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SITTING DAYS—2001

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Tuesday, 18 September 2001

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

QUESTIONS WITHOUT NOTICE
Ansett Australia

Senator O'BRIEN (2.01 p.m.)—My question is to Senator Kemp, the Assistant Treasurer. Can the Assistant Treasurer confirm that, when the Treasurer allowed Air New Zealand to buy 50 per cent of Ansett from News Ltd just one year ago, he set the following conditions: (1) there will be no significant reduction in employment in Australia in highly skilled Ansett airline functions, (2) there will be no significant reduction in regional airline employment and (3) no regional destinations currently served by Ansett or its subsidiaries will lose service? Given that just one year later Ansett has collapsed and every one of these conditions has been so comprehensively broken, how did the Treasurer come to the conclusion that the Air New Zealand proposal was viable and in the national interest?

Senator KEMP—I believe it was not only the Treasurer that came to that conclusion; I think it was also the Labor Party which came to that conclusion. If I recall correctly—and I am sure Senator O'Brien will correct me if I am wrong—Premier Bracks said...

Senator Conroy—You are the government!

Senator KEMP—I know this is sensitive to you and this is an important issue but what we have here is the first effort of the Labor Party in the Senate today to get up and score a cheap political point. This is what you have done.

Opposition senators interjecting—

Senator KEMP—What am I doing? I am pointing out that when this announcement was made, the announcement and the conditions which were attached were welcomed by the Labor Party in Victoria.

Senator Conroy interjecting—

Senator KEMP—Senator Conroy calls out, as one would expect. I do not know why the question was given to Senator O'Brien when it was so clearly one which should have been given to Senator Conroy. I guess Senator Conroy knew the position of the Labor government in Victoria so it was passed to Senator O'Brien.

Let me make a couple of comments on the matters which have been raised by Senator O'Brien. In June 2000, Air New Zealand received foreign investment approval, subject to a number of conditions, as Senator O'Brien said, to acquire from News Ltd the 50 per cent of Ansett Holdings Ltd that it did not already own. This approval was announced in a joint press statement released by the Treasurer and the Deputy Prime Minister and Minister for Transport and Regional Services. There was no suggestion at the time that Ansett was not commercially viable or that Air New Zealand could not carry Ansett. It is very clear that the circumstances today are quite different. It is also worth pointing out to Senator O'Brien, because he raised the question of the approval, that it was, as I said, particularly welcomed by the Labor Premier in Victoria, Premier Bracks, who I suspect may well have been concerned to make sure that the conditions were included.

The Foreign Investment Review Board examination of the proposal involved consultations—I am advised—with the Australian Competition and Consumer Commission, the Department of Transport and Regional Services, the Department of Industry, Science and Resources and the Department of Defence, Foreign Affairs and Trade. A wide range of other consultations was also carried out. This was done in the usual manner that this government carries out the Foreign Investment Review Board proposals. They are very carefully examined. There is widespread consultation.

Senator Conroy—Chris Miles—he's an expert!

Senator KEMP—I will ignore the cheap comment that comes from Senator Conroy, who I might say is peculiarly vulnerable in a number of areas.

Senator Conroy—Another one of his stooges!
Senator KEMP—Frankly, if I were Senator Conroy, I would stop chipping across the chamber, because we all have our Senator Conroy files, I can tell you. Senator Conroy. I repeat the point I made earlier that there was no suggestion at the time that Ansett was not commercially viable or that Air New Zealand could not carry Ansett. That is the advice that I have received.

Senator O’BRIEN—Madam President, I ask a supplementary question. I ask the minister: just who is responsible when the Treasurer approves a foreign investment proposal on the advice of the Foreign Investment Review Board? Is it the board or is it the Treasurer? On the Assistant Treasurer’s statement that there was no suggestion at the time that Ansett was not financially viable or that Air New Zealand was not able to carry the merger, can he confirm that the FIRB had advice from the Australian Licensed Aircraft Engineers Association at the time that Air New Zealand did not have the finances to give Ansett the fleet renewal it needed to be viable?

Senator KEMP—The first thing I would do is refer Senator O’Brien to the answer I gave to his first question. The second is we are a government that makes decisions. The ministers of this government make decisions on the best advice available at the time.

Opposition senators interjecting—

Senator KEMP—Madam President, if the Labor Party could restrain themselves, that was the point that I was making and I am sorry that it was apparently missed by Senator O’Brien.

Economy: Performance

Senator WATSON (2.07 p.m.)—My question is directed to the Leader of the Government in the Senate, Senator Hill. Will the minister inform the Senate of new data that confirms the continued strong performance of the Australian economy under the responsible management of the Howard government? Is the minister aware of any alternative policy approaches?

Senator HILL—I thank Senator Watson for the question. It is an important question because the Australian economy continues to perform strongly under the Howard government. Figures released last week show that the Australian economy—

Senator Schacht—Ask the 17,000 at Ansett.

Senator HILL—This is the point, Senator Schacht: there will always be corporate failures, but it is to a background where the overall economy continues to perform strongly. Last week’s figures show that the economy grew by 0.9 per cent in the June quarter, building further on the strong growth recorded in the March quarter. This good news for the Australian economy has also been reflected in the jobs market. The August employment figures showed an increase of 77,300 jobs, including a remarkable 72,700 new full-time jobs. This result builds on this government’s proud record on jobs. More than 880,000 new jobs have been created since we came to office. We have not forgotten the disastrous record of Labor in this regard—up to one million Australians unemployed. There is the contrast: under Labor, a million unemployed; under the coalition, a further 880,000 jobs. The economy continues to perform strongly because this government took the hard but correct decisions—something that the previous Labor government was never prepared to do. Instead, the previous Labor government simply ran up debt, leaving $80 billion of debt incurred in its last five years in office. If you cannot balance the books, you cannot make the investments necessary in areas like health, education, defence and so on.

We have shown as a government that we are able to balance the books and, at the same time, we have been able to deliver more money for public hospitals, more money for both government and non-government schools, more money for the environment—record investments in the environment—and more money for defence. We have been able to run five budget surpluses in a row. Most importantly, we have returned the fundamentals of the Australian economy to a position of strength. That strength helped Australia ride out the severe economic downturn that affected so many countries in our region. We know the global economy now faces a period of increased uncertainty in the wake of the terrorist at-
tacks in the US. We have already seen some fallout on Wall Street overnight. But the Australian economy is still well placed because the fundamentals of our economy are strong. You certainly would not want to be entering this period with Labor’s debt hanging around your neck. It is interesting that Australia’s major employers share this sentiment. A recent article in the Business Review Weekly found that 81 per cent of chief executives think the coalition is a better manager of the economy—just five per cent back Labor. It is so important, if there is going to be a global downturn, who will manage—

Opposition senators interjecting—

The PRESIDENT—Order! There are senators on my left shouting persistently. I would ask you to observe the standing orders.

Senator Cook interjecting—

The PRESIDENT—Senator Cook, I call you to order.

Senator HILL—The point I am making is that it is so much better to back a sound economic manager if there is going to be a global economic downturn. The article in the Business Review Weekly went on to say that the coalition is also regarded as being the safer bet if the Australian economy is affected by a global recession. Eighty-three per cent of respondents believe the Howard government would do a better job in an economic downturn. Only six per cent favoured Labor. If there is going to be a period of global economic downturn, there is no doubt who the better economic manager is. You have only got to compare the last five years with the previous five years, and the Australian people will know whom to back.

Ansett Australia

Senator FORSHAW (2.12 p.m.)—My question is directed to Senator Ian Macdonald, representing the Minister for Transport and Regional Services. My question relates to a statement made by the Minister for Transport and Regional Services, Mr Anderson, on 3 August this year. It was about a former major employer of labour in Australia, Ansett. The minister said that the Australian and New Zealand governments had established ‘a committee to examine the competing bids by Qantas and Singapore Airlines.’ I ask the minister: what was the membership of that committee? How many times did the committee meet, and did the committee provide both governments with advice about the financial state of Ansett and Air New Zealand and the ramifications for Ansett of the competing options?

Senator IAN MACDONALD—I thank Senator Forshaw for that question as it enables me to highlight some of the work that the government has been doing in relation to the particular issue that Senator Forshaw raises.

Senator Conroy—Just give them all their entitlements.

Senator IAN MACDONALD—I beg your pardon?

The PRESIDENT—Senator Conroy, Senator Forshaw has asked a question and you are out of order.

Senator Conroy interjecting—

The PRESIDENT—Senator Conroy, I draw your attention to the standing orders.

Senator IAN MACDONALD—Senator Conroy’s interjection was ‘give them their entitlements’. I suppose he means in the same way that Mr Beazley gave Compass employees their entitlements when Compass went into—

Senator Conroy interjecting—

Senator IAN MACDONALD—I am sorry, Senator Conroy, perhaps you are saying Mr Beazley was not the aviation minister then. I do not think he was. I think he resigned a couple of weeks before that. And not one cent of compensation did Mr Beazley or the Labor Party give to the Compass employees. Senator Conroy, your interjection just typifies the rank hypocrisy of the Labor Party in relation to this matter.

The PRESIDENT—Senator Macdonald, I draw your attention to the question from Senator Forshaw. Senator Conroy is actually out of order.

Senator IAN MACDONALD—Thank you, Madam President. Mr Anderson has been very diligent in following this issue from day one. In the face of what now seems
to be deliberate misinformation from Air New Zealand, it has been very difficult for all parties to properly assess the situation. You would be aware, Senator Forshaw—through you, Madam President—that the New Zealand Prime Minister, Qantas and their executors who were looking at the Ansett issue and the Australian government have been misled by Air New Zealand. It was not very long ago—about the time that Senator Forshaw mentioned—that Air New Zealand and Ansett indicated to the Australian government that, whilst there were difficulties in Ansett and that recapitalisation was necessary, Air New Zealand had a reserve of $1 billion to keep Ansett going. That is the sort of information that the Australian government quite rightly worked upon.

