comprehensive Nuclear Test Ban Treaty specifications. This will involve replacement of the existing seismometers (the type of seismometer is yet to be determined), upgrading of some of the underground cables and the installation of a new data acquisition system.
- (9) All funding for the operation and maintenance of Alice Springs Research Station is from the United States government.
- (10) An agreement was reached between the Australian and United States governments in February 1978 re the arrangements of joint Australia-United States Geological and Geophysical Research Station. The agreement requires the Australian government to provide administrative support for the facility. This includes financial administration, budgeting and assistance with procurement relating to the facility. The operating and capital costs of the facility are met wholly by the United States Air Force.

Multicultural Affairs: Citizenship

(Question No. 3341)

Mr Brendan O'Connor asked the Minister for Citizenship and Multicultural Affairs, upon notice, on 22 March 2004:

- (1) Can he confirm comments attributed to him in the *Maltese Herald* on 20 January 2004 to the effect that those Maltese citizens who were formerly Australian, who wanted to reapply for Australian Citizenship should go to the office of the Australian High Commission in Malta and complete an application form.
- (2) Can he confirm that resumption of Australian citizenship is restricted to those under the age of 25 under the Australian Citizenship Legislation Amendment Act 2002.
- (3) How many requests have been received by the High Commission in Malta from former Australian citizens wishing to resume citizenship since the publication of this article.

Mr Hardgrave—The answer to the honourable member's question is as follows:

- (1) I have not seen a copy of the article that appeared in the *Maltese Herald* on 20 January 2004 so I am not able to comment on the article.

I conferred Australian citizenship upon 33 members of the Malta-born community in Sydney on 12 December 2003. Members of the Maltese community at the ceremony raised citizenship issues with me. Specifically they raised the issue of Australian-born Maltese citizens who migrated to Malta and were required by the Maltese Government to renounce their Australian citizenship before their 19th birthday in order to retain their Maltese citizenship, and who would now like to reacquire Australian citizenship.

I made a general statement at the citizenship ceremony that anyone who had lost their Australian citizenship should seek advice from the Australian High Commission in Malta in relation to resumption. I did not advise those present at the citizenship ceremony that they would be able to get their Australian citizenship back.

- (2) A new resumption provision (s23AB) was introduced into the Australian Citizenship Act 1948 (the Act), effective 1 July 2002, to enable former Australian citizens who renounced their Australian citizenship in order to retain another citizenship, to resume Australian citizenship up until their 25th birthday. The age threshold of 25 years brought this resumption provision into line with the age requirement by which a person can be registered as an Australian citizen by descent.

Those who lost their Australian citizenship by acquiring another citizenship, usually under (the now repealed) s17 of the Act, are able to resume their Australian citizenship under s23AA of the Act. There is no age threshold by which to resume Australian citizenship under s23AA.

- (3) In the period 20 January – 31 March 2004, the Australian High Commission in Malta received 7 applications for resumption of Australian citizenship.

Multicultural Affairs: Citizenship (Question No. 3342)

Mr Brendan O'Connor asked the Minister for Citizenship and Multicultural Affairs, upon notice, on 22 March 2004:

Has the Government previously recognised the situation of some Maltese citizens who were born in Australia and who spent the greater part of their childhood in Australia; if so, why does the Government not allow the resumption of Australian citizenship to a person who was born in Australia, who grew up and went to school in Australia, who left Australia as a minor in order to follow his or her parents, who was compelled to renounce previous citizenship as a requirement of Maltese law at the time, who maintains close and enduring family ties to Australia, and who is over the age of 25 years.

Mr Hardgrave—The answer to the honourable member's question is as follows:

The Government has recognised the situation of former Australian citizens, who were born in Australia, subsequently returned to Malta and were required under Maltese law to renounce their Australian citizenship before their 19th birthday in order to retain their Maltese citizenship.

Prior to 1 July 2002, a person who renounced their Australian citizenship in order to retain another citizenship could not reacquire Australian citizenship by using the resumption provisions in the Australian Citizenship Act 1948 (the Act). They could only reacquire Australian citizenship by going through the migration process and applying for Australian citizenship by grant. They had to meet the eligibility requirements but were only required to reside in Australia for twelve months in the previous two years as a permanent resident.

Australian citizenship matters were reviewed by the Australian Citizenship Council which was established by the Government in August 1998. The Council was chaired by Sir Ninian Stephen and its task was to examine major issues relevant to future citizenship policies and programs.

