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Tuesday, 3 April 2001

The PRESIDENT (Senator the Hon. Margaret Reid) took the chair at 2.00 p.m., and read prayers.

QUESTIONS WITHOUT NOTICE
Murray River: Water Flows

Senator BOLKUS (2.00 p.m.)—My question is to the Minister for the Environment and Heritage, Minister Hill. Is the minister aware of the claim by Deputy Prime Minister, Mr Anderson, that he was surprised by the minister’s plan to increase environmental flows to the Murray River to 425 gigalitres, claiming that the plan ‘came out of the blue in paper reports and it has come up, I have to say, without consultation, without consideration’? Minister Anderson also said: The National Party would not allow the rights of farmers and irrigators to be disregarded in the interests of environmentalists in other states.

I ask the minister: did he consult with his colleagues before he took his proposal to the Murray-Darling Ministerial Council last Friday? Can the minister confirm that it is Commonwealth policy to increase environmental flows in the Murray to 425 gigalitres?

Senator HILL—Senator Bolkus must have been having a day off yesterday because I answered that question when it was asked by the Australian Democrats. Because it is an important issue, I am more than happy to address it again. There is no doubt that, despite the cap, there is insufficient water remaining in the Murray by the time it reaches the lower region of the river system—the Coorong, in particular—and there is insufficient water to ensure that the Murray mouth remains open. That issue of serious degradation needs to be addressed. As I said to the Australian Democrats yesterday—and I will repeat today—that can be addressed to some extent through management alterations to the flow but it will also require further water. Again, as I said to the Australian Democrats yesterday, in the same way that the states of New South Wales and Victoria devised a scheme to obtain more water from improved irrigation practices in the Murray, that same methodology would be needed to provide additional water for the lower Murray to ensure that the mouth is kept open.

For some years—in fact, ever since the Murray closed for the first time in living memory in 1981—there have been scientific studies done on what quantity of water is needed to keep the mouth open. In more recent times there have been studies done, particularly on the health of the Coorong, and the quantities of additional water needed in the lower Murray to address the degradation that has been caused, in part, simply through a lack of environmental flows. Senator Bolkus I thought would have been aware—but perhaps he is not, in which case I will help him—that the Ramsar management plan for the Coorong which was adopted late last year—

Senator Bolkus—Madam President. I rise on a point of order. There were two parts to the question. Firstly, did the minister consult with his colleagues and, secondly, is it government policy to have a flow of 425 gigalitres? Madam President, I ask you to bring the minister to the point in answering that question. He is rambling on and the question was very focused and very clear and he should try to answer it.

The PRESIDENT—There is no point of order.

Senator HILL—It is very clear and I am answering it. The point is that from the Ramsar management plan a guide was given as to the quantity of water necessary for the health of the Coorong, and from the environmental flows study advice was given on what is necessary to keep the mouth open. Both of those advices went before the project team, which was set up a year ago, to give advice to this last ministerial council on that water quantity and how it would be provided. Unfortunately, because of pressure from Senator Bolkus’s Labor friends in New South Wales and Victoria, the project team was not prepared to designate a sum of water, as a result of which I wrote to the commission and said that they should address it as they had undertaken to do. The commission was also not prepared to nominate a figure at this stage, I understand, because of similar pressure.
At the ministerial council the president of the commission confirmed that they were still working on the quantity of water, that it was complex and that they had put in place a model and would be able to report back to the next meeting on what quantity of water they believe is necessary to achieve those two environmental objectives. I accepted that compromise. It will take six months longer, but at least then the ministerial council will, in accordance with the direction it gave 12 months ago, be able to address that important question. (Time expired)

Senator BOLKUS—Madam President, I ask a supplementary question. The minister did not answer the question: did he consult and at what level is government policy? Isn’t it a sign of a government in disarray when senior ministers fail to consult with each other on such an important issue? Why does the minister continue to set himself up to censure by his own colleagues for failing to consult with them?

Senator HILL—I both wrote and discussed it with Minister Truss, as chairman of the ministerial council. But it is important for the Senate to note, firstly, the disinterest of Senator Bolkus as a South Australian senator in this issue of vital importance to South Australia.

Senator Carr interjecting—

The PRESIDENT—Order! Shouting in that fashion is totally disorderly.

Senator HILL—I would have thought that as the alternative environment minister of this country he would know what is needed to address the degradation of the lower Murray and he would be seeking to do something about it. In particular, he would be putting pressure on his Labor mates in New South Wales and Victoria to allocate sufficient water for this purpose. Even more important, he would be doing something with his Labor mate in Queensland, Mr Beattie, to slow the rate of land clearing which is causing serious degradation through the Murray system and, furthermore, to finally apply the cap. The question is: why won’t Senator Bolkus take advantage of being a senior member of the Labor Party alternative government and put pressure on Labor premiers to deliver a better outcome? (Time expired)

Software, Games and Books: Parallel Importation Restrictions

Senator LIGHTFOOT (2.07 p.m.)—My question without notice is to the Minister for Communications, Information Technology and the Arts. Will the minister inform the Senate how the removal of parallel importation restrictions on software, games and books will assist small businesses and consumers? Is the minister aware of any alternative policy approaches, and what would be the impact if these were implemented?

Senator ALSTON—I thank Senator Lightfoot for a very important question. I know he is firmly on the side of consumers and small businesses and Australian families. That is why the government has taken steps to ensure that Australian businesses and consumers do not have to continue to pay too much for computer software, computer games, books and CDs. Earlier this year we did introduce some amendments that are designed to ensure that we get the same downward trend in prices that we have got from the CD decision we took a couple of years ago in these other very important consumer areas. I was very pleased to see today that there is a report out from the ACCC which says that Australian consumers continue to pay higher prices for books and computer software than their overseas counterparts. On average, Australians paid around 44 per cent more for fiction paperbacks than United States readers did in the 12½ years from July 1988 to December 2000. Even Peter FitzSimons’s book of fiction could be a lot cheaper if you were able to import it. During the same period, Australians paid around nine per cent more than UK readers for best-selling paperback fiction.

Anyone who goes into a bookshop knows that at the moment if you want to buy the Booker Prize winner you basically have to buy it in hardback, so it costs you an arm and a leg. But because of the sort of approach the Labor Party takes, this 30-day rule, what you have is called a ‘trade paperback’. That means it is a bigger book than the normal size paperback and you pay another $7 or $8 for it. So if you actually want to get those
books, the industry could say, ‘Well, it’s available in the stores.’ It is just that it is very bulky, very unattractive and very expensive. So of course no-one does wait. They end up paying a lot more than they need to.

Senator Conroy interjecting—

The PRESIDENT—Order! Persistent shouting is disorderly.

Senator ALSTON—This is just another example of the Labor Party being in bed with big business, foreign multinationals, siding with the gambling industry—

Opposition senators interjecting—

Senator ALSTON—I know. You thought you went out there and gave the big end of town a bit of a thrashing last week, didn’t you? You went through the motions for a day or two, but now you—

The PRESIDENT—Senator Alston, address the chair.

Senator ALSTON—Now, Madam President, they are reverting to type. These are the habits of a lifetime. The Labor Party panders to special interests. Do you remember that extraordinary statement made by Mr McMullan when we first proposed these changes? He said:

The Government is moving towards a policy … that will take away the rights of the creators and try to just drive down the prices.

It is entirely driven by consumer interest. No-one would ever accuse the Labor Party of that. It is bad enough being a wholly owned subsidiary of the trade union movement, but to actually be wanting to curry favour with multinational music industry cartels, those who are responsible for Australian businesses paying hundreds of dollars more than they need to for packaged software and for a whole range of items, whether it is CD-ROMs or other items that businesses use on a regular basis! There is a very consistent theme. That is: the Labor Party will continue to pander to those special interests, because that is the way they do business. The last thing they want to do is actually have something that the consumers at large can benefit from, because they have not got anyone to go to and say, ‘Look, we delivered this little favour to you. We protected your industry for a bit longer. We kept those prices up higher than we could have done. We have done you a favour so, come on, return it.’

It is like that dirty great cycle of funding that goes through the trade union movement each time from government. They fund their election commitments and then they get paid back from the taxpayer. It is an absolute disgrace. This will be one of the very important things that divides us in the lead-up to the next election. We will be on the side of consumers. We will be putting families first. We will be interested in small business, but you will be interested in pandering to the special interests. (Time expired)

Senator LIGHTFOOT—Madam President, the minister having the second part of my question quite properly truncated because of time, I would now like to submit it as a supplementary question. I ask again: is the minister aware of any alternative policy approaches and what would be the impact of these if these were implemented?

Senator ALSTON—Senator Lightfoot quite rightly wants to keep the spotlight on Labor’s 30- and 90-day ‘use it or lose it’ rules. This ought to be big-ticker time. This ought to be the opportunity for Mr Beazley to stand up and barrack for ordinary Australians. But no. What he wants to do is roll over and be tickled by the big end of town, by the foreign monopoly cartels, by all those special interests that they love pandering to.

Senator Robert Ray interjecting—

Senator ALSTON—Why on earth wouldn’t you be in favour of cheaper books? Senator Ray doesn’t do much else other than read books these days. It must be costing you an arm and a leg, and you could do it a lot cheaper if you were prepared to put consumers’ interests ahead of the rest. Senator Ray, I am very disappointed. You could have got Kill for Collingwood a lot cheaper if you had been prepared to go down this path. There are a lot of works out there you would find fascinating that maybe you cannot afford to buy—

The PRESIDENT—Senator Alston, address the chair, not those opposite.

Senator ALSTON—Madam President, it ought to be plain by now that the die is cast.
The Labor Party is not going to put consumers or business or families first.

The PRESIDENT—Order! The time for the answer has expired.

Senator ALSTON—And we will—

The PRESIDENT—Senator Alston, you should cease speaking when I call you to order.

Economy: Australian Dollar

Senator Faulkner (2.14 p.m.)—My question is directed to the Senator Kemp, the Assistant Treasurer. Minister, is the following true, as the then shadow Treasurer Mr Costello stated on 30 June 1995 when the Australian dollar was at US70.97c:

A nation’s currency is a mark of how its economy is perceived in international markets. In international markets the mark that has been given to our currency and to this Prime Minister’s economic management is a fail—an absolute fail.

Minister, if that was true then, what does last night’s low of US47.75c say about Prime Minister Howard’s economic management?

Senator Kemp—Let me make a number of comments on the question that Senator Faulkner raised. When the Treasurer made those comments he was looking at a very poorly run Australian economy. We can recall easily how, under Labor, the fundamentals of the economy were in exceedingly poor shape. Let me mention a number of these areas. When we came into government the budget had a major black hole—a $10 billion black hole. Let me refer to the levels of unemployment which occurred under the previous government: they went as high as 11.5 per cent. Let me mention the massive amount of debt that was racked up under the previous government.

Opposition senators interjecting—

The PRESIDENT—Order, senators on my left! There is an appropriate time to ask questions.

Senator Kemp—In five years, the Labor Party racked up $70 billion to $80 billion worth of debt—an absolutely appalling performance. Let me also mention that under Labor we had the ‘recession we had to have’. I draw attention to the fact that not one of the ministers who were in the Labor government at that time has got up in this chamber and apologised to the Australian people.

Let me now turn to the current arrangements. The fundamentals of this economy, as the Treasurer has said on many occasions, are sound. Fiscal policy is back in balance, inflation is low, interest rates are low and the unemployment figures have come right down from the levels which we experienced under the previous government. But it is quite clear there has been a strong rush of capital to the US dollar and of course that affects the exchange rate. But the situation in the Australian economy is one where the fundamentals have been got right by this government, in complete contrast to the miserable failure of the previous government.

Senator Faulkner—Madam President, I ask a supplementary question. Given that the minister has failed to answer my question about last night’s low of US47.75c for the Australian dollar and about Prime Minister Howard’s economic management—and he talks about the fundamentals of the economy—

The PRESIDENT—The question, Senator?

Senator Faulkner—My supplementary question is this: can the Assistant Treasurer confirm that the same Prime Minister, Mr Howard, promised that the GST would be good for the economy and would actually increase the value of the dollar? And I ask the minister: when does he expect that promise of Mr Howard to be made good?

Senator Kemp—Let me make this comment. If the goods and services tax and tax reform were not good for the Australian economy, why is the Labor Party proposing to keep the GST? That is the point—and that is the issue the Labor Party has to answer.

Distinguished Visitors

The PRESIDENT—Order! I draw the attention of honourable senators to the presence in the President’s Gallery of His Honour the Administrator of the Northern Territory, Mr John Anictomatis OAM. On behalf of senators, I welcome you to the Senate.

Honourable senators—Hear, hear!
QUESTIONS WITHOUT NOTICE
Liquefied Natural Gas

Senator KNOWLES (2.18 p.m.)—My question is to the Minister for Industry, Science and Resources, Senator Minchin. Will the minister advise the Senate what action the government is taking to support the growing liquefied natural gas industry, boosting jobs and exports? Could he also inform the Senate what alternative policies there are in the marketplace today?

Honourable senators interjecting—

The PRESIDENT—Order! The Senate will come to order.

Senator MINCHIN—Like Senator Knowles, the government very strongly supports the growth of Australia’s very strong LNG industry, based as it is in Senator Knowles’s home state of Western Australia. For that reason, we warmly welcomed yesterday’s announcement of a substantial expansion of LNG production by the North West Shelf project partners. Their decision to invest $1.6 billion to construct the fourth LNG train there is terrific for Australia and particularly for Senator Knowles’s state of Western Australia. It will increase our LNG exports by some 50 per cent to $3 billion a year, it will create 400 direct jobs and it will involve up to 9,000 Australians in the construction phase. The partners have given an undertaking that Australian companies will be given full and fair opportunity to participate in the project, and design, engineering and procurement will be centred in Perth.

The partners have also given in-principle support to the construction of a 130-kilometre $800 million pipeline to bring more gas onshore. This very substantial investment vindicates the government’s LNG industry action agenda, which we announced last year, and our very positive response to the industry’s needs in relation to the environment, taxation, Customs and tariffs. We have been working very closely with this industry to secure markets in Asia. Demand in Asia for LNG is expected to grow by about 60 per cent over the course of the next decade, and we are working closely with the industry to make sure Australia gets its fair share of that growth.

This very substantial investment, which will amount to $2.4 billion, almost certainly would not have occurred without the government’s firm decision not to introduce a domestic emissions trading scheme ahead of any international scheme in relation to greenhouse gases. The government’s strong position on the conditions precedent to any emissions trading scheme has given the LNG industry the certainty it must have if it is going to make these very substantial, long-term capital investments. Without the assurance that the Australian LNG industry would not be penalised compared to LNG producers in developing countries, this investment almost certainly could not have occurred in Australia. The Australian LNG industry produces a clean source of energy for Asian markets which are in desperate need of this product, so it would be absolutely stupid for Australia to drive that great industry offshore by unilateral action penalising the production of greenhouse gases in the production of LNG.

This really does highlight the complete idiocy of Labor’s position on domestic emissions trading. Labor’s policy to introduce a domestic emissions trading scheme ahead of the rest of the world would seriously threaten any future investment in Australia’s LNG industry and the industry itself would vouch for that position.

Senator Bolkus—You are a liar!

The PRESIDENT—Order! Senator Bolkus, withdraw that remark.

Senator Bolkus—I withdraw, but you know better, Nick.

The PRESIDENT—Order! Senator Minchin, you are out of order.

Senator MINCHIN—Madam President, I presume you are referring to Senator Bolkus. As the industry will vouchsafe, there is no doubt that, without these firm commitments about domestic emissions trading and our refusal to introduce any such scheme unless and until there is an international emissions trading scheme, any future investment in this industry would be jeopardised. This is an industry that produces a clean source of energy that would be driven out of Australia by Labor’s short-sighted, politically driven, na-
ive approach to this environmental issue. In its desperation simply to outbid the Democrats in pursuit of the environment vote, Labor’s policy would sacrifice jobs, export income and massive investment in our nation. It really is in the national interest for the Labor Party to reconsider its naive policy and to join us in giving this great Australian industry the certainty it needs if it is going to prosper in the future. I warmly congratulate the North West Shelf partners on this massive $2.4 billion investment program, and I welcome their vote of confidence in coalition government policies.

Opposition senators interjecting—

The PRESIDENT—I remind frontbench Labor senators that one of your colleagues is seeking the call.

Goods and Services Tax: Small Business

Senator HOGG (2.24 p.m.)—My question is to Senator Kemp, the Assistant Treasurer. If the GST is so good for small business, as claimed by the government—

Government senators interjecting—

The PRESIDENT—Order! Senators on my right.

Senator HOGG—Why did Shahid and Shirin Montaz’s giftware shop in the Ryan electorate have to close on the day of the by-election because, to quote Ms Montaz, ‘We started a year ago. It was going well, then after the GST it was down and down and down’? Isn’t this just another example of the GST destroying a viable small business? And isn’t it too late to claim that a field visit from the tax office would have been of benefit to saving the business?

Senator KEMP—One could answer the question in a number of ways, but one way I would answer the question is that—

Opposition senators interjecting—

The PRESIDENT—Order! There are too many interjections on my left.

Senator KEMP—Thank you, Madam President. If, as Senator Hogg says, the GST is so bad for the economy and so bad for small business, one wonders why the Labor Party are proposing to keep it as part of their policy. What would one expect from a political party—if they were honest with themselves, with their members and with voters—that had come to the conclusion that the tax system as it currently stood was bad for the economy and bad for business? One would expect that they would say, ‘We will abolish the GST and we will bring out a new policy on tax.’ That is not what the Labor Party are saying; that is the case. If I am wrong and the Labor Party are not proposing to keep the GST, why don’t they stand up after question time and make their position quite clear? Senator Hogg, I will look forward to the taking note of answers to see whether you are able to clarify your comments in the light of the question you have asked.

Senator Hogg would be aware that the retail figures—and Senator Hogg was referring to a shop—show that there have been further solid rises in February, following on from increases in January and December. Retail trade grew by some 1.7 per cent in February to be 8.1 per cent higher than in the February of the previous year. That is solid growth, by any figures.

Honourable senators interjecting—

The PRESIDENT—Order! There is too much noise in the chamber.

Senator KEMP—There could be a number of reasons why a business has failed. I am not aware of the circumstances of this particular business—

Senator Faulkner interjecting—

The PRESIDENT—Senator Faulkner, cease interjecting.

Senator KEMP—But I can say that we have seen strong growth in the retail sector in recent months. We have seen that, in relation to the GST, if businesses have particular problems, they are able to call on the tax office to make sure that compliance issues are dealt with. I have referred in this chamber—and Senator Hogg mentioned them in his remarks—to field officer visits. This is part of a continuing campaign by the Labor Party to pretend to the Australian public that the Labor Party are in some way opposed to the goods and services tax. How can they be opposed to the goods and services tax when it forms part of their policy?

Honourable senators interjecting—
The PRESIDENT—When the Senate comes to order, we will proceed with Senator Hogg’s supplementary question.

Senator HOGG—When I asked the minister the question, which he did not answer, I quoted Ms Momtaz, who said, ‘We started a year ago. It was going well, then after the GST it was down and down and down.’ I asked: isn’t this just another example of the GST destroying a viable small business? My supplementary question is: doesn’t this small business closure prove once again just how false and misleading the Treasurer’s claims were when he said on Perth radio 6WF on 18 May 2000, ‘I don’t think anybody will go to the wall as a consequence of the GST’? How many small businesses will have to go to the wall before this government takes notice of the destruction its GST has wrought on Australian small businesses?

Senator KEMP—Senator Hogg belongs to a party which had interest rates for small business in the order of 20-plus per cent. That is the form of the Labor Party. It comes back to the fundamental issue of being honest with the public and being honest with the voters. Senator Hogg says this is a business-destroying tax. If that is the case, the fundamental issue remains: why is the Labor Party proposing to keep the goods and services tax as part of its policy? That is the debate we have to have. It is no good for the Labor Party to stand up here day after day and attack the goods and services tax when it forms a central part of the Labor Party tax policy. (Time expired)

Great Barrier Reef: Threats to Survival

Senator BARTLETT (2.30 p.m.)—My question is to the Minister for the Environment and Heritage. Is the minister aware of recent research by the Australian Institute of Marine Science which states that the Great Barrier Reef is at risk of slow, continual degradation without fundamental management changes being made? I quote the senior principal research scientist with the institute, who said that there was certainly reason to be concerned over the reef’s state of health. Is the minister aware that the research specifically highlights climate change and land run-off as major threats to the survival of the reef? If the minister is aware of such threats, why is he not acting to address them by using his powers to ban land clearing in the river catchments flowing into the marine park and introducing a greenhouse trigger in the federal environment act?

Senator HILL—The truth is that the Great Barrier Reef is the best conserved of all the major coral reef systems of the world. It is a great credit to those that have had the principal responsibility for that—and I make specific mention of the Great Barrier Reef Marine Park Authority. It is a difficult management challenge to enable the various commercial interests—tourism, fishing and the like—to grow and to exist in a profitable way whilst being compatible with the conservation of that great natural asset. Basically, Australian governments and the authority with the primary responsibility have done a good job.

Having said that, it is true that there are continuing threats. There have been papers published in recent years specifically pointing to climate change as one of those threats. Coral is very sensitive to small increases in temperature and therefore there is the potential for damage, particularly to coral in the shallower waters, from a rise in temperature through human induced climate change. Detrimental consequences of climate change is one of the reasons why the Australian government signed on to a Kyoto target, which was fair but a challenging target for Australia, and why this government is implementing a broad range suite of programs supported by $1 billion to achieve a better greenhouse outcome from Australia’s perspective.

The honourable senator will be aware of this government’s initiatives in relation to fishing, to ensure that fishing activities are compatible with the natural values; in particular, the efforts that this government has taken over the last few years, after advice from CSIRO that the level of trawling was unsustainable, to ensure that that trawling level was brought back within sustainable limits. The threat from run-off is also a valid concern. The honourable senator is aware, I know, of papers that have been published of recent times expressing concern about the level of nutrients and also the level of pesti-
cides and some other substances, even turbidity, that can cause difficulty for corals. It is important that natural resource management up the Queensland coast adjacent to the reef properly understands and acknowledges the fact that inappropriate run-off can be damaging to that great natural asset.

The honourable senator has touched upon the fact that inappropriate land clearing can contribute to damage to the reef. What he did not say, I regret to say, is that the primary responsibility to regulate land clearing lies with the state government—the Beattie Labor government—in Queensland and that it is the only mainland government in Australian that has not regulated land clearing. If the Beattie Labor government were prepared to meet its responsibility in that regard, then this government would be prepared to support the Beattie government financially in doing so. We have said that over and over again; and the Prime Minister wrote to Mr Beattie to that effect in December last year.

The bottom line is that the reef is in good health. Nevertheless, we must be vigilant in containing threats to the reef. We are doing it in relation to fishing, we have programs in place in relation to climate change and we have programs in place in relation to natural resource management.—(Time expired)

Senator BARTLETT—I ask a supplementary question. Minister, if the reef is in good health, as you state, why is it that research from bodies such as the Institute of Marine Science says not only that it is not in good health but that its health is declining? Acknowledging the good efforts of the marine park authority, and even acknowledging all the other efforts you state that your government has made, quite clearly the research shows that the health of the reef is still declining and it is still ailing. Given the threats that you have acknowledged, particularly in relation to ongoing land clearing in the relevant catchments flowing into the marine park and from climate change, will the minister commit to providing more resources to the marine park authority so it can better do its job of preventing further decline of the reef? Also, will the minister use the powers that he has—regardless of the failings of the Queensland government—to control land clearing and introduce a greenhouse trigger?

Senator Abetz—But you keep supporting Labor!

Senator HILL—Taking up the interjection from my colleague, again there is this assumption from the Australian Democrats and the Greens and the Labor Party that it is the Commonwealth that should be primarily responsible for natural resource management when, in fact, it is the state’s responsibility. Why the other parties in this Senate continually allow the state government to abdicate its responsibility I do not understand. If the other parties in this place, in particular the Labor Party—which one would have thought would have influence upon the Labor governments in the eastern states—and Mr Beazley put pressure on his Labor state colleagues to behave responsibly and to meet their constitutional responsibilities, then Senator Bartlett would not have the problem that he is concerned about.

The bottom line is that the state of health of the reef is good. That is the overwhelming view of all the scientific assessments that I have read. Nevertheless, there are threats that need to be properly managed. It takes cooperation from both the state and the federal governments, as well as local governments and the community. The principal party that is abdicating its responsibility in that regard is the state government of Queensland, which is a Labor government. I urge Senator Bartlett, and all others who have a genuine interest in this issue, to put some political pressure on Mr Beattie. For the first time he should start delivering on sensible natural resource management, whether it is in relation to land clearing along the coast or the absence of a cap on extraction of waters within the Murray-Darling Basin. In all of these areas in which it has abdicated its responsibility to the environment, the government of Queensland should be called to account. That is what the other parties in this Senate should be focusing their attention upon.

Goods and Services Tax: Small Business

Senator JACINTA COLLINS (2.38 p.m.)—My question is directed to Senator
Kemp, the Assistant Treasurer. What does the minister have to say to publisher Mr Geoff Heyes who had to close down the Nillumbik Mail, which went to 13,000 homes in Diamond Valley and Eltham, because, as the publisher said:

... the costs of publishing a professional weekly newspaper are substantial and regrettable with the introduction of the GST and subsequent downturn in the economy, we ... have not been able to attract sufficient advertising and real estate support to continue ...

Given the Treasurer’s line that the GST would not force any small businesses to the wall, how does the Howard government explain the closure of this small newspaper as a direct result of the introduction of the GST?

Senator KEMP—Let me make this clear once again for the Labor Party.

Opposition senators interjecting—

The PRESIDENT—Order! Senators on my left, one of your colleagues has asked a question. There is no chance that she can hear the answer while you are all shouting.

Senator KEMP—I would like to answer this in a general way and then I will look at the specifics of the matter that Senator Collins has raised. There is no chance that she can hear the answer while you are all shouting.

Senator KEMP—I think it is an astonishing thing that a senator can stand up and attack a tax reform which they propose to keep as part of their policy. I have never seen this before in this chamber.

Senator Faulkner—You know that we have opposed this on every occasion.

Senator KEMP—In that case, why are they keeping the goods and services tax as part of their policy? This is the most—

Senator Hill—It is bizarre.

Senator KEMP—It is bizarre. It is complete and absolute hypocrisy. We would welcome a debate after question time, in which Senator Collins can stand up and clarify the Labor Party position on the goods and services tax. Our position is that we have brought in tax reform, and we think that this is a very important tax reform to ensure the future health of our economy. But our position is different from that of the Labor Party because the Labor Party position says, ‘We have opposed the GST at every turn, but we are keeping it as part of our policy.’ Have you ever seen a lazier party? Have you ever seen more incompetent policy making in your life?

Senator Vanstone—It does not add up.

Senator KEMP—It does not add up. In relation to the newspaper issue that was raised by Senator Collins, it is always a sad thing when a business goes out of business. It is always sad, but there are many reasons why a business may go out of business. Senator Collins, I have not looked closely at the particular circumstances of this paper. I would remind Senator Collins of a comment by Mr Bracks, the Premier of Victoria. Mr Bracks was very critical of people who are talking down the economy. I believe he was referring to the comments of members of this parliament in the federal Labor Party. We have seen in question time, day after day, the attempt to talk down the Australian economy; we have had it today. It is the same old story. Premier Bracks—in the state which Senator Collins comes from—has made his views very clear: the attempt to talk down the economy is bad; it should not happen. It is a great pity that his Labor Party colleagues in Canberra persist in doing this.

Senator JACINTA COLLINS—Madam President, I will try my question again in my supplementary question to the minister. It was about a Victorian small business separate from the ones that Mr Bracks was referring to when he was talking about this government trying to send business to other states, such as South Australia. Given that the Prime Minister assured Australians on 1 October 1998 that the GST was good not only for individuals but also for the nation as a whole, could the minister please explain how the closure of this small Victorian newspaper will benefit either the nation as a
whole or the business owners or staff who have been thrown out of work because of the GST?

Senator KEMP—Senator Collins asks whether I could please explain. We have explained our tax reform policy. We have explained where we stand. I ask Senator Collins whether she could please explain why the Labor Party argues that it has opposed the goods and services tax at every turn but proposes to keep it as part of the Labor Party policy. Why don’t you try and explain that, Senator Collins?

Member for Warringah: Comments

Senator BROWN (2.44 p.m.)—My question is to the Minister representing the Minister for Employment, Workplace Relations and Small Business, Mr Tony Abbott. Is the minister aware of the following statement by Mr Abbott on Triple J radio last Monday:

... the market has been the best protector and guarantee of human happiness that we’ve come up with and to the extent that we’re not happy, to the extent that we’re rushing off to the psychiatrist to get psychoanalysed, it’s our own damn fault ...