Throughout the last several months, Mr Anderson and the Australian government have been in close contact with Air New Zealand and the New Zealand government. Bear in mind that Ansett Airlines Pty Ltd is a foreign company—as is Air New Zealand, quite obviously—not an Australian company. Anything that has to be done in relation to those companies or their corporate governance is of course a matter for the New Zealand security and regulatory authorities.

Senator Forshaw—Madam President, on a point of order: the minister has now been answering—or attempting to answer—the question for about three or four minutes. I draw the minister’s attention to the original question, which was specifically regarding Minister Anderson’s statement that the Australian and New Zealand governments had established ‘a committee to examine the competing bids by Qantas and Singapore Airlines’. He made that statement on 3 August. My question sought specific detail from the minister representing Mr Anderson with regard to that committee: who was on it, how many times did it meet and what advice was provided? The minister, to this time, has not even addressed that question. I ask him, in the remaining time, to either address that question or take it on notice.

The PRESIDENT—I am sure the minister is aware of the question, and fewer interjections would probably help.

Senator IAN MACDONALD—Thank you, Madam President. I am giving a general background to the issues—

Senator Forshaw—I don’t want a general background. I want an answer to this question!

Senator IAN MACDONALD—Madam President, the Labor Party have been all over the ship with this issue—

Senator Crane—Madam President, I rise on a point of order. There are a number of standing orders that deal with behaviour in this chamber. We have listened today until three-quarters of the way through the third question, but the barrage from the other side of the chamber has been such that I cannot hear the answer of Senator Macdonald. In contrast, when Senator Forshaw asked his question and then raised a point of order, we on this side could hear every word. I ask you to allow us, on this side of the chamber, to hear the answers and to ask those on the other side of the chamber to behave themselves.

Senator IAN MACDONALD—I take Senator Crane’s point. Of course, the Labor Party are very embarrassed by the position of Ansett and how they have approached it. There are so many contradictory statements by different Labor Party spokesmen that it goes beyond belief. The Australian government has worked upon the information that it had. It had a number of direct, face-to-face negotiations with the New Zealand government—as it should have done—and there have been many issues raised between our Department of Transport and Regional Services and the relevant New Zealand authority. As well, I know that Mr Anderson personally—(Time expired)

Senator FORSHAW—Madam President, I ask a supplementary question. Again, I ask the minister, in the amount of time he has available, to actually try to address the issues that I raised in the original question about Minister Anderson’s statement on 3 August. I also ask Minister Macdonald: with regard to the establishment of that committee, if the committee did indeed provide advice to the government, what was the nature of the advice given to the government about the fi-
nancial state of Ansett and Air New Zealand and what was the committee’s view of the ramifications for Ansett of the competing options? Minister, would you have a go at answering the question? Tell the people who work for Ansett and tell the public of Australia the answers to this question—that is, the advice that this government got on this important issue—instead of trying to dodge it.

Senator IAN MACDONALD—The collapse of Ansett is a very serious matter. This is a time when one would have hoped that all Australians, including all political parties, would work towards resolving the issue, getting aeroplanes back into the air and getting jobs for the people involved rather than this feigned outrage and this petty political point scoring on issues that relate to particular committees, to details of particular committees and to what they said and what they did not say. If Senator Forshaw is particularly interested in these issues, I will ask Mr Anderson about the issues he raised. But I would have hoped that we would have had from the opposition some support in the interests of the workers, in the interests of those people who have been impacted by the collapse of Ansett, and that we would be working together. I seek the opposition’s serious support to work together to resolve this very difficult position.

Regional Australia

Senator CRANE (2.20 p.m.)—My question is to the Minister for Regional Services, Territories and Local Government, Senator Ian Macdonald. Will the minister advise the Senate on how the coalition government is continuing to help regional Australia to build a stronger future? Also, can the minister explain whether he is aware of any alternative policy approaches?

Senator IAN MACDONALD—Rural and regional Australia still has a long way to go, but things are certainly looking up as a result of the Howard government’s approaches to country Australia. Our approach to getting costs off exports has been one of the reasons why commodity exports are expected to rise by some two per cent in the current financial year. Sugar growers are looking forward to greater returns, the value of beef exports is going up by nearly seven per cent, lamb exports to the US are at a record high—and we are looking to have lamb exports to the US further lifted. Generally, in rural and regional Australia, things are looking up.

The Howard government has certainly helped with that. Our recently announced Stronger Regions Program will provide some $115 million to those regions that have been specifically adversely affected by structural change. Our Regional Solutions Program has been very popular in rural and regional Australia, with over 1,100 applications in the first 10 months. We are now receiving them at the rate of 20 per week; 230 applications have already been approved, and we are continuing to work flat out. Over 500 communities have now been involved in the Rural Transaction Centres Program. Eighty-eight rural transaction centres have been approved, with some to be announced this week. Business plan assistance is continuing to be announced on a weekly basis.

During the last two weeks I had the pleasure of visiting Ballina to launch the tea-tree industry’s strategic plan; $110,000 has been given by the federal government to help that industry, which had been suffering some problems. It is an industry that wanted to help itself, and we helped it with that. During the recess, I was also delighted to turn the first sod on the levee bank at Lismore to stop the impact of floods in that region—a great project which the federal government has assisted under its Regional Flood Mitigation Program. I also had the delight of attending a little town in Queensland called Tambo, which is the home of the Tambo Teddies; it had its name before my colleague Senator Tambling! It is a great little town. There is a new post and telegraph museum there. They have just got a sawmill in that little town. There are only 200 or 300 people in the town, but as a result of that sawmill there are 60 new faces in that little town in Central Queensland—a great story. They are positive and they are looking forward to it.

I was asked whether I am aware of any alternative proposals. All I have heard from the Labor Party is something called noodle nation or something like that. It is a diagram
with spaghetti and meatballs figures on it. Mr Martin Ferguson came up my way to Townsville and tried to tell a regional conference that this noodle nation proposal was great for regional Australia. Unfortunately, when all the delegates looked at the little diagram, regional Australia did not figure once—everything else seemed to figure.

I was also delighted with a visit to my area by my shadow in here, Senator Mackay. She was talking about Knowledge Nation and when she came to that point she said, ‘Look, I haven’t got time to tell you about that. If you want to know about Knowledge Nation, you’ll have to ring Barry Jones.’ At the time, Barry Jones was some 3,000 kilometres from the conference, the local government conference in Townsville. The people there wanted to know; they did not want to have to walk 3,000 kilometres to find out what noodle nation was all about. (Time expired)

Ansett Australia

Senator LUDWIG (2.25 p.m)—My question is to Minister Macdonald, representing the Minister for Transport and Regional Services. Is it true that Minister Anderson met with representatives of Air New Zealand at the end of June and was provided with written evidence of Ansett’s financial difficulties? Is it true that advice stated that Ansett had debts of about $1.9 billion and was losing $18 million per week, and that revenue had plummeted by 26 per cent on the previous year?

Senator IAN MACDONALD—Perhaps it would be useful if I gave the facts of the recent history of this collapse. In early May, the Acting Chairman of Air New Zealand said that the company had complained in early May about a Qantas takeover of Impulse. The Impulse takeover was the best way of protecting jobs in rural and regional New South Wales, and it was brought up by Air New Zealand. On 21 June, Singapore Airlines told the government that Ansett was in dire straits. They told us that the best way forward was their recapitalisation plan. In June as well, Air New Zealand told the government that Ansett was running at a loss, but they assured us that the group had $1 billion in cash reserves. Air New Zealand explained that their recapitalisation proposal was aimed at securing the group’s medium-term future, not securing operating funding. Australia asked New Zealand to examine rigorously both the Singapore Airlines proposal that Senator Ludwig has raised and the Qantas proposal in parallel. Australia did recognise that the group needed recapitalisation, and Mr Anderson said that very publicly. The New Zealand government was working towards an early September deadline when it became clear that Air New Zealand still did not have a viable business plan.

On 14 August the Acting Chairman of Air New Zealand wrote to the government warning that Ansett was in dire financial straits. He did not ask for Australian government assistance; he asked us to support the Singapore Airlines recapitalisation plan. The New Zealand finance minister, Dr Cullen, had also approached us and Mr Anderson had already agreed by that time that it was unlikely the Qantas plan would be triggered and that the New Zealand government would move posthaste to provide Air New Zealand with a decision. At that time, what Air New Zealand asked the government to do the Australian government had already done. The Australian government did not want to stall the decision in any way, and that is contrary to what Dr Farmer is now claiming.

It is interesting to note that on 4 September Sir Richard Branson announced that Air New Zealand had offered him $250 million for Virgin Blue, and of course we all know that he rejected that offer. Only now do we know that the Singapore Airlines proposal was contingent upon that sale going through.