The Citizenship Council issued a discussion paper and called for public submissions. The review was also widely advertised in all major newspapers in Australia and the discussion paper was distributed to a large number of individuals, community organisations and peak ethnic bodies both in Australia and overseas. Some two hundred submissions were received.

Very few submissions to the Citizenship Council raised resumption as an issue. The issue in relation to Maltese citizens came to the attention of the Citizenship Council on the basis of one submission from a young Maltese woman in regard to the lack of resumption provisions for people in her situation. The Government agreed with the Council's recommendation that young people who renounced their Australian citizenship at a relatively early age, and therefore before they were in a position to make a fully informed decision, should have an adequate period after reaching their majority to resume Australian citizenship.

A new resumption provision (s23AB) was introduced into the Act, effective 1 July 2002, to enable former Australian citizens who renounced their Australian citizenship in order to retain another citizenship, to resume Australian citizenship up until their 25th birthday. The age threshold of 25 years brought this resumption provision into line with the age requirement for registering as an Australian citizen by descent.

The option of reacquiring Australian citizenship by grant continues to be available for those people over 25 years of age.

Since the introduction of the new resumption provision in the Act in 2002, the Maltese community in Australia and overseas has raised the issue of former Australian citizens who are over the age of 25 and are not able to resume Australian citizenship. This issue is under consideration.

Foreign Affairs: Passports
(Question No. 3350)

Mr Rudd asked the Minister for Foreign Affairs, upon notice, on 23 March 2004:

- (1) Has the Output Purchasing Agreement between his department and the Department of Finance and Administration (DOFA) for the production of passports been clarified to indicate that an allowance for spoilage is included in the production costs of passports.
- (2) Has his department's performance information framework for passport services been expanded to include specific indicators of effectiveness, security and integrity as suggested by the Australian National Audit Office (ANAO).
- (3) Has the Passports Australia Client Service Charter been revised to ensure that it is fully consistent with the Passports Act 1938 and the advice contained on the passport form.
- (4) Has the Service Charter been amended to indicate that the turnaround standard for the issue of passports excludes the time taken between handling by Australia Post outlets to receipt by his department.
- (5) Has his department revised its performance standard to commit to a certain proportion of applications being turned around within 10 days; if so, what is this proportion and has his department reported against this standard.
- (6) Does his department intend to include service standards in the Service Charter for Australia Post and the Australian Passport Information Service (APIS) operated by Centrelink, both of which are integral parts of the service to clients.
- (7) Does his department's agreement with Centrelink in respect of APIS now (a) provide for information to be supplied on its performance against the standard for all calls rather than reporting the average waiting time for callers, and (b) specify standards for the weekend service.
- (8) Does his department distinguish between types of passport application when monitoring timeliness.
- (9) Has his department entered into a new contract with Note Printing Australia Ltd; if so, does this contract contain detailed specifications for all aspects of production including the quality of the paper and laminate and security features.
- (10) Has automated electronic validation of applicant data through checks of the databases of Registrars of Births, Deaths and Marriages now been extended to all States and Territories.
- (11) Has his department's procedures for assessing minors' passport applications been revised to include a requirement to contact the non-lodging parent to verify consent.
- (12) Have the rules for witnessing parental consent been tightened to eliminate any apparent conflicts of interest.
- (13) Does the agreement with the new supplier of passport booklets include physical security arrangements comparable with those for the production of currency, including camera surveillance of each phase of production and electronic tracking of supply materials.
- (14) Has his department changed its practice of transporting passport booklets and laminates together in a secure vehicle.
- (15) Were all passports delivered by registered mail in 2002-2003.
- (16) How many passports were reported lost in the post in 2002-2003.
- (17) Can he confirm that for 2002-2003 the estimated cost of passport services was \$96 million and the fees revenue was \$137 million; if so, was the surplus of \$41 million available to his portfolio or was it returned to consolidated revenue.