Does that reflect the government position? Can the government see how politically crass, stigmatising, damaging and unfair to many Australians that statement is? Will the government have the minister withdraw it?

Senator ALSTON—These are almost philosophical musings. I do not have any transcript of what Mr Abbott might or might not have said on Triple J. But if the essential proposition was that free markets generally deliver more transparent outcomes which do, in certain circumstances, enable governments to take action where there is market failure but generally provide outcomes that are in the best interests of consumers, then I very much fail to see what Senator Brown is complaining about.

I presume Senator Brown really means that he wants Mr Abbott to say—as Senator Collins was attempting to a moment ago—that, if anything goes wrong in your life or your business, you ought to be able to blame the government for it. That seems to be your position, Senator Brown. If someone comes to you and says, ‘I’ve gone broke because of the GST,’ you just take that on board. Am I entitled to take all those people who come to me and say, ‘That Senator Faulkner’s a shocker,’ or, ‘Why won’t he apologise to the Bailleaus?’ or, ‘Why on earth can’t you get rid of the Labor Party?’ at face value? Or would you say to me: ‘No. You should be a bit sceptical’?

The PRESIDENT—Order! Senator Brown.

Senator Brown—I just want to draw the minister’s attention to the last part of—

The PRESIDENT—Do you have a point of order, Senator?

Senator Brown—Yes. The question is not being answered. But I can ask it in a supplementary question, if the President would prefer.

The PRESIDENT—There is no point of order.

Senator ALSTON—I probably was wandering a bit. But if Senator Brown is suggesting that somehow the government or the free market should be blamed for people seeking assistance in various forms, then it is a very long bow to draw. Clearly, there are a complex of reasons why people go to doctors, psychiatrists or anyone else. To somehow suggest that Mr Abbott cannot even talk about the benefits of the free market without showing sympathy and compassion completely misunderstands the nature of economic debate. If Senator Brown has anything sensible to add, I am sure he will do it.

Senator BROWN—Madam President, I ask a supplementary question. I refer to the part of the statement from Mr Abbott that says ‘to the extent that we’re not happy, to the extent that we’re rushing off to the psychiatrist to get psychoanalysed, it’s our own damn fault’. I ask the minister: is that not a stigmatising slight on many thousands of Australians? Will the minister draw this statement by Mr Abbott to the attention of the Prime Minister so that he can have it withdrawn and have the minister apologise to Australians for that statement?

Senator ALSTON—I wish Senator Brown would fess up and say that there are a lot of things we could genuinely regard as his own damn fault, but I am sure he never will.
He will just go on, pushing his narrow little barrow of self-interest, and he will continue to somehow suggest that the planet is about to implode because of all our free market policies. I suppose that, in a democracy, there is always a place for that sort of performance but, generally speaking, most Australians realise that you seek to occupy a very small niche, Senator Brown. By all means, you should push it if you think it will get you some votes, but don’t ever expect the majority of Australians to take you seriously. I do know that Mr Abbott did talk about the recent wave of pessimism that is out there. He quite rightly said that we ought to be positive in our outlook, rather than running around looking for scapegoats and rather than blaming a tax system that you are going to keep. If you are not going to keep it, now is the time to say so. Tell us how much of it you are going to get rid of and how, and we might take you a bit seriously. (Time expired)

**Goods and Services Tax: Price Increases**

**Senator WEST** (2.50 p.m.)—My question is to Senator Vanstone, the Minister for Family and Community Services. Is the minister aware that GST induced price rises on basic necessities are driving many pensioners to despair? Is she aware that the price of electricity has risen 10.9 per cent under the GST; the price of gas, 12.5 per cent; the price of telephone services, 8.1 per cent; and the price of prescription medicine, six per cent? Can the minister credibly claim that the two per cent pension increase two weeks ago, with the two per cent taken back in clawback, is sufficient compensation in the face of these price increases for pensioners?

**Senator VANSTONE**—I thank the senator for the question, because it does give me the opportunity to clarify for the Senate yet again and repeat yet again the situation that pensioners are in. Senator West, I am sure you understand—this is for the benefit of people who do not—that anyone living on a pension is doing it tough. They were doing it tough under Labor; they are always doing it tough under us. Anyone living on a pension is facing a harsher reality of life than anybody here faces. We all understand that.

Under this government, the situation has been quite significantly eased for pensioners. It is still not easy—no-one could possibly say that it is—but it has been significantly eased. If you will just bear with me, I will explain the details for you. The government, in introducing the GST, knew that some prices would rise and some would fall. The CPI is taken to be the most robust indicator of those price rises. I do understand that some pensioners claim that the basket of goods they purchase is a different basket of goods from those tested for the CPI.

**Senator Jacinta Collins**—That’s right.

**Senator VANSTONE**—Someone over there says, ‘That’s right.’ Perhaps they might like to speak to the former minister in this job Senator Graham Richardson who had a survey done, at the request of the pensioners, which was conducted, I think, over a 10-year period—that is, going back to statistics over 10 years; he was not in the job for 10 years. Senator Richardson had to go back to the pensioners and say, ‘Guess what? The CPI is the best indicator of your basket of goods.’ Nonetheless, there is more work being done by the Bureau of Statistics, and we will wait and see if that situation changes. But when the last survey was done on this matter—as I am advised, it was Senator Richardson’s, and incidentally I was advised of this fact by the pensioner groups I met with—it indicated that their basket of goods was roughly the same.

On that basis, if there is a four per cent CPI increase and pensioners are given the four per cent CPI increase, that should cover them. But of course the government were not satisfied with that. We said, ‘Perhaps the basket of goods will be more expensive and we should give them an increase over and above the CPI. We should give them another two per cent.’ In addition to the CPI and the additional two per cent, we said, ‘Pensioners shouldn’t have to wait for the CPI increase. We’ll bring some of that forward, at a cost of some $540 million to other taxpayers, which they are happy to pay.’ When you add to that that this is the first government that has legislated to bring pensions up to 25 per cent of male total average weekly earnings, you get a difference between that and the pension as it would have been if you had stayed in government and introduced a GST of something...
over $20 a payment. If you calculate it without the GST and therefore take out the CPI spike, you get a difference of something like $30.

So, Senator, the short answer to your question is: I do understand that pensioners are doing it tough. I do not think it has ever been any different. I do not see in the future that any government will be able to make things easy for pensioners. I do say that this government has made it a bit easier. I ask you in your supplementary to give them a news flash that your government—

(Math expired)

Australian Electoral Commission: Electoral Returns

Senator CALVERT (2.56 p.m.)—My question is to the Special Minister of State, Senator Abetz. Having studied the Australian Electoral Commission election returns, will you inform the Senate what benefits there are from public disclosure and what these returns demonstrate about funding support for political parties?

Senator ABETZ—I thank my fellow Tasmanian and the popular government whip in the Senate, Senator Calvert, for his question. There are benefits with the public disclosure laws. Australians now know who donates to political parties and can draw conclusions about what they get in return. Unfortunately, there are instances where the Labor Party has disguised its funding sources through the infamous Markson Sparks fundraisers. These fundraisers are designed to prevent anyone from knowing who the mysterious donors are and what favours they may seek in return. The Markson Sparks fundraisers are designed to circumvent Labor’s own disclosure legislation.

There is, however, one special interest group that I noticed in the public disclosure that flex their muscles over the ALP with no shame—and that is the union movement. Over the last two financial years, the union movement have donated in excess of $11 million to the Labor Party. So what do the union movement get in return for this donation to the ALP? The answer, it seems, is quite a bit. It seems union officials are the main beneficiaries for the donations they make with workers’ hard-earned money.

If you are a retired ACTU official, you get a safe Labor seat. We know that the Labor Party warehouses former presidents of the ACTU—Mr Martin Ferguson, the member for Batman; Mr Simon Crean; and now Jennie George. In her case, she has won endorsement against the express wishes of the local ALP members in that electorate. La-
bor’s four safest seats are held by trade union officials. Mr Ferguson is the member for Batman, Labor’s second safest seat; Jennie George is about to take the fourth safest; and Mr Crean has a handy 13 per cent margin in the seat of Hotham. The former leader of the Democrats, the member for Dickson, failed in her attempt to gain a safe seat. But of course she was not a former trade union official.

We can conclude that you buy a lot of power in the Labor Party with the publicly disclosed donations made from unions if you are a union boss. It appears it is Labor policy that local members of the party have no real say in endorsement decisions if they are against the wishes of trade union officials. Donations, which are funded from the sweat of workers who have no say in where their union subs go, are made for the personal gain of the union officials with political ambition. There are many union officials who do not reach the pinnacles of the union movement. It appears those former union officials are favoured for the Senate. Of the 29 ALP senators, 20 come from a paid union background.

Senator ABETZ—The unions that are making these donations are a dying special interest group within this nation. These unions that are bankrolling the Labor Party represent fewer than 25 per cent of the workers of this nation. When Mr Beazley was the minister for employment he was unable to find jobs for one million Australians who became unemployed because of his policies, yet he is always able to find a seat for trade union officials. (Time expired)

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

ANSWERS TO QUESTIONS WITHOUT NOTICE

Goods and Services Tax: Price Increases

Senator CROWLEY (South Australia) (3.03 p.m.)—I move:

That the Senate take note of the answer given by the Minister for Family and Community Services (Senator Vanstone) to a question without notice asked by Senator West today relating to the goods and services tax and pensioners.

I think the minister will come to regret this answer for a very long time. ‘Pensioners are doing it tough,’ she said. The point of our question is that, since the GST, pensioners are doing it tougher than ever before. But we hear no acceptance of this fact from the government. Pensioners get no sympathy from the minister on this point. We hear that it is bad but that it is not so bad under the Howard government.

Clearly, the Howard government is absolutely deaf to what is happening out there in the real community. Senator West’s question specifically spelt out that the prices of electricity, gas, telephones and prescriptions are rising far ahead of the compensation provided for pensioners. Senator Vanstone is telling people who are doing it tough that it will only get tougher. There is no message of sympathy, no message of understanding, no message of appreciation at all that the GST has racked up prices way ahead of what was anticipated.

Senator West raised a very important point in her supplementary question. Is this government aware, or is it taking the slightest bit of notice, of the fact that many pensioners
are turning to charities for the first time ever to assist them with food parcels and other things? These are not just stories. Minister Vanstone suggested, ‘Oh, well. The person who said that was away on an overseas holiday. I don’t want to be mean about her but perhaps she’s got her facts wrong.’ Minister Vanstone, that was particularly mean. She is not the only person to say that people are turning to charities. If you want evidence of that, ask the charities. Listen to what the charities have been saying. They have never had so many demands on their time, particularly from people who have never been to charities — specifically, the pensioners. For the first time, pensioners are going to charities for assistance. We know this because that is what charities such as St Vincent de Paul and the Anglicans report. Their news releases late last year made that absolutely clear. They also said that assistance was being asked of them at a time when the government had cut back the allocation of money to charities.

This government is very mean and very spare. It is also very deaf. Pensioners are losing out with the increasing costs across the country. Minister Vanstone’s explanation that the CPI is some measure of this simply does not touch on what is happening for pensioners out there. These people were going to get a four per cent increase, but that has been halved. They have had it clawed back. The government says that the opposition is making this up: ‘These are Labor’s lines.’ This leaked departmental document tells pensioners what the Prime Minister will not. It says:

The indexation adjustments to pensions and adult allowance in rates for 20 March 2001 will have the additional issue of clawback.

In this document — the departmental document, not the Labor Party’s — are the words ‘the additional issue of clawback’. It continues:

The two per cent advance paid from 1 July 2000 on the introduction of the tax reform package will be recovered from the indexation adjustment on 20 March 2001 (Clawback). Two per cent of the existing rate will be deducted from the normal CPI adjustment to recover the advance and avoid double-dipping.

‘Clawback’ is the word used in the departmental document and clawback is what Mr Howard is doing to pensioners, to people who are not flush and who, according to the minister herself today, are doing it tough. Yet the advance they got to cope with the increased prices because of the GST is now clawed back, in the department’s own words. Pensioners, people on fixed incomes and self-funded retirees expected up to $1,000 — that is the first time we have heard the words ‘up to’. They thought they were all going to get $1,000. The Prime Minister said:

... for every person 60 and over there will be a savings bonus — a one-off tax fee payment of $1000 in relation to any investment income that you might have ...

Those are the words of the Prime Minister; there were no qualifications. Yet the insult for those people is that sometimes they got ‘up to’ $1 — certainly some got $1,000, hundreds of thousands of people did not get any money at all and a lot got the insulting $1. This is a government that is out of sympathy. (Time expired)

Senator Patterson (Victoria — Parliamentary Secretary to the Minister for Immigration and Multicultural Affairs and Parliamentary Secretary to the Minister for Foreign Affairs) (3.08 p.m.) — Senator Crowley has got herself into a lather of sweat, as she does every time this issue comes up. She perpetuates the myths that Labor put around all the time about issues that affect older people and, in particular, pensioners. Senator Crowley talked about clawback. Labor Party policy is: if you say it often enough, people will believe you. The doctrine of former Senator Richardson, who was the Minister for Social Security for many years under a previous Labor government, is: whatever it takes to get elected, that is what you do. The title of former Senator Richardson’s book is Whatever it takes. So whatever it takes to frighten old people about aged care and whatever it takes to frighten them about pensions — whatever it takes — you do it because ‘we want to get into government by any means’.

The Deputy President — Senator Patterson, please address the chair.
Senator PATTERSON—I am sorry, but I have addressed the chair.

The DEPUTY PRESIDENT—No, you have been using the word ‘you’. ‘You’ refers to the chair.

Senator PATTERSON—Whatever the Labor Party think is an unfair thing to get into government, they will do it. So we used the word ‘clawback’. Senator Vanstone explained very clearly during question time that, when the GST was brought in, we anticipated a spike in prices. Rather than wait for the increase in the CPI, we advanced to pensioners four per cent, and then we gave them two per cent on top of that. When the CPI increased by four per cent, there was an additional two per cent to make up for the fact that we had already given them part of that increase, that spike. It is not a clawback, because we gave pensioners the increase prior to the increase in the CPI. In 1993 when the Labor Party increased the wholesale sales taxes on things like sheets and towels and many things in supermarkets such as confectionary, soap powder and soap—products that older people use—older people got no compensation at all ahead of time. So to stand in this chamber and talk about clawback is myth making on the part of the Labor Party.

To say that the Prime Minister promised every pensioner a $1,000 bonus is wrong. I think on one occasion he did not qualify that in absolute detail. Every single publication that went out about the new tax system—and Senator Newman might be able to correct me here, but I think in three issues of Age Pension News, or it may have been two issues—

Senator Newman—And the mail-out.

Senator PATTERSON—And the mail-out to pensioners—told them that they would get up to $1,000 and that it would be income tested. But the Labor Party continue to spread the fact that the Prime Minister during an interview on one radio station on one day said that the pensioners would get $1,000 and at other times he said ‘up to $1,000’. So you cannot make one error without being told that you are misleading pensioners. Every time we said ‘up to $1,000’ and every publication said ‘up to $1,000’. But the Labor Party have taken one occasion and used that.

Let me tell you about Labor’s record when they were in government: in the lead-up to the 1993 election they said, ‘Every pensioner will be taken out of the tax system.’ Dr Blewett said that. Four days after the election, what did Dr Blewett say? He said, ‘I’m sorry; that was a mistake. We didn’t mean that. We didn’t mean to say it in the policy. We didn’t mean to say that before the election; we made an error. It wasn’t meant to be in our policy.’ Do you know what? That lasted in the ether for about four or five days and then disappeared. I will remind people over and over again that those pensioners were cheated.

But what else did the Labor Party do? In 1992 they brought in legislation in the parliament—which I said we would repeal if we got into government; unfortunately, we did not—to treat unrealised capitalised gains on shares as income for the purposes of assessing the pension. Pensioners’ incomes went up and down. Those pensioners with low incomes and small shareholdings, very small shareholdings sometimes—a few BHP shares—found that their pensions were going up and down. It was insane, it was inane and it was unfair. But the Labor Party persisted, and we opposed it after the 1993 election. Finally, they had to withdraw it because they realised it was so unfair. Before the last election, they were going to put capital gains on all items purchased before 1983. That was going to be very unfair to pensioners. So the Labor Party come in here and talk about unfairness to pensioners; let me say that the Labor Party have the record for being unfair to pensioners. (Time expired)

Senator DENMAN (Tasmania)  (3.13 p.m.)—I too want to take note of the answer given by Senator Vanstone to the question asked by Senator West. One of the big problems I hear about in my electorate office is the pension bonus scheme. I grew up in a small community, and my parents lived in that community until their deaths a few years ago. I still have contact with a lot of people whom they knew in that community—these people are in their 80s and 90s. The tragedy of the pension bonus scheme is that it has set
up conflict between people. I get numerous phone calls from people asking, ‘Why did Mrs So-and-so get $100 and I didn’t get anything?’ Or, ‘Why did Mrs So-and-so get $450 and I didn’t get anything?’ Maybe those people misunderstood what was happening but, if they misunderstood, it was because it was not sold well enough.

These people are still ringing my office to find out why they were not compensated with the same amount as their neighbours were. I had to say to one of the women, who happens to be my sister-in-law’s mother, ‘For goodness sake, stop talking about how much money you got and how much money someone else got, because people can work out how much savings you have in the bank from what you have been saying.’ It was a real issue in that community, and it still is. In small communities like that some people do not have access to the Internet and other information that is available to people who live in the cities. Some of them do have access but do not have families living close by who can translate for them.

The pension bonus scheme has been a big issue for them, especially when they have not been compensated for the price increases which Senator West referred to in her question: electricity, 10.9 per cent; gas, 12.5 per cent; telephone, 8.1 per cent; and prescription medicine, six per cent. In country areas, telephones are a vital link with families and the outside world, and this presents problems, particularly if families do not live in the local region and calls to families are STD calls, not local calls.

I want to quote a publication put out by Anglicare of Tasmania, the Poverty Coalition and TasCOSS. It is called Hearing the voices: calling for change. One of the key findings of the report is that people living on pensions and benefits—such as parenting payments, disability support pensions, Newstart Allowance and Youth Allowance—and people on incomes equivalent to or lower than these pensions and benefits, cannot afford the essentials of life. This is obviously happening out there, because Anglicare have phoned my office about it, and it is time we looked at what we can do to compensate these people. Another point is that many Tasmanians are being denied living standards which are necessary for the health and well-being of themselves and their families. Shortages of food, inadequate clothing and difficulties obtaining health care are pressing problems for many.

Senator Crowley mentioned welfare payments and the charities which are now being called upon to supplement food. Yesterday I mentioned a charity that had contacted me—and that is also in the report—about helping families to buy school uniforms for their children. These things should not be happening. It is appalling to think that Australians are living like this. A lot of these people are country people. A few weeks ago a man was brought into my office by one of his friends. He is living from one friend’s house to another friend’s house because his parents’ marriage has broken up and he is having difficulties with both parents. This fellow is virtually homeless and he is finding it very difficult—(Time expired)

Senator EGGLESTON (Western Australia) (3.18 p.m.)—The ALP are back again at the old business of scaring grannies and elderly people over pension increases. We have the great granny scare merchants like Mr Beazley, Mr Swan and Senator Evans, and now today we have Senator Crowley. Senator Crowley talked a lot of nonsense about the benefits and compensation that was given to pensioners when the new tax system was introduced. Let us have a look at some of the things that were done when the new tax system was first brought in. Under the new tax system, aged pensioners and other pensioners benefited from increased pensions and allowances. A guarantee was given that pensions would be maintained at higher levels, that there would be a higher rebate and that there would be a one-off aged persons savings bonus and lower taxes.

This afternoon Senator Crowley talked about problems with the cost of pharmaceutical goods and pensioners being disadvantaged under the new tax system. That really is granny scaring at its best, because pensioners are in an age group that needs a lot of medications, and the reality is that the government increased the pharmaceutical allowance to pensioners by four per cent. So they
have been compensated for any increased costs in pharmaceutical goods. For Senator Crowley to get up in the Senate today and claim that pensioners are disadvantaged because the allowance has not been increased sufficiently to meet the increased cost of pharmaceutical goods is utter nonsense and completely irresponsible.

The other increases which I should mention are: mobility allowance, four per cent; rent assistance, some 10 per cent; and the income and asset-free test for social security and service pensions, 2.5 per cent. The free area is the amount of income or assets that a person can earn or have before payments start to reduce. So the free area was increased. There has been an easing of the income means test so that pensions are reduced by only 40 cents in every dollar of income earned above the free area. Under the previous tax system, this amount was 50 cents in the dollar. That is a clear benefit.

In addition, the eased pension income test means that an additional 50,000 people will be eligible to receive a part pension and the pensioner concession card—which is worth a lot of money to pensioners in terms of getting into theatres and onto buses and trains at a cheaper rate. Those 50,000 people did not qualify for the pension on the basis of income under the previous tax system. So that is a clear benefit to pensioners under the new tax system introduced by the Howard government.

Self-funded retirees have also benefited greatly under the new tax system. The pension income test has eased, allowing pensioners to keep 60 cents in every dollar of income they earn above the free area—which I referred to before—instead of 50 cents in every dollar. But the most important thing is that when the new tax system was introduced, the government compensated pensioners. There was an arrangement under which there was a four per cent increase to compensate people for any increase in costs which might occur under the GST. There was an up-front advance of two per cent and a real increase of two per cent. This meant that pensioners were guaranteed that they would be at least two per cent ahead regardless of the actual price effect of the goods and services tax. But what did the ALP do? Mr Swan really got into granny scaring when he claimed that the government was taking away two per cent from pensioners. Mr Swan knew quite well that that was not the case; he was simply scaring pensioners around this country. (Time expired)

Senator FORSHAW (New South Wales) (3.23 p.m.)—Whenever this government is confronted with overwhelming evidence that it has misled the elderly population in Australia, it resorts to one defence, which we heard again from Senator Eggleston a moment ago—that is, blame the Labor Party; accuse the Labor Party opposition of granny scaring. I say to Senator Eggleston that there are a lot of grannies and grandpas in this country, and it is an insult to them to say that they have been scared by some propaganda campaign by the Labor Party. They know it is not true. These people, who have contributed so much to building this country and the society that we are fortunate to live in today, are intelligent enough to know when they are being conned—and they have been conned by this government.

They were conned by Mr Howard when he was the Leader of the Opposition and, in fact, after he became the Prime Minister when he said, ‘We will never ever have a GST.’ He obviously forgot about that promise—he ignored it and brought in the GST. Then he said that petrol prices would not rise as a result of the GST. But, of course, he got that wrong, and that has impacted very heavily on people on fixed incomes, such as pensioners and elderly people. Then he said to pensioners, ‘Because there might be some increase in some prices, we’re going to compensate you; we are going to give all of you $1,000.’ They were his words; they were not the Labor Party’s words. Those words were heard loud and clear by thousands upon thousands of elderly people around Australia. That promise of $1,000 was also heard by all of the pensioner organisations.

But the government now wants to play games with words. Just like Senator Alston played games with words after he made that famous promise about not reducing funding for the ABC, this government plays with words. I do not mind the government playing
with words—that might be the political game that the government is involved in—but what the opposition and people throughout this country object to is the government playing with the livelihoods of pensioners and treating them with contempt by saying to them, ‘You are too stupid; you are being fooled by the opposition.’ They know the truth. They know that their electricity bills have gone up. They know that their gas bills have gone up. They know that their insurance bills have gone up. They know that the costs of services from plumbers, carpenters, electricians and so forth have gone up. And the elderly community have to rely—probably more than the rest of us—on services. This government has said that pensioners have access to the health scheme and that that is GST free. Senator Eggleston just referred to pharmaceuticals. But the government will not say what the pensioners know: pensioners have to purchase a lot of health related products from supermarkets, and those costs have gone up.

Honourable senators will recall that, not so long ago, I raised in this chamber the fact that VitalCall—a monitoring service which is utilised by the elderly who live in their own homes whereby they can access emergency assistance—has now had the GST applied to it. It is an absolutely vital service for elderly people living in their own homes who need emergency assistance, but now the GST has been applied to it. Further, I had a complaint from an 81-year-old pensioner who was getting some modifications done to his house so that he and his wife could continue to live in their home and have better access and so on in their old age. They had to pay a GST on those house extensions, even though those extensions were to assist them in their elderly years to continue to live in their home rather than have to go into a nursing home. When they sought some relief from the GST on the cost of those extensions, they were told, ‘Sorry, you’ve got to pay the GST.’ The pensioners are not fooled by this government. (Time expired)

Senator BARTLETT (Queensland) (3.28 p.m.)—The Senate is debating answers given in question time today in relation to the adequacy of pension payments. As is unfortunately often the case, there has been more of the usual political point scoring from the government and the opposition on what should be an important issue. It is once again turning into a pro or anti GST debate rather than what it should be about, which is the adequacy of income support payments for pensioners and social security recipients. Quite clearly, as has always been the case—pre and post GST—it is difficult to survive on income support payments. There has been a lot of focus on pensioners, as there should be, but it is worth reminding the Senate—as the Democrats often do—that payments for unemployed people, particularly students, are lower again and the income test is also much harsher. So any minor amounts of income that people earn are lost quite quickly.

The issue that all parties should be addressing is: how can we get rid of those poverty traps and ensure the adequacy of income support payments for pensioners and other low income earners? Those are some of the questions we should have been addressing in the lead-up to and as part of the so-called welfare reform debate over the last 18 months, because they go to some of the core issues. Not every single rise in the cost of living can be put down to the GST. My views on the GST are fairly well known—they are on the record. But I do not think how I voted on the GST helps pensioners at all. Similarly, people going around blaming the GST for everything does not help them now. Political parties have to talk about what they are going to do about improving the administration of the tax system, ensuring that tax does not apply in areas where it is unhelpful or, more importantly, whether some of those other bottom line issues, such as income support payments, are adequate.

One of the big areas that has impacted on people’s costs of living, both directly and through flow-on effects, has not been the GST; it has been the dramatic rise in the price of petrol. A small component of that is due to the Prime Minister not keeping his promise in relation to petrol and the GST but a lot of that is due to other factors. Everybody knows that, everybody concedes that and everybody knows that that has made life a lot more difficult for low income earners—
particularly pensioners, people who are unemployed, students, et cetera.

What that brings into sharp focus is whether or not income support payments and other forms of assistance are adequate to meet the cost of living for people who are on low incomes. That is what this debate should be about: what parties are proposing. If the ALP believe that pensioners are not getting enough—and I am certainly one who believes that it is difficult for them—what are they going to do about it? Are they going to commit to increase pensions? There has been no sign of that at all, as there has been no sign of any commitment on anything else. Even with all their continual ranting and raving and finger pointing about the GST, there has been no sign of what the ALP will do about that—other than a clear indication that they are not going to repeal the GST. What are they going to take the GST off? There are no solutions being offered. There is a lot of finger pointing and wailing and moaning about the problem but no proposals or solutions are being offered to relieve the situation for pensioners and low income earners. That is what we should be debating.

We are now a little over a month away from the budget. Supposedly, in that budget will be a significant response from the government in relation to welfare issues. I and the Democrats believe that that should not just be about how much we pay pensioners and the unemployed, although that is an important component of it. It should be about all those other issues. Should we be providing more assistance through housing? More appropriate and affordable housing can address some of the issues we should be talking about. Other ways of assisting people include better and more affordable public transport, which would address high petrol prices. There are ways of weaning ourselves off our incredible dependence on petrol. Those are all things we should be talking about, not just some tired old retrospective debate pro and against the GST. We have had that debate. It is of no help to pensioners, the unemployed or anybody else in the Australian community.

We should be debating where we move forward to from here. We should be looking at what solutions are offered. If we are focusing on pensioners and the unemployed—the cost of living is going up and it is making it more difficult for them—should we be talking about increasing those bottom line payments or reducing the poverty trap and income test for any income or other forms of assistance? Let us look at those in a constructive, forward looking way rather than just continuing the tired old pro and anti GST mud throwing. (Time expired)

Question resolved in the affirmative.

PETITIONS

The Clerk—A petition has been lodged for presentation as follows:
Australian Broadcasting Corporation: Independence and Funding
To the Honourable the President and Members of the Senate in the Parliament assembled:
The petition of the undersigned calls on the Federal Government to support:
i. the independence of the ABC Board;
ii. the Australian Democrats Private Members’ Bill which provides for the establishment of a joint Parliamentary Committee to oversee ABC Board appointments so that the Board is constructed as a multi-partisan Board, independent from the government of the day;
iii. an immediate increase in funding to the ABC in order that the ABC can operate independently from commercial pressures, including advertising and sponsorship;
iv. news and current affairs programming is made, scheduled and broadcast free from government interference, as required under law; and
v. ABC programs and services which continue to meet the Charter, and which are made and broadcast free from pressures to comply with arbitrary ratings or other measures.
by Senator Bourne (from 60 citizens)
Petition received.