On 6 September the Acting Chairman of Air New Zealand issued a reassuring statement to the market which claimed that the airline’s requirements for additional capital were simply driven by its need to make a substantial reinvestment in equipment. The following day, though, the NZSC market compliance committee rebuked Air New Zealand and the airline was forced to issue a more accurate statement. The government was advised about the airline’s true financial position over the weekend of 8 and 9 September. Qantas sent a team over to Auckland
to look at Air New Zealand’s books, but they concluded on 12 September that they were not interested in buying the airline because it was in such bad shape. On 12 September, Air New Zealand proposed that the government should write them a blank cheque while they restructured Ansett into a low-cost carrier. Air New Zealand, a foreign company, had already had a year to restructure Ansett, and it was not the Australian government’s intention—perhaps it would have been the Labor Party’s intention—to give an unlimited amount of taxpayers’ money to a team that was by then quite clearly incompetent. (Time expired)

Senator LUDWIG—Madam President, I ask a supplementary question. What action did the minister or the government take, after receiving this advice at the end of June, to ascertain the full extent of Ansett’s problems? Minister, you have twice had the opportunity to answer and tell us what the government has been doing. Perhaps you could explain.

Senator IAN MACDONALD—I thought I had so far spent eight minutes explaining that in some absolute detail; I am sorry if Senator Ludwig cannot understand that. As I have been saying and going through, there is a very detailed account of the Australian government’s approach to this of doing everything that we could to ensure that the situation was understood, but in the face of deliberate misinformation it does become very difficult. Senator Ludwig, it is not a question at this time of making fairly cheap political points about this. If you want to do that, let us talk about Compass. (Time expired)

Ansett Australia

Senator STOTT DESPOJA (2.31 p.m.)—My question is also addressed to the Minister representing the Minister for Transport and Regional Services. Does the minister recall the Deputy Prime Minister and Minister for Transport and Regional Services, Mr Anderson, saying in a press release on Monday, 10 September:

No one, including apparently Air New Zealand and its shareholders, understood the true state of the company’s financial position until last week.

In light of Senator Macdonald’s comments to the chamber, could he confirm that on 10 August Ansett met with Mr Ken Matthews, the Secretary to the Department of Transport and Regional Services? Can he also confirm for the chamber that at that meeting Mr Gary Toomey is alleged to have said, ‘I don’t want to be the CEO who was in charge when Ansett went bust’? Apparently, Mr Ken Matthews allegedly replied, ‘I don’t want to be the head of the Department of Transport and Regional Services at that time.’ Could the minister please confirm that 10 August meeting took place, and is that the case?

Senator IAN MACDONALD—As my colleagues have indicated, that question is hardly likely to be a positive step forward in doing what the government is currently doing—that is, trying to work its way through this very difficult situation to make sure that where possible jobs are saved, aeroplanes keep flying, pilots keep flying, ground staff keep loading planes and services are available to all parts of Australia. That is what the government is concentrating on.

I am sorry, Senator Stott Despoja, I am not sure of the source of your information. It would perhaps assist me if you were able to indicate a newspaper report or something so that I could check it. Quite obviously, I guess from what you have said that the alleged meeting that you are talking about—and I use ‘alleged’ because I cannot confirm or deny it—was between, according to you, Mr Matthews and Mr Toomey. Again, it goes without saying—and I think your question indicates that—that I certainly was not there. So not being there and not having any accurate record of this particular conversation apart from your unsourced allegations of what might have been said, of course, I cannot confirm that.

I do have to say though that I would be very, very surprised—surprised in the extreme—if Mr Ken Matthews, who is an excellent officer, would have said those words. Mr Ken Matthews is a very experienced bureaucrat. He is a very dedicated bureaucrat. He, like most in our department, has been working literally 20 hours a day, seven days a week in the last week, to try to get passen-
gers who have been stranded home to their places of residence.

The PRESIDENT—Order! There are senators on my left interjecting persistently, and I would ask you to observe the standing orders.

Senator IAN MACDONALD—Both Mr Matthews and his officers have worked extremely hard over a long period of time to try to resolve the situation, which is not of the government’s making and which is not, I have to say, of the opposition’s making, although one wonders whether some of the extremely generous entitlements that the union has organised over the years were not an element in the collapse of Ansett—but that remains to be seen.

Certainly the government are working as best we can, in cooperation with all parties, to try to look after the entitlements of the workers. We are very determined to look after the entitlements of the workers to the best of our ability. Of course, those entitlements are something that should be addressed by Air New Zealand and will be pursued by the Australian government to the limit of our ability to ensure that Air New Zealand meets with its both legal and moral obligations. But where there is a shortfall, to a degree, to a limit to be determined—and the Prime Minister has made some comments about this—the Australian government will pick up the statutory entitlements of workers. There is a lot of misinformation going around, misinformation, I might say, that is being propagated by the masters of the Australian Labor Party, indicating that no one is going to pick up the entitlements for workers. Mr Howard announced some time ago that the government would be guaranteeing statutory entitlements for those workers. (Time expired)

Senator STOTT DESPOJA—Madam President, I have a supplementary question. Why can the minister not confirm that the meeting between Ansett and Mr Ken Matthews took place on 10 August? I understand that the minister cannot confirm the quote, but can the minister confirm that the 10 August meeting took place? Secondly, given that the minister has today provided to the chamber some information provided to the government, could the minister please table exactly what meetings and information the government was provided with from both Ansett and the Department of Transport and Regional Services? If the minister could look into that 10 August meeting, could he also confirm to the chamber whether the Secretary to the Department of the Prime Minister and Cabinet, Mr Max Moore-Wilton, suggested to Mr Toomey in a meeting with Ansett that it would be better for Ansett to be let go into liquidation?

Senator IAN MACDONALD—I say again to Senator Stott Despoja that if she could indicate the source of these alleged statements it would help me to pursue them. I do confess, as I said before, that I do not know whether a meeting took place between those people on 10 August, but I will find out for you. I suspect I have somewhere in this material a lot of the information that you seek in relation to various meetings and what was said, but I must say that I have not had an opportunity at this time to go through that in any detail. But I will refer that to Mr Anderson.

Opposition senators interjecting—

Senator IAN MACDONALD—I keep hearing these interjections from the opposition, which makes it very difficult for me to answer Senator Stott Despoja, but I want to say to the opposition: what did you do when Compass went under? How much did you look after workers’ entitlements then? How many cents did you give to Compass employees? Not one cent from the alleged workers’ party. (Time expired)

Opposition senators interjecting—

The PRESIDENT—Order! Senators on my left, one of your colleagues is seeking the call.

Ansett Australia

Senator MARK BISHOP (2.39 p.m.)—My question is directed to Senator Ian Macdonald, representing the Minister for Transport and Regional Services. I note that the minister has confirmed that on 14 August this year Minister Anderson received a copy of a letter from the chair of the Air New
Zealand board, Mr Jim Farmer, to Prime Minister Howard which outlined the financial troubles confronting Ansett. Can the minister confirm that that letter referred to a pending crisis that could see the ‘failure of one or more parts of the group’? On what basis then did the minister state three weeks later, on 6 September, that he did not believe that Ansett would be forced into liquidation and that he did not believe that any jobs were at risk?

Senator IAN MACDONALD—Unless something has happened in the last 40 minutes, I do not think Ansett is in liquidation at the moment, Senator Bishop. But you talk about the letter of 14 August. On that date the acting chairman of Air New Zealand wrote to the Prime Minister and warned the government that the Air New Zealand group was in a difficult financial position. The acting chairman has quoted quite selectively from his letter. He left out the key paragraphs of what has been released, which put forward his solutions to the group’s financial problems. The letter concluded:

An early recapitalisation of the group, with assistance from Singapore International Airlines, remains the preferred position adopted unanimously by the group’s directors.

Dr Farmer did not ask for government assistance. He asked us to support the Singapore Airlines proposal to increase the Singapore Airlines holding in the Air New Zealand group. Of course, Air New Zealand, a foreign company, wholly owns Ansett Airlines. Singapore Airlines, a foreign company as well, is owned principally by the Singapore government. By that time, Mr Anderson had already agreed that it was unlikely that the Qantas plan would be triggered and that the New Zealand government would move post-haste to provide Air New Zealand with a decision.

So what I am emphasising is that, at the time of that letter, the Australian government were already doing everything that Dr Farmer had asked us to do. The Australian government did not in any way stall the decision, as apparently Dr Farmer has claimed. This is a foreign company; it is a company based in New Zealand. We were asked to do a number of things, supporting an application to the relevant authorities in New Zealand. At the time we were asked, we had already been doing that for some time.

Senator MARK BISHOP—I ask the minister to table the letter from which he has just quoted. Madam President, I have a supplementary question. Having received a stark warning from the Air New Zealand board on 14 August of this year, why did the government sit on its hands and do nothing, leaving Ansett workers and suppliers, the workers and suppliers of its subsidiaries, Ansett passengers, the tourism industry and regional Australia totally exposed to the collapse which took place on 14 September?

Senator IAN MACDONALD—Again, I can only urge Senator Bishop to listen to the answers I gave in relation to the first part of the question. The extent of the Air New Zealand difficulties and the lack of information given to the Australian government was also a situation that the New Zealand government had to deal with. The Labour Prime Minister of New Zealand, Helen Clark, has said that no-one, including Air New Zealand, had any idea of how gross the recapitalisation problem was. Without information that is not available to the New Zealand government—apparently even to the board of Air New Zealand—it makes it very difficult for the Australian government to be in the loop and to know this information. Those who had direct responsibility did not have that information.

Senator Cook—Madam President, I wonder if you would ask the minister to table the letter from which he has quoted in his answer to Senator Bishop. Would he table that letter for the sake of the chamber?

The PRESIDENT—I can ask the minister to table it; it is a matter for him.

Honourable senators interjecting—

The PRESIDENT—Order! The minister has not tabled the letter. He does not have to table the letter and I cannot direct him to table the letter. And I am sure you are aware of that.

Senator Cook—I understood you put a question to the minister, and I understood the minister made no response.