Mr Downer—The answer to the honourable member's question is as follows:

- (1) The Department of Finance and Administration (DOFA) and the Department of Foreign Affairs and Trade (DFAT) have acknowledged that an allowance for spoilage is included in the production costs of passports within the Passports Output Purchasing Agreement. DOFA and DFAT have agreed to clarify the intent of the agreement regarding pricing of spoilage during the agreements next review.
- (2) Yes. The passport's performance information framework has been strengthened to include additional specific indicators of effectiveness, security and integrity.
- (3) The Client Service Charter has been updated to ensure consistency with the Passports Act 1938 and the advice contained in the passport form. The new brochure will be printed and distributed in May 2004.
- (4) The Service Charter has been amended to better explain to applicants that the turnaround standard for the issue of passports excludes postage and handling by Australia Post.
- (5) The department has revised its performance standard to report the percentage of applications turned around within ten days. The standard target has been set at ninety-nine percent. The department intends to use this as the basis for reporting turnaround time performance.
- (6) The Service Charter has been amended to include service standards for Australia Post and the Australian Passport Information Service (APIS). The new brochure will be printed and distributed in May 2004.
- (7) (a) No. The option of reporting performance against the standard for all calls rather than the average waiting time for callers was taken up with Centrelink but a mid-contract change in reporting standards could not be justified on cost. (b) No specified standards have been set for the weekend given the small volume of calls received and the cost involved in implementing such a standard.

- (8) The merits of distinguishing between types of passport application when monitoring timeliness is programmed for review in 2004-05 and will be assessed against the cost of implementing this initiative.
- (9) Yes. The contract includes details of specifications of all aspects of production including the quality of paper and security features. A separate contract with 3M is now in place for supply of laminate, it covers all aspects of production and detailed specifications of laminate.
- (10) No. The Department is waiting on the Registrars of Births, Deaths and Marriages to finalise the technical links to allow this service to be extended to all States and Territories.
- (11) No. The department is still considering the merits of this suggestion.
- (12) Yes. The rules concerning who may witness a parent's consent were tightened at the time the new minor's passport application form was introduced in late 2003.
- (13) Yes. Physical security arrangements for the production of booklets is comparable with those for the production of currency and includes camera surveillance of each phase of production. Tracking of materials used in the production of booklets is undertaken at all stages of production.
- (14) Yes. New arrangements have been put in place. Booklets and laminates are now subject to separate contracts and bulk supplies are shipped separately to the centralised secure storage facility. In most cases laminates and booklets are shipped together by secure means from centralised storage facilities to issues offices.
- (15) Registered mail was introduced for passport delivery in Australia on 22 July 2002.
- (16) Passports reported missing in the mail during 2002-03 was 700 (out of 906,049 issued that year), with 252 of these being subsequently recovered to date. Over 38% (or 171) of the passports remaining unaccounted for in 2002-03 were reported lost in the month of July 2002 (registered mail was not introduced until 22 July 2002). Further options to improve the secure delivery of passports are being explored with Australia Post.
- (17) The Passport Output Purchasing Agreement 2002-2003 to 2004-05 estimated cost of passport services for 2002-03 to be \$96 million. The agreement also estimated passport fee revenue for this period to be \$137 million. Passport Revenue is paid into consolidated revenue and is not available to the Department of Foreign Affairs and Trade.

Asia-Pacific Region: Death Penalty

(Question No. 3354)

Mr Melham asked the Minister for Foreign Affairs, upon notice, on 23 March 2004:

- (1) Will he update the answer to question No. 2891 (*Hansard*, 18 September 2001, page 30928) in respect of the countries and territories in and around the Pacific and Indian Oceans in which the death penalty can be imposed.
- (2) Is he able to say in which countries and territories referred to in part (1) the death penalty is still carried out.

Mr Downer—The answer to the honourable member's question is as follows:

- (1) More than half the countries in the world have now abolished the death penalty either in law or practice. There are now 78 countries which retain the death penalty. Those countries in and around the Pacific and Indian Oceans in which the death penalty can be imposed are shown in the following table:

Afghanistan	Lesotho	Somalia
Bahrain	Malawi	South Korea
Bangladesh	Malaysia	Swaziland
Chile	Myanmar	Taiwan
China	North Korea	Tanzania
Comoros	Oman	Thailand
Eritrea	Pakistan	Uganda
India	Philippines	UAE
Indonesia	Qatar	United States
Iran	Russia	Vietnam
Iraq	Rwanda	Yemen
Japan	Saudi Arabia	Zambia
Laos	Singapore	Zimbabwe

- (2) Those countries in and around the Pacific and Indian Oceans in which the death penalty was imposed and/or carried out during 2002 are shown in the following table:

Afghanistan	North Korea	Taiwan
Bangladesh	Oman	Tanzania
China	Pakistan	Thailand
India	Philippines	Uganda
Indonesia	Qatar	UAE
Iran	Rwanda	United States
Iraq	Saudi Arabia	Vietnam
Japan	Singapore	Yemen
Malaysia	Somalia	Zambia