NOTICES

Presentation
Senator Murphy to move, on the next day of sitting:
That the time for the presentation of the report of the Economics References Committee on the framework for the market supervision of Australia’s stock exchanges be extended to 24 May 2001.
Senator Allison to move, on the next day of sitting:

That the time for the presentation of the report of the Environment, Communications, Information Technology and the Arts References Committee on the Environment and Heritage Legislation Amendment Bill (No. 2) 2000 and two related bills be extended to 21 May 2001.

Senator Allison to move, on the next day of sitting:

That the Senate time for the presentation of the report of the Environment, Communications, Information Technology and the Arts References Committee on telecommunications and electromagnetic emissions be extended to 20 April 2001.

Senator Lees to move, on the next day of sitting:

That there be laid on the table by the Minister representing the Treasurer (Senator Kemp), no later than 5 April 2001, a copy of the report into the impact of the fringe benefits tax changes on Indigenous organisations by the Office for Aboriginal and Torres Strait Islander Health and the Aboriginal and Torres Strait Islander Commission.

Senator Ian Campbell to move, on the next day of sitting:

That the following bill be introduced: A Bill for an Act to amend the Crimes Act 1914, and for other purposes. Measures to Combat Serious and Organised Crime Bill 2001.

Senator Tierney to move, on the next day of sitting:

That the Senate—

(a) notes:
(i) the slow progress of roadworks at the Weakleys Drive and New England Highway intersection near Maitland, New South Wales, and the tactics of the New South Wales Government, which is delaying the development of a much-needed overpass, and
(b) that this is one of the busiest intersections in the Hunter Valley and has been the scene of many accidents, including fatalities;
(b) criticises the New South Wales Government for not addressing the need for a link road between Thornton Road and Anderson Drive, which would reduce traffic through the intersection and prevent problems for residents from Beresfield and Thornton and which has to be built before work on the overpass can begin; and
(c) calls on the Roads and Traffic Authority, the New South Wales Government and the Federal Government to work together on this issue so that the intersection can be made safer for motorists.

Senator Brown to move, on the next day of sitting:

That the Senate—

(a) notes the protest on the weekend of 31 March and 1 April 2001 by 1 500 people against the Government’s plans for development of the Australian Defence Industries (ADI) site at St Marys;
(b) opposes the large scale housing development plan at the St Marys site in recognition of the intensity and extent of community opposition;
(c) calls on the Federal Government to protect the heritage-listed Cumberland Plains Woodland and the last viable population of kangaroos and emus in the Sydney metropolitan area; and
(d) supports the creation of a regional park, including a nature reserve, covering the entire ADI site, that protects in perpetuity the natural and cultural heritage of the site, and creates sustainable employment opportunities in tourism and education, and provides the people of western Sydney with urgently needed space for passive recreation.

Senator Schacht to move, on the next day of sitting:

That the following bill be introduced: A Bill for an Act to award the Victoria Cross for Australia to certain persons. Award of Victoria Cross for Australia Bill 2001.

COMMITTEES

Employment, Workplace Relations, Small Business and Education Legislation Committee

Meeting

Motion (by Senator Calvert, at the request of Senator Tierney)—by leave—agreed to:

That the Employment, Workplace Relations, Small Business and Education Legislation Committee be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 4 April 2001, from 12.45 p.m. till 1.30 p.m., to take
Tuesday, 3 April 2001

NOTICES

Postponement

Items of business were postponed as follows:

General business notice of motion no. 881 standing in the name of Senator Greig for today, relating to shark finning and unsustainable shark fishing, postponed till 5 April 2001.

General business notice of motion no. 887 standing in the name of Senator Brown for today, relating to the Kyoto Protocol on climate change, postponed till 4 April 2001.

AGRICULTURAL AND VETERINARY CHEMICALS LEGISLATION AMENDMENT BILL 2001

First Reading

Motion (by Senator Ian Campbell) agreed to:

That the following bill be introduced: A Bill for an Act to amend legislation relating to agricultural and veterinary chemicals, and for related purposes

Motion (by Senator Ian Campbell) agreed to:

That the bill may proceed without formalities and be now read a first time.

Bill read a first time.

Second Reading

Senator IAN CAMPBELL (Western Australia—Parliamentary Secretary to the Minister for Communications, Information Technology and the Arts) (3.36 p.m.)—I table the explanatory memorandum and move:

That this bill be now read a second time.

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

Leave granted

The speech read as follows—

This bill amends the Agricultural and Veterinary Chemicals Act 1994 and has largely been necessitated by the High Court’s decision in R v Hughes. That decision casts doubt on the duties, functions and powers of Commonwealth authorities and officers within the National Registration Scheme for Agricultural and Veterinary Chemicals and a key purpose of this bill is to remedy that situation.

The National Registration Scheme is a cooperative Commonwealth-state legislative scheme which has been operating successfully since 1995. Within the scheme, a number of Commonwealth authorities and officers have significant duties, functions and powers conferred on them by state laws. These include the National Registration Authority for Agricultural and Veterinary Chemicals, which is the primary regulatory agency in relation to the importation, manufacture and supply of agricultural and veterinary chemicals in Australia. Other Commonwealth authorities and officers include the DPP, the AAT, and inspectors and analysts appointed under Commonwealth laws who play a key role in the NRA’s compliance program.

The High Court’s decision in Hughes questions the capacity of Commonwealth authorities and officers to exercise powers and functions conferred on them by state legislation, in situations where a power or function is coupled with a duty and there is no clear federal head of power to support that duty.

The bill amends the relevant Commonwealth act to clarify that the Commonwealth authorises the conferral by state law of duties, as well as functions and powers, on Commonwealth officials and authorities to the fullest extent possible within the legislative powers of the Commonwealth under the Constitution. The bill will also ensure that where there is found to be a lack of state constitutional capacity to confer a duty, function or power on a Commonwealth authority or officer, that the duty, function or power will be conferred by Commonwealth law to the fullest extent possible within the Commonwealth’s legislative power.

The bill will also specifically confirm, both prospectively and retrospectively, that a state law may confer duties, functions and powers on the AAT and on inspectors and analysts appointed under Commonwealth law. This addresses certain legislative gaps which have been identified in the conferral of state functions on these authorities and officers, in addition to the problem arising from Hughes.

It is intended that following the enactment of this bill corresponding state laws will be enacted to validate the past actions of Commonwealth authorities and officers under the scheme which may be in doubt following Hughes or in light of the legislative gaps.
The amendments will ensure that the important roles of Commonwealth authorities and officers within the National Registration Scheme are not put at risk as a result of the High Court’s decision in Hughes.

Ordered that further consideration of this bill be adjourned to the first day of the 2001 budget sittings, in accordance with standing order 111.

ABC AMENDMENT (ONLINE AND MULTICHANNELLING SERVICES) BILL 2001

First Reading

Motion (by Senator Bourne) agreed to:

That the following bill be introduced: A Bill for an Act to amend the Australian Broadcasting Corporation Act 1983 in relation to the provision of online and multichannelling services, and for related purposes

Motion (by Senator Bourne) agreed to:

That the bill may proceed without formalities and be now read a first time.

Bill read a first time.

Second Reading

Senator BOURNE (New South Wales) (3.38 p.m.)—I move:

That this bill be now read a second time.

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

Leave granted

The speech read as follows—

Madam President, it gives me great pleasure to present to the Senate the Australian Democrats private member’s bill titled the ABC Amendment (Online and Multichannelling Services) Bill 2001. At present the ABC is prohibited from advertising on its radio and television services. This bill extends the prohibition to the ABC’s online and digital television services.

This bill has arisen for two main reasons.

First, the government has failed to provide adequate funding to the ABC through its annual appropriation. As a result, the ABC is looking increasingly toward commercial deals with other content and service providers for additional monies to create one of their most precious assets—local content.

Second is the proposed content deal between Telstra and ABC Online, recently investigated by the Senate Environment, Information Technology, Communications and the Arts References Committee. In this inquiry, several witnesses pointed out that, through omission, the ABC Act could allow advertising on the ABC’s online service.

The ABC Act contains no reference to online or Internet technologies. If the board and/or management were to allow advertising, or links from the ABC Online service to other service providers, it could do so.

This bill addresses both issues. It amends the ABC Act to refer to Internet and online technologies. It also amends the ABC Act to prohibit advertising on the online service.

Importantly, the bill also disallows any de facto commercialisation of the online service by prohibiting links from the ABC service to other commercial bodies, products or services.

I will briefly explain the technical components of the bill.

This bill is simple, with five parts in two schedules.

The first part defines multichannelling on the ABC in the same terms as the definition contained in the Broadcasting Services Act at schedule 4, clause 5A.

Basically, this clause describes multichannelling as a television service provided by the ABC in digital mode.

I also indicate to the Senate that I shall be moving the Broadcasting Services Amendment (Multichannelling) Bill 2001 as an amendment to the bill I have presented today, in order to remove the restrictions on multichannelling services for the ABC and SBS.

I will seek to incorporate the provisions of this small bill in order that the ABC and SBS will be able to provide unrestricted multichannelling services. I moved this amendment last year during the debate on digital television broadcasting. Both the ALP and the coalition voted against it.

However, I am pleased to say that the ALP have sent some positive, if sadly untimely, signals that they will now support my amendments for unrestricted multichannelling for the ABC and SBS.

On behalf of our two national broadcasters and the large numbers of Australians who watch and listen to the ABC and SBS every day, I thank the opposition for their new-found support in this regard.

I hope that, should the ALP win office, whoever is their communications minister, this support for our national broadcasters will not waver again, and may even result in adequate funding for both organisations.
Clause 2 inserts into the ABC Act the definitions for online and multichannelling services. These definitions are broad enough to allow the board and management to define the online service, as is current practice for radio and television. Importantly, if the ABC Act defines online and multichannelling services, it ensures each is recognised as an ABC service.

The definitions for datacasting are not required. They were included in the broadcasting legislation amendment bill passed by the parliament last week.

Recently, there has been a great deal of discussion about the ABC’s online service. There has been speculation about its value for commercial ventures; and there has been discussion about selling the site. There has also been the suggestion that ABC Online can act as a de facto content provider in its own right—a space where content, or programs, or other services might be offered which are unique to this service.

ABC Online is a special component of the family of ABC services. It provides an additional source of information about programs and services offered by the ABC’s radio and television networks. It is a truly integrated service, which should continue to operate as such. Given the ABC’s lack of resources, the content for ABC Online can probably only be derived from other ABC content sources in the short term.

There is no doubt that the opposite must eventually be the case—the ABC must be provided with adequate funding to carry out all its legislative responsibilities and to create its own content specifically for all the services it provides. This would enrich the amount of local content on radio, television and online and re-establish the ABC as the key industry training ground.

The third clause of the bill is the most important section of this legislation. This clause brings to effect the recommendations of several witnesses to the Senate’s inquiry into the proposed ABC-Telstra online content deal.

The Senate inquiry was set up while the ABC was seeking to enter into a deal with Telstra for the supply of valuable ABC news content. There were concerns inside and outside the ABC that this sale of content could undermine the ABC’s independence and integrity and could weaken the ABC’s adherence to its own act’s requirements for the independence of news, current affairs and other programming.

The Senate committee considered the Telstra deal in two parts. The first dealt with the commercial aspects of the deal and a report followed in April 2000. The second part investigated whether the ABC Act required amendment to protect the organisation from such commercially exploitative deals in the future. The committee presented its report to the Senate on this last week, and the Democrats remain convinced legislative amendment is necessary to protect the ABC.

Those clauses that extend the prohibition on advertising to the ABC online service will be included under section 31 of the ABC Act. This is the section that already prohibits advertising on ABC radio and television services.

In its submission to the inquiry, ABC management asserted that the act did not require amendment because it is already current board practice not to allow the ABC to accept advertising on its online site. That is fine while the ABC Board and management are keen to uphold the prohibition on advertising and have the resolve to resist strong third-party commercial pressures.

However, there is no guarantee that the board and management will always have this resolve, or will remain united in it.

The Democrats prefer the security provided by legislation.

Online technologies are unique. They are not simply single-channel broadcast services like radio or television where passive audiences absorb the material being delivered to them. Online technologies involve degrees of interactivity. The person using the service may stay in the one page or may move through various pages using any links provided.

ABC Online News is an interesting example. This is an excellent service. It is updated regularly and operates much in the same way as the old news wires, but with the extra dimensions of material—photographs, other graphics, audio and video. The user can also link to other ABC news stories, read transcripts and go to other ABC sites.

One of the more unique aspects of the site is that there is no obvious advertising on the service. There is no banner advertising, and no obvious commercial component.

However, a couple of weeks ago, when I was using the News site, I decided to click on a small icon asking if I wanted to check my shares. It looked like an interesting idea so I decided to see where this icon led. To my amazement, the ABC site links directly into a private, commercial financial advisory service.

There is no warning when you click onto the icon that you are leaving the ABC’s independent news service and entering a commercial web service.

The ABC is an independent news and current affairs producer, which should not even give the
impression of endorsing a third party commercial organisation—no matter what service or function the commercial organisation might offer.

This is one of the problems addressed in the 1995 report of the Senate Select Committee on ABC Management and Operations, chaired by Senator Richard Alston. The committee found that if the ABC were to endorse a third-party organisation or a service or product offered by that third party, the ABC’s own independence and integrity would be diminished. Conversely, and simultaneously, that third party would be able to enhance its own integrity because it appeared to be endorsed by the ABC. At the time the ABC advised the committee that it was mindful of the fact that it is crucial to the public credibility of the ABC that it is not seen to be influenced by, or dependent on, commercial interests.

The Committee was concerned, and the Democrats remain concerned, that programs may be compromised in two different ways. Program content may be directly affected by a sponsor’s or investor’s expectation of favourable coverage. Secondly, the choice to make a certain program, or how to make the program, may be affected by considerations of what would be attractive to potential sponsors or investors.

While the Senate committee at the time was concerned primarily with questions of television production, these concerns are valid throughout the ABC.

In addition, links from the ABC’s Internet site may be problematic precisely because they seem so innocuous.

These links are included in the bill at clauses (1B) and (1C). These clauses ensure that any link away from the ABC site is protected from commercial exploitation. We believe it is reasonable and practical that the ABC must notify its users they are about to exit the ABC site if links are provided to external sites.

Linking is not the problem—just how it is managed.

The last clause in the first schedule of the bill has the effect of prohibiting advertising on all the ABC’s overseas services. The Democrats have consistently opposed advertising on ATVI. We are fully supportive of the ABC providing a high quality overseas television service, but we do not believe the ABC should accept advertising revenue on any of its services.

Finally, schedule 2 lifts the multichannelling restrictions on the ABC and SBS. These are the same amendments I moved during the June 2000 debate on digital broadcasting.

These clauses allow the ABC and SBS to provide unrestricted multichannelling services.

Removing this restriction allows the ABC and SBS boards to determine their own multichannelling services.

The Democrats have always opposed advertising on ABC programs and services. We believe advertising could easily undermine the ABC’s independence.

This bill is designed to protect the ABC’s independence and integrity by extending the current prohibition on advertising to all ABC services. The rationale for the prohibition on traditional broadcasting media is just as legitimate for all technologies.

The Democrats value ABC content. We believe the ABC should be able to sell its content. It is a truly valuable resource. However, we opposed the ABC-Telstra deal because the deal compromised, absolutely, the ABC’s independence and integrity.

The ABC has had more than its fair share of inquiries into its independence and integrity. A few years ago, both the Senate Select Committee’s Our ABC report and the Palmer inquiry documented ways in which commercial funding could affect the ABC’s independence and integrity.

This bill is one significant way to protect that independence and integrity.

I commend the bill to the Senate.
of legislation and it needs more time for public scrutiny. I am concerned that this motion will allow the bill to be brought on, even within the next week, and put through the parliament. I think it has important ramifications for small parties and/or independents. It affects the rules for elections and how they are held, how parties can register and who can register, and the voting processes when elections come along. So it is important. It is the outcome of past deliberations, but I think that we should have time to look at this. The community should have time to consult. I am opposed to this motion.

The DEPUTY PRESIDENT—Senator Brown, are you declining formality for this bill?

Senator BROWN—I do not want to block formality on it, but I want to register my opposition to it.

Senator IAN CAMPBELL (Western Australia—Manager of Government Business in the Senate) (3.40 p.m.)—by leave—There are a lot of young people in the upper gallery who should know that whenever a bill comes into this place it is open to any senator to see it referred to a committee of the parliament. I think Senator Brown would agree with me that it is a good idea that young people, particularly, know this.

Senator O’BRIEN—That is not right. You can ask for it.

Senator IAN CAMPBELL—Exactly. Any senator can ask for a bill to be referred. To be successful in doing that, obviously you will need 50 per cent plus one of the senators in this place. But no-one has actually sought for this bill to be referred. Indeed, it can only go forward in this place to the next stage of legislation with the agreement of a majority in this place. Having said that, I move the motion that will allow this bill to go forward and be debated in this place:

That the provisions of paragraphs (5) to (7) of standing order 111 not apply to the Electoral and Referendum Amendment Bill (No. 1) 2001, allowing it to be considered during this period of sittings.

Question resolved in the affirmative.

PARLIAMENTARY ZONE

Approval of Works

Motion (by Senator Ian Campbell) agreed to:

That, in accordance with section 5 of the Parliament Act 1974, the Senate approves the proposal by the National Capital Authority for capital works within the Parliamentary Zone, being pedestrian crossings at the intersection of Parliament Drive and Melbourne Avenue.

COMMITTEES

Superannuation and Financial Services Committee

Extension of Time

Motion (by Senator Calvert, at the request of Senator Watson) agreed to:

That the time for the presentation of the report of the Select Committee on Superannuation and Financial Services on the provisions of the Parliamentary (Choice of Superannuation) Bill 2001 be extended to 9 August 2001.

INFORMATION TECHNOLOGY: OUTSOURCING

Motion (by Senator O’Brien, at the request of Senator George Campbell) agreed to:

That the Senate—

(a) notes that the order for the production of documents relating to the Finance and Public Administration References Committee inquiry into the Government’s information technology outsourcing initiative, which was passed by the Senate on 26 March 2001, has not been complied with; and

(b) requires that the acting Minister for Finance and Administration provide to the Finance and Public Administration References Committee, by no later than the adjournment of the Senate on 4 April 2001, all documents listed in that order.

FOREST PRACTICES CODE 2000

Senator BARTLETT (Queensland) (3.40 p.m.)—On behalf of Senator Lees, I ask that general business notice of motion No. 862, standing in her name for today, relating to breaches of the Forest Practices Code 2000 in Tasmania, be taken as formal.

Leave not granted.
Suspension of Standing Orders

Senator BARTLETT (Queensland) (3.41 p.m.)—Pursuant to contingent notice, I move:

That so much of the standing orders be suspended as would prevent Senator Lees moving a motion relating to the conduct of the business of the Senate, namely a motion to give precedence to general business notice of motion No. 862.

I think it is important to outline why this is not just an important issue but an urgent issue for the Senate to register an opinion on. It is worth outlining the content of the notice of motion by Senator Lees that has been on the Notice Paper since 26 March. It specifically notes concerns, in relation to forestry operations in a particular coupe in northeastern Tasmania, because of alleged breaches of the Forest Practices Code 2000 and outlines a number of those breaches. They include an inadequate hydrological survey, with unidentified streams in the coupe and significant damage that has occurred subsequently as a result of logging practices there; insufficient buffer zones in side stream reserves where waterways have been identified; inadequate construction of the Mount Arthur road leading to increased likelihood of siltation problems in the waterways; extensive logging being undertaken without sufficient data and without regard to the fact that a threatened crayfish species is present in the relevant coupe; and contamination of the watertable with chemicals and fertilisers that will result from the establishment of plantation operations. The notice of motion also notes that, given the steep slopes and difficult nature of the terrain, the whole area should never have been approved for logging by Forestry Tasmania.

Given that this is also an area that links to federal-state agreement on the regional forest agreement, it is appropriate that the Senate express an opinion on it. And it is urgent for the Senate to express a view on it, because it is damage that is occurring now. There is widespread community concern. There was, I believe, a significant meeting held in Launceston last Thursday night which was, according to newspaper reports, attended by around 300 people concerned about just this issue. The inadequacies of the regional forest agreement between the state of Tasmania and the federal government have been outlined many times in this place before so I will not focus on those in the broad, but this is a classic example of why it is problematic. It is particularly problematic in its enabling of native forest to be cleared specifically for the purpose of plantation. It is also problematic in its inadequate monitoring of the forestry code and the impact of clearing—not only the immediate environmental impact on the biodiversity in the forest that is destroyed and replaced with plantation but also its impact downstream. Particularly relevant is its impact on the water yield. Evidence provided by Associate Professor Brian Finlayson from the Centre for Environmental Applied Hydrology outlines that the clearing that is occurring in this area will have a significant impact on the water yield which will be long term and as good as irreversible. Not only is there a concern about the reduction in water yield—and we are talking about water that goes into a catchment that is used by many thousands of people downstream—but also there is a concern about water quality. The reduction in water yield and the damage to water quality are significant, ongoing and very important issues.

This particular coupe that is detailed in the motion that we are considering today is a classic example of some of the worst breaches of the Forest Practices Code. The coupe is an example of the code’s inability to be properly overseen and its inability to prevent damage. The clearing occurring in this coupe has an obvious adverse impact not only on the forestry area in question but also on many thousands of people downstream, particularly its adverse impact on water quality, whether this is caused by siltation and run-off from the inadequate buffer zones or whether it is caused by chemical contamination from pesticides and other chemicals that are used in the establishment of plantations.

It is an urgent issue, because it is damage that is being done now. It is damage that is irreversible and long-term. It is damage that impacts on thousands of people and it is damage about which thousands of people locally in Tasmania are expressing signifi-
cant concerns. It is not just people in the north who are expressing concerns about this coupe. Having mentioned the meeting in Launceston, it is appropriate to mention the thousands of people who turned out on the weekend in Hobart and expressed concerns not just about this particular coupe but about broader practices. But the breaches that have been identified in this area are so significant and so extreme, the impact so major and the matter so urgent, that certainly the Democrats believe this is a matter that should be considered by the Senate. We note that it is the ALP that has tried to prevent the Senate making its voice heard on this issue this afternoon.

Senator O’BRIEN (Tasmania) (3.48 p.m.)—I heard what Senator Bartlett said on this matter. I recall—this being Senator Lees’s motion—that Senator Lees actually attempted to make her case during the appropriations debate. What Senator Lees said then was a little different from what is in the motion. What Senator Lees said was that all logging should cease in this coupe, but the motion says:

... all forestry operations in Coupe LI 126C should be immediately halted ...

There is quite a difference. In relation to the suggestion that it is urgent that this motion to stop logging be carried, I can say categorically that that is not the case. In fact, logging has ceased in this coupe while the claims about breaches of the code are properly reassessed. It is for that reason that the opposition says not only is this matter not urgent but also that there are appropriate investigations which need to be carried out before the Senate could make a reasoned and informed decision on this matter. So the opposition will not be supporting the suspension of standing orders. The opposition suggest to the Democrats that this matter can, if they like, remain on the Notice Paper until that process is completed. Obviously the matter is in the hands of government as to whether they want this matter debated now.

But I can reliably inform the Senate that whilst other senators have sought to make some political capital out of visiting the site—I too have visited the site—I have spoken to the Deputy Premier’s office about what I have seen. Following my discussions, I am able to say that I have received advice that logging in the coupe has ceased and will certainly not recommence this season, which means there will be no further logging, if any, for the next seven to eight months. In those circumstances, why is this matter urgent? We can get more information than can possibly be laid before the Senate chamber today if the Senate is prepared to await a proper and full investigation of this matter. There may be other ways this matter can be proceeded with, but not through this motion.

Senator BROWN (Tasmania) (3.50 p.m.)—I congratulate Senator Lees and Senator Bartlett on this motion, because it is part of a political process coming from the local people which will at least get a cessation of the obscene and illegal destruction of forest which is occurring in the Mount Arthur coupes in Tasmania.

Let me give you a picture of what is happening there. Mount Arthur is a mountain which in winter is snow capped and is a backdrop to Launceston. Below the dolomite cap is alpine woodland, then you have rainforest and that merges into wet eucalypt forest, which is the prime target of the loggers. When Prime Minister Howard came to Tasmania in 1997 and signed the regional forest agreement, he signed an agreement which indicated that 1,866 hectares of this magnificent upland forest would be protected. But then he went away and allowed Forestry Tasmania and the very person that Senator O’Brien has just mentioned, Deputy Premier Lennon, to take 1,000 hectares of that 1,866 hectare reserve out of reserve status. A component of that is being logged and has been logged in recent weeks.

Senator O’Brien—It’s not being logged.

Senator BROWN—It has been logged, and you let it be logged, Senator. You and your party and the Deputy Premier of Tasmania ordered the loggers in there.

The DEPUTY PRESIDENT—Address the chair, thank you.

Senator BROWN—Senator O’Brien went out there and did not stop the logging. It is the citizens who have had to do this. What is worse are the infringements and in-
fractions of the forest practices code. Prime Minister Howard said that the code would be employed to give an environmental balance in Tasmania, but it is being breached all over the state. Here is the forest practices code—the Prime Minister’s code for protecting Tasmania’s forests—being broken extensively. Illegal logging is occurring under Forestry Tasmania and under the woodchip corporations right across the state. Yet there is no independent Commonwealth adjudication of this wholesale illegal logging. It is left to citizens, where they can, to object to it and to draw Forestry Tasmania and the woodchip corporations like guns into line. Why should that be? Why is this maverick industry allowed to breach and break the rules like that? Why does the Prime Minister not intervene? Which Liberal senator from this place has been to Mount Arthur? Why has the Labor Party in Tasmania, which takes a stronger line for destruction of Tasmania’s forests than the coalition, not intervened before this?

It is culpable behaviour by the Labor and Liberal parties. It is time they were brought to book, because the majority of Australians do not want that destruction of native forests, which is totally unnecessary to meet Australia’s wood needs. They can be met by the millions of hectares of plantations which have been established in Australia. This is an unnecessary destruction of Australia’s forests for a quick buck by these woodchip corporations which, in turn, put money into the big party coffers. In a total dereliction of duty that the government and opposition parties in this place have left it to the Democrats and the Greens to represent majority community feeling on this matter.

The Labor Party gets up and says, ‘They will not be logging now through the winter months.’ That is because it is too steep and too wet and the infractions have now become so obvious to the public that they dare not continue. Senator Lees has listed them. What an appalling and disgraceful way for Forestry Tasmania and its Labor and Liberal masters, who should be seeing the right thing done under their own prescription, to behave. It is totally remiss. It is just impossible to allow this to continue. It will be an election issue, and the public will want it to be an election issue. It is urgent.

Senator O’Brien interjecting—

Senator BROWN —Putting it off the way you do, Senator O’Brien, is simply a prescription to allow this illegal destruction to continue. I support the motion.

Senator IAN CAMPBELL (Western Australia—Parliamentary Secretary to the Minister for Communications, Information Technology and the Arts) (3.55 p.m.)—We will be opposing the suspension motion. Senator O’Brien’s reasons are actually quite sensible and reasonable on this occasion. We are aware that the Tasmanian Forest Practices Board have discussed the specific and, I think, important concerns with the local complainants, who have obviously done the right thing and the civic thing by bringing these matters to the attention of the Forest Practices Board—the statutory body appointed under the Forest Practices Act of Tasmania—which is very much the proper process. Quite clearly, as Senator O’Brien has pointed out, you allow these proper processes and ensure the community supports these processes. The minister at the federal level will look at the Tasmanian Forest Practices Board’s written report when it is completed.

It is of course open to any senator to seek to suspend the standing orders to suspend all business of the Senate to make a political point about these issues, but I think people should be under no illusion about what exactly is being done here—a political point is being made. It will not assist the cause of those complainants. It will not assist those who seek to promote best forestry practice in Tasmania by what could be seen by the cynical as nothing but a cheap political stunt.

Question put:
That the motion (Senator Bartlett’s) be agreed to.

The Senate divided. [4.02 p.m.]
(The President—Senator the Hon. Margaret Reid)

<table>
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<th>Ayes</th>
<th>Noes</th>
<th>Majority</th>
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<td>10</td>
<td>41</td>
<td>31</td>
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AYES


NOES


* denotes teller

Question so resolved in the negative.