The PRESIDENT—you are wrong.
DISTINGUISHED VISITORS
The PRESIDENT—Order! I draw the attention of honourable senators to the presence in the President’s Gallery of a delegation from Kenya, led by the Hon. M. Karue Muriuki. On behalf of honourable senators, I have pleasure in welcoming you to the Senate chamber and trust that your visit will be both informative and enjoyable.

Honourable senators—Hear, hear!

QUESTIONS WITHOUT NOTICE
United States of America: Terrorist Attacks

Senator BROWN (2.45 p.m.)—My question is to Senator Minchin, representing the Minister for Defence. In view of the global crisis after the terrorist attacks in the United States and the increasingly injudicious use of language by the President of the United States, George W. Bush—and I refer to the overnight statement by President Bush in which he said, ‘When I was a kid I remember the ‘wanted’ poster. It said Wanted, Dead or Alive’—is the Australian government going to assure the Australian people that it does not ascribe to frontier justice or childhood precepts of justice? Will the minister now give the Australian people an assurance that the government will be acting independently in any forthcoming attack on Afghanistan and, in particular, will not be involved in attacks on civilian targets?

Senator MINCHIN—With great respect to Senator Brown, I think most Australians would be extremely disappointed with the tone he is adopting in his public statements in relation to this matter. We have just witnessed the most appalling and horrific attack on ordinary citizens—representing no fewer than 40 countries—who at the time of this dreadful incident were in the vicinity of, or in, the World Trade Centre. They were slaughtered going about their everyday business. There has been nothing like this in the history of the civilised world, and I for one applaud the way in which President Bush has handled this matter—in my view, with considerable restraint.

Given the provocation launched upon the United States and its people, one would forgive the United States if it had reacted more strenuously than it has. I think the President, his people and his nation are showing great restraint and great fortitude in the face of this provocation. I for one, the Australian government and, in my view, the Australian people strongly support President Bush, as should all the nations which have lost their citizens in this horrendous attack. As I say, we are dealing with an international city, not merely a city in the United States. It is a city in which the residents and citizens of 40 nations were slaughtered in this horrendous attack.

Australia has made it quite clear that whether or not we had the ANZUS Treaty we would stand by our great friends and allies the United States in this their time of need, as I would expect all the civilised world to do. We will of course respond warmly and sympathetically to any request that the United States makes to us in relation to any future activity to bring to justice the people responsible for this horrific act. Of course, we will make our own decisions as to what is appropriate in the circumstances but we stand foursquare with the United States in our determination to help bring these people to justice.

Senator BROWN—Madam President, I ask a supplementary question. I ask the minister: is he aware of the Morgan opinion poll showing that only 49 per cent of Australians support a military attack on countries where terrorists are based? I ask: in view of the obvious concern in the Australian community that this country acts as a mature and independent nation, does the government separate itself from the concept of frontier justice and what rules does the government have in place to ensure that any involvement in action will be according to Australian precepts of justice and not those of some other country?

Senator MINCHIN—If Senator Brown wants to talk about opinion polls, I note that about two per cent of the Australian population support him in what he stands for. The Australian people are as horrified as we are at what happened in the United States. They know that the world has changed forever, that no civilised person in a civilised country is any longer immune from this sort of ter-
rorism and that it is up to the civilised world to unite in fighting this terrorism, and we will join the United States in doing so.

**Ansett Australia**

**Senator Faulkner (2.50 p.m.)—**My question is directed to Senator Ian Macdonald, representing the Minister for Transport and Regional Services. Minister, is it true that Minister Anderson had a phone conversation with the New Zealand Treasurer and Finance Minister, Dr Michael Cullen, on the evening of 4 September during which Dr Cullen informed him of the desperate nature of the financial situation facing Ansett? Given that clear warning, why did Minister Anderson say two days later, on 6 September, that he did ‘not believe speculation that Ansett will be forced into liquidation’ and that he did ‘not believe that any jobs are at risk’?

*Government senators interjecting—*

**Senator Faulkner—**It is a quote.

**Senator Ian Macdonald—I was not**
with Mr Anderson on 4 September so I cannot say, but I will seek from Mr Anderson some confirmation of whether he did have a conversation with Dr Cullen on that day. It could well be correct, although the fact that Senator Faulkner has mentioned it makes me suspicious, because it is rarely the case that anything that Senator Faulkner says is true. I know that Mr Anderson has had a number of conversations with Dr Cullen. And I might say that Mr Anderson has a very high regard for Dr Cullen. He considers him a very good finance minister, almost as good as our finance minister—although not quite as good. Certainly Mr Anderson has a very high regard for Dr Cullen. Again, I will not accept the words that Senator Faulkner is quoting Mr Anderson as having said, and I do not want to confirm the actual words. It may well be that they were said, but I do not want, by my answer, to confirm that they were said.

But generally around the issue, in conversations with the New Zealand government and through their conversations with the Air New Zealand board, neither the Air New Zealand board nor the New Zealand government, and consequently nor the Australian government, were aware that the situation in Air New Zealand and Ansett Airlines was as critical as it was. We had been told, as I had mentioned, some time before that there were plans afoot to recapitalise Ansett Airlines. We were told and were working on the basis that Air New Zealand had a cash reserve of $1 billion to look after any contingency that might happen with Air New Zealand. So I can well accept why—

**Senator Forshaw—**You believed what you were told, did you?

**Senator Ian Macdonald—**Well, Mr Anderson believed it, we believed it and, I might say, the Labour government of New Zealand believed it as well. Without any other means of knowing—

**Senator Forshaw—**You said you don’t believe anything you hear or read.

**Senator Ian Macdonald—**Senator Forshaw, you might indicate to me how does a foreign government, which is what Australia would—

**The President—**Order! You should address the chair, Senator.

**Senator Ian Macdonald—**Certainly, Madam President. Through you I would ask Senator Forshaw how a foreign government, in this instance the Australian government, can get the books of a foreign company—that is, Air New Zealand—to actually look at the situation. So what you have to do is rely on the information given to you by the board of Air New Zealand and repeated by the government of New Zealand—a government. I might add, that is of a different political persuasion to ours. I only mention that, Senator Faulkner, to show that this has been a bipartisan approach to trying to fix this problem. I have to say that I know our government have a high regard for Ms Clark and her finance minister. I know that our government is working with the New Zealand government in every way possible to try to address this position.

**Senator Conroy—**Table the letter.

**Senator Ian Macdonald—**Can I say to you, Madam President, that the interests of neither Australia nor New Zealand are served best if Air New Zealand should collapse.
Senator Conroy—It will turn up anyway. Table the letter.

Senator IAN MACDONALD—I have to say the wildcat strikes and the actions taken by the unions, who are the masters of those sitting opposite, to prevent Ms Clark from getting back to New Zealand are hardly likely to give any confidence to the airline industry or to prospective purchasers of the routes and assets of Ansett. The last thing we want is the sort of industrial action that has been threatened by the masters of the ALP. (Time expired)

Senator FAULKNER—Madam President, I ask a supplementary question. Minister, is it not true that Minister Anderson was advised of the true gravity of the Ansett situation not once, not twice but at least three times: at a meeting with Air New Zealand at the end of June, via a letter from the chair of Air New Zealand on 14 August and in a phone conversation with the New Zealand Treasurer on 4 September? Is it not also true that Minister Anderson and the government have been grossly negligent in failing to take prompt and effective action to safeguard the many national interests which have been threatened by the collapse of Ansett? Is it not time Mr Anderson either resigned or was sacked?

Senator IAN MACDONALD—The greatest impediment to a resolution of this issue is the unions running rampant and scaring away any investor—anyone who might possibly help put the Ansett workers back into jobs and secure their entitlements. This sort of feigned outrage from the Labor Party—quite different to what they did when Compass collapsed and not one single cent went to help Compass workers—

Senator Conroy—No-one wanted it for a dollar. They offered it for a dollar because of you mob.

The PRESIDENT—Senator Conroy, you have been interjecting throughout question time and you are behaving in a disorderly fashion.

Senator IAN MACDONALD—I have related to the Senate previously the stages of the history of this situation and when the Australian government became aware. It was on Sunday, 9 September that the Australian government became aware of Air New Zealand’s true financial position.

Senator Bolkus—Rubbish.

Opposition senators interjecting—

Senator IAN MACDONALD—I hear these people saying, ‘Rubbish.’ Perhaps they should have asked their union mates, who may have a better idea of what this was all about. This is something that we have to work through. We need cooperation. (Time expired)

Pensions: Payments

Senator NEWMAN (2.57 p.m.)—My question is directed to Senator Vanstone, the Minister for Family and Community Services. Will the minister inform the Senate of the benefits to pensioners of the increase in the pension rate that will take effect from 20 September? Can the minister also tell us what other benefits the government has provided to senior Australians?

Senator VANSTONE—I thank Senator Newman for the question. There is some good news for Australian pensioners and people on disability support pensions, although I have to say, in the events of last week in the United States and the difficulties we are facing in Australia with Ansett, this good news tends to lose some of its gloss in a relative sense. I must say that I am very sorry personally that today, when we have got thousands of workers who might end up customers of my portfolio—we do not know that, and we are certainly working to ensure that does not happen—we have come into the first question time after these two events and have had nothing but a barrage of abuse from the opposition and no commitment, really, to work positively together. I feel that particularly strongly because I remember when I was in opposition and there were numbers of companies, not just Compass—

Opposition senators interjecting—

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

Senator VANSTONE—plenty of other companies, that went through the hoop and—Madam President, you may be able to help me—I cannot think of one company
where the then Labor government immediately said, ‘We are prepared to meet the workers’ statutory entitlements.’ I do not think I can think of one. So the party that is there to protect the workers has wasted this question time and given no acknowledgment of the contribution this government has made in saying that at the very least we will meet those statutory requirements. There were some additional payments that Ansett workers might hope to get from Ansett and, through that, Air New Zealand. There were some arrangements in the airline industry, as we all know—

Opposition senators interjecting—

The PRESIDENT—Order! There is too much noise.