GREY HEADED FLYING FOX COLONY: MELBOURNE BOTANIC GARDENS

Motion (by Senator Allison) put:

That the Senate—

(a) notes that:

(i) the Victorian Minister for the Environment and Conservation (Ms Garbutt) has gone against the advice of her scientific committee and decided not to list the grey-headed flying fox as a threatened species under the Flora and Fauna Guarantee Act 1998 (Vic.),

(ii) this is the first time a Victorian Environment Minister has not accepted the advice of the scientific committee on the listing of a threatened species under the Act,

(iii) the species was classified as ‘vulnerable to extinction’ in the Action Plan for Australian Bats,

(iv) there is no permanent breeding colony for the species in Victoria other than the Melbourne Botanic Gardens, and

(v) the Melbourne Botanic Gardens, with the approval of the Victorian Environment Minister, will shortly begin killing 1,000 of the bats using either lethal injection or low velocity short-range weapons;

(b) calls on the Victorian Environment Minister to make a greater effort at seeking an alternative site for the bat colony along the Yarra River, and to instruct the Director of the Melbourne Botanic Gardens to manage the gardens for both the benefit of the bats and existing botanic specimens; and

(c) calls on the Federal Minister for the Environment and Heritage (Senator Hill) to:

(i) seek urgent advice from the Threatened Species Scientific Committee on the listing of the grey-headed flying fox under the Environment Protection and Biodiversity Conservation Act 1999,

(ii) upon the listing of the grey-headed flying fox under the Environment Protection and Biodiversity Conservation Act 1999, designate the proposed bat kill in the Melbourne Botanic Gardens as a ‘controlled action’ instigating full impact assessment procedures,

(iii) advise the Senate on the potential detrimental effect upon World Heritage Listed rainforests in south-east Australia of killing large numbers of grey-headed flying fox,

(iv) if the above advice indicates that the values of the listed World Heritage sites may be damaged by the killing of grey-headed flying fox in Melbourne’s Botanic Gardens, seek an injunction to stop the kill under the Environment Protection and Biodiversity Conservation Act 1999, and

(v) write to the Victorian Minister asking her to stop the kill, in any event, until the Commonwealth has reviewed the conservation status of the bat.

The Senate divided. [4.09 p.m.]
Ay e s…………10
Noes…………34
Majority………24

AYES
Allison, L.F. Bartlett, A.J.J.
Bourne, V.W. * Brown, B.J.
Greig, B. Lees, M.H.
Murray, A.J.M. Ridgeway, A.D.
Stott Despoja, N. Woodley, J.

NOES
Bishop, T.M. Brandis, G.H.
Buckland, G. Calvert, P.H.
Campbell, G. Campbell, I.G.
Carr, K.J. Collins, J.M.A.
Cook, P.F.S. Cooney, B.C.
Crane, A.W. Crossin, P.M.
Crowley, R.A. Ferguson, A.B.
Ferris, J.M. Gibbs, B.
Hogg, J.J. Hutchins, S.P.
Knowles, S.C. Ludwig, J.W.
Lundy, K.A. Mackay, S.M.
O’Brien, K.W.K. * Patterson, K.C.
Payne, M.A. Reid, M.E.
Schacht, C.C. Tchen, T.
Tierney, J.W. Troeth, J.M.
Watson, J.O.W. West, S.M.

* denotes teller

Question so resolved in the negative.

MINISTERIAL STATEMENTS

Australia’s Trade Outcomes and Objectives Statement 2001

Senator IAN CAMPBELL (Western Australia—Parliamentary Secretary to the Minister for Communications, Information Technology and the Arts) (4.12 p.m.)—I table a statement by the Minister for Trade, Mr Vaile, together with a document entitled Australia’s trade outcomes and objectives statement 2001, and seek leave to incorporate the minister’s statement in Hansard.

Leave granted.

The statement read as follows—

This marks the fifth year of publication of the Statement, an innovation of the Coalition Government that has become a key document for Australian trade policy. Honourable Members will note a change in presentation of this year’s TOOS, with a more strategic examination of the fundamental changes occurring in the international business environment and our Government’s response to them. What has not changed is the story of the great efforts of our exporters, who continue to do Australia proud in markets right round the world.

TOOS 2001 outlines a magnificent export achievement in 2000. Last year Australian exports grew by a massive 25 per cent. That represents the highest growth rate in more than two decades and more than four times the trend growth rate over the last five years of 6 per cent. Our export surge came against the background of 1999’s marginal fall in trade of 1.0 per cent, when exports began to recover after the Asian economic crisis. In the Olympic year, our exporters left the blocks flying.

In 2000, total Australian exports reached $143 billion. Merchandise exports rose by 28 per cent, and services exports by 18 per cent. The non-rural sector put in the best performance - up 34 per cent - with very strong increases in petroleum, metals, wine and automotive exports. With growth of 18 per cent rural exports also did well, particularly meat, oil seeds and crustaceans.

Exports to all Australia’s major trading partners grew strongly, but particularly so to the economies of our immediate region, as they recovered from the economic crisis. Merchandise exports to the East Asian region rose 34 per cent, with very good results in China (up 47 per cent), Singapore (up 45 per cent) and the Republic of Korea (up 43 per cent).

Yet another milestone that TOOS highlights is the dramatic improvement in Australia’s balance of trade. We have more than halved the trade deficit, from $16.6 billion to $7.3 billion. Indeed, Australia has achieved a $479 million surplus in services exports. That is great news for exporters and great news for us all, as export performance contributed strongly to economic growth, in the face of relatively low domestic rates of consumption and capital expenditure growth.

TOOS 2001 points out a number of challenges for Australian exports in the coming year. Global economic growth is likely to weaken. A slowdown in the United States might not only affect our exports to that country, but also to regional economies with strong US trade ties, like Japan, the Republic of Korea, Taiwan and China. As domestic economic conditions in some of our trading partners weaken, our task in securing market access may also become more difficult. Higher world oil prices and movement in the value of the Australian dollar are also factors that could have an impact.
On the positive side of the ledger, our strong export performance in 2000 will serve us well as we seek to make further gains in 2001. We have more Australian firms active in exporting, covering many new overseas markets. Our region has embraced needed economic reforms, especially floating exchange rates, which have reduced the risk of a repeat of the 1997-98 economic crisis. And the prices of our major commodity exports are much higher now than they were a year ago, notwithstanding the prospect of negative factors like weakening US activity and slower world economic growth.

Australia’s exporters can also take comfort from the knowledge that they operate in an economic environment that we are shaping to provide them every advantage as they compete in global markets. The Coalition Government has reduced barriers to domestic competition, lowered the cost of business inputs, and done away with a raft of burdensome government regulations. The New Tax System has cut costs for exporters by around $3.5 billion each year. We’ve slashed waterfront costs and delays, and are pushing ahead with workplace reform. And we’re looking to the future with an additional $2.9 billion of funding over five years to further develop Australia’s innovation capability. These reforms are helping Australian exporters to come out on top in the internationalised economy.

Our Government’s multi-faceted strategy to address possible challenges and reduce the obstacles faced by Australian exporters is also outlined in TOOS. Our highest trade priority is the launch of a new round of WTO negotiations, which has the greatest potential to improve market access. We will also be helping our traders make the most of the opportunities that will arise from China’s anticipated accession to the Organisation. In WTO negotiations on agriculture, we will work for fairer rules for agriculture trade and significant cuts in support and protection. And we will be increasing resources to defend Australian trade interests through the WTO’s dispute settlement mechanism, where we have already had good wins on lamb exports to the United States and beef exports to Korea.

Regionally, we will be gathering support for a WTO round at APEC. We will also continue the valuable and very practical work done at APEC to improve the business environment in the region, including through initiatives to promote Internet uptake and paperless trading. We are advancing discussions between the CER partners and the members of ASEAN on a closer economic partnership between the two groupings, which will provide a framework for closer economic integration between ASEAN, Australia and New Zealand.

We will continue to emphasise strengthening further our bilateral trading relationships. Our results-focussed approach to the negotiation of free trade agreements is guiding our negotiation with Singapore of an FTA to meet the real needs of business in the globalised trading environment. The same thinking will inform our discussions with the United States, where I am headed this very evening. We are also working with Japan and Korea to explore new ways to expand our business relationships, taking advantage of opportunities arising from economic reform and electronic commerce. And the Market Development Task Force remains a valuable tool for the development and pursuit of high priority national trade objectives.

We will face considerable challenges in pursuing these objectives. Differences remain between the major players on the launch of a new round. Many countries are reluctant to open their markets further because of difficult economic conditions or entrenched political opposition domestically. We will work hard to achieve our objectives, because the rewards will be high.

We will continue to foster a strong export sector through advice and services to business. In 2000, the Government decided to extend for a further five years the Export Market Development Grants scheme, after a review confirmed its effectiveness. We have decided the Export Finance and Insurance Corporation will enter an alliance with a suitable private insurer by the end of 2001. This will deliver to exporters the benefits of extensive networks, large buyer databases, client support systems and sophisticated IT services. Austrade-run E-commerce for Exports seminars showed small and medium exporters how to develop online exports.

The elements I have outlined are vital to Australia’s trade effort, but they are not the whole picture. As TOOS makes clear, we need to nurture an export culture in our business community, build greater awareness of the benefits of trade and help Australian firms identify and pursue new export markets. Our Government has already made good progress in that regard. In February I launched Austrade’s Exporting for the Future strategy to explain the real benefits that flow to all Australians from international trade and open markets – including, of course, one in five Australian jobs. And yesterday, the Department of Foreign Affairs and Trade published the results of its major study entitled Australia’s Trade: Influences into the New Millennium, which examines
23570 SENA TE Tuesday, 3 April 2001

Mr Speaker, the 2001 Trade Outcomes and Objectives Statement renews our Government’s commitment to the strongest possible trading future for all Australians. The ingenuity and responsiveness of Australia’s exporters, and the effectiveness of Coalition Government policies, is reflected in last year’s strong trade figures. TOOS 2001 shows how our Government intends to defend and expand those vital trade wins for Australia. I commend it to the House, and I table the document and my statement.

Senator COOK (Western Australia—Deputy Leader of the Opposition in the Senate) (4.13 p.m.)—by leave—I move:

That the Senate take note of the document.

This statement tabled today is by the Minister for Trade who, I understand, is currently on a Qantas flight to the United States for discussions in Washington this week on trade related matters between Australia and the United States. This statement is consistent with the government practice, inaugurated by the former trade minister Tim Fischer, of making a comprehensive statement about Australia’s trade performance.

The statement refers to the year 2000. It is an innovation that this government has introduced which replaces what the former government did in making regular statements on developments in trade. This document tabled today is, firstly, to be commended as a professional work by the Department of Foreign Affairs and Trade. It is a document which, unsurprisingly in an election year, is profusely littered with photographs of the minister in action in Australia and around the world. Perhaps it could have concentrated on being a little less promotional for the government and a little more factual about the circumstances, but that is a quibble. There are some 10 photographs of the minister in this document.

This statement relates to what I want to speak about, and that is our export performance over the last 12 months. This statement shows a dramatic increase in exports from Australia to the rest of the world. That is not surprising in our view because there were fundamental and far-reaching changes to the structure of the Australian economy wrought in the Hawke and Keating years, when we floated the dollar, lowered the level of tariff protection, introduced micro-economic reform and deregulated the financial sector. Those changes operate on the economy not on the political cycle but on the economic cycle. Those significant, structural, deep-seated changes to the economy are now making Australia more competitive, and we are beginning to pick up on those achievements.

In 1993, under the previous government, when I had the fortunate responsibility of being the Minister for Trade, we also concluded the negotiations on the Uruguay Round. The commitments made by the rest of the world to open their markets as a result of our negotiations were commitments that took some time to be implemented. They are now being implemented, and some of the market-opening opportunities that we have been able to seize—which are noted in this statement—are due to the outcome of the Uruguay Round negotiations.

One of the things that the government will rest its case on is that the low Australian dollar, which last night struck a historic low of US$47.75c, has one upside: it makes our goods in foreign markets cheaper than they were before. Consequently, if we compete on quality and timeliness to market, we are more competitive on price than previously and we should seize a greater part of that market. This is not as clear a driver of change as perhaps has been emphasised by the government.

The Australian Industry Group, for example, has observed that, for Australian manufactured goods, the finished product embodies a number of important component parts, and most particularly that is typical of the car industry. The imported componentry is, of course, higher priced, meaning that ultimately the final price of the Australian made product is higher, not lower, and it is higher in foreign markets. The National Farmers Federation has noted that the high cost of imported fertiliser and the machinery, plant and equipment to work farms has meant, along with higher fuel prices, that farmers will not able to show, despite extra sales, a
positive return on their bottom line because of the current economic circumstances.

The other truth about these figures is that they are distorted by the one-off effect of the Sydney Olympics. The services sector has shown dramatic growth, but if you remove the Sydney Olympics from the services sector—services covers tourism—then the effect is nowhere near as significant. The downside that one has to sound a warning bell about is the last set of national accounts. The Australian economy for the December quarter in the year 2000 contracted by 0.6 per cent—our economy shrunk. Interestingly, those national account figures showed that exports from Australia—despite the lower dollar, which was at that stage at a record low, and despite it being the second quarter in which the so-called tax reforms, the GST, had been implemented, which had the one positive feature of making our exports more competitive—contracted by 2.2 per cent for the months of October, November and December last year.

While the year-through figure shows an increase off a very low base in the year 1999, when the Australian economy was coming through the last impact of the Asian economic crisis, the year 2000 figures look dramatic. But that is partly because of a return to greater economic health for our trading partners in Asia where 57 per cent of our exports go. We also have to recognise the truth that exports contracted in the last three months of last year despite the favourable setting of the dollar and despite the so-called favourable tax setting as well. They are basic concerns about whether or not we can sustain this growth. Nonetheless, with those qualifications, the outlook is a reasonable performance and one should acknowledge that—and I do so.

The problem I have with this statement is that it is looking in the rear-vision mirror about what happened and taking a glow of pride from those things which were driven by economic factors and not by government policy. It does not sufficiently enough look out the windscreen to the future and identify the obstacles looming on our pathway to greater economic success and greater export success. It also does not disclose any thought-through, comprehensive trade strategy to overcome the difficulties that we face and to put Australia in a far better position.

From that point of view, I point out there is no clear strategy in the statement for knitting the Australian economy back into Asian growth. We know that the CER-AFTA proposal is now stymied; we know that Australia is locked out of ASEAN Plus Three; we know Australia is not welcome in ASEM—they are all institutional structures for Asia which Australia does not have a presence in. There is no strategy here saying how we intend to get back into that game. I note that the only party that seems to have a view about this is the Australian Labor Party, who have pioneered the idea of a trade arrangement with China which would help get us back into the high growth region of the world.

One thing that is referred to in the statement is the prospect of an Australia-US trade treaty. I have spoken on this matter previously. The US trade representative—the American equivalent of a trade minister—about five weeks ago, in evidence given to the House Ways and Means Committee in Congress in Washington, said that he was interested in knowing what the bipartisan view on a US-Australia trade treaty is. I responded by saying that the Labor Party’s position was that we were favourably disposed to the concept of a free trade agreement with the United States. We outlined a number of what I regard as reasonable conditions that would turn our disposition into a stronger statement of agreement. The chief among them is that we have not been briefed, at this stage, to ministerial level on what the government proposes. While we are favourably disposed to the concept, we do not have sufficient knowledge about what the government is doing to endorse its initiative and, unless we are briefed, we cannot say whether we agree with it. I want to emphasise—even that the time, by the clock, is suddenly vanishing—that we think it is vitally important that the government actually do what it appears not to have done so far—that is, talk to the major stakeholders in Australia who would be affected by this treaty and set up a line of consultation.
The biggest problem that trade negotiations have these days is the presence of a viable constituency in support of the initiative. Trade negotiations fall down when there is no such constituency. That means that those industry sectors in Australia which will be affected by this—favourably or in some other way—ought to be consulted by the government. The government should have a clear line of consultation mapped out so that all the stakeholders need not fear that their interests will not be considered. I regard that as a priority. It is something that Labor would do if it were in the chair. I hope that in the development of this process the government now adopts that view. I also hope that the government considers our Asian strategy in relation to it, our position in the WTO in relationship to it and our position in not playing politics over this objective but making it genuinely bipartisan.

Question resolved in the affirmative.

PARLIAMENTARY ZONE

Proposal for Works

Senator MINCHIN (South Australia—Minister for Industry, Science and Resources) (4.23 p.m.)—In accordance with the provisions of the Parliament Act 1974, I present a proposal for works within the parliamentary zone, together with supporting documentation relating to the design and siting of a services pavilion associated with Commonwealth Place and the materials, colours and finishes to Commonwealth Place. I seek leave to give a notice of motion in relation to the proposal.

Leave granted.

Senator MINCHIN—I give notice that, on the next day of sitting, I shall move:

That, in accordance with section 5 of the Parliament Act 1974, the Senate approves the proposal by the National Capital Authority for capital works within the Parliamentary Zone, being the construction of the Magna Carta monument in Magna Carta Place.

BUDGET 2000-01

Consideration by Rural and Regional Affairs and Transport Legislation Committee

Additional Information

Senator McGAURAN (Victoria) (4.24 p.m.)—On behalf of the chair of the Rural and Regional Affairs and Transport Legislation Committee, Senator Crane, I present the committee’s report in respect of the 2000-01 additional estimates, together with the Hansard record of the committee’s proceedings.

Ordered that the report be printed.

AUSTRALIA NEW ZEALAND FOOD AUTHORITY AMENDMENT BILL 2001

Report of Community Affairs Legislation Committee

Senator McGAURAN (Victoria) (4.25 p.m.)—On behalf of the chair of the Community Affairs Legislation Committee, Senator Knowles, I present the report of the committee on the Australia New Zealand Food Authority Amendment Bill 2001, together with the Hansard record of the committee’s proceedings and submissions received by the committee.

Ordered that the report be printed.

ASSENT TO LAWS

A message from His Excellency the Governor-General was reported informing the Senate that he had assented to the following laws:

Veterans’ Affairs Legislation Amendment (Application of Criminal Code) Bill 2000
Tuesday, 3 April 2001

SENATE

Aircraft Noise Levy Collection Amendment Bill 2001

Family and Community Services Legislation Amendment (New Zealand Citizens) Bill 2001

BUSINESS

Consideration of Legislation

Senator GREIG (Western Australia)
(4.26 p.m.)—Pursuant to contingent notice, I move:

That so much of the standing orders be suspended as would prevent Senator Greig moving a motion to provide that the consideration of the Anti-Genocide Bill 1999 take precedence over all government and general business until proceedings on the bill are concluded.

In doing so, I am asking that the Anti-Genocide Bill 1999 be given the status of urgent and debated today until its conclusion, for two reasons. This bill is already 51 years too late. As a nation, we signed the Convention on the Prevention and Punishment of the Crime of Genocide in 1949—and yet in all the years that have come and gone since then no intervening government has moved to enact the convention into domestic law. This procrastination is unacceptable and must be addressed. As a consequence of this failing, the crime of genocide is not unlawful in Australia. As appalling and astonishing as that may seem, worse still is the effect this has on Australia and its place in the world and its reputation as a supporter of human rights.

The fact remains that for as long as the lack of antigenocide laws exists in Australia our nation is a safe haven for those people who may have committed the most heinous of crimes: those against humanity, of genocide. The clock is ticking. We are vulnerable and, in my view, complicit if we continue to disregard the necessity and urgency of this matter. Indeed, despite my motion today calling for urgency on this issue being lodged some three weeks ago, we learn even today of allegations of war criminals seeking entry into Australia from the Middle East. These claims may be false or misguided, but unless Australia has its own domestic laws to investigate claims of genocide, and is empowered to prosecute or expel those found guilty, the strong possibility remains of Australia being the easy option for perpetrators of genocide to relocate to.

There have been some high profile cases of alleged war criminals living in Australia. They include Mr Kalejs, Mr Wagner and Mr Ozols. These cases were subject to scrutiny by the now disbanded war crimes unit, and subject to Australia’s existing War Crimes Act. But these cases in themselves demonstrated the inadequacies of the War Crimes Act, notwithstanding that it applies only to European theatres of war and the years 1939 to 1945. And yet all around us we hear of very recent and possibly current claims of genocide—whether it occurs in Rwanda, the former Yugoslavia, Cambodia or even closer to home in East Timor. No war criminal or participant in crimes against humanity from any of those places could be investigated or prosecuted under current Australian law. And while it may be possible to extradite alleged war criminals to their countries of origin, we can do that only where an extradition treaty exists and where the government in the country of origin seeks to extradite the person or persons concerned. We do not, for example, have an extradition treaty with Cambodia, Rwanda or East Timor.

The urgent passage of this bill not only is about stopping Australia from being a soft touch for war criminals but also is about our nation taking a strong stand with other civilised nations against such atrocities and reaffirming and establishing at international fora our professed claim to be a good international citizen. While there is talk of an international criminal court to address crimes against humanity, it does not exist and is unlikely to do so for some years yet. Sadly, it is something to which Australia has yet to become a signatory. The ICC, should it succeed, would complement and not override any antigenocide laws we may enact here.

If the Senate today say, ‘No, this bill is not urgent,’ we will send a strong message to the world and to human rights organisations that we are not serious about this. Such an interpretation would be understandable, given the failure of the Attorney-General’s Department to comment on the bill during the Senate Legal and Constitutional References Committee inquiry. The department has yet to
comment on the bill despite being given an invitation and a special extension to do so.

The legislative program for today includes an amendment to migration legislation, a bill about beer and petrol prices and a bill about elections and referendums. While all these things may be interesting and important, they pale into insignificance compared with our urgent and necessary moral duty—and, I would argue, our legal obligation—to address genocide and to do what we can to prevent and punish it. The price of life surely is far more important than the price of beer. Both issues can and should be debated by this parliament in due course, but let us honour the memory of those millions slaughtered by heinous crimes against humanity by giving this bill priority. I ask the Senate to support this contingency motion.

Senator FAULKNER (New South Wales—Leader of the Opposition in the Senate) (4.31 p.m.)—Let me say at the outset that the opposition will not support this motion. This is not to suggest it is not an important question—of course, it is an absolutely crucial one—but the opposition has never adopted the view that it should up-end the entire business program of the Senate to accommodate a particular private senator’s bill, however important that private senator’s bill may be. This is not a reflection on the substance of the bill, and I stress that.

Although Australia ratified the Convention on the Prevention and Punishment of the Crime of Genocide in 1949, there remains no crime of genocide in Australia. That is true. The opposition believe it is important that the Australian parliament recognises the need to enact antigenocide legislation. Although we strongly support the intent of this particular bill, there are a number of unresolved issues with the drafting of the bill, which means that we cannot support the bill in its entirety in its present form.

The opposition notes that the government has given a commitment to address these drafting issues when it introduces legislation to implement Australia’s obligations under the Statute of the International Criminal Court. I take this opportunity to call on the government to resist the pressure from some of its own backbenchers who are intent on pandering to the whims of One Nation and to introduce legislation to ratify the Statute of the International Criminal Court, together with proper antigenocide legislation, forthwith.

Given the importance of this issue, while the opposition do not want to set a precedent of up-ending the entire legislation and business program of the government in the Senate, we accept that there has been a lack of action from the government on this very important issue. I want to say publicly that I think there is an alternative. I put this forward and ask Senator Greig to give it serious consideration. On behalf of the opposition, I make the suggestion that we would be prepared to make available the time for general business on Thursday of this sitting week to debate this legislation if the Australian Democrats care to take the offer up. I hope they will consider that as an alternative to up-ending the entire business program and legislation program of the government in this chamber, which is a precedent that I do not think a serious opposition or alternative government can opt for when there are other alternatives available. The alternative that I have suggested is a sensible one. It is a positive one, and I think it is a better approach than the one that Senator Greig offers the Senate with this contingent notice of motion. In other words, I do not want to see a situation established where an opposition would simply defer all other business until such time as proceedings on a bill such as Senator Greig’s bill are concluded.

It is an important matter. I have suggested a way forward. I hope Senator Greig accepts that as a sensible compromise, because this is a very important matter. The opposition’s approach does not reflect on the substance of the bill. The bill ought to be debated, and it ought to be debated soon, but the step of up-ending a legislation program is one that the opposition does not want to contemplate in the circumstances when there is a significant amount of time available later in the week. I offer that to Senator Greig, and I hope he accepts it.

Senator MINCHIN (South Australia—Minister for Industry, Science and Resources) (4.36 p.m.)—The government also does not support the suspension of the
support the suspension of the business of the Senate to debate the Anti-Genocide Bill 1999, for two reasons. We accept, endorse and welcome Senator Faulkner’s comments in relation to business of the Senate. We do not believe the agenda should be overturned to debate this bill at this time, and we note and acknowledge the offer made by Senator Faulkner as to an alternative mechanism for discussing the matter.

From a substantive point of view, I would like to make two quick points: it is the government’s general view that many of the acts described as genocide that are referred to in this bill are dealt with under current state and territory laws, so they are covered in any event. I also refer Senator Greig to the government’s announcement on 25 October last year about our approach to the issue of the ratification of the Statute of the International Criminal Court and the offence of genocide that is proposed as part of that process. I note in passing that, from the government’s point of view, in relation to Senator Greig’s bill itself, there are significant legal questions about whether the way it is framed is a lawful exercise of the external affairs power and, to the extent that it is proposed to apply retrospectively, the government has serious reservations about it in substance. So, primarily for procedural reasons but also for substantive reasons, we do not think a case of urgency has been made.

Question put:
That the motion (Senator Greig’s) be agreed to.

The Senate divided. [4.42 p.m.]

(The President—Senator the Hon. Margaret Reid)

Ayes............ 10
Noes............ 38
Majority........ 28

AYES
Allison, L.F. Bartlett, A.J.J.
Bourne, V.W. Brown, B.J.
Greig, B. Lees, M.H.
Murray, A.J.M. Ridgeway, A.D.
Stott Despoja, N. Woodley, J.

NOES
Bishop, T.M. Brandis, G.H.
Buckland, G. Campbell, G.

Carr, K.J. Collins, J.M.A.
Cooney, B.C. Crane, A.W.
Crossin, P.M. Crowley, R.A.
Eggleston, A. Ferguson, A.B.
Ferris, J.M. Forshaw, M.G.
Gibbs, B. Heffernan, W.
Hogg, J.J. Hutchins, S.P.
Knowles, S.C. Lightfoot, P.R.
Ludwig, J.W. Landy, K.A.
Mackay, S.M. Mason, B.J.
McGauran, J.J.J. * McLucas, J.E.
Minchin, N.H. Newman, J.M.
O’Brien, K.W.K. Patterson, K.C.
Payne, M.A. Reid, M.E.
Schacht, C.C. Tambling, G.E.
Tchen, T. Tierney, J.W.
Watson, J.O.W. West, S.M.

* denotes teller

Question so resolved in the negative.

MIGRATION LEGISLATION AMENDMENT (INTEGRITY OF REGIONAL MIGRATION SCHEMES) BILL 2000

Second Reading
Debate resumed from 27 March, on motion by Senator Heffernan:

That this bill be now read a second time.

Senator SCHACHT (South Australia)
(4.46 p.m.)—I rise to speak on the Migration Legislation Amendment (Integrity of Regional Migration Schemes) Bill 2000 on behalf of the opposition and on behalf of my colleague, the shadow minister for immigration and multicultural affairs, Mr Sciacca. When this bill was put forward in the House of Representatives, Mr Sciacca raised a number of issues on which we sought clarification from the Minister for Immigration and Multicultural Affairs, Mr Ruddock. We are pleased that, with some discussion of the issues raised by Mr Sciacca, we are now able to support the bill without amendment.

This is essentially a positive bill designed to tighten some provisions within the Regional Sponsored Migration Scheme. The scheme has been a valuable tool over the last several years in addressing skill shortages in the regions and in attracting quality migrants to work and settle in regional areas. I understand that, depending on which state has embraced it, it has been a very good scheme. My own state of South Australia has ended
up with something like one-half of these migrants. Since the beginning of the scheme, over 2,000 migrants have benefited from this program. To date there has been little evidence of abuse, meaning that the migrants are moving to, and settling in, regional areas for at least the designated period of two years. The opposition are keen to see that the scheme continues and prospers in our regions, along with any program that encourages the repopulation and revitalisation of our regional centres. Any Australian state would benefit from an influx of good, skilled and community-minded migrants flowing to regional areas.

The concern that the opposition had with this bill to begin with has now been addressed by the minister, and he spoke about it in his summing up speech in the House of Representatives. Labor wanted to see that the employee—the person who holds the visa under this program—was protected in the event that, through no fault of his or her own, their job was terminated or the employer could no longer employ them, for whatever reason. We certainly take heart from the words of the minister, who said in his second reading speech:

The new power to cancel a Regional Sponsored Migration Scheme visa would not—
I repeat: would not—
generally be used where a nominating employer terminates the employment contract within the two-year period.

Cancelling a Regional Sponsored Migration Scheme visa in such a situation would not serve the purposes of the scheme, particularly where the circumstances leading to the termination are outside the employer’s or visa holder’s control.

For example, a failure to commence or remain in employment will not generally lead to visa cancellation where a downturn in business activity, closure of the business, financial loss or bankruptcy is involved.