Senator VANSTONE—that are far more generous than in any other industry. Nonetheless, when an opposition and government—

Opposition senators interjecting—

Senator McGauran interjecting—

Senator Robert Ray—Shut up, hypocrite.

The PRESIDENT—Order! Senator Ray and others on my left cease shouting. Senator McGauran, cease interjecting.

Senator Chris Evans—Madam President, I raise a point of order. Senator Newman asked the minister a question about older Australians. I think three minutes into the answer Senator Newman deserves an answer to her question rather than a rave from the minister on a subject totally unrelated to the question.

Honourable senators interjecting—

The PRESIDENT—Order! The chamber is behaving in a disorderly fashion.

Senator Cook—I was making the point, Madam President, that the answer we have thus far received from Senator Vanstone not only has nothing to do with the question but is really in the form of a harangue about the alleged imperfections of the opposition—which is nothing to do even with the subject of the question—and must fall into the realm of debate. So would you direct her to cease debating the issue and to actually go back to the question, as the standing orders require a senator to do?

The PRESIDENT—The minister knows that she does not debate the answer.

Senator VANSTONE—Madam President, I am coming directly to Senator Newman’s question. I understand the discomfort of the opposition in having it pointed out that they never guaranteed workers’ entitlements. They never, ever guaranteed workers’ entitlements. But, against that background, there is good news for nearly two million age pensioners. From 20 September, a single pensioner on a full pension will get an extra $221—the maximum single rate of pension will rise by $8.50 to $410.50 a fortnight. This increase is a combination of the CPI increase and an increase in the May quarter male total average weekly earnings figure—
something Labor would not want to recognise because they never committed to giving pensioners 25 per cent of male total average weekly earnings. They never, ever committed to giving pensioners that additional benefit.

In March 1997, we legislated to set pensions at 25 per cent of MTAWE, as well as continuing to raise pensions in line with the CPI. Since the legislation took effect in March 1998, the increases to MTAWE have boosted the maximum single rate of pension by $16.20 a fortnight. I just emphasise that is something Labor never did when they were in government. These pension increases are very important for pensioners. It is not easy for anyone living on a pension. The benefits are there for about 600,000 disability support pensioners and 400,000 sole parents. The government have done an enormous amount for elderly Australians—pensioners and self-funded retirees. We acknowledged them in the budget, in our package recognising older Australians, as being the people who made Australia what it is.

Senator Newman—Madam President, I ask a supplementary question. I draw Senator Vanstone’s attention to the fact that I specifically asked in my question a second point about what other benefits the government has provided to senior Australians. I am sure that senior Australians who have been listening to question time today, as well as those people who were working for Ansett who need to go to Centrelink immediately for assistance because they have no savings, would be grateful if they could have some opportunity to hear more about the government’s actions on their behalf.

Senator Schacht—Was that a question or not, Madam President?

Honourable senators interjecting—

The President—I thought there was a question. If there was less noise in the chamber, there would be less doubt.

Senator Vanstone—I acknowledge that, at a time when thousands of Australians are worried about their jobs in relation to Ansett, those people who have got jobs in this chamber through the union movement treat it as a joke.

Senator Cook—You’re out of order.

Senator Vanstone—That’s not for you to say.

The President—Order! Senator Vanstone—

Senator Vanstone—Madam President, as you know, it is for you to tell me if I am out of order, not Senator Cook.

The President—I draw your attention to the question.

Senator Vanstone—Thank you, Madam President, I will come to that. Senator Newman asks about additional benefits for elderly Australians. Of course, there was the $300 payment to everybody who was on an age pension or full pension or part thereof.

Senator Chris Evans interjecting—

Senator Vanstone—I am pleased to say that elderly Australians have got some manners that the likes of Senator Evans would never find. Hundreds of them wrote and thanked the government for that very timely acknowledgment of their contribution. Additionally, self-funded retirees of age pension age are now entitled to the same tax rebates as pensioners and many now have access to the same fringe benefits through the Commonwealth seniors health card.

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

Privilege

The President (3.06 p.m.)—On a matter of privilege, the Joint Committee on Native Title and the Aboriginal and Torres Strait Islander Land Fund, by a letter dated 3 September 2001 from the chair, has raised a matter of privilege under standing order 81 and asked that it be referred to the Standing Committee of Privileges. This matter was recorded in the committee’s 18th report, presented on 30 August 2001. The committee stated that it may have been misled by evidence before it. The giving of misleading evidence is declared by the Senate’s privileges resolution No. 6 to be a contempt of the Senate.

Senator Alston interjecting—
The PRESIDENT—I am on my feet and speaking, Senator Alston. The Senate and the Privileges Committee have always taken very seriously any suggestion that misleading evidence has been given. In this case, the concluded and unanimous conclusion of a committee duly reported sufficiently indicates that the matter meets the criteria I am required to consider. I therefore give precedence to a motion to refer the matter to the Privileges Committee. I table the correspondence from the committee. A notice of motion may now be given to refer the matter to the Privileges Committee.

Senator MASON (Queensland) (3.07 p.m.)—I give notice that on the next day of sitting Senator Ferris will move:

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

Having regard to the 18th report of the Joint Committee on Native Title and the Aboriginal and Torres Strait Islander Land Fund, the statement by the chair of the committee on the tabling of the report on 30 August 2001, and the letter of the chair of the committee of 3 September 2001 to the President, whether any false or misleading evidence was given to the committee, and whether any contempt was committed in that regard.

ANSWERS TO QUESTIONS WITHOUT NOTICE

Ansett Australia

Senator LUDWIG (Queensland) (3.08 p.m.)—I move:

That the Senate take note of the answers given by the Assistant Treasurer (Senator Kemp) and the Minister for Regional Services, Territories and Local Government (Senator Ian Macdonald), to questions without notice asked by senators today relating to the financial collapse of Ansett Australia.

I say at the outset that I was shocked by the comments of Senator Ian Macdonald about the blame that he seems to think should lay at the feet of workers in relation to the collapse of Ansett. I was fortunate enough to attend two rallies in support of Ansett, in Brisbane and here in Canberra. It is perhaps poignant to say that there were young children and families at the rally. Young children are going to lose out because of the inaction and the inability of this government to put together a plan—to put together a vision of what an airline policy should be. One of the flyers I have seen—and I will seek to table it, if I may—states what Mr Anderson’s responsibility is in relation to Ansett. It states that in June the chairman wrote to him and said that Mr Anderson knew Ansett was in trouble; that in August the CEO wrote to him; that last week management and employees begged him to help; that last Thursday the administrator requested support to keep Ansett flying while they found a buyer; and, lastly, that Mr Anderson did nothing and triggered this national disaster.

What did Mr Anderson do? Absolutely nothing. We have not heard from him about any plan he is going to put in place. What in fact is he going to do? All we hear from the government is that they are going to guarantee the workers’ statutory entitlements. Tell us what the statutory entitlements are. Outline them. You have had enough time to come up with what the statutory entitlements are. You do not even know what the statutory entitlements are. You are not going to give the Stan Howard solution, are you? You are not going to be able to provide the entitlements. You are not going to be able to guarantee them 100 per cent. I hope that the first speaker from the government tells us quite clearly what they are going to do—that they are going to guarantee the entitlements 100 per cent.

But what we really want to hear from this government is that they have got a plan in place. We had Senator Ian Macdonald trying to explain his policy on regional Australia. His policy was bereft of comment about transport and about what really concerns regional Australia. How are those in regional Australia going to get around? Are you going to push them back to four-wheel drives? You are not going to maintain the roads. You are not going to maintain the airlines. What will you maintain? You will maintain the pension, by the sound of it.

This is one of the biggest corporate collapses that we have witnessed and this government is silent on what it is going to do. Not only are there the 16,000-odd Ansett employees directly affected by this but also
there are the knock-on effects. There are up to 70,000 workers, I suspect, who are directly or indirectly going to be affected by this national crisis. And what is this government doing? Nothing. All government members can do is sit there and interject. Mr Anderson, in the last press release I read on his web site, simply makes a statement that Ansett has gone into liquidation. No more! Nothing else! That is the extent of it. No sympathy for the workers—no sympathy for anyone. It is simply an understatement of grand proportions.

What have we heard from Minister Kelly? What have we heard from Minister Kelly about the tourist industry? What action plan are we going to have to ensure that the tourist industry does not suffer as a result of this? The only thing that we hear is that, on top of a GST on the tourist industry, we are now to have another levy imposed on the tourist industry. We have not heard about what the government are going to do to ensure that discount airfares continue. We have not heard from the government about what they will do about the tourist industry. I hope the first speaker from the government goes through these issues and tells us what the statutory entitlements are going to be. The Ansett employees out at the rally wanted to know. The Ansett employees who were in this building today wanted to know. Are you going to tell them what their statutory entitlements are? Are you going to tell them what Minister Kelly will do in relation to the tourist industry as a result of this collapse? Is Minister Macdonald going to tell them what will happen to regional Australia? What are mining employees going to do? Ansett had airline services to Mount Isa, to Weipa and to all sorts of places. Have we heard from this government about what they are going to do? Silence. There has been absolutely nothing. You sit and warm your seats, but you do not do anything. You do not do anything but try to be critical of our raising of this issue. What are you doing? You are doing nothing. And that is the problem. You act like crows on a fence. *(Time expired)*

Senator EGGLESTON (Western Australia) (3.13 p.m.)—Senator Ludwig is suffering from serious misconceptions or a really profound lack of knowledge of the way the commercial world works. Ansett is a private company owned by foreigners. It is a foreign-owned private company. Let us just look at the history of that. It is little more than a year ago that Labor agreed to the sale of News Ltd’s 50 per cent ownership of Ansett to Air New Zealand, removing the last vestige of Australian ownership. So the reality is, Senator Ludwig, that we are dealing with a private foreign company. What has happened has been a commercial process. Unfortunately, the management has not looked after Ansett very well. I agree that Ansett is a national icon which has a long and glorious history of serving the regions of Australia and it is a tragedy that this airline has gone down the tube. It is a tragedy due largely to the mismanagement of Air New Zealand and probably, before that, to mismanagement by News Ltd, but to not understand that this company is not the responsibility of the Australian government is a very profound mistake by you, Senator Ludwig.

Let me turn to Senator Ludwig’s final remarks a few minutes ago when he referred to regional air services. This company ceased operating on Friday at, I think, 1.30 a.m. Eastern time. By late Friday afternoon, there was already a plan in place to pick up the regional air services provided by Ansett in New South Wales and Western Australia, and around the rest of the country. In Western Australia in particular, Ansett provided a very wide range of services to the regions through their very profitable subsidiary, Skywest, and there were towns in the north of the state which were serviced by Ansett such as Newman, Port Hedland and Geraldton.

Within 24 hours there was a plan in place to pick up those services and now 34 of the routes previously serviced solely by Ansett regionals are being serviced by other airlines such as AirConnex in New South Wales, O’Connor Airlines in South Australia, Skippers and Air Link in Western Australia, Qantas and Sun State in Queensland and charter operators to King Island in Tasmania. All of these regional services have been picked up.
Let us give some consideration to the question of who is responsible for the benefits of the Ansett employees, which seems to be exercising Senator Ludwig’s mind at the moment. The fact of the matter is that these employees deserve to have all their benefits picked up and paid for by the owners of the airline, and that is Air New Zealand. The Australian government, however, has agreed that, if Air New Zealand does not meet its responsibilities, it will pay the benefits which the employees of Ansett are entitled to have paid as termination benefits. That means the Australian government—

Senator Carr—Is this the John Howard brother’s defence?

Senator EGGLESTON—Not at all. The Howard government has generously agreed to meet the obligations that Air New Zealand should be meeting to these workers if Air New Zealand does not pick them up. That is a very major act of responsibility by the Australian government to the employees of Ansett. The Australian government will meet all the statutory obligations of the airline should they not be picked up by Air New Zealand. That is a very reasonable and responsible thing for the Australian government to be doing and it means that, even though it does not have a legal responsibility to do so, it will be looking after the employees of Ansett, if Air New Zealand does not pick them up and if no operator comes in to reservice those routes provided by Ansett.

Senator Ferguson interjecting—

Senator EGGLESTON—Furthermore, as Senator Ferguson is saying, when Compass collapsed, the ALP did nothing for their employees. (Time expired)

Senator HUTCHINS (New South Wales) (3.18 p.m.)—It is a shame that we are debating this matter this afternoon. Many thousands of men and women, loyal employees of the Ansett Airlines group and its subsidiaries, have lost their jobs. It is estimated that 16,000 to 17,000 people have lost their jobs. In addition to that, anywhere between 60,000 and 100,000 men and women throughout the country have also probably lost their jobs. Last week a company called Gate Gourmet, which supplied the inflight catering to the Ansett group and its subsidiaries, sacked 2,000 employees. There are any number of other men and women whose jobs are now in jeopardy as a result of what has occurred here.

I have talked to a number of men and women who have lost their jobs. I had the opportunity last Saturday afternoon to address the Ansett work force in Sydney. I knew a number of those men and women because I was their official; I was there with them as an official of the Transport Workers Union and I have known them since about 1983. I saw men and women there who had lost their jobs—Don Cameron, who had been there for over 21 years, and Bruce Clark, who had been there over 25 years. They had thought that they would be able to complete their careers as loyal employees of the Ansett group. They had committed themselves and their livelihoods to that company, yet they have lost their jobs. Why? Because of the inaction of the federal government.

We know that Mr Anderson knew in June that there was trouble. We know that even the chief executive officer wrote to him in August and said there was trouble. Last week management and the employees asked him—begged him—to do something for them. You cannot say that this is anything less than a national catastrophe. You cannot say that we could not intervene. It was your job to intervene and save those jobs. You could not get off your tails quickly enough to intervene in the Maritime Union of Australia dispute, could you? You were there for the 4,000 people affected. There are nearly 120,000 people affected in this and where are you? You called in the Army to deal with the waterfront dispute. Where are you in this one? You are hiding behind all sorts of legal niceties. You are not doing anything for these Australian men and women who have lost their jobs. All we would like you to do is to do something. But you sat on your hands and let it occur. Why did you do that?

Senator Ferguson—What would you have done?

Senator HUTCHINS—We would do what Mr Beazley has already said: we would guarantee their entitlements. What all of these men and women want is to be flying
again. You will not have seen it, Senator Ferguson, but there were about 100 up in the gallery today watching the antics of your frontbench, the way you tried to dismiss them and their jobs. They were watching the way you abandoned them. How could you, a person coming from provincial Australia, abandon them? You too, Senator Eggleston, have abandoned them. You have abandoned those men and women in regional Australia.

No wonder you had a dorothy dixer up about jobs that might be created. They are going to be well and truly lost when the impact of the dismissal of these men and women is felt throughout Australia. I would say that 120,000 directly and indirectly have lost their jobs because of the inaction of the government. It is an absolute national disaster that the government did not intervene to do anything to prevent this terrible catastrophe occurring.

All I can say is that the government is guilty of this inaction. In the coming days, weeks and months, those men and women who have lost their jobs from the direct subsidiaries and the mother company of Ansett—the refuellers, the coach drivers, the taxi drivers and the couriers—will be impacted upon as a result of this terrible decision and this terrible lack of activity by the federal government.

Senator SANDY MACDONALD (New South Wales) (3.23 p.m.)—I share with every member of this Senate deep and genuine disappointment at the collapse of this Australian icon. First I will pick up on Senator Hutchins’s comment about Senator Ferguson not knowing what he was talking about. Senator Ferguson has two daughters who are employed—or were formerly employed—by Ansett. I understand one is driving back from Darwin at this time. Senator Ferguson has a very clear understanding of the problems that Ansett faces—probably a clearer understanding than Senator Hutchins has.

On Sunday, 7 September, the government was made aware by the board of Air New Zealand that Ansett might collapse; it immediately worked on contingency plans. The true financial predicament of Ansett was news to the Australian government, it was news to the New Zealand government and it was certainly news to the board of Singapore Airlines. It was perhaps even news to the board of Air New Zealand itself, considering that the September accounts, which were released on 3 September, were unaudited. Contingency plans were worked out during the first half of last week and were well in hand when the administrator advised the minister on Thursday last week that they would have to ground Ansett. As the administrator later described it, the cupboard was bare—in fact, the payroll for wages and salaries to be paid early the next day could not be found—though it was not so bare a few months ago when the performance bonuses were paid by the board of Air New Zealand. In my view, they should be repaid.

The government immediately underwrote the operations of the airline on Thursday night to maximise the number of flights that could be completed and minimise the number of people stranded in departure lounges. At the same time, the administrator applied pressure to Air New Zealand to provide $20 million to cover imminent or immediate wages and salary payments. The government’s package of measures was announced at the earliest possible opportunity, very early on Friday morning last week, immediately after the administrator issued his formal announcement grounding the airline.

The government measures have been well publicised. In brief, they are as follows. Qantas undertook to fly stranded Ansett passengers free of charge on the return leg of their journey. The government established a support program for stranded passengers to cover their reasonable travel costs back home and short-term accommodation until they could arrange travel. Qantas and Virgin offered deeply discounted fares to Ansett passengers holding tickets they could not use. The government immediately started action to compel Air New Zealand to meet its obligations in regard to the entitlement of Ansett employees. The government established a special number for Ansett employees to register immediately for employee entitlements, established a support scheme and provided immediate access to job matching services through the Job Network. Qantas established a register for Ansett staff...
and gave a commitment to give former Ansett workers preferential consideration for new positions.

At the first cabinet meeting after the collapse, the government announced an expansion of the employee entitlements scheme. I would like to say something about this scheme. Without prejudice to the pursuit of Air New Zealand—because they need to be pursued—the Prime Minister announced on Friday that he wished to see a situation where the broad statutory entitlements and also redundancy pay up to the community standard would be paid to Ansett employees. In the case of redundancies, this would be up to the level of a community standard of eight weeks. Senator Carr asked what these statutory entitlements are. They refer to unpaid holiday pay, unpaid entitlement to long service leave, and, of course, salary and wages.

Senator Carr—What about redundancy?
Senator Ferguson—As much as the average person gets. Eight weeks.

Senator SANDY MACDONALD—In regard to regional services—
Senator Carr interjecting—
Senator Ferguson interjecting—
Senator SANDY MACDONALD—Qantas quickly offered an undertaking to do whatever it could to provide services for 34 destinations—
Senator Carr interjecting—
Senator Ferguson interjecting—
Senator SANDY MACDONALD—previously served by Ansett or its subsidiaries.
Senator Carr interjecting—
Senator Ferguson interjecting—
Senator SANDY MACDONALD—Madam Deputy President, can I have some order.