As the minister asserted in his speech, it would defeat the purpose of the scheme to select someone we deem would make a good contribution to the local community and to the economy and then send them back to their country of origin.

In addition to the assurances in the minister’s second reading speech and in his summing up speech, we asked that the minister instruct the department to ensure that, in the event the sponsored applicant finds himself or herself out of work, through no fault of their own, the ensuing investigation would be conducted in consultation with the employer, the employee and, if appropriate, the employer’s and the employee’s representatives. Statements should be obtained from all the parties involved to ensure that, provided there is no fault at all on the part of the employee, the visa is not cancelled. We were assured by the minister and the minister’s representative that this is not the case and that, if something like this does happen, most of the consultations are with the person who holds the visa—in this case, the employee. We would like to think that such measures would not be necessary—that is, we would like to obtain this assurance, and the department would at all times act with utmost sensitivity and compassion in these circumstances.

I do not intend to speak at length about the bill because, basically, it simply tightens up the powers of the minister and the department to cancel a Regional Sponsored Migration Scheme visa in the event that it is being abused. I do not think that there is much evidence that it has been abused, but this is a bill which addresses situations that may arise. The minister, in his summing up speech in the House of Representatives, assured the opposition that his department will be instructed to ensure that all sides are taken into consideration and that statements will be obtained from all parties, particularly from the employee, who will, of course, be the person most aggrieved or most associated with any cancellation, because it is their visa.

We were assured that full investigations will be carried out, that all parties will be treated with the utmost sensitivity and compassion and that it would be under only very abnormal circumstances—where clearly the employee had come here under false pretences, had no intention of working in that nominated area or with that employer and that it was a sham—that a person would have their visa cancelled. Because of those assurances, the opposition will support the bill. For the record, I refer to the minister’s
speech in summing up the second reading. The minister said:

Finally, the member for Bowman asked me for an assurance that, where an employee’s employment is terminated or has otherwise ceased due to reasons beyond the employee’s control, they would be protected from cancellation ... I made it very clear there that we were looking at specific provisions where we believed some manipulation might be occurring—where, in other words, the spirit of the provisions was not being observed. I expect that my officials would be looking at these matters in the spirit of the legislation, consistent with the matters that I mentioned in my second reading speech. Let me make that very clear.

The minister continued:

Section 137R of the legislation provides that the minister must give the person written notice that the minister proposes to cancel the visa and inviting the person to make representations concerning the proposed cancellation. The section also requires that the minister must consider the representations. I can assure the member for Bowman that statements from visa holders will be sought when considering any decision to cancel. If the visa holder wishes, they can include any supporting statements from other parties as they see appropriate to their case and their representations, and it would be appropriate for visa holders to obtain these statements.

This is an issue about dealing with abuse; it is not about finding ways of knocking people off. I just make the point that, if people are making a reasonable effort, and this is the point that was made in the second reading speech, and if their employment has been terminated because of circumstances beyond their control—they come here in good faith and they are out there seeking another job in the area; they do not even have to have lined the other job up; all they have got to do is satisfy us that they are seeking that employment—that is a factor that is going to be taken into account. I made that clear in the second reading speech, and I will issue appropriate instructions to ensure that the spirit of that is met.

Those were the assurances from the minister. Another matter that was raised in discussion leading up to the debate on this bill was the right of a person who had had their visa cancelled to appeal to an outside body such as the Migration Review Tribunal. Advice from the minister’s office is that MRT review, rather than AAT, is considered appropriate. As background, the merits review regime for cancellation under section 109 and section 116 was, of course, put in place by the previous Labor government. So there we have it: there is an appeal mechanism.

This bill went to the Scrutiny of Bills Committee, chaired by my good colleague Senator Cooney, who is one of the very rare people in the history of the Senate who enjoys what is often hard work on that committee and who does an outstanding job in ensuring that the ordinary citizen gets every right of appeal. Senator Cooney has been absolutely consistent in his time in the Senate in defending the right of the individual to an independent appeal. The report of the Scrutiny of Bills Committee points out:

Therefore, merits review will be available under the Act for a decision to cancel a regional sponsored migration scheme visa. In addition, this will continue to be the case when the Administrative Review Tribunal commences.

Senator Cooney’s committee thanked the minister for his response and noted that:

... a decision to cancel a regional sponsored migration scheme visa will be subject to merits review.

With those commitments, the concerns the opposition would have had have been dealt with. Therefore, the opposition supports the bill.

Senator BARTLETT (Queensland) (4.57 p.m.)—I rise to speak on behalf of the Australian Democrats on the Migration Legislation Amendment (Integrity of Regional Migration Schemes) Bill 2000. The Democrats will be supporting the bill. It is a reasonably straightforward bill, specifically aimed at regional migration schemes. I am the Democrats’ representative on the Joint Standing Committee on Migration, which has been holding a fairly lengthy and ongoing inquiry into state sponsored migration schemes, most of which revolve around the intent of trying to provide some extra incentives for migrants to go to regional areas rather than to Sydney as tends to be the case. The Democrats support measures that will encourage people—not only migrants—to move out of the big major cities, particularly Sydney, to other parts of New South Wales and other parts of the country.

Of course, it takes a lot more than simply giving people an easier opportunity to get a
visa here to get people flocking to various parts of the country. As the committee’s inquiry has shown, there is not a huge uptake with respect to a lot of these visas. It requires a range of other conditions to be in place locally. An important area that the Democrats believe needs more attention is the provision of adequate infrastructure to encourage people—again, not just migrants—to go to regions. In parts of regional Australia, including areas that try to use these regional migration schemes, there are extremely high levels of employment. That may be why they are in need of people from overseas to fill positions. But it is not just about finding a person; it is also about ensuring there is adequate infrastructure in those towns—adequate and appropriate housing. I take this opportunity to encourage the government, if it is serious about genuinely trying to get people to move to regional areas in a more comprehensive way—whether they be migrants or other Australians—to look at other measures to ensure that there is available and affordable housing.

Many regional towns have jobs that cannot be filled because people do not have anywhere to live when they get there. They are not able or willing to buy. There is no rental market whatsoever and no public housing. The government needs to be more involved in ensuring that infrastructure—possibly through areas like community housing in some of these regions—is given more assistance. That is not just because it then provides a house for someone to move into but because it generates further economic activity in those regions. It feeds on itself and helps improve constructive economic growth in some of those regional areas. So it is a broader question than simply giving migrants a greater opportunity to get a visa if they live in regional areas for two years. There are other aspects that need to be taken into account and other components that need to be put in place to ensure strong growth of regional areas.

Nonetheless, the Democrats do support the contributions that regional migration schemes make. This bill is an appropriate measure for ensuring that people do not misuse these particular regional migration schemes by getting a visa under the false pretences that they will be employed in a particular area for two years or that they will set up a business and then not do so. It is appropriate for the minister to have the power in such circumstances to cancel the visa in the same way as if someone comes here on a spouse visa when it is a false relationship or if someone comes here on a student visa when they are not seriously studying. In those circumstances, it is appropriate for the minister or the department to be able to cancel a visa. The same should apply here.

It is important that, in circumstances where the minister or the department is considering cancelling a visa, there is appropriate and adequate notice given to the person who is going to be affected. One area that does concern me about this bill is whether or not there will be adequate opportunity for that person to appeal the decision and have a proper independent review. It seems to me from reading the legislation, the Bills Digest and the minister’s speeches and statements on the matter that that would not necessarily apply in every case. I did give some consideration to whether it was possible to move an amendment to guarantee that to occur, but it was difficult to do that whilst still maintaining the sort of discretion and flexibility that the minister and the department need to enable them to act in circumstances where people are clearly not meeting the terms and conditions of their visas.

Whilst I have some apprehensions in relation to that, the minister’s statements in the other place went some way to assuage my concerns. It does still mean that we are left, to some extent, to rely on the goodwill of future ministers—not just the current one—and on future ministers and departments doing the right thing. There should be greater protections than that. Having said that, in many cases there will be a right of appeal. Certainly there is a requirement for people to be notified and the opportunity for them to put forward any extra information that may be relevant to ensure that they are not unfairly tossed out of the country. It is a big deal, obviously, for people to migrate to Australia. They should not have their visa cancelled after going to all that trouble unless it is very clear that on unmistakable
clear that on unmistakable grounds they have obtained that visa by misrepresentation. It is appropriate for the minister to have the power to cancel visas in those circumstances. In a sense, it will enhance the effectiveness and credibility of regional migration schemes, which the Democrats support. In that context, I am happy to give support to the passage of this bill.

**Senator COONEY (Victoria)** (5.04 p.m.)—Senator Schacht and Senator Bartlett have set out the ramifications of this Migration Legislation Amendment (Integrity of Regional Migration Schemes) Bill 2000. Senator Bartlett expressed concern about appeal provisions in the bill. As I understand it, this has been checked and the appeal provisions are general in that all matters that arise under the provisions of the bill, insofar as they affect an applicant, will be reviewable. Senator Bartlett spoke about the current Minister for Immigration and Multicultural Affairs and future ministers. This portfolio is a very difficult portfolio and requires a lot of wisdom and strength to administer. I notice one of the famous ministers of the past, Senator Bolkus, is now in the chamber. He administered the portfolio well. Mind you, he did not always accede to the very reasonable representations I used to make to him, but you cannot let these thoughts linger forever. I acknowledge that.

Migration is important. My one and only grand-daughter is 15 months old. It is very interesting to contemplate what Australia will be like when she is 50. The answer to that question will depend very much on who migrates to Australia between now and when she is 50. There is a whole series of ways people can come to Australia. This scheme is for people who are happy to go into the regions and to lend their expertise, labour and skills to parts of Australia outside the capital cities. That is a good thing. It is important that, when they go into the regions, they do the job they have agreed to do. It is also important that the people who employ them treat them fairly. That is what this provision is all about in balancing those two matters.

The shadow minister, Mr Sciacca, has done a considerable amount of work in ensuring that this legislation is fair. I would like to acknowledge his efforts in that regard and also those of his adviser, Luke Giribon.

Immigration is a feature of Australian history which has been essential to the way this country has developed. It has been most successful over the years and it will continue to be so. Immigration is a most difficult area in the sense that every country has a right to refuse people whom it, as a country, does not want to come to it, and has a right to invite those that it does want to invite. But that right must be exercised in a context of what is fair, what is just, and what is appropriate not only for this country but for those that are coming. We cannot be so selfish that we ignore completely the problems in the rest of the world. But in responding to those problems we must ensure that the interests of the population presently in the country are properly looked to. This bill is the latest example to come before the chamber that seeks to strike the balance that I have spoken about. It does, and that is why the opposition and, as I understand, the parliament generally support this bill.

**Senator PATTERSON (Victoria—Parliamentary Secretary to the Minister for Immigration and Multicultural Affairs and Parliamentary Secretary to the Minister for Foreign Affairs)** (5.08 p.m.)—I thank all senators for their contributions to the debate. As has been mentioned, this Migration Legislation Amendment (Integrity of Regional Migration Schemes) Bill 2000 introduces a new visa cancellation scheme for Regional Sponsored Migration Scheme visas. In summary, it provides that a Regional Sponsored Migration Scheme visa may be cancelled if the visa holder does not fulfill a two-year employment contract with his or her nominating employer. The aim of the Regional Sponsored Migration Scheme is to place skilled migrants in regional and rural Australia. In these areas of Australia, skilled migrant intake has traditionally been low while demand for skilled people has been high. The new visa cancellation power is essential to the continued integrity of the Regional Sponsored Migration Scheme. It will provide a safeguard against any future abuse of the scheme. It will also ensure that only a person with a genuine intention of settling in rural or
regional Australia will apply for and hold a Regional Sponsored Migration Scheme visa.

During his summing up in the House of Representatives, the minister mentioned the disproportionate number of new arrivals settling in Sydney. The fact that over 40 per cent of new arrivals are settling in New South Wales, primarily in Sydney itself, is an issue that this government has been dealing with for some time. This government has put into place initiatives to achieve a more even dispersal of migrants within Australia. These initiatives operate in relation to family reunion, skilled migration and business migration, and provide incentives for people to settle outside of the major metropolitan areas of Sydney and Melbourne. However, the minister made the point that the Commonwealth government cannot do it alone and that there is a significant role for the states in promoting the Regional Skilled Migration Scheme.

I have mentioned before in this place, and also publicly when I have been out and about, that South Australia has been much more successful than other states in attracting migrants under this scheme. The statistics for visa grants confirm that South Australia is currently receiving about half the total number of migrants entering under the scheme. It is a result of the very proactive approach that the South Australian government has taken in using the various mechanisms that we have in place to encourage migrants to move into rural and regional Australia. Senators from the other states might wish to take note of this, as the national interest demands the active participation of all the states in encouraging migration to regional and rural areas. I am sure that the minister would remind honourable senators of the various mechanisms for attracting people to rural and regional areas if they so desire. Another way of finding out about it is the very adequate web site which provides detailed information about the various programs that are available.

The minister made the point that the officials administering these provisions would be instructed to look to the spirit of the legislation when deciding whether visa cancellation should take place. The minister further assured the House that any statements made by visa holders will be taken into account when decisions are made, along with any other statements provided in support of the visa holder. The minister previously dealt with the scope of the proposed cancellation powers in a reply to comments made on this bill by the Senate Standing Committee for the Scrutiny of Bills. That committee included the minister’s response in its fourth report of 2001, which came out on 28 March 2001. I trust that all senators will accept the minister’s assurance that these provisions will only come into play where some manipulation of the system is believed to be occurring.

I am pleased that the opposition parties have indicated their support for the bill. As Senator Cooney said, it is a very difficult portfolio in which to get the balance. It is a very difficult task. I have always said the minister for immigration needs the wisdom of Solomon to the power of 100,000, and most probably 100,000 Buddhas to boot, to deal with what is a very difficult balancing act in responding to the needs of people wishing to come to Australia who are in desperate situations. Our hearts would say we would like to have them all but our heads say it is not possible, and somehow there has to be a decision about that. We would like people to be able to live exactly where they like but it puts enormous pressures on resources, for example, in Sydney and metropolitan Melbourne, and it leaves us without skilled migrants in rural areas. This bill is to ensure, when people say they are coming to work in regional areas and they get some exemptions as a result of saying that, that they make a commitment to work in that area for a period of time and they actually abide by that commitment. It is not a big ask, but it does ask them to make a commitment and to abide by that commitment. I appreciate the support of the opposition parties and I commend the bill to the chamber.

Question resolved in the affirmative.

Bill read a second time, and passed through its remaining stages without amendment or debate.
ELECTORAL AND REFERENDUM AMENDMENT BILL (No. 1) 2001
Second Reading

Debate resumed from 2 April, on motion by Senator Tambling:

That this bill be now read a second time.

(Quorum formed)

Senator FAULKNER (New South Wales—Leader of the Opposition in the Senate) (5.19 p.m.)—The Electoral and Referendum Amendment Bill (No. 1) 2001 contains amendments to the Commonwealth Electoral Act 1918 and the Referendum Machinery Provisions Act 1984. The unanimous recommendations of the Joint Standing Committee on Electoral Matters in its report on the conduct of the 1998 election are contained within this particular piece of legislation. I say at the outset of my speech that the opposition support this legislation. We will also support the one minor amendment that has been circulated by the Australian Democrats to this bill.

Most if not all of the measures outlined in the bill arise from recommendations put forward by the Australian Electoral Commission to the Joint Standing Committee on Electoral Matters. They include a range of measures that will make it easier for people to enrol and vote while overseas, allow for Senate groups to change candidates when their circumstances change and make a sensible change to allow the AEC to better police the registration of political parties. There are a range of other measures in this bill covering the handling of deposits from candidates, the initialling of ballot papers and the abbreviations that registered parties can use.

As far as the opposition can see, the brief that was given to coalition members of this particular committee was to do all they could to throw mud at the Labor Party as a result of some actions in Queensland in relation to electoral rorting that no decent person would defend and hope that some of that mud would stick not only to the Labor Party in Queensland but also to the Labor Party here in Canberra. That plan has been an absolute failure and fiasco, as far as the coalition is concerned.

Today the Prime Minister—you, Mr Acting Deputy President George Campbell, would be aware of this—welcomed the new member for Ryan, no doubt through gritted teeth, in the House of Representatives. The Prime Minister himself has to take a good deal of the responsibility for the complete fiasco that has occurred in the Joint Standing Committee on Electoral Matters that Mr Pyne has been running. After all, Mr Pyne—who I know is a very good friend of Senator Ferris—was slotted into the chairmanship of this particular committee on 6 November 2000. Clearly, the Prime Minister and the government thought that the previous chairman of the committee—Mr Gary Nairn, the
member for Eden-Monaro—ought to be dumped because he was not up to the task. Mr Nairn’s excuse was that he ought to spend a lot more time campaigning in Eden-Monaro. He certainly should do that. He needs to spend a lot more time campaigning in Eden-Monaro, but I doubt whether it will make the slightest bit of difference to his chances in the seat, but that was the excuse. He was dumped, in fact, because he was a far more traditional type of committee chair, and that is not what the Howard government wanted. They wanted a so-called ‘hit man’ from the progressive left of the South Australian division of the Liberal Party. And who did they get? They got Mr Christopher Pyne.

It is very widely acknowledged in this chamber on both sides, in this parliament on both sides, that, under the stewardship of Mr Pyne, the member for Sturt, the joint committee has turned into a complete farce. It has become a totally biased partisan forum governed only by the short-term interests of the Liberal Party. The opposition has traditionally taken a very different view about the role of the Joint Standing Committee on Electoral Matters. This bill shows some of the good work that can be done in a committee like this. It has arisen out of recommendations prior to Mr Pyne being rolled into the position of chairman. I am expecting a ringing endorsement soon of Mr Pyne from Senator Ferris. I will be very interested to hear what she has to say. I note, Mr Acting Deputy President, that she is not allowed to mislead the Senate in anything she might say in her speech on the second reading. But, unlike the government, the Liberal Party has treated this committee seriously. I think, to be fair, so have the Liberal and National parties, until recently. Now the government has obviously taken the view that this committee has a different purpose. It is to be used for partisan political ends, and it is to work only in the partisan interests of the Liberal Party itself. It serves only the Liberal Party’s political objectives.

In the committee’s current inquiry, the chairman’s casting vote has been used on four occasions to ensure that a Liberal Party minister, the member for Lindsay, Miss Jackie Kelly, who has allegedly been involved in rorting the electoral roll—along with former members of her staff, a Mr Berman and a Mr Simat—not only not come before the committee but not even be invited to come before the committee. I acknowledge that the Australian Democrats have been honourable about this. They have certainly joined the opposition in trying to issue this invitation—unsuccessfully, of course, because Mr Pyne has used his casting vote to stop it. There have been Liberal Party members—such as the leader of the Queensland Liberal Party, Dr Watson, who ducked the committee’s public hearing in Brisbane—who are merely excused for non-attendance. Labor Party members are threatened or cajoled or dragged before the committee, willy-nilly; they face the threat of a summons if they do not attend. That is the double standard that now applies in the Joint Standing Committee on Electoral Matters. Of course, the high sounding words that we heard from the new chairman of the committee—that the committee would investigate rorting wherever it was to be found—have been exposed as just cant and hypocrisy, as you would expect.

Anyway, we had the initial refusal to call fellow Liberal MP Mr Brough before the joint committee in the wake of the confessions of his own former staff members that they were involved in electoral malpractice in terms of enrolments. That was another extraordinary thing that was done. It just typifies what is a really McCarthyist attitude on the part of the majority government members on this committee. That is how the committee now operates, and that is a pity. I know this is of great concern not only to opposition members of the committee but also, I believe, to Australian Democrat members—they can speak for themselves. I think certain coalition members are also very worried about the way the committee is operating, even if they have got enormous pleasure out of the self-inflicted fiasco that Mr Pyne has found himself in.

Senator Ferris—What about the ALP fiascos?

Senator FAULKNER—You see—there is one rule for the Liberal Party and one rule for Labor. People can see through this. It is a
very transparent approach on the part of this committee. We asked for consistency, we asked for objectivity, we asked for proper process, we asked for some decency. We got none of it. There has been such an enthusiasm for calling ALP witnesses while refusing to call the relevant Liberal Party witnesses. That is nothing other than hypocrisy. The refusal to call Mr Brough to give evidence because he was declared ‘innocent of any wrongdoing’ before the AFP had finalised their investigation on those matters was, in the words—

Senator Ferris—Take Mr Sheperdson’s word.

Senator FAULKNER—Well, don’t take my word for it; take the words of Brisbane’s Courier Mail newspaper: ‘not only absurd but prejudicial’. That is what they said of Mr Pyne’s comment that he was innocent before any police investigation was finalised. That was absolutely spot on, on this occasion, from the Courier Mail newspaper.

It is worth noting that Mr Pyne’s preemptive moves to protect Mr Brough came hot on the heels, as I have mentioned, of vetoing Minister Kelly’s appearance before the committee and the use of Mr Pyne’s casting vote on four occasions to ensure that Miss Kelly’s involvement in electoral fraud was not scrutinised by the committee—something that is still being investigated, as far as the parliament and the committee are aware, by the Australian Federal Police. It is good enough for a police investigation to be reopened in these issues; not good enough to have Minister Kelly appear before the committee. It would have been totally proper for that to have occurred. Do not think for one minute that the Labor Party is going to let go of the issue of those two members of her staff and her own involvement in electoral enrolment fraud, and the other potentially criminal conduct in relation to the local government election.

Senator Coonan—I raise a point order. Mr Acting Deputy President: That is a reflection on the member for Lindsay. There is no proof whatsoever of her involvement and I ask Senator Faulkner to withdraw.

Senator FAULKNER—On the point of order, Mr Acting Deputy President: I have no intention of withdrawing anything. It is a truism to say that the AFP are investigating certain matters that have been referred to them. These are important issues. I have indicated that the opposition is not going to let them go, and we are not.

The ACTING DEPUTY PRESIDENT (Senator George Campbell)—Senator Coonan, there is no point of order.

Senator Abetz—On the point of order, Mr Acting Deputy President: your ruling means that something that was said about a certain person’s involvement in something which is illegal is allowed to stand even though it has not been proven. What that means, therefore, is that I could assert that Senator Faulkner is involved in shoplifting, without a shred of evidence to support it, and I would be allowed to get away with it in this place. It should not be allowed.

The ACTING DEPUTY PRESIDENT—I thought Senator Faulkner said ‘alleged’ involvement.

Senator FAULKNER—I thought the terms I put it in had been clear—I have been consistent on that—but that of course is what am talking about.

Senator Abetz—You ought to withdraw.

Senator FAULKNER—I do not have to withdraw anything.

The ACTING DEPUTY PRESIDENT—Senator Faulkner, I think it is appropriate to put it in those terms.

Senator FAULKNER—I have put it in those terms and I intend to continue to put in those terms.

Senator Abetz—I raise a point of order. If it is appropriate to put it in the terms you have quite rightly suggested, does it not stand to reason that the terms he used before are inappropriate and therefore should be withdrawn?

The ACTING DEPUTY PRESIDENT—Senator Abetz. I think Senator Faulkner has responded to my comments by saying that he intended to say that it was alleged involvement. But perhaps it might
clarify it for everyone and for the record if Senator Faulkner uses those terms.

Senator FAULKNER—On the point of order: if the word ‘alleged’ does not appear I am more than happy for it to be inserted in the Hansard.

This whole thing hangs over the Liberal Party like a bad smell. So why did Mr Pyne and the committee veto the appearance of Mrs Kelly? It is clear that these matters are still subject to an ongoing AFP investigation—as far as we know—and we will hear about the outcome of that in due course. We have a situation now where this committee has become highly partisan. It has allowed extensive questioning of internal Labor Party affairs but when something relating to internal Liberal Party affairs is raised the chairman of the committee will not allow those questions to be asked. There are numerous examples of this partisan approach to chairing the Joint Standing Committee on Electoral Matters. We have even had a situation where the chairman went to the extent of not passing on to other committee members advice from a witness’s lawyer about the witness’s appearance. Apparently, that would not have suited the Liberal Party’s purposes, so it was not passed on.

We have a serious situation in relation to this committee but the good news is—and I think nearly everyone in the parliament would agree with this—the fiasco is almost over. The great number of hearings that Mr Pyne proposed have now been cancelled. The last hearing of the Joint Standing Committee on Electoral Matters into this farcical reference is to be held tonight. Mr Pyne has turned the committee’s business, in this particular inquiry, into a farce. He has orders from the Prime Minister to cancel the planned four-odd extra hearings and the 20-odd planned witnesses. Tonight, the farce will end at last and perhaps this important parliamentary committee can get on with its important work.

I hope that the sort of recommendations that are made in this bill will again become the core business of the Joint Standing Committee on Electoral Matters because, after all, we ought to be about improving the Electoral Act in this country. I hope that members of the committee—I do not think that the chairman will, but I hope that other government members of the committee will—reflect on their roles and responsibilities. Just look at the membership of that committee and you will see that members have been voting with their feet. Mr Somlyay was the last one to vote with his feet. I think he decided he did not want to be a clown in the circus.

There is a lack of confidence now in the Joint Standing Committee on Electoral Matters. We can only hope that a serious examination of the legislation before us, and quickly moving away from this farcical partisan reference on the integrity of the electoral roll and on to matters that are more the core business of the committee, will mean that we can again start to build confidence in the work of the Joint Standing Committee on Electoral Matters and continue the important role it has in reviewing and, where appropriate, improving the Commonwealth Electoral Act. It is important for this parliament to undertake that work. On this occasion, I am pleased to say that this bill—because of unanimous recommendations from the committee—is a step in the right direction. Let us hope that the government members of the committee learn from their failures over the past few months.

Senator FERRIS (South Australia) (5.42 p.m.)—Here is hoping that the Labor Party learn from their failures. In this inquiry over the last couple of months, this committee has had the opportunity to discover where the circus actually was and where the clowns actually were—they were in Queensland and in the Labor Party. Sadly, somebody who described herself as a small fish is now in jail as a convicted electoral rorter. This is someone who did their work for the Labor Party and then was hung out to dry.

I was very interested to hear Senator Faulkner suggest that the Prime Minister of this country should take responsibility for the Chair of the Joint Standing Committee on Electoral Matters, Mr Pyne. I would be very interested to see whether, by the same logic, Mr Beazley would take responsibility for Karen Ehrmann, a very loyal member of the Labor Party who did her job extremely well.
She did what she was asked to and now, as a convicted rorter, she—somebody who was described as a small fish—finds herself serving a prison sentence.

Senator Faulkner talks about clowns and the circus. There is no doubt what the circus was and who the clowns were. The clowns were the Deputy Premier of Queensland, shining stars like our friend Mr Kaiser and small fish like Karen Ehrmann. The remarkable revelations of widespread electoral fraud in the Labor Party that have come to light over the last six months as a result of our inquiries on the parliamentary joint committee must surely reinforce the need to pass the electoral referendum amendments that are before this chamber this afternoon.

More than ever we need to strengthen our electoral laws to protect the integrity of the voting process and the democracy that we take so much for granted in this country. The Electoral and Referendum Amendment Bill (No. 1) 2001 makes a number of important changes to do just that. It will authorise the review of the registration of political parties and allow restricted access to electronic lists of postal voters after the close of polls. Perhaps the most significant change relates to the power to be given to the AEC to exclude certain names from the electoral roll. These include fictitious, frivolous, offensive or obscene names, as well as names by which a person is not normally known. It will also exclude names written in a non-English alphabet and those not considered to be in the public interest.

Names are one of the most frequently abused aspects of our electoral laws. Over the years a number of candidates have enrolled using offensive and ridiculous names solely for the purpose of gaining wider publicity. There have been blatantly offensive names such as the infamous Mr Prime Minister Piss the Family Court-Legal Aid or the plain silly Mr Nigel Marijuana, who stood in the recent Ryan by-election. It is going to be very interesting to see how his preferences were arranged, according to some recent articles in the media. He is another clown in the same circus, perhaps.

Then there are the more prominent examples, such as the gay activist and female impersonator, Simon Hunt. While a lecturer at the New South Wales College of Fine Arts, he created a character known as Pauline Pantsdown. Acting as a parody of Ms Pauline Hanson, he ran as a candidate for the Senate using this absolutely ridiculous name. Of course, while I acknowledge Mr Hunt’s right to express his point of view, it is surely not appropriate for him to cynically manipulate the electoral roll for his own personal gain. It appears that by running as a female candidate at the last federal election, under the guise of parodying Ms Hanson, Mr Hunt was more interested in promoting himself and his music as Pauline Pantsdown than in doing anything meaningful for the Australian electorate or democracy in general.