The DEPUTY PRESIDENT—Order! Senator Carr and Senator Ferguson, if you wish to continue your conversation, get yourselves on the speakers list or have the conversation outside, please. I would like to listen to Senator Sandy Macdonald.

Senator SANDY MACDONALD—Thank you. I take this opportunity to thank Qantas for the efforts it made in this regard and for the cooperation it has provided in all areas to reduce the disruption and difficulty caused by the Ansett collapse. It has acted as a very responsible corporate citizen. The government has also put into place a one-off grant to assist operators to maintain services in regional Australia, particularly in New South Wales. I would like to finish by saying that some centres of New South Wales have options available to them within reasonable driving distance. For example, Casino passengers can have access to Lismore, people from Narrandera can travel to Wagga Wagga and people in the Bathurst area can use the service out of Orange. (Time expired)

Senator FORSHAW (New South Wales) (3.28 p.m.)—I am glad that I followed Senator Sandy Macdonald today, because Senator Macdonald, despite what he may have said in his remarks on this matter, really would know the devastating impact that this collapse of Ansett is going to have on rural and regional Australia, particularly in New South Wales. Let me just remind the Senate that ministers of this government, day after day in question time, come into this chamber and answer dorothy dix questions to try to paint a picture of how great their economic stewardship of this country is. Today it was quite evident that they were not game even to do that. When we look at the record just in the last 12 months or so, what do we see? We have seen the collapse or near collapse of four of the largest operating companies in this country. HIH Insurance collapsed. One.Tel collapsed. The National Australia Bank was hard hit with billions of dollars that had to be written off. And now Ansett, one of the two major domestic airline companies in this country, has gone down the tube.

Senator Hill—Who are you blaming?

Senator FORSHAW—Senator Hill asks who we blame. If you and your ministers and your government want to come in here and claim credit for the profits that some of the private sector companies in this country have made during your period in office, then you also have to take responsibility for what has happened to Ansett. You have to do that, particularly in the situation where this com-
pany is more than just a private company. Whether it is foreign owned or Australian owned, this is a company that has been integral to the transport infrastructure of this country for over 50 years. This is a company—one of only two domestic airline companies in Australia—that has not just flown routes to the major capital cities of this country but has provided services to over 102 towns and cities in regional and rural Australia.

This is a company that was at the heart—as you would know, Senator Hill—of some of the great constitutional cases that were argued in the forties and fifties about freedom of trade between the states, and your party stood in the political arena saying that you defended private enterprise such as Ansett. But what is happening now? When Ansett goes down the tube on your watch and leaves 17,000 workers out of a job overnight, and leaves hundreds of thousands of other Australians and businesses in a perilous situation, what is your approach to this great private company renowned in Australian history? It is to say, ‘It is not our fault.’

We even had the representative of the Minister for Transport and Regional Services in this chamber, Minister Macdonald, try to blame the unions. How pathetic and disgraceful and insulting an approach that is. Not only do you say that it is not your fault; you actually try to blame the workers. You have never accepted the fact that, whilst you are in government, you have a responsibility to ensure that companies such as Ansett that provide vital transport links right across this country will stay in business. You cannot just sit back and say, ‘We did not know.’

That is the second point that I wanted to come to. Whilst you are trying to hide behind the defence that you did not know, the facts of the matter are—as have been coming out—that you did know. The minister did know. There were so many warnings given to this minister and this government. You have to ask: what was Minister Anderson really doing? Wasn’t he hearing the messages? If you had picked up newspapers in the weeks and months before this collapse occurred, you would have read in some of the financial columns articles the warnings about the imminent collapse, the financial danger that Ansett was in.

Senator Tchen—Show us one.

Senator FORSHAW—Senator Boswell says, ‘Show us one.’

Senator Boswell—I didn’t say it.

Senator FORSHAW—Go have a look, for instance, at one of Mr Gottlieb’s articles. Where were you, Senator Boswell? You are supposed to be in here representing what was formerly the great Country Party, the party that claims to represent the interests of all the people who live in these regional centres and towns, and you were asleep at the wheel. (Time expired)

Senator BARTLETT (Queensland) (3.33 p.m.)—I would also like to speak on the many questions that were not answered adequately by this government during question time today on the disgraceful farce that this country finds itself in in relation to Ansett airlines. There was no more obvious example of that than the completely useless answer given by Senator Macdonald to the question asked by the Democrats’ leader Senator Stott Despoja, still refusing to acknowledge what everybody else knows—that this government had plenty of advance warning about the severe and dire situation that Ansett was in and basically sat back and did nothing until the whole show had fallen over, not only leaving thousands of people out of work but causing immense inconvenience and loss of money to thousands of travellers around Australia as well.

Those consequences are still being felt now. Many, many people will lose money and will not regain it. The loss in the overall pricing and availability of airline seats will have long-term flow-on effects for the Australian economy, both in terms of making it less affordable for the average Australian to travel and hitting deeply at the heart of our crucial tourism industry. As a Queenslander, it causes me great concern—as I am sure it does for people from other states—that an industry that is so crucial to the health and future of Queensland has been dealt a severe blow. Along with everything else that is happening in the world at the moment, it is something that that industry can ill afford.
There is no doubt that there will be savage, ongoing economic consequences to the economy as a whole and immense personal suffering to thousands of Australian families who are now in severe financial difficulty because of the inability to prevent this problem occurring. I reinforce the statements made repeatedly by the Democrats’ spokesperson on this issue, Senator Greig, and by Senator Stott Despoja, not just condemning the government for their failure to act in the face of repeated warnings about the severity of the situation—basically sitting back and letting it all fall over, and we have heard allegations today in question time that indeed was the preferred option of some government officials—but also their refusal to come clean in relation to this area and their inability to act in any constructive way to try to ensure that the mayhem that we have endured and the immense hardship that has been put on thousands of Australians was if not prevented then at least alleviated. We saw nothing until after it was way too late.

The Democrats have called repeatedly for a national and systematic approach to the protection of worker entitlements and that call was repeated again last week by Senator Stott Despoja. At present, employees stand in a long queue of potential claimants and that is a concern that has been raised again and again, not just by the Democrats but by others in the community. Again, there has been no action from this government other than a few hopeful words after it is all too late and obviously in the shadow of an election. It is way too late to try to act. The actions should have been taken much earlier.

There are lessons to be learned from this collapse but all we have seen from the government is basically a sitting back and saying: ‘It is not our fault. It is someone else’s fault. Go and blame them.’ There is a role for the government to lead in relation to matters of national importance. This is a major issue of national importance, not just to those workers and their families who have been severely affected but to the broader Australian economy. It is in areas like this where the government should show leadership. They should anticipate problems particularly when they had the advance warning that they had rather than just sitting back and saying, ‘This is just market forces at work.’ That is not good enough. Relying on a be-all and end-all market competition policy approach is not adequate in any circumstance, particularly not in a key industry like the airline industry that is so crucial to the economic infrastructure of this country.

The Democrats join in condemning the government for their complete failure in this crucial area and the absolute debacle that has occurred. We express our ongoing support for assisting the many very loyal and capable staff of Ansett and all those related industries in this situation. (Time expired)

Question resolved in the affirmative.

CONDOLENCES

Bell, Mr Robert John

The DEPUTY PRESIDENT—It is with deep regret that I inform the Senate of the death on 6 September 2001 of former Senator Robert John Bell, a senator for the state of Tasmania from 1990 to 1996.

Senator HILL (South Australia—Leader of the Government in the Senate) (3.39 p.m.)—by leave—I move:

That the Senate expresses its deep regret at the death, on Thursday, 6 September 2001, of Robert John Bell, a senator for the State of Tasmania from 1990 to 1996, places on record its appreciation of his long and meritorious public service and tenders its profound sympathy to his family in their bereavement.

Robert John Bell was born on 22 July 1950 at Hobart, Tasmania. He spent his early years living in rural Tasmania where he learned the values which are held dear by small isolated communities, a sense of community which he carried through his life. In his high school years, his family moved to Launceston. An education department scholarship allowed him to pursue a university education, studying to become a school teacher like his mother.

University vacation work in service stations, in wool stores, with tourists and as a labourer gave him a broader perspective to take with him in his first years as a secondary teacher. Teaching in both government and private schools, he once said he learned more from the community of the Friends’
School in Hobart than he was able to impart to his pupils.

He went on to work with prisoners and the young unemployed. In 1984, Robert was awarded an Anzac fellowship to New Zealand to compare education, training and job creation programs in New Zealand and Australia. He longed to get these ideas across to others and thus began his interest in politics. He stood unsuccessfully for the Tasmanian seat of Denison in 1987, was state president of the Tasmanian branch of the Australian Democrats from 1987 to 1989 and served as an alderman on the Hobart City Council from 1988 to 1990. He worked as a research officer for Senator Norm Sanders and was appointed as the Australian Democrats senator for Tasmania in March 1990 when Norm Sanders retired. He continued as a senator until 30 June 1996.

Robert Bell was never afraid of hard work. During his time as a senator, he was the Australian Democrats spokesman on a range of issues including energy and resources, local government, industrial relations, employment, education and training, young Australians, primary industry and the ACT. He participated in a parliamentary delegation to Argentina and Brazil in 1992. He was a member of a number of parliamentary committees. He chaired the Senate Finance and Public Administration References Committee from October 1994 to April 1996.