Our electoral system is a crucial part of this country’s democratic structure and traditions. Its integrity is of the utmost importance. It cannot be exploited merely as a vehicle for self-promotion and commercial gain. As a member of the Joint Standing Committee on Electoral Matters, I think I have heard just about everything when it comes to the fraudulent practices that have been occurring in this country. Unfortunately, most of the ones that have come to light have been in one particular political party, the Australian Labor Party. It was revealed in our evidence that there was a union boss who took $250,000 from his staff—I believe as a social club levy—over four years to buy Labor party memberships and who once followed a federal politician into the toilet to threaten him because of the way he voted.

Senator Bolkus interjecting—

Senator FERRIS—Perhaps Senator Bolkus is able to throw light on who followed whom into the toilet. Perhaps it is a place where Senator Bolkus finds himself more comfortable. Certainly he behaves that way in this chamber on occasions. In the committee, we also heard of 189 voters on the federal electoral roll who all used the same post-office box at a post office in New South Wales for the purposes of registering on the electoral roll. It must have been a pretty big post-office box!

One of the most startling cases we uncovered in our inquiry was that of the voter reg-
istered on the electoral roll in the seat of Macquarie as Curacao Fischer Catt. Even though Mr Catt’s profession was listed as ‘pest exterminator’, it was not until he signed a return to sender letter to his local member at that time, Mr Alistair Webster, with a paw print on the envelope that it was finally revealed that this voter was somebody’s pet cat. Even more disturbing was the revelation that the person who had witnessed Mr Catt’s enrolment form had done the same thing before. We will never know how many other pussies and puppies made their way on to the electoral roll, but this legislation will go some way to ending these electoral abuses.

Another fictitious voter revealed in evidence to the committee was named Michael Raton. Only when it was realised that ‘Raton’ was actually Spanish for ‘mouse’ did it become obvious that Mickey Mouse had indeed been on the roll and was ready to vote.

Senator Coonan—Lucky it was not a Spanish fly!

Senator FERRIS—Indeed, Senator Coonan, it is fortunate that it was not a Spanish fly. One wonders who Mickey Mouse would have voted for. We are all familiar with the donkey vote, but I do not believe we have taken into account how Mickey Mouse would vote.

The legislation before us today will give the Australian Electoral Commission the power to prevent people abusing and trivialising our electoral process by registering their pets—their dogs, cats, birds, guinea pigs, goldfish or whatever else they might have as a pet at home—or using ridiculous names to gain broader publicity during election campaigns. It reminds me of the evidence that we had from Mr Lee Bermingham, who told our committee of some quite extraordinary and certainly very curious activities that he had undertaken on behalf of the Labor Party in manipulating the electoral roll. When I put it to him that pussies and puppies could have been enrolled and that there was no need to enrol fictitious human names, he said with a laugh, ‘I wish I’d thought of it.’ He did not show a single sign that he recognised the extraordinary extent to which fraud could be perpetrated on the electoral roll by the Australian Labor Party without so much as a twinge of conscience.

Electoral fraud is a very serious issue—Senator Faulkner was prepared to admit that much in this chamber this evening—and this legislation is vital. Since October of last year we have seen the political deaths of three senior ALP politicians in Queensland—clowns in the circus, I think it would be appropriate to call them. Certainly, they are victims of their own outrageous rorting game. We watched the Deputy Premier of Queensland, Mr Jim Elder—

Senator Coonan—He is a highwire act.

Senator FERRIS—A highwire act, Senator Coonan. Quite interestingly, though, it was found that there was no safety net for him when his crash came. He is now merely a relic, a ghost in the Labor Party closet, along with the rising star who perhaps turned out to be a comet. He streaked across the circus tent and dissolved in a shower of sparks as he crashed to the ground—Mr Mike Kaiser, no longer seen as a key player in the Labor Party. This man is a former state secretary of the Labor Party, a position which is considered in the Liberal Party to be a position of high trust. How interesting it was that he was able to hold that position whilst at the same time behaving in such a disgraceful manner.

There were 15 other party members, including a returning officer, who were also revealed as having in some way manipulated the electoral system for their own gain—for their party gain. These people were taken to holiday camps by Mr Bermingham and others and told war stories from old warriors, self-styled, about the ways in which these sorts of activities could be carried on—these badge earning activities that the Labor Party promoted people for. One can only wonder as to the extent to which some of the younger members of the Labor Party who looked up to Mr Bermingham and who respected Mr Kaiser now found themselves sadly disillusioned by the revelation that these people were in fact engaging in criminal activity.

The list of people goes on. The present Labor Mayor of Townsville, Mr Tony Mooney, and a former senior adviser to the
former Labor Premier, Mr Wayne Goss, are still facing possible charges stemming from the very interesting Shepherdson inquiry—something which Senator Faulkner curiously omitted in his speech today. Mr Mooney gave evidence to our committee, and we as members look forward with great interest to the outcome of the final report of Mr Shepherdson and to the extent to which Mr Mooney’s activities will be subsequently explored in another place.

As I mentioned at the beginning of my speech when we were talking about the villains and the victims of the Labor Party’s rorting activities, there are the three people who appeared in court charged with serious electoral fraud and Ms Karen Ehrmann, who is now serving three years in jail. I do believe that Ms Ehrmann should be congratulated for the courage that she displayed in coming before our committee and quite fearlessly and courageously standing up for the truth as she knew it to be. She was able to explain to the committee that many of the activities she had engaged in were considered to be de rigueur by the Labor Party—not a problem. You simply get your instructions and you do your job. As she said to the committee, ‘I was a very small fish in this pond. The sharks are still swimming around.’

Ms Ehrmann was without doubt a sacrificial lamb for the Labor Party’s wider agenda. When it came to a point where she was to be revealed for some of these activities and she spoke to Premier Beattie, he said, ‘It’s everyone for themselves now.’ Sadly, when it came to somebody being there for Karen Ehrmann, only the jail warden sitting in the hearing that day was there to support Ms Ehrmann. When she was asked some questions—

Senator Abetz—Where were the Labor Party?

Senator FERRIS—You might ask, Senator Abetz, ‘Where were the Labor Party?’ Her mates had deserted her on that day. When she was asked some particularly offensive questions by Senator Faulkner at the opening of her evidence, she said, ‘You can sit there, Senator Faulkner, with your money in your suit, but you know what I have had to pay the price for—you know it better than anybody.’ Certainly, he did.

I therefore urge those opposite to support this legislation and to strengthen the power of the Electoral Commission, particularly in removing offensive and fictitious names from the electoral roll. What we have seen in the parliamentary Joint Standing Committee on Electoral Matters over the last six months proved beyond doubt that there have been serious challenges to the integrity of the electoral roll. There can be nothing more important than an electoral process that the community believe in, that the community respect and that parties know cannot be dishonestly manipulated for political purposes.

Let there be no more Karen Ehrmanns; let there be no more Lee Berminghams; let there be no more union leaders who remove from their staff money for a social club which never finds its way to the barbecue; let there never again be an opportunity for the Pauline Pantsdowns of this world to be able to take part in an election—a man masquerading in a most offensive way as a woman, for the purposes of self-promotion and manipulation of the democratic process. By passing this legislation we can cleanse and strengthen this crucial part of our democratic process.

Senator BARTLETT (Queensland) (5.58 p.m.)—I speak on behalf of the Australian Democrats on this Electoral and Referendum Amendment Bill (No. 1) 2001. As has been stated, it basically consists of a range of what might appear to be minor administrative amendments, although together they make up some significant enhancements in efficiencies in the operation of our Electoral Act. They stem from the report of the Joint Standing Committee on Electoral Matters inquiry into the operation of our electoral system. It is worth emphasising—and certainly it is a point that the Democrats have tried to raise in recent months. We have heard from Senator Ferris and before that from Senator Faulkner more of the political argy-bargy, accusations, counteraccusations, finger pointing and mud throwing that, unfortunately, has characterised debate on electoral matters in the last few months.

Whilst issues of alleged electoral fraud and misbehaviour are important—indeed,
they are very serious—it is also important to emphasise that the parliament is not a court. Neither is the Joint Standing Committee on Electoral Matters. It is not a trial and should not pass judgment on criminality or otherwise. Our role is to assess the effectiveness of the operation of our electoral system and, where possible, to recommend ways to improve it. The Senate’s role is to implement legislative changes and to engage in debate on possible amendments in a way that does not descend into political point scoring and mud throwing. Unfortunately that sort of behaviour has marred some of the recent hearings of the Joint Standing Committee on Electoral Matters. All that that has done is further degrade not only the political process but public confidence in the electoral system.

For all of the pointing over the past few months to occasional examples of people enrolling cats and such things, there has been very little, if any, evidence presented of any electoral outcome being affected by organised fraudulent activity in any measurable way. That does not mean that we should not look at ways of improving further the integrity of the Electoral Act and the electoral roll, but we should keep allegations of inappropriate behaviour in perspective. We should not forget other important aspects of our electoral system, such as ensuring, as much as possible, that the Australian community participates.

An area of continuing concern to the Democrats is the huge number of people, particularly young people, in this country who are eligible to be on the roll but are not for a whole range of reasons. We need to make sure that future changes to the Electoral Act do not put extra hurdles for getting on the electoral roll—and I am pleased to say there are none in this bill—in the way of young people in particular. Younger people are already ignored and disenfranchised more than they should be. From the Democrats’ point of view, we do not want to encourage any further disenfranchisement of younger people, indigenous people, homeless people or other disadvantaged groups in the community. We need to make sure that the issue of getting people to participate in the electoral process is not forgotten while we, quite rightly, look at whether there has been other organised abuse.

Other than those comments, I will not get into the toing-and-froing of accusation and counteraccusation about inappropriate behaviour, whether by members of political parties, by political parties as a whole or by various people on the electoral matters committee. This bill is an example of the electoral matters committee working effectively. It shows that, if you can depoliticise an issue—if you can stop looking for political point scoring opportunities and instead look for ways to enhance the effectiveness of the act—all parties can work constructively towards better outcomes. Over a long period of time, the committee has brought all the provisions in this bill together in a dispassionate way. The provisions have been agreed to by all parties participating in the committee inquiry. This highlights the constructive things that can be done when we get rid of all the mud throwing and point scoring and focus on providing a better Electoral Act for the people of Australia.

Some of the provisions in this bill will make it easier for people who are enrolling or voting from overseas to provide a certified copy of particular sections of their current passport as verification of their identity when they cannot find an authorised witness. It is a positive change that affects only a small number of people, but it assists those people to have their voices heard. We need to look for more opportunities to remove some of those barriers to participation.

The bill also provides for returning officers in the Australian Electoral Office to reject applications for enrolment from persons who have changed their names to something inappropriate. Importantly, it provides an appeal right if a decision is made to reject a name, but the provision prevents abuse and misuse of the electoral system through the use of inappropriate names. In some ways, it prevents a political party circumventing the provisions for registration of names of political parties. Obviously, if you can change your name to something that is a substitute for a political party name, it devalues one of the reasons why we have registrations of political parties.
The bill also allows for the provision of electronic lists of postal vote applicants to candidates in registered political parties following a general election or a referendum held separately from a general election. It allows for the amendment to, or withdrawal of, a group voting ticket or an individual voting ticket in the Senate up until closing time for lodgment of such statements. The bill provides that Senate nomination deposits will be returned to the person who paid the deposit. This is a small but beneficial change that will prevent confusion or abuse or misuse. The bill allows for substitution of candidates in a bulk nomination where someone withdraws or dies prior to the close of nominations.

The bill provides that, where a person has cast multiple declaration votes and they are detected at preliminary scrutiny, only one of the votes will be admitted to further scrutiny; again, that is a small change. Very little evidence of deliberate abuse of multiple voting has come to light despite some fairly grandiose allegations. When allegations of abuse have been investigated—not just by the committee but also by the Federal Police—there has been very little evidence that it has occurred. While we can always look at ways of improving detection before abuse occurs, there is no doubt that, if it did occur on anything like the scale that has sometimes been alleged, multiple voting would have been detected after the fact by the Electoral Commission. The reality is that it has not been detected in great detail in the past.

The bill provides an extra protection for ensuring validity of ballot papers, allowing the display of group voting tickets in pamphlet form, which is a beneficial and more efficient way of displaying information about preference allocations. The bill provides that the registered abbreviation of a political party name may only be an acronym or a shortened version—in other words, if it is an abbreviation it has to be an abbreviation. That might seem obvious but it was not the case before. Again, that prevents abuse and misuse.

The bill also provides the Electoral Commission with the power to review the continuing eligibility of registered political parties. This is something that has come into play more in the state electoral systems in recent times. Parties have managed to slip through the net occasionally and have been registered despite having dubious eligibility or, even if they had valid eligibility initially, clearly becoming dubious in terms of maintaining their eligibility. The bill provides the Electoral Commission at the national level with the power to review continued eligibility of political parties if it has reason to believe that that eligibility may now be in doubt. Again, that may seem straightforward but it is appropriate because it ensures that there is no abuse of the electoral system by groups that hold themselves to be bona fide political parties when they are not.

One of the other issues I would like to express some concern about, which is not directly affected by any changes to this bill but for which there is an ongoing impact, is the provision of names of people on the electoral roll. I and others in the Democrats have expressed concerns in the past about the privacy implications of the range of information on the electoral roll that is provided to political parties but which is not provided publicly. Information is provided to a widespread group of people, including parliamentarians and registered political parties. Extra details that have been allowed in recent times include a person’s year of birth and their title or honorific—that is, Mr, Mrs, Ms, et cetera. Details of gender are also provided. The Democrats still have some concerns about privacy in relation to that, but we recognise that those changes were passed by a majority in the Senate at the time.

One other aspect that is of concern to only a small proportion of the population—but I still think it is appropriate to voice a concern about it—is that the bill has the effect of giving political parties information about the birth sex of pre-operative transsexuals. A person provides information for the electoral roll under a statutory compulsion and it is an offence to knowingly give information that is false. People have to put details on their enrolment form, and that includes the provision of information about their gender. The meaning of the term ‘sex’ in the context of transsexuals is a matter of law in that a trans-
sexual is of their desired sex only if they have had surgical intervention. Consequently, a pre-operative transsexual has no choice in this matter: legally, they must give details of their birth sex. Previously the legislation prevented that information from finding its way into the hands of political parties, because it was not provided. Now, it is provided.

The information that transsexuals must provide is a matter of sensitivity not just in relation to the electoral roll but also in relation to other government agencies, such as Centrelink. Even if no political party makes improper use of the information they gain—and I am not suggesting that is occurring—the fact is that they can target their electors based on sex. That is part of the reason why political parties are keen to get their hands on this information. All of us are looking more and more at targeting the messages we send to individual electors and, obviously, based on the maximum amount of information we can find out about them, their sex is a pretty basic piece of information. It does mean that a pre-operative transgender person is likely to receive material designed for persons they would consider to be from the opposite sex. That is not likely to improve their emotional state or assist them in addressing what is often a difficult phase for people in that situation.

This is an issue that affects a small proportion of the Australian community. It affects them in a negative way. As a result of a change that was unnecessary, I think this is an unforeseen and unintended consequence. The requirement for transsexual people to fill in details of their sex on a range of bureaucratic forms, electoral enrolment forms being only one, is an issue that the Democrats believe needs closer attention. The Democrats support the broader issues in the legislation. As I said at the start, there is one minor amendment that I have circulated that I will speak to during the committee stage, rather than elaborate upon it now. It is a small amendment, but I think it is appropriate in the circumstances.

Senator ABETZ (Tasmania—Special Minister of State) (6.12 p.m.)—I thank honourable senators for their contributions to this debate, and I will deal with them in order of their presentation. Senator Faulkner led for the opposition, and I am thankful that the opposition are supportive of this legislation, other than the small amendment, in which they will be joined by the Democrats. We will deal with that in the committee stage of the debate. Senator Faulkner made a number of quite offensive comments. One of them was the suggestion that we in the government are seeking to undermine or attack members of the Australian Electoral Commission and their professionalism. I have two of them sitting next to me as advisers. We as government do have confidence in the AEC, but that does not stop the right of individual members of this parliament to ask robust questions to ascertain the truth of certain matters. If Senator Faulkner believes that questioning was inappropriate, so be it.

But, just in case anybody listening thinks they ought to give any weight to Senator Faulkner’s assertions and comments about Gary Nairn, the member for Eden-Monaro, Mr Christopher Pyne, the member for Sturt, and others whose characters he sought to besmirch, I would invite them to recall that this sort of offensive conduct by Senator Faulkner has been his trademark since day one in this chamber. When Senator Faulkner gave his first speech on 8 May 1989, he was so offensive that the then opposition walked out during his first speech. All the traditions in relation to first speeches were set aside by Senator Faulkner. There was no regard for decorum and no regard for decency. That is how he started his political career, and nothing has changed.

We then move on to the issue of electoral fraud. Senator Faulkner denies that it exists. I thought: why would this man want to do it? That seems to be a hallmark of his career as well. When he was Minister for Veterans’ Affairs, there was a situation in September 1993 when a sailor complained about sexual harassment by four officers. Senator Faulkner initially said that it was an isolated incident, but 24 hours later he was announcing a parliamentary inquiry into Navy harassment. He tried the denial line and then, when denial does not work, he reluctantly comes to the party. When I hear some of his more hysteri-
cal comments, I am reminded of the fact that, in 1995, the former general secretary of the ALP, John Della Bosca—who is in fact a good supporter of this government’s GST policy—awarded Senator Faulkner with a Dr Meredith Burgmann award for the most hysterical or anti-ALP outburst at an ALP conference.

Senator Brown—Mr Acting Deputy President, I rise on a point of order. None of this is relevant to the matter before the chair, and I ask that you draw the senator’s attention to the matter before the chair and have him come back to it.

The ACTING DEPUTY PRESIDENT (Senator Lightfoot)—I am sure that the minister was just about to come back to the substance of the bill. I thank you for your impeccable attention to detail, Senator Brown.

Senator ABETZ—Thank you, Mr Acting Deputy President. If Senator Brown had been listening to this debate instead of walking in to try to get himself on air, as he always does when it is broadcast day, he would have been aware that Senator Faulkner trawled through a number of people on this side. He never seeks to condemn the Labor Party—

Senator Brown—Mr Acting Deputy President, on the point of order: I do not mind being drawn into it, but he is totally floating your very gentle direction to him, and I think that he should abide by the forms of this place in what he is presenting.

The ACTING DEPUTY PRESIDENT—I ask the minister to come back to the substance of the bill.

Senator ABETZ—In that case, I would remind all presiding officers that the same direction should be given to Senator Brown, who never bothers to make these sorts of points of order against Labor contributors. We have had people’s characters besmirched in this place by the Leader of the Opposition in the Senate, and I think it is appropriate to put his history on record. The matters that I wanted to place on record are now being placed on record. I refer to the scurrilous attack on Mr Gary Nairn. He was not dumped. He resigned because of his commitment to the electors of Eden-Monaro. He is one of the most conscientious members that this parliament has. He is devoted to his electors and he works very long hours. His chairmanship of the Joint Standing Committee on Electoral Matters unfortunately took him away from the activity which he likes the most—that is, directly serving the electors of Eden-Monaro.

As honourable members would be aware, there is a salary loading that comes with being a chairman of a parliamentary committee, and he was willing to forgo that extra salary so that he could serve the electorate of Eden-Monaro even better. To try to besmirch that is, I think, highly inappropriate, and I would have thought that most people listening to this debate would be saying ‘congratulations’ to the member for Eden-Monaro. He deserves to be the member for Eden-Monaro for a lot longer.

In relation to the attempt to besmirch Mr Christopher Pyne, the member for Sturt, Mr Pyne has been an outstanding member of the federal parliament. He has been working well, he has shown an ongoing interest in these matters, and he was a logical appointment. He has been doing a very good job in the committee.

We were told a number of things in Senator Faulkner’s contribution about alleged wrongs within the Liberal Party. Sure, there are a few things that are wrong from time to time, but we did not have a deputy premier resign for electoral rorting, we did not have three members of parliament having to resign, and we did not have any operatives in jail for rorting. It reminds me of the good injunction of Luke 6:41 that reminds us not to try to remove the speck in our opponent’s eye when there are boulders in our own. Quite frankly, the Australian Labor Party assert in this place that there is inappropriate electoral practice by members of the Liberal Party when it is absolutely rife within the ALP. When you have the shadow spokesman for family and community services sending a self-confessed rorter like Lee Birmingham to deliver money to the Democrats in a brown envelope—that is the sort of activity on the Australian Labor Party side of politics—you would think that they might just go quiet. But, no. They believe that the best form of
defence is attack, so they try to make mountains out of molehills on the Liberal side of politics when in fact there are matters of great importance that the Australian Labor Party have to deal with themselves.

I now turn to Senator Ferris’s contribution—as always a very excellent contribution. As an outstanding member of the Joint Standing Committee on Electoral Matters, she made a considered contribution—one which I think people listening to this debate would say was in stark contrast to the contribution of the Leader of the Opposition in the Senate. She dealt with the issues. She expressed her real concern about rorting within the electoral roll and the electoral system. A few electoral rorts have been exposed. Chances are we do not know of all the rorts. Some have been exposed, but we do not really know the extent of it. If people are going to have faith in our electoral system, then surely we ought to do everything possible to minimise the amount of rorting. I thank Senator Ferris for her considered contribution.

I will now move to Senator Bartlett’s contribution. I thank him for his contribution. Most of what he said was considered, and I accept the manner in which he put it to us—albeit I remind him of my previous remarks about electoral fraud. I would have thought it would be within everyone’s interests to have the process as watertight as possible to ensure that fraud is minimised as much as possible.

As I understand it, we will be dealing with an amendment in the committee stages. It is a pity that that is occurring, given that Senator Faulkner, Senator Bartlett and Senator Ferris—the three people who contributed to this debate—were all members of the committee and joined in a unanimous report. It was on that report that the government drew up the legislation. But it looks as though we will be faced with a small amendment.

The government is committed to electoral reform, and it does view the integrity of the electoral roll and the effectiveness and honesty of the electoral system as fundamental to the credibility of our democracy. To that end, the government has been driving electoral reform on a range of fronts. This bill is part of that drive. The bill we are considering contains technical amendments, as explained by other senators. Timely passage of the bill will allow the Australian Electoral Commission sufficient time to implement the amendments prior to the next federal election. The amendments, when proclaimed, will result in improvements to the conduct of federal elections and the electoral system generally. Further legislative reforms stemming from the report of the Joint Standing Committee on Electoral Matters are planned for the near future. I commend the bill to the Senate.

Question resolved in the affirmative.

Bill read a second time.

In Committee

The bill.

The CHAIRMAN—Senator Bartlett opposes schedule 1, item 45, page 16, lines 9 and 10. Senator Bartlett wishes to delete those lines. Therefore, the question is that schedule 1, item 45, page 16, lines 9 and 10 stand as printed.

Senator BARTLETT (Queensland) (6.26 p.m.)—I will attempt to be brief on this issue. It is a minor issue. Nonetheless, I think it is appropriate to highlight it and to speak in favour of deleting schedule 1. Whilst the schedule purports to give effect to recommendation 48 of the Joint Standing Committee on Electoral Matters, the Democrats contend that it does not precisely do that. We certainly support and continue to support the intent of that recommendation. The schedule we are talking about seeks to delete section 311A of the Electoral Act, which deals with annual returns of income and expenditure of Commonwealth departments. Section 311A was put in place by an opposition amendment in 1991—presumably it was a coalition opposition amendment—which required government departments to disclose how much money they spend on advertising agencies, market research, media advertising, polling and direct mail campaigns. Concern about the amount and appropriateness of government expenditure in relation to advertising and other areas of activity has been raised quite often in this place in recent times—and quite appropriately.
Section 311A, as it now stands, of the Electoral Act requires the principal officer of each Commonwealth department to attach a statement to its annual report, setting out any expenditure over $1,500 on those areas—advertising, market research, et cetera—and who the money was paid to. The point that was raised, quite appropriately, through the electoral matters committee process was that this really does not have anything to do with the Australian Electoral Commission—they have no role in administering this provision other than as a reporting agency like any other. The Joint Committee of Public Accounts and Audit is responsible for approving guidelines for annual reports of departments and agencies. It was felt that it would be more appropriate for this provision to be part of the guidelines of the joint committee rather than a provision in the Commonwealth Electoral Act. That is something the Democrats supported and continue to support.

The problem we have with the schedule as it now stands is that it removes from the Electoral Act the requirement to report, but there is no corresponding action in this place to ensure that that requirement is put across to the Joint Committee of Public Accounts and Audit. So we were taking out of the act the requirement to report on departmental expenditure on market research and advertising, but we are not guaranteeing that it will be put across to the committee. The Democrats support that requirement going across to the committee—it is a better place to be—but we are not keen to slice this out of the act until it is guaranteed that it will be put across to the Joint Committee of Public Accounts and Audit. Indeed, the government’s explanatory memorandum to the bill does not state that that is going to occur. There is no guarantee that that is going to occur. The explanatory memorandum simply says that it would be more appropriate for the Joint Committee of Public Accounts and Audit to review the continuing relevance of and need for any continuing similar requirements.

The Democrats believe that there does not need to be a review, and I do not believe that it was the intent of the electoral matters committee to say that this provision was not needed any more at all and that the need for reporting was not required. I do not think there is any doubt that this information is valuable and important—probably more important now than it was in 1991. It is simply a matter of who should administer it. We agree that it is more appropriate for the Joint Committee of Public Accounts and Audit to administer it, but if we pass this bill with this schedule in it we will be at risk of it coming out of the Electoral Act and going nowhere at all and this important reporting requirement disappearing altogether.

The Democrats, while still supporting the aim of the recommendation of the electoral matters committee, are not willing at this stage to support taking section 311A out of the Electoral Act, unless those reporting provisions are guaranteed to be transferred across to the oversight of the JCPAA. Perhaps it is a small matter in an administrative sense, but the issue of reporting requirements on Commonwealth government departments’ expenditure on advertising, market research, polling and direct mail are of clear public concern and we want to be absolutely sure that those reporting requirements are not going to be lost somewhere in the transition from the Electoral Act to a different parliamentary committee. Until that transition is guaranteed, we will not support removing this section of the act. Once it is guaranteed, we will quite happily support shifting it across.

Senator FAULKNER (New South Wales—Leader of the Opposition in the Senate) (6.31 p.m.)—I have listened carefully to what Senator Bartlett has said and I had a look a little earlier today at the amendment that he circulated. I think he makes one or two quite strong points. The minister tells us in summing up the second reading debate on this bill that the committee drew up a unanimous report. That is not true. The committee drew up a report in which there were certain unanimous recommendations. It would have been fair to say that recommendation 48 was a unanimous recommendation—which is the recommendation that Senator Bartlett’s amendment goes to. And it is true; it was a unanimous recommendation of the commit-
Let me read for the benefit of the committee what this recommendation says. Recommendation 48, paragraph 5.36, says:

... section 311A of the Commonwealth Electoral Act 1918 concerning annual returns by Commonwealth departments be deleted and inserted in the Joint Committee of Public Accounts and Audit guidelines for the production of annual reports.

That was the unanimous recommendation of the report of the Joint Standing Committee on Electoral Matters into the 1998 federal election. When we are told that the committee drew up a unanimous report, that is not true because there is a minority report that stands in the names of the opposition senators and Australian Democrats senators. But it is true to say that this particular recommendation was a unanimous one. I accept that the minister is getting a little sloppy in that regard and I suppose that we can forgive him for that.

Senator Abetz—Senator Brown, where is your point of order?

Senator Faulkner—I am talking about your comments in summing up the second reading debate. I have tried to listen carefully to your arguments. I do not have a jaundiced view of your performance so far as a minister. I have been listening to some of the objective commentary like that that I have read at www.crikey.com.au. I do not necessarily share all the views that I have heard expressed. But it is not looking so rosy for you, Senator Abetz, at the moment, is it? You cannot pretend to the Senate chamber that the Democrats, in moving this amendment and the opposition in supporting it, are flying in the face of the unanimous recommendation of the report because the recommendation in the report is to remove this particular section of the Commonwealth Electoral Act and insert it in the Joint Committee of Public Accounts and Audit guidelines for the production of annual reports. So you have achieved only half of what the Joint Standing Committee on Electoral Matters has recommended.

The deletion is proposed in this bill but the important matter—though not perhaps world shattering—is that the issue of these annual returns from Commonwealth departments is now in limbo. That is the problem. That is why, I assume, Senator Bartlett has moved the amendment. No-one is arguing that this section cannot be deleted, but everyone on this side of the chamber is arguing that it cannot be deleted when the consequential action recommended by the committee is not proposed or acted upon by government. That is why, having carefully looked at the amendment proposed by Senator Bartlett—and I would like to acknowledge that he has carefully examined the bill and brought this inconsistency with the unanimous recommendation of the committee to the attention of the Senate—the opposition will support the amendment moved by the Democrats to delete item 45 of the bill.

The problem is, if item 45 were passed, we would be removing the reporting requirement altogether. That is the key point. Therefore, I think this committee is saying to the government: by deleting item 45 from the bill they are removing an important and useful tool for making sure that there is accountability on the part of government departments and agencies in this area.

So, yes: the government can remove it but, in the view of this committee, I hope, if and only if they ensure that the JCPAA’s guidelines are appropriately amended before they propose to do so. That is the key issue here. It is a simple one and I think can be simply addressed by the government. In other words, the half measure that is proposed in the bill is precisely that: it is a half measure. The whole measure, which does not reduce the accountability role of the parliament in the broader sense in relation to annual returns by Commonwealth departments, is something that is inconsistent with the recommendation of the committee. That is the problem. It is easily fixed by the government. The half measure is not acceptable but if the full recommendation of the committee is proposed by the government then I am happy to indicate, during this committee stage, that the opposition would be supporting a proposal that does properly reflect the unanimous recommendation of the committee.

Senator Abetz—Special Minister of State) (6.38 p.m.)—I will ignore
the gratuitous commentary on my perform-
ance which I note did not occasion Senator
Brown to be so offended as to require a point
of order. In relation to the proposed amend-
ment, I fully agree with both Senators
Bartlett and Faulkner that it is minor. It is not
really earth shattering. In 1991, it was un-
doubtedly necessary. The suggestion that it
now be placed with the Joint Committee on
Public Accounts and Audit seems an emi-
nently suitable suggestion, but that commit-
tee has had a very long history of protecting
and jealously guarding its independence.
Under sections 63 and 70 of the Public
Service Act the Joint Committee of Public
Accounts and Audit is responsible for ap-
proving guidelines for annual reports. If we
as a government were to seek to dictate to
that committee what they ought to be doing,
I know exactly what would be happening
from the other side of this chamber: we
would be accused of trying to dictate to a
committee that has guarded its independence
very jealously. It is interesting that
—from the information I have received
—no Labor
member has moved at this stage at the Joint
Committee of Public Accounts and Audit to
have that inserted in the guidelines. It clearly
is a matter for the committee to determine,
not for the government to determine. I would
have thought that, with goodwill on both
sides, the committee might be persuaded to
do that. But for the government to seek to
intervene and force that committee to under-
take what has been suggested would be go-
ing against what I understand has been the
tradition of that committee.

The CHAIRMAN—The question is that
schedule 1, item 45, page 16, lines 9 and 10
stand as printed.

Question resolved in the negative.

The CHAIRMAN—The question now is
that the bill, as amended, be agreed to.

Senator BROWN (Tasmania) (6.41
p.m.)—I wonder if the minister could inform
the committee about the review of registered
political parties since the last election that
has been flagged and what the state of play
there is: what numbers of political parties
have been deregistered or are under review at
the moment?

Senator ABETZ (Tasmania—Special
Minister of State) (6.42 p.m.)—I am not nec-
essarily sure that this comes up under this
legislation, but I will take that on notice and
get back to the honourable senator on all of
the parties. As I understand it, a lot of par-
ties, including the Democratic Labor Party,
are struggling to get their 500 members. The
review had to be put on hold. I am advised
that all political parties remained up until
yesterday. Therefore, no review has taken
place, because we now have to see which
political parties in fact are going to abide by
the new requirements. To find out what re-
views have taken place in the last 24 hours is
asking a bit much.

Senator BROWN (Tasmania) (6.43
p.m.)—I take it the minister is saying that
this particular piece of legislation is required
to allow the Electoral Commission to pro-
ceed. If not, could he say whether there has
been a review of all political parties by the
Electoral Commission in the last 12 months
and whether it has been shown that all politi-
cal parties then registered remain on the reg-
ister?

Senator ABETZ (Tasmania—Special
Minister of State) (6.44 p.m.)—Once again, I
am not sure how relevant this is to this leg-
islation.

The CHAIRMAN—It is quite relevant.
There is a section about review in the bill,
section 138A, plus the very long title of the
bill as well. Take my word for it. Believe me;
I am advised. It is page 8 of the bill.

Senator ABETZ—I simply say that
Senator Brown is incorrect in saying that it
has got anything to do with this legislation.
This legislation has not been passed, as yet,
and therefore the review of registered politi-
cal parties cannot in any way relate to what
is in this legislation. I would have thought
that would be fairly obvious. Political par-
ties, to be registered, had to have certain re-
quirements, such as five members in the fed-
eral parliament or 500 signed-up members.
They had to have that information in to the
Australian Electoral Commission by close of
business yesterday. Therefore, the Australian
 Electoral Commission has had all of 24
hours to go through that documentation, and
that is why at this stage no determinations
have been made one way or the other in relation to any political party.

Senator BROWN (Tasmania) (6.45 p.m.)—I thank the minister for that. I do point out that this legislation is, as you say, Madam Chairman, very relevant because it makes provision for the Electoral Commission to seek information from political parties that it might not have been able to get before, because political parties could refuse to respond to requests for information. The amendment here, as I read it, makes it very clear that that in itself can become a reason for deregistration under this legislation, so it is quite relevant. I ask the minister: is there an appeal provision that would enable a party to appeal if it was deregistered under the mechanism that this amendment provides for?

Senator ABETZ (Tasmania—Special Minister of State) (6.46 p.m.)—There have been no changes—and there will be no changes, as I understand it—and there will be no changes, as I understand it—in this legislation to the registration provisions. I understand that previously, in talking about 500 members of a party, I said five members of parliament. That should have been one federal member of parliament, not five; that is, one federal member or 500 members. That is where I think the Democratic Labor Party are now finding some difficulty—there was an article about that. But we will see what they have been able to submit to the Australian Electoral Commission. Basically, on my instructions, there are no changes.

Senator BROWN (Tasmania) (6.47 p.m.)—But there are changes, because we have got section 138A—which you, Madam Chairman, drew to the minister’s attention—headed ‘Review of eligibility of parties to remain in the Register’. It indicates that a registered officer of a party must comply with a notice seeking information by the Electoral Commission within the period that the Electoral Commission allows them—they will get at least two months. I ask the minister: is it not the case that if they do not provide that information they may be deregistered on the basis of failing to comply and, if so, what is the appeal mechanism?

Senator ABETZ (Tasmania—Special Minister of State) (6.48 p.m.)—The reason that you have provisions in a piece of legislation is that people abide by it. Therefore it stands to reason that if you do not abide by it certain consequences will flow. If certain provisions for the registration of political parties are not complied with, then, believe it or not, certain consequences will flow. But as with all these decisions, there are the normal appeal provisions through to the courts.

Senator BROWN (Tasmania) (6.49 p.m.)—Yes, but could the minister please clarify what those appeal provisions are?

Senator ABETZ (Tasmania—Special Minister of State) (6.49 p.m.)—The AAT and the Federal Court.

Senator BROWN (Tasmania) (6.49 p.m.)—Thank you. Just for the information of the committee, this is a very critical matter; political parties should never be deregistered lightly. Could the minister say that if a registered officer fails to comply with a request for information the party will be deregistered or may be deregistered? If so, where does the ‘may be’ become ‘will be’?

Progress reported.

DOCUMENTS
Consideration
The following government document tabled earlier today was considered:

ADJOURNMENT
The ACTING DEPUTY PRESIDENT (Senator Lightfoot)—Order! It being 6.51 p.m., I propose the question:
That the Senate do now adjourn.

Iraq: Economic Sanctions
Senator BOURNE (New South Wales) (6.51 p.m.)—Tonight I would like to read out—and table, if I may—a letter calling for the lifting of economic sanctions against Iraq. This letter was sent to the Prime Minister and the Minister for Foreign Affairs and it is signed by 43 distinguished Australians; people such as Major General Sir William
Refshauge, the Rt Hon Malcolm Fraser and Professor Hilary Charlesworth. The list is long and it is made up of prominent people from all walks of life. I would like to table the letter so that senators can see that list of distinguished Australians who have signed it. These people have felt compelled to write to the Prime Minister about the Iraqi sanctions, because the sanctions are missing the mark. The wrong people are suffering and, despite the misery of the ordinary Iraqi people, the Iraqi government seem to be immune from retribution. I think, as did the signatories, that the letter sums up the situation well, so I will read it to the Senate. The letter reads:

We are writing to you to call for the lifting of economic sanctions against Iraq.

17 January 2001 marks the tenth anniversary of the commencement of the 1991 Gulf War. Israeli military forces which had invaded Kuwait on 2 August 1990 were successfully defeated in a brief but devastating bombing and ground assault.

However ten years later, the people of Iraq remain victims of a silent weapon—comprehensive economic sanctions. Sanctions had been imposed by the United Nations Security Council in August 1990 to force the restoration of the sovereignty of Kuwait, but were re-imposed after the war by Security Council Resolution 687 on 3 April 1991, the primary goals of which were the elimination of Iraq’s weapons of mass destruction and the capacity to produce such weapons.

After a decade of suffering by innocent people, and the deaths of children on a scale far exceeding that caused by any military weapon in history, the sanctions continue to bring misery and degradation to all sectors of Iraqi society except their target, the Iraqi government.

Surveys by agencies such as the United Nations Children’s Fund, and an enormous amount of anecdotal information, indicate that the impact of sanctions has seen a dramatic increase in infant mortality and morbidity in the general population in Iraq. The scale of the tragedy is not questioned by any humanitarian agency which has reported on the situation. As early as 1993 the Food and Agriculture Organisation and the World Food Program reported that the sanctions had ‘...virtually paralysed the whole economy and generated persistent deprivation, chronic hunger, endemic under nutrition, massive unemployment and widespread human suffering.’ The situation has not improved since then.

The Oil-For-Food program, which began in 1996 to enable Iraq to sell a small amount of oil in order to buy food and medicines, has barely made an impact on the gravity of the suffering. The CARE organisation reported in 1997, ‘Children, mothers, the aged and sick were all cared for before 1990, but are now dying while the outside world mistakenly believes it has solved Iraq’s problems with the much-delayed Oil-For-Food shipments.’

Both former heads of the Oil-For-Food program, Denis Halliday and Hans Von Sponeck, resigned from the UN in protest at the effects of the sanctions. Von Sponeck stated, ‘As a UN official, I should not be expected to be silent to that which I recognize as a true human tragedy that needs to be ended.’ Halliday refers to the sanctions as ‘genocide’. Both men resigned not because of Iraqi government corruption but because of UN Security Council policy. The question of Iraq’s disarmament is an important one. There is no doubt that the UNSCOM (United Nations Special Commission) weapons inspection teams were extraordinarily effective in eliminating the vast bulk of Iraq’s weapons of mass destruction and the capacity to produce them. Equally however, there is no guarantee that such weapons will not be built again. Since the departure of UNSCOM from Iraq in December 1998, such an outcome is perhaps even more likely than previously. As the continuation of sanctions has been ineffective in securing the resumption of weapons inspections in Iraq, it is difficult to argue that the sanctions are still an essential element in suppressing Iraq’s weapons programs.

It is important to note also that Security Council Resolution 687 of 1991 did not refer only to Iraq’s disarmament but to (paragraph 14) ‘the goal of establishing in the Middle East a zone free from weapons of mass destruction and all missiles for their delivery’. It is perhaps even clearer now than in 1991 that the elimination of all weapons of mass destruction from the region is imperative, and yet this essential step towards peace remains neglected.

The government of Iraq bears enormous responsibility for the welfare of the Iraqi people. Similarly the UN Security Council bears responsibility for the effects of its own policies. However as both sides in this dispute refuse to budge, the children of Iraq continue to die. It would not be unreasonable to expect that those nations, which claim higher moral standing, might take upon themselves the task of breaking this impasse.

While the imposition of sanctions in 1990, and again in 1991, might have appeared at the time the best available instrument of coercion, ten years later we see that comprehensive economic sanctions have limited effect when applied to
such a situation as Iraq. Only the most vulnerable people will suffer, with each day a struggle for survival for most of them.

It is time for a change of direction. In particular it is time to allow the people of Iraq to re-build their society, to create a future for their children, and to engage with the international community. Economic sanctions should be lifted, but strict sanctions on military materials must remain. And it is time to work for a zone free of all weapons of mass destruction in the Middle East.

As Australians proudly celebrate our centenary of federation, we must strive to retain the noble principles which unite us, the principles of justice and a 'fair go', and to assert our independent standing in the international community. Economic sanctions should be lifted, but strict sanctions on military materials must remain. And it is time to work for a zone free of all weapons of mass destruction in the Middle East.

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I will dwell on the Shell-Woodside takeover. The proposals for overseas companies to absorb these Australian companies are largely based—although in the BHP case it is somewhat different—on the Australian dollar, at US$50c or less, making it a bargain to use US dollars, euros, even Canadian dollars or British pounds to take these companies over because they will effectively be acquiring a company in Australia at half the price it would have been some years ago. The Shell proposal to take over Woodside has been argued in this chamber on several occasions and spoken about in the media for some time. Today, Woodside announced that it had a fifth train—a term used for the eight purpose-built ships it has for transferring gas from the Pilbara to several parts of the world, principally Japan. Woodside announced it had negotiated and was shortly to sign a firm agreement on a fifth train that would involve 4.2 billion tonnes of LNG—liquefied natural gas—that would be worth $2.4 billion annually. At peak construction, the added infrastructure needed for that fifth train at Burrup Peninsula in the north-west of Western Australia would involve up to 2,000 people, with 900 extra people being involved at any one time after the peak construction phase.

Madam President, you would recall that the takeover price by Shell is based on the present assets of Woodside. Shell said that those assets were sufficiently attractive for it—already a 34 per cent holder in Woodside—to transfer Shell assets and liabilities to Woodside in order for the issuing of further shares in the capital of Woodside that would take Shell's capital in that company to 56 per cent or beyond. I said some time ago in this place that 17 per cent of the issued capital of Woodside was held outside Australian share registers. If one does a quick mental calculation, the 34 per cent that
Woodside holds in its share register and the 17 per cent held outside Australia make Woodside, in effect, already a foreign owned company. I do not know whether Shell has any interest in that 17 per cent held outside of Australia, but one would have to assume that it does not.

With the advent of the fifth train of gas, and with a sixth mooted to go to India, China or Taiwan, there is a different scenario now with respect to the value of Woodside. It has been estimated that the value of Woodside expressed in price earnings ratios of between 12.5 per cent and 13.6 is an undervaluation of Woodside. Most of the assets similar to Woodside’s—that is, with gas/condensate—are valued at price earnings ratios of about 13.9. That alone would make Woodside—prior to the fifth train—worth in the vicinity of $20 a share, a price I mooted some weeks ago. If it is valued on a price earnings ratio of 13.9, it is indeed valued at about $20 or $21 per share. If one then adds the value of the fifth train of gas to Japan, it is worth considerably more than that. If one adds the potential it has for a sixth train of gas, then the shares quickly and more rapidly go towards $30.

I have been continually surprised that a second offer for Woodside has not been forthcoming, considering that there are six partners in the North West Shelf, including BHP, BP, Mitsui-Mitsubishi and others, who are all in a position to make an offer that could supersede Shell’s. None has yet been forthcoming. I am told that Shell was contacted by BP and that BP said the offer Shell was making was too high for those assets of Woodside, when the price earnings ratio completely contradicts what BP is alleged to have said to Shell.

There is no doubt that the asset in the North West Shelf is a strategic asset. There is also no doubt that the Treasurer has the power either to accept or to reject an advice from the Foreign Investment Review Board. What the Treasurer does is something that I am not yet privy to. I do know that the Treasurer is very sympathetic to the retention of national assets of this kind. But whether that runs to national interest is another thing, and rests solely, I suppose, with the Treasurer. My view is an asset of the nature of Anaconda—which is relatively small at this stage in production but which could be one of the biggest producers in the world of silica nickel, or nickel derived from siliceous rocks, and the biggest producer of cobalt, which is a by-product of nickel mining—has a problem too. It could be that BHP, once referred to as the Big Australian—unfortunately, there are now at least two Australian banks that are bigger in capitalisation than BHP—could also fall into the category of being in the national interest to retain. It certainly could be viewed that Woodside is in that category.

I also have no doubt that the acquisition or attractiveness of Australian companies is not just because we are amongst the most efficient, but because we are the most efficient miners in the world. We give due consideration to the environmental impact of mining and the responsibilities that companies have with respect to restoration of those minute areas that are disturbed. Given that we are the best managers in the world and that the companies produce some of the lowest grade gold on a highly profitable basis, we will continue to be the target of overseas companies. I will be interested to see what other companies fall within that category and within the jaundiced eyes of takeover people such as Shell, Billiton and Anglo American. I do think, though, that it is time that we reviewed those overseas companies and their takeover target, given the weakness of the Australian dollar compared to the US dollar.

**Hunter Region: Roads**

Senator TIERNEY (New South Wales) 7.08 p.m.—I rise tonight to speak on a matter relating to transport and traffic that has become a major problem in my area in the Hunter Valley: the area where the F3 freeway meets the New England Highway. It is interesting that the poor planning of the past has now come home to roost. If you have a look at what happened during the Labor governments of Mr Hawke and Mr Keating, they never quite got the right idea on how this traffic system should intersect. What they thought they were doing for about 30 years was building the Sydney to Newcastle freeway. What they were actually doing was building stage 1 of the Sydney to Brisbane freeway. They had the wrong mind-
set. Once the expressway—which intersects with Newcastle in a satisfactory way—gets past Newcastle, the roads trail off and do not have the proper interconnections.

This is now creating major traffic problems in this part of the Hunter Valley. The main reason for those problems is that massive local traffic crosses over and intersects with national traffic. On the east-west line, the New England Highway comes down through Maitland into Newcastle. On the north-south line, the end of the F3 freeway moves up towards Brisbane. All that traffic then intersects with all the local traffic and creates an almighty mess. This could have been solved quite easily at the time of the construction of the freeway if they had built a proper interchange system between these two roads. Instead, they ended up with a mishmash of bandaid solutions which have created our current problems. That is the situation in terms of the intersection of the roads.

What exacerbates the problem further is the local population traffic. We are not just talking about two towns; we are talking about the second largest city in New South Wales, which is Newcastle, being only half an hour away from the fourth largest city in New South Wales, which is the city of Maitland. All the interchange and traffic between those two cities come through to this one point where the F3 freeway ends. You also have a number of major industrial developments around that area. That is now increasing the pressure on the traffic. The Thornton industrial estate also has to exit through this particular intersection. There is another triangular industrial estate where all the roads link, and that area of land is being developed as an industrial estate, which will put further pressure on the area. There is also a major trucking company in the area and a major recycling plant moving trucks through. If you put all that picture together, you have one of the busiest road sections in Australia with a very poorly designed interaction between the major roads.

Given that that is the situation, we now have to move to a point of solving that problem. There are two stages to solving the problem. I want to focus tonight in particular on stage 1. The Carr Labor government in New South Wales has been incredibly tardy in its attempts to solve this problem. The easiest way is a very short road which would link the suburb of Beresfield with the suburb of Thornton, therefore taking out the immediate local traffic. This is only a very short road. The actual cost of the road is estimated at well under $1 million, but we cannot get the Carr government to move on this. We have had the plans for several years and yet we have had absolutely no action on this matter at all. There is a longer term solution as well in terms of the flyover that is needed at the end of the F3 freeway. That would also ease the congestion considerably but would take only 18 per cent of the traffic away.

The main problem, and the main thing we need to solve at the moment, is the building of this particular link road between Thornton and Beresfield. That is what the state government fail to act on. They have done the planning and they have done the land acquisition, but they have not committed the money to build the road. All they are doing at the moment is planning to widen a few lanes. This is very much a bandaid approach and it is hopelessly inadequate for all the industrial, residential and through traffic that moves through this area. We need this area to forge ahead. There is industrial development in the area. One of the RTA’s brilliant solutions is to stop the industrial development. It is saying there are too many trucks coming out of this area. It is trying to pressure the Maitland City Council to not allow any more industrial development in the area. What a ludicrous solution! People want to come in, set up businesses and employ people, yet that is incredibly inconvenient for the RTA, which might have to start spending some money on roads. It is not prepared to do that. Instead, it would prefer to stop industrial development.

There has been some pressure on the local member for Paterson on this matter, as you would expect, but it is very difficult to find any action he has taken. Since this became a major issue in 1998, the member for Paterson has been incredibly quiet—and it is no wonder. Since being elected, not once has he mentioned it in speeches in this parliament. He has not put any pressure that we know of—
Senator Schacht—Did Mr Baldwin mention it in his speeches?

Senator TIERNEY—Mr Baldwin has not been a member since that time, Senator Schacht—unfortunately for the seat of Paterson. If Mr Baldwin had been the member, we would have this problem fixed by now. But you have a lazy local member who is not doing anything. He is a local Labor federal member. It is a state government problem. Either he is not moving the state government or he is totally ineffectual in his representations to get that moved on.

Let us see whether he takes some action after the pressure that is now being put on. We have petitions going around the area. We have a public meeting on it. Let us hope that when the public finds its voice these lazy state and federal Labor members might move on this matter and solve the problems in this area. Not only do we have major traffic congestion: we have a loss of lives and raised levels of accidents, all because of initial bad design by Labor governments. Now that they are seeing the fruits of what they created 10 years ago, they are not prepared to spend the money in the state government to fix the problems.

Environment: Murray-Darling Basin

Senator SCHACHT (South Australia) (7.16 p.m.)—I rise to make a few brief remarks about an issue that is extremely important to my state of South Australia and to the nation: the future of the Murray-Darling Basin. In recent times, there have been a number of meetings of federal and state ministers and leaders to talk about how to handle what it is now recognised will be, in the intermediate to long term, a major environmental crisis for the area in Australia that produces a large amount of our primary produce, provides water for irrigation and provides water for urban populations, including the city of Adelaide.

Of course, I admit I have a personal interest. I live in Adelaide and rely, like everybody in Adelaide, on a large amount of Murray River water. There have been a lot of genuine statements made by politicians on all sides. I think in one sense there is really a bipartisan attitude being expressed by politicians on both sides that we have a major problem and that there has to be a major plan or program to resurrect the environmental health of the Murray-Darling Basin before it completely collapses. Some CSIRO scientists have predicted that, within 20 years, in one day out of five the River Murray water available for Adelaide’s domestic consumption will be undrinkable. This means that Adelaide will join a lot of other cities in the Third World in not having what is called potable water for its citizens. Clearly that is a catastrophe for over one million people that cannot be ignored.

The point I wish to make is that there is no doubt that the solution to the problems in the whole of the Murray-Darling Basin, not just in Adelaide, is a national outlook and approach. I want to say that Senator Hill, the Minister for the Environment and Heritage, has made some pretty genuine efforts in the recent past to try to get agreement. I understand that only last week there was a meeting at which it was clear that he could not reach agreement with ministers from various political parties and various state governments. I understand he even had a difference of opinion with a minister from his own government—namely, Mr Tuckey—about what should be done.

I think the problem Senator Hill is running into is something that this parliament is going to have to face up to in the end if it wants a solution. One way or the other, the national parliament and the elected national government are going to have to take control and be responsible for the management of the Murray-Darling Basin. We are no longer able to put up with an argument for state rights on the management of the Murray-Darling Basin. Nearly 100 years ago the River Murray Commission was established to regulate the flow of the water and make sure it was appropriately shared between the states. But the problem is now not just the flow of the water; it is the whole catchment area, the associated area of salinity and how the water is actually used, whether it is for agriculture or domestic purposes and who shares it.

We have seen recently a decision that most people applauded—and I am one of them—in which the state governments of New South Wales and Victoria agreed to
substantially increase the flow of water to rehabilitate the mighty Snowy River of Australian fame. No-one decries that. But, when South Australians ask for an increase in the flow of fresh water into the River Murray from the states upstream, that is not agreed to and the arguments about the rights of irrigators in Victoria, New South Wales and Queensland come into play.

At some stage in the near future this is going to have to be accepted by all sides of politics. You will not get decent management of the Murray-Darling Basin by trying to get a cooperative agreement between the four states and the federal government. The interests of the four states individually are different. The interests of Queensland are different from those of South Australia. The interests of Queensland cotton growers in particular are going to carry weight in the Queensland government’s deliberations, whether it is a Labor or a coalition government. The deliberations of the New South Wales government will be about the rights of irrigators in rice growing, cotton growing, grape growing and horticulture. The situation in Victoria is the same.

Whether this is the most effective and efficient use for value adding and horticulture—to use water at subsidised rates in some of these industries—I do not know. But one thing is for certain: if we keep taking the water out of the system at the rate we are, the system will collapse. It will collapse for not just South Australia but also the whole of Australia, and salinity will continue to spread its evil across the whole of the basin. In the end—I suspect sometime in the next decade—the federal government will have to announce a plan that we are going to intervene. We may have to compensate those who have to leave their farms because they cannot afford the water or we may have to spend a large amount of money on remediation programs to reduce the salinity. Whatever it is, we have to do it in a way in which the people who are there and who have lived there for a long time get appropriate compensation and assistance.

The day is coming when a federal government, for the sake of the whole of the Murray-Darling Basin, will have to take action. Some people suggest we hold a referendum. Of course, a referendum is usually lost when you allow narrow interests to campaign and create a scare campaign. Some have suggested that we may be able to take control of it at a national parliamentary level by signing an appropriate foreign treaty, just as we did with the Franklin River.

Senator Boswell—Oh my God, don’t do that.

Senator SCHACHT—I knew you might say that, Senator Boswell. But just as it was used for environmental reasons on the Franklin River—I think all sides have accepted that it was, for environmental reasons, an important decision—it may be that at some stage in the future the federal government, Labor or coalition, may have to sign a treaty and then use the foreign powers of that treaty to put legislation through this parliament, as we did to stop the Franklin Dam, to put into place a program of rehabilitation for the Murray-Darling Basin that will make the Snowy Mountains scheme look modest by comparison.

You cannot expect individual state governments to agree to get the outcome that is now needed to save the Murray-Darling Basin. At some stage in the next decade I hope a government—of whichever political persuasion—has the courage to take this on because, if they do not, the devastation in the Murray-Darling Basin will be appalling. We will not only lose some of the most productive agricultural areas in Australia but also not have the water at a potable level for ordinary Australians to drink and to live comfortably with in a style that we have become accustomed to. This is a debate that the parliament should enter not on a partisan level but on an understanding that, in the end, only the national parliament of Australia can provide the leadership to solve this problem.

Senate adjourned at 7.25 p.m.

DOCUMENTS

Tabling

The following government document was tabled:

United Nations—International Covenant on Civil and Political Rights—Human
Rights Committee—Communications No. 947/2000—Decision.

**Tabling**

The following documents were tabled by the Clerk:

- **Australian Land Transport Development Act**—Determination of charge rate under section 10 for the financial year—
  1994-95.
  1995-96.
  1996-97.
  1997-98.
  1999-00.

- **Customs Act**—Notice under subsection—
  164(5A)—Notice No. 2 (2001).
  164(5AAC)—Notice No. 2 (2001).

- **Excise Act**—Notice under subsection—
  78A(5A)—Notice No. 2 (2001).
  78A(5AAC)—Notice No. 2 (2001).

QUESTIONS ON NOTICE

The following answers to questions were circulated:

Prime Minister and Cabinet Portfolio: Value of Market Research
(Question No. 3382)

Senator Robert Ray asked the Minister representing the Prime Minister, upon notice, on 29 January 2001:

(1) What was the total value of market research sought by the department and any agencies of the department for the 1999-2000 financial year.

(2) What was the purpose of each contract let.

(3) In each instance: (a) how many firms were invited to submit proposals; and (b) how many tender proposals were received.

(4) In each instance, which firm was selected to conduct the research.

(5) In each instance: (a) what was the estimated or contract price of the research work; and (b) what was the actual amount expended by the department or any agency of the department.

Senator Hill—The Prime Minister has provided the following answer to the honourable senator’s question:

I am advised by my department as follows:

The Department of the Prime Minister and Cabinet

(1) $1,435,023

(2) (i) Conduct qualitative research on behalf of the Reconciliation Council into community attitudes about issues relevant to the development of a national document of reconciliation.

(ii) Conduct qualitative research on behalf of the Reconciliation Council into community attitudes about issues relevant to the development of a national document of reconciliation.

(iii) Undertake qualitative research into the attitudes of Indigenous people towards issues related to a document of reconciliation on behalf of Council for Aboriginal Reconciliation.

(iv) Conduct tracking research on the neutral public education programme advertising.

(v) Conduct a comparative focus group testing of advertising concepts.

(vi) Conduct focus group testing of advertising materials.

(vii) Provide market research services for the Yes Advertising Campaign Committee.

(viii) Provide market research services for the No Advertising Campaign Committee.

(ix) Test government branding and the authorisation of government advertising tag lines.

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<tr>
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<th>3(a)</th>
<th>3(b)</th>
<th>4</th>
<th>5(a)</th>
<th>5(b)</th>
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<tr>
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<td>five</td>
<td>Irvcol Nominees Pty Ltd</td>
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<td>$71,591</td>
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<td>Newspoll Market Research</td>
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<td>Newspoll Market Research</td>
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<td>(vi)</td>
<td>one</td>
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<td>Yann Campbell Hoare Wheeler</td>
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<td>(vii)</td>
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<td>eight</td>
<td>ANOP Research Services Pty Ltd</td>
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<td>(viii)</td>
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<td>three</td>
<td>Nexus Quantum Pty Ltd</td>
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<tr>
<td>(ix)</td>
<td>two</td>
<td>two</td>
<td>Worthington Di Marzio</td>
<td>$40,000</td>
<td>$19,600</td>
</tr>
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</table>

Aboriginal and Torres Strait Islander Commission

(1) $7,000

(2) Market report on office accommodation in Lismore, Coffs Habour and Port Macquarie, space analysis site inspection for a new office for the Commission.

(3) (a) One.

(b) One.
(4) The Commission’s Property Managers KFPW Pty Ltd, were engaged to undertake the research task.

(5) (a) $7,000
   (b) $7,000

For the portfolio agencies listed below, there were no market research contracts let:

- Office of National Assessments
- Office of the Commonwealth Ombudsman
- Office of the Official Secretary to the Governor-General
- Australian National Audit Office
- Public Service and Merit Protection Commission
- Office of the Inspector-General of Intelligence and Security.

**Department of Education, Training and Youth Affairs: Fleet Vehicles**

(Question No. 3453)

**Senator Allison** asked the Minister representing the Minister for Education, Training and Youth Affairs, upon notice, on 26 February 2001:

With reference to the fuel efficiency of the departmental fleet:

(1) How many cars does the department have in its fleet.

(2) (a) How many new cars will be purchased or leased in the 2000-01 financial year; and (b) can details be provided of the make, size and horsepower.

(3) How many new cars were purchased or leased in the 1999-2000 financial year; and (b) can details be provided of the make, size and horsepower.

(4) How many cars in the fleet are fuelled by liquid petroleum gas (LPG), compressed natural gas (CNG) and petrol.

(5) Does the agency use its own LPG or CNG refuelling stations; if so, how many are there of these.

(6) Does the agency have a policy or strategy to reduce the fuel consumption of its car fleet; if so, can details be provided.

(7) What is the fuel efficiency rating of all cars in the fleet.

(8) How does the actual fuel consumption and mileage compare with that rating.

(9) Nationally, what operating savings would have been achieved for the 1999-2000 financial year if all cars in the fleet were run on: (a) LPG; and (b) CNG.

**Senator Ellison**—The Minister for Education, Training and Youth Affairs has provided the following answer to the honourable senator’s question:

(1) As at 16 March 2001, the Department of Education Training and Youth Affairs leased 142 vehicles.

(2) (a) At present, there are thirty nine [39] vehicles where the leases expire during the 2000-01 financial year. It is reasonable to assume that these vehicles will be replaced with new vehicles; therefore there will thirty nine [39] new vehicles leased.

   (b) It is difficult to predict the make and model of the replacement vehicles leased as this will depend upon either the operational requirements at the time (for general-use vehicles) or the personal preferences of SES officers provided with a vehicle under the Executive Vehicle Scheme.

(3) (a) During the 1999-2000 financial year, DETYA leased 87 new vehicles.

   (b) The makes, models, and power ratings are as follows:

<table>
<thead>
<tr>
<th>MAKE</th>
<th>MODEL</th>
<th>NO: LEASED</th>
<th>POWER</th>
</tr>
</thead>
<tbody>
<tr>
<td>Holden</td>
<td>Acclaim S/W</td>
<td>3</td>
<td>147kw</td>
</tr>
<tr>
<td>Holden</td>
<td>Acclaim Sedan</td>
<td>17</td>
<td>147kw</td>
</tr>
<tr>
<td>Holden</td>
<td>Berlina Sedan</td>
<td>1</td>
<td>147kw</td>
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</tbody>
</table>
Holden Calais Sedan 1 147kw
Holden ‘S’ Supercharged Sedan 1 171kw
Holden Executive S/W 3 147kw
Holden Executive Sedan 2 147kw
Holden Vectra CD Sedan 3 125kw
Toyota Camry Conquest S/W 1 141kw
Toyota Camry Conquest Sedan 11 141kw
Toyota Camry Touring Sedan 1 141kw
Toyota Landcruiser 4x4 S/W (diesel) 2 96kw
Toyota Vienta Grande Sedan 3 141kw
Ford Forte S/W 1 157kw
Ford Futura S/W 4 157kw
Ford Futura Sedan 19 157kw
Mitsubishi Magna Advance Sedan 10 140kw
Mitsubishi Magna S/W 2 140kw
Mitsubishi Verada Ei Sedan 2 147kw

(4) There are no vehicles in DETYA’s fleet powered by either LPG or CNG.

(5) DETYA does not have its own refuelling stations.

(6) DETYA supports the Government’s energy usage policy and staff are aware that the policy must be supported by selection of fuel-efficient vehicles and by the monitoring of vehicle usage, performance and overall fuel consumption. This regulation is set out in DETYA’s Chief Executive Instructions and is available to all staff via the Intranet.

(7) The fuel efficiency rating for all cars in the fleet is as follows:

<table>
<thead>
<tr>
<th>MAKE</th>
<th>MODEL</th>
<th>DPIE RATING</th>
</tr>
</thead>
<tbody>
<tr>
<td>Holden</td>
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<td>12.5</td>
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<tr>
<td>Holden</td>
<td>Acclaim Sedan</td>
<td>12</td>
</tr>
<tr>
<td>Holden</td>
<td>Berlina Sedan</td>
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<tr>
<td>Holden</td>
<td>Calais Sedan</td>
<td>12.5</td>
</tr>
<tr>
<td>Holden</td>
<td>‘S’ Supercharged Sedan</td>
<td>13</td>
</tr>
<tr>
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<td>Executive S/W</td>
<td>12.5</td>
</tr>
<tr>
<td>Holden</td>
<td>Executive Sedan</td>
<td>12</td>
</tr>
<tr>
<td>Holden</td>
<td>vectra CD Sedan</td>
<td>9.5</td>
</tr>
<tr>
<td>Holden</td>
<td>Jackaroo 4x4 S/W</td>
<td>12</td>
</tr>
<tr>
<td>Toyota</td>
<td>Avalon Conquest</td>
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</tr>
<tr>
<td>Toyota</td>
<td>Camry Conquest S/W</td>
<td>11</td>
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<td>Toyota</td>
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<tr>
<td>Toyota</td>
<td>Camry Touring Sedan</td>
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<tr>
<td>Toyota</td>
<td>Corolla 1.8</td>
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<td>Futura S/W</td>
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<tr>
<td>Mitsubishi</td>
<td>Magna Sports Sedan</td>
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* No data available from DASFleet
The comparison between the fuel rating and actual average consumption is set out in the following table:

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<td>Mitsubishi</td>
<td>Verada Ei Sedan</td>
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</tr>
</tbody>
</table>

* Fuel consumption data supplied by DASFleet.
** No data available from DASFleet

(a) Below is a table which sets out the potential savings had DETYA’s fleet used LPG rather than ULP during the 1999-2000 financial year. These figures must be considered in the context of the greater initial cost and ongoing leasing charges for vehicles converted to LPG. Also, passenger vehicles running on LPG use more litres over the same distance than the same vehicles running on ULP.

<table>
<thead>
<tr>
<th>Fuel Type</th>
<th>Litres Used</th>
<th>Average $/Litre</th>
<th>Cost</th>
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<tr>
<td>Unleaded</td>
<td>254,743</td>
<td>$0.827</td>
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<tr>
<td>LPG</td>
<td>Nil</td>
<td>$0.4256</td>
<td>$108,419</td>
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<td></td>
<td></td>
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<td>$102,253</td>
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</table>

(b) Given the limited availability of CNG, there is insufficient data available upon which to provide an accurate potential saving had this fuel been used.


(Question No. 3474)

Senator Carr asked the Minister representing the Minister for Education, Training and Youth Affairs, upon notice, on Thursday, 1 March 2001:

(1) What protection currently exists under company legislation for the name ‘university’.

(2) Did the Ministerial Council on Employment, Education, Training and Youth Affairs (MCEETYA), at its meeting on 3 March 2000, adopt national protocols on higher education approval processes; if so, what obligations do these protocols impose on the Commonwealth; specifically, does the adoption of these protocols amend corporation law.
(3) What consequential changes have been made to corporation law since the adoption of these MCEETYA protocols in March 2000.

Senator Ellison—The Minister for Education, Training and Youth Affairs has provided the following answer to the honourable senator’s question:

(1) The word ‘university’ is currently protected in Part 3 of Schedule 6 of the Corporations Regulations. When a body applies to use the word ‘university’ in their title the Australian Securities and Investments Commission forwards the application to the delegate for the Minister for Financial Services and Regulation at the Department of the Treasury. Although the delegate is not formally obliged to consult with the Department of Education, Training and Youth Affairs (DETYA) on applications, in practice the two Departments have established a consultative process concerning approval of the use of the word ‘university’.

(2) The National Protocols for Higher Education Approval Processes were endorsed by Commonwealth, State and Territory Ministers for higher education in March 2000. The Protocols require the Commonwealth to undertake to improve the level of protection afforded to the word ‘university’ under the Corporations Law.

(3) The Minister for Education, Training and Youth Affairs wrote to the Minister for Financial Services and Regulation regarding a proposal to improve the level of protection afforded to the word ‘university’ on 12 October 2000. DETYA understands that a brief is currently before Minister Hockey for consideration. Should Minister Hockey approve of the proposal it would then require approval from the Ministerial Council for Corporations, and the Governor-General before taking effect.

Education: Internet Providers
(Question No. 3475)

Senator Carr asked the Minister representing the Minister for Education, Training and Youth Affairs, upon notice, on Thursday, 1 March 2001:

(1) What is the current status within Australia of the following Higher Education Institutions which act as Internet providers?

University Asia; St Clements (Australian Tertiary Education Services Pty Ltd); Australasian Institute; Warnborough University; Power Business Institute; Webster Training Academy; Arlington University; Heriot-Watt University; and EMA Open Learning.

(2) Do any of these award degrees in Australia - if so, what degrees and at what level?

(3) Do they enjoy accreditation with any Australian education authority - if so, with which authority?

Senator Ellison—The Minister for Education, Training and Youth Affairs has provided the following answer to the honourable senator’s question:

(1) After consultation with State and Territory accreditation authorities DETYA advises that:

University of Asia is currently being investigated by the Northern Territory Department of Education;

South Australia’s Accreditation and Recognition Council has given notice to the University of St Clements advising that they are in breach of the Vocational Education Employment and Training Act, 1994. The Office of Business and Consumer Affairs has also met with a representative from St Clements University over its use of the term ‘university’. St Clements University has since removed all references to its operation in Australia from its website.

The Australasian Institute TAI was the subject of Federal court legal proceedings in 1999, brought by the Australian Competition and Consumer Commission. As a result of these proceedings TAI was required to advertise an apology regarding claims made about its Global Master of Business Administration. TAI is not presently accredited to offer higher education courses in Australia.

Warnborough University is not accredited to deliver higher education courses in Australia. It lists three Australian ‘consortium members’ on its website. Action regarding two of these members (Power Business Institute and Webster Training Academy) is outlined below. The Queensland Office of Higher Education is currently looking into the relationship between the University and the third Australian consortium member, the Academy of Design and Decorative Arts, based in Brisbane.
Power Business Institute is a Sydney-based vocational education and training (VET) provider. It is not accredited to offer higher education courses in Australia. PBI was advertising Warnborough University degree courses on its website. The NSW accreditation authorities have met with the PBI principal and PBI has subsequently changed its advertising.

Webster Training Academy is a Sydney-based vocational education and training (VET) provider. It is not accredited to deliver higher education courses in Australia. WTA used to advertise Warnborough University degrees on its website. The NSW accreditation authorities have contacted WTA and it has subsequently withdrawn from any association with Warnborough University.

To the best of our knowledge, there is no record of an organisation called Arlington University presently operating anywhere in Australia.

Heriot-Watt University is a UK university based in Edinburgh. It offers courses via distance education. It is not known to be accredited as a higher education provider in Australia.

Educational Media Australia (EMA) is an Australian company producing multimedia teaching and learning support programmes and educational films. EMA Open Learning is not known to be offering higher education courses in Australia and is not accredited as a higher education provider in Australia.

(2) To the best of our knowledge, DETYA is not aware of any of these institutions awarding degrees within Australia.

(3) To the best of DETYA's knowledge, none of these institutions is accredited to deliver higher education courses in Australia.

Education Services for Overseas Students: Norfolk Island

(1) 

Senator Carr asked the Minister representing the Minister for Education, Training and Youth Affairs, upon notice, on Thursday, 1 March 2001:

"Does the Education Services for Overseas Students Act 2000 apply on Norfolk Island; if not, why not."

Senator Ellison—The Minister for Education, Training and Youth Affairs has provided the following answer to the honourable senator’s question:

Norfolk Island is administered in accordance with the provision of the Norfolk Island Act 1979, by which the Australian Parliament conferred a measure of self-government on Norfolk Island as a territory under the authority of the Commonwealth. Generally, Commonwealth laws do not apply to Norfolk Island unless expressed to do so.

The Education Services for Overseas Students Act 2000 (ESOS Act 2000) does not apply on Norfolk Island. It is part of a package of legislation (see Attachment A) designed to strengthen the regulatory framework of Australia’s education and training export industry. The legislative package provides a basis for the issue of student visas, by requiring that only providers and courses registered on the Commonwealth Register for Institutions and Courses for Overseas Students (CRICOS) can enrol students on student visas, issued by DIMA under the Migration Act 1958. Student visas will only be issued to students enrolled with a CRICOS-registered provider.

The Migration Act 1958 does not extend to Norfolk Island. Entry and residence are controlled by the Norfolk Island Immigration Act 1980. Given these separate frameworks for immigration controls, it would not be appropriate to extend the ESOS Act 2000 to Norfolk Island.

The ESOS Act 2000 also gives effect to the guarantee that if an overseas student comes to Australia and their provider fails, the student will be offered an alternative course or a refund. It is not practicable to extend that guarantee to the External Territories, which have different arrangements for regulating the entry of students and are remote from alternative providers.

Education: Greenwich University

(1) 

Senator Carr asked the Minister representing the Minister for Education, Training and Youth Affairs, upon notice, on Monday, 5 March 2001:

With reference to Greenwich University: Can the Minister ensure that the department provide a detailed response to all the allegations raised by Dr John Walsh of Brannagh in an article in the Campus Review of 2 March 2001:
Senator Ellison—The Minister for Education, Training and Youth Affairs has provided the following answer to the honourable senator’s question:

Allegations raised in the Campus Review Article of 2 March 2001 are shown in italics. The Departmental response is provided following each allegation.

CR: One might wonder why no report was tendered. One might wonder at the peculiar timing, and the fact that no advice was given either to Greenwich University or to the Norfolk Island Government.

The Review Committee met on 6 December 2000 to discuss the final report and recommendations. The report was presented to the Minister on 7 December and he made a statement in the house that day.

CR: Greenwich itself had difficulty in obtaining a copy of the report, and had to make an application under the Freedom of Information Act. As at the date of writing neither the University nor the Norfolk Island Government has been able to get a copy of the full and complete report. The University, after a number of repeated requests, obtained the first 33 pages plus two abbreviated appendices. The author or authors are not identified!

The Minister wrote to his MCEETYA colleagues advising that he accepted the recommendations of the committee and asking for their views. He requested a response by 15 December 2000 so the matter could be finalised quickly. There was no disagreement from any of the States and Territories and the Minister signed a letter to the Vice-Chancellor of Greenwich University on 18 December 2000 advising that a copy of the report was attached (this was sent electronically on 20 December and receipt of the report was acknowledged on 21 December 2000).

On this occasion only the main body of the report was sent as the appendices were identical to those of the draft report with the exception of the Greenwich University response to the draft report and comments on the response that were prepared by the secretariat for the benefit of the committee.

Greenwich wrote on 5 January 2001 (letter received 15 January) asking for a complete copy and received an immediate reply to the effect that:

“The appendices to the report were not included with the copy of the report that was emailed to you because all items with the exception of Greenwich University’s response to the draft (which is your document) and the Secretariat’s comments on that response are identical to the draft report. I have sent these two appendices to you by Australia Post.

Sending another copy of the other appendices seemed to be an unnecessary duplication, however these can be provided if required. Please let me know if you require another copy of the other appendices.”

As the report is the report of the Committee and membership of the Committee is included at Appendix 1, it does not seem necessary to designate authors.

CR: The 520 page response the university made to the draft report in August last year has been doctored and most of the responses have been left out. The original submission of 614 pages from the university is also now not available from DETYA, as are other relevant documents.

The response of Greenwich University to the draft consisted of comments plus copies of documentation from the original self-assessment document. Both the comments and the documentation were inserted into the text throughout the draft report. Greenwich University responded in this way both to the main body of the draft report and to each of the assessment panel reports and the report of the Financial Assessment. Many of the comments and much of the documentation was duplicated between the response to the assessment reports and the relevant sections of the main body of the report.

The assessment reports were commissioned by the committee to inform its decision about the University’s academic and financial standards. Copies were included with the draft report in line with natural justice requirements so the University had an opportunity to reply. The appendix attached to the final report was limited to the Greenwich comments pertaining to the main body of the report. There was some concern about including even this much of the response since Greenwich University mentions several people by name and attributes remarks to the Deloitte’s representative that are considered by that person to be potentially libellous. Greenwich University’s response to the assessment reports have been left out (although the comments on each of the relevant sections in the main report are included) and the comments have been isolated from the text of the draft report however they have not been ‘doctored’ in any way.

The report of the financial assessment was not included in the final report as it was marked “Commercial in Confidence” by Deloitte, Touche, Tomatsu and the salient feature, stated in the main body of the report was that, “Based on the limited information provided to date, Deloitte are not able to form or
offer an opinion regarding the financial position or the economic viability of Greenwich.” The financial
assessment was carried out in March 2000. The draft report was sent to the University for comment in
July 2000 and the final report was completed in December 2000. Greenwich University did not provide
any additional documentation over this nine month period.

The reference to the original submission is not clear but we are unaware of any request to have access to
this information.

CR: No application has ever been made by Greenwich for listing on the AQF Register.

The application for listing on the AQF was made by the Norfolk Island Government, which has ob-
server status on Ministerial Council for Education, Employment, Training and Youth Affairs (MCEETYA).

CR: The AQF and MCEETYA advised Greenwich that as soon as the legislation was enacted (the
Greenwich University Act) and the university commenced operating on Norfolk Island, it would be
listed automatically on the AQF list, as all universities established pursuant to state or territory legis-
lation were automatically placed on the Register.

We have no information that would indicate any such advice was given. In November 1998 the De-
partment of Transport and Regional Services sought confirmation from Dr Walsh that he wanted to pro-
cceed with the Greenwich University relocation to Norfolk Island given that the business would face
restrictions if conducting business on the mainland using the word “University” as part of its name.

The Department of Education, Training and Youth Affairs was never consulted about the proposed es-
tablishment of a university on Norfolk Island or given an opportunity to comment on the legislation
before the Act was passed.

Greenwich University was never accredited in the USA and anyone with any knowledge of recognition
or accreditation matters, who might have been consulted prior to the move to Norfolk Island would
have considered this to be a matter of considerable concern.

CR: Another peculiarity is the strange wording, which says Greenwich did not “meet the standards
expected of Australian universities”, rather than the standards existing as such. The word “expected”
rather than actual or extant is somewhat odd.

Recognition and accreditation of higher education institutions and courses is a matter for State and Ter-
ritory higher education authorities in Australia. These authorities have a wealth of experience and ex-
pertise in this area and were, therefore, commissioned to undertake assessment of three discipline areas.
Three different States were asked to undertake the assessment because this reduced any risk of bias and
also spread the cost as they waived the normal assessment fee. The panels worked independently but all
three found that Greenwich would not be accredited in their respective States. The following quotes
from the panel reports illustrate the concerns:

“The (Theology) Panel was also of the opinion that the coursework presented to it for evaluation was
not of equivalent quality to that offered by other Australian universities at postgraduate level. The
Panel found that most of the units it examined were more typical of introductory undergraduate studies
than coursework in postgraduate programs in Australian universities. The Panel also found no evidence
that the coursework available to students in the School of Theology would prepare students adequately
to write a thesis at Master’s or PhD level according to Australian university standards.”

“The (Business) panel’s view was that some of the course content is more appropriate to ‘bridging type’
courses rather than as credit towards a post graduate qualification. This was a concern in relation to the
standard of the proposed course compared to relevant courses offered by Australian universities.”

“It is the view of the panel that the student work submitted by Greenwich as suitable examples of the
standard of work were not of the appropriate standard. Over the period 1996 to 1998, the supplementary
material identified one doctorate and three masters completions in Computing and four doctorate and
five masters completions in Business. The PhD research theses were essentially descriptive reports,
lacked analytical content and did not contribute to the body of knowledge in the academic area.”

“The (health sciences) panel considered the depth of the course work components inappropriate to
Nursing studies, post graduate studies in Health Science and Psychology in Australian universities.”

The committee that visited Norfolk Island was given an opportunity to examine some PhD theses sub-
mitted by students of Greenwich University (Hawaii) and found that the standard of scholarship was
well below what would be acceptable in other Australian universities. A lengthy examination of these
documents was not required in order to make this assessment.
CR: When are all the other universities to be so reviewed? The other question is why all universities are not taken off the AQF list until such time as their reviews are complete.

The fundamental difference between Greenwich University and other Australian universities is that the Greenwich University Act was passed by the Norfolk Island Government without the university undergoing any assessment or accreditation process. This matter was not addressed directly by either the Norfolk Island Government or Greenwich University until the Norfolk Island Government responded to the draft report. In his response, Mr George Smith stated: “The Norfolk Island Government (NIG) recognises that the matter of accreditation is basically a matter between Greenwich University and the Australian accreditation authorities and whilst the NIG has been supportive of the development of a Norfolk Island University and will continue to do so the NIG has never purported to be an accrediting authority.”

This explains why it was necessary to establish a review of Greenwich University. Other universities are listed on the AQF because they successfully sought accreditation through a recognised higher education authority. Greenwich did not seek accreditation prior to the request for listing on the AQF registers and the review, which was comparable to an accreditation process, concluded that its standards were not high enough to warrant listing on the AQF registers.

CR: A difficulty faced by those who take only a superficial look at Greenwich is that we are different. Our method of operation is different, our standards are different (but not inferior in any way), our staff are different and our faculty are certainly very different.

The Review Committee spent several meetings drafting the review criteria, which were based on criteria used by State and Territory recognition and accreditation authorities. The committee was very aware of the differences in approach between a traditional university and a university operating totally in the distance education mode and it put considerable effort into accommodating these differences. Greenwich was consulted at every stage of the process including the Review Criteria and membership of the assessment panels. The review was a rigorous process involving authorities from three States and Territories as well as the financial consultant and the review committee. This could hardly be considered a ‘superficial look’.

CR: What does the University mean when it says that Australia is denying it the avenues of applying for listing on a UNESCO register and complicating its request for listing with the Association of Commonwealth Universities?

Both these registers are based on universities that have been accredited by recognised accreditation authorities in the home country. In the case of Australia, they are based on the AQF registers.

CR: The review team (of four) visited the university for less than four hours. During that time they spent less than 10 minutes flicking through some old theses from the Hilo office. They did not speak to one student, one graduate or one faculty member.

The Committee had received the reports of the three assessment panels and the financial report before it visited Norfolk Island. It used this visit to become familiar with the administrative structure and facilities on Norfolk Island. An agenda for the visit was sent to the University in advance of the visit and the University could have used the opportunity to present its case. The theses given to the committee were chosen by the University. While the review committee did not speak with anyone other than staff on Norfolk Island, the theology panel interviewed three graduates nominated by the University by teleconference.

CR: Yet only two weeks after the Norfolk Island Act was proclaimed in the Government Gazette a senior bureaucrat in DETYA was denying the very existence of the legislation and even had a message placed on the world wide web to that effect.

In January 1999 a senior member of DETYA responded to a piece of correspondence asking about Greenwich University with the comment that “Greenwich University is neither part of the publicly funded sector nor recognised as a private sector university. The only privately funded universities are Bond University and the University of Notre Dame in Fremantle, Perth. There are a number of non-university higher education institutions which offer courses which are accredited by the relevant State/Commonwealth authority. I understand that the Commonwealth of Australia is responsible for higher education in Norfolk Island. As far as I know, ‘Greenwich University’ has not been recognised by the Commonwealth of Australia as an institution offering higher education courses’.”
Education: Greenwich University  
(Question No. 3484)

Senator Carr asked the Minister representing the Minister for Education, Training and Youth Affairs, upon notice, on Monday, 5 March 2001:

(1) Dr John Walsh of Brannagh claims that Greenwich University was invited by the Australian Government to come to Australia; is this true.

(2) What process was undertaken to advise the Norfolk Island Government and the Commonwealth Department of Transport and Regional Services (with its responsibilities for Territories) of the appropriate processes for accreditation in Australia.

(3) What actions were taken by each of these authorities to carry out their responsibilities under these processes.

Senator Ellison—The Minister for Education, Training and Youth Affairs has provided the following answer to the honourable senator’s question:

(1) I understand that Dr Walsh spoke to representatives of the Australian Qualifications Framework and Ministerial Council for Education, Employment, Training and Youth Affairs (MCEETYA) in a general way about the requirements for establishment of a new university in Australia. He also had discussions with the Norfolk Island Government prior to re-locating to Norfolk Island. I am unaware of any information to support his claim that the Commonwealth Government invited Greenwich University to come to Australia.

(2) There was communication at the junior officer level between the DoTRS and DEETYA (as it then was) in December 1997. DoTRS asked: “In particular I am interested in your advice as to whether and how an external studies university could be established on Norfolk, what level of recognition/accreditation qualifications from such a university might be expected to achieve, and views DEETYA might have on any aspects of the proposal”. In response DEETYA said: “Universities are set up under state legislation, with the exception of the University of Canberra (now under ACT legislation), Australian Military College and the Australian National University which were set up under Commonwealth legislation.” Attached to this reply was a web page reference to the NSW Higher Education Unit including contact details and mentioning accreditation procedures under the NSW Higher Education Act.

(3) In a letter to the review committee on 14 November 2000, George Smith, Minister for Tourism and Commerce, Norfolk Island Government stated: “The Norfolk Island Government recognises that the matter of accreditation is basically a matter between Greenwich University and the Australian accreditation authorities and whilst the NIG has been supportive of the development of a Norfolk Island University and will continue to do so the NIG has never purported to be an accrediting authority.”

Education: Greenwich University  
(Question No. 3485)

Senator Carr asked the Minister representing the Minister for Education, Training and Youth Affairs, upon notice, on Monday, 5 March 2001:

Dr John Walsh of Brannagh has claimed that the standards criteria applied to Greenwich University were different to other universities and that no Australian university would have met these criteria: is this true; if so, why.

Senator Ellison—The Minister for Education, Training and Youth Affairs has provided the following answer to the honourable senator’s question:

The criteria developed for the review of Greenwich University were based on criteria used by higher education recognition and accreditation authorities in the States and Territories. The committee deliberated at length over these criteria as it was necessary to allow for the fact that Greenwich University operates totally in the distance education mode. Greenwich University was given an opportunity to comment on the criteria at the beginning of the review.

The committee was informed by the assessment of the three discipline areas. Each of the discipline panels applied the criteria used in their respective States to applications by universities for self-accrediting status. The standards applied in Queensland for financial analysis were provided to the firm that undertook the review of Greenwich University’s financial position.
The standards criteria were not, therefore, different from those applied to other universities.

**Education: Greenwich University**

(Question No. 3486)

Senator Carr asked the Minister representing the Minister for Education, Training and Youth Affairs, upon notice, on Monday, 5 March 2001:

On what basis has the decision, made by the review committees established to assess Greenwich University, that that university does not meet the required standards been made.

Senator Ellison—The Minister for Education, Training and Youth Affairs has provided the following answer to the honourable senator’s question:

The decision was made on the basis of a self-assessment document prepared by Greenwich University, assessment of three discipline areas by independent panels in three different States, a commissioned review of Greenwich University’s financial position and a site visit by four members of the review committee.

All panels found that Greenwich would not be accredited in their respective States. The financial analysis could not be completed because Greenwich University did not supply enough information. The site visit allowed the sub-committee to ascertain that the administrative centre did exist and had appropriate staff. Examples of student work provided during the visit confirmed that reports of the three committees that the level of scholarship was not of a standard that would be expected for comparable awards in other Australian universities.