Robert Bell was passionate about the issues he believed in. In 1992, he encouraged his fellow parliamentarians to get their hands busy with wool, saying, ‘Knitting is enjoyable, therapeutic and a tangible, valuable activity.’ He demonstrated this commitment by bringing his knitting into question time on 3 April that year, along with Senators Sowada and Kernot, to celebrate National Wool Day. He will be remembered as a true Tasmanian, strongly supporting their rights, and advocating public funded education for all.

I remember Robert as someone dedicated to his beliefs, not afraid of hard work and able to mount a well-informed and persuasive argument. Through his interest in education and industrial relations, he made a significant contribution to policy debate on these matters.

In my valedictory comments about Robert in 1996, I commented that I would not be surprised at all to see him back in the Senate some day in the future. Indeed, he attempted that comeback in the 1998 election. When unsuccessful, he stood in the Tasmanian state election later that year. Unfortunately we will not see Robert Bell back in this place.

On behalf of the government, I extend to his wife, Jane, and his children, Sally and Christopher, who are here today, and to other family members and friends our most sincere sympathy in their bereavement.

Senator STOTT DESPOJA (South Australia—Leader of the Australian Democrats)

(3.44 p.m.)—On behalf of the Australian Democrats, I am speaking to the condolence motion before us. I thank the Leader of the Government in the Senate for his comments. We certainly join with him in expressing our sympathy and our best wishes and our love to Jane, his wife, who is in the gallery, and Sally and Christopher and their partners—Ben, who is with Sally, and Kirsten, who is here today with Christopher. I am still getting over how tall Christopher and Sally both are. We should expect that, given that when I worked with Robert I was so short and he was so tall.

I speak today obviously as Leader of the Australian Democrats, but also as someone who worked with Robert, as a colleague, and worked for Robert, as he was my boss for a number of years. I worked out of his office in Parliament House after the 1993 election, when he held a number of portfolios—like all Democrat senators do—particularly the education and higher education ones. I was wondering today how to do justice to such a great man, and it is particularly difficult, but then I thought, ‘What would Robert say?’ He would say, ‘Get on with it,’ so I will.

He was inordinately proud of being a Tasmanian, of being a Democrat, of his time as a senator and of being a family man. He was born in 1950 at Bronte Park and was educated in several Tasmanian towns and cities: Devonport, Newstead, Westbury, Myrtle Bank, Ringarooma, Launceston and
Hobart. He married Jane, who is here today, as I mentioned, when he was 21, and his two children, Sally and Christopher, were born in his beloved Tasmania, I think, 24 and 21 years ago respectively—but I am sure they will correct me if I am wrong. He was a teacher who loved learning—he was a teacher throughout his life, but he was formally a teacher for some of his life—and was passionate about imparting knowledge.

Senator Hill referred to the departmental scholarship that enabled Robert to undertake certain studies, but you have to remember that at the core of Robert’s beliefs was a fundamental belief that education should be publicly funded and accessible to all. That belief was nurtured not only by his innate sense of what is right and of the role of education, but also by the fact that fees were being charged at the time that he was contemplating his own studies. He taught for 10 years at primary, secondary and post-secondary levels in both government and non-government schools. He also administered an adult education centre in country Victoria and, as you heard from Senator Hill, he taught in Tasmanian prisons.

He loved the bush. He spent as much time as possible bushwalking and orienteering. He was a committed environmentalist. There are many things on record to which people can refer to note his love and passionate feel for the environment, but of course raising funds for the Franklin Dam campaign in 1982 is one of those key areas. He joined our party in 1987. In 1988, he was elected as a Hobart City alderman. He was the state president of the Tasmanian Australian Democrats division, which was before he was appointed to fill the vacancy created after the resignation of Democrat Senator Norm Sanders back in 1990. He was re-elected at the March 1990 federal election. You have heard the many portfolio responsibilities that he held—and Senator Hill referred to some of them—which were industrial relations, education, energy, resources, local government, primary industry, small business and the list goes on.

But he was so much more than his CV—as all people are, of course. He was compassionate, clever, principled and so funny. He was very funny. I looked back at the valedictory comments from people in this place when Robert left, and many remarked on just how caring, compassionate and funny he was—maybe he was not that funny all the time, but we pretended. I said that I would miss him, when I gave my short valedictory speech. I think it was very early in the morning when we said goodbye to Robert after he lost and I said that I would miss him terribly then, but I think today we are quite stunned that his life was cut short so quickly.

In his first speech in this place—which has been described by many people as a particularly personal one, whether in newspaper reports or by people who heard it—he talked about his experiences in the sixties, about his love of music, of poetry, of education, of teaching and he reflected on the fact that in the sixties he had no interest in being a politician, no interest in politics per se, as that was something politicians did. From that speech he continued to break the mould, whether it was by failing to turn up in a tie to parliamentary question time—he did not even wear a tie for his valedictory, such was his relaxed approach to chamber dressing—or his non-conventional approach to filing in the office, and Democrats and family will know exactly what that means.

The first time I met Robert was at a student rally, an education rally, in Adelaide in 1991. He was protesting then against the inadequacy of student income support—something he railed against during his whole parliamentary career. I was struck by how laid back he was for a senator, not that I knew many senators, and I thought, ‘Is he really a politician or have they just fobbed us off with someone?’ I recall interviewing him—I think it was that evening—for a radio program that I was doing and, again, found it bizarre. He had this non-polly speak. He just thought I was completely girlie swotting and approached politicians with far too much reverence, so we went to the pub. To this day, I think the students who met him on that occasion, and young people like Carla Stacey and other Young Australian Democrats at the
time, were struck by just how accessible and personable Robert was and always had been.

I began working with Robert as a Democrats staffer when I joined the staff of the then Leader of the Australian Democrats, Senator John Coulter, and was stunned and impressed by his commitment to youth and education issues and to industrial relations issues, in particular. As I mentioned, I worked closely with him from 1993 onwards. As for the office, there were *Jurassic Park* layers of filing. There are still, to this day, stories of fossilised moths, and I even heard about a sandwich that may have been crystallised at some point. Certainly among my happiest times in my working life have been in that office. He was a genuine tutor. He shared his knowledge. He was not competitive. He was never jealous of friends or colleagues. He liked nothing better than a few quiet nights in Parliament House or maybe dinner with colleagues or staff. I particularly acknowledge the people who worked with him at that time, and I know that there are people I will forget: Julia, Brian, Kevin, Lee—dear Lee. I am sorry that I had to break the news to Lee two weeks ago. They were marvellous times.

I mentioned that he had a great sense of humour; he joked repeatedly about performing the role of being in loco parentis for me. He vetted everything from boyfriends to political texts. He was a friend as well as my boss at that time. One of the greatest events I will remember is when we flew to Bathurst to attend Charles Sturt University and there was a scheduling problem—that is, the event did not happen. On the flight he had to put up with me being in tears because of my then terrible fear of flying; he held my hand the whole way. Mind you, he was the one who was supposed to be attending the event. We got there and this event was not happening, and of course I was completely panicked that this event was not happening for the senator. He said, ‘No, no—raisin toast and hot chocolate will fix it.’ Jane, that is only because he knew how you were insisting that he watch his weight on occasions and that he eat a little more healthily. After that, we went for a drive around the Bathurst track—only Robert could do that. What a love of food he had!

I should speak more seriously because his contribution to education policy in this parliament and in the Democrats must not go unrecognised. He consistently named his work on the Senate committee for education and employment areas as one of his major contributions to this place, particularly the adult education report *Come in Cinderella*. He was a fighter for free education, a passionate advocate. He was committed to, and understood the value of, free education. I promised him after he left this place that we would continue that fight, and we will. He said in his valedictory:

I do not hesitate to remind those who are listening that I have sought to defend the principle of free compulsory education up to secondary level. It should be provided by the community for the benefit of the community, which is something the Democrats have held dear since foundation. We have also held dear the principle of essentially free post-secondary education.

In that speech he went on to thank the coalition for their support on occasions, for standing with us in some of those fights. I say that through you, Madam President, to Senator Hill, who is at the table. How times have changed.

On industrial relations, he encompassed the Democrat view on industrial democracy. He pledged, he asked, he pleaded with us, that that would continue, and of course it does to this day. In his valedictory speech—and I want to read this for the record—he said:

Workplace relations are of fundamental importance to all Australians and do not deserve to be hived off into a specialist area where the acronyms can disguise the relevance to all Australians.

Again, plain-speaking Robert. He continued:

Workplace relations have previously suffered from being the subject of specialist press and have therefore not found their way into the tabloid press for comprehensive discussion.

He went on to acknowledge:

I know that I have had some moderate success in representing the Democrats’ concern that fairness in the workplace is a vital issue which characterises Australia. Australia is also characterised by
our trust in the independent umpire, the Australian Industrial Relations Commission. I am pleased that we have been able to defend as a party and as a team the independence of the Australian Industrial Relations Commission. I trust that that defence will continue whether I am here or not.

Indeed it will, Robert. His love of Tasmania never faltered. The people of Tasmania loved him. I am even getting letters this week from people who did not vote for him but who said how much they loved, respected and admired him. When you walked down a street in Tassie with Robert, everyone said hello, everyone knew him. It was very fitting, in a way, that he went on to start his own shop in Hobart, but on the occasions that I visited him there I always feared that he was going to spend too much time talking to people or, with his sense of generosity being what it was, that he would be giving away produce. It was an interesting occupation for him to pursue post parliamentary life. He was involved in everything from establishing fruit orchards and making them tax deductible, to saving the forests, opposing voluntary fees for government schools and promoting King Island produce—many, many things. Of course, he opposed the quarriying of Exit Cave—how we all came to know a lot about that issue. He would be very proud of the representation that we have in Tasmania today.

He loved taking photos and in his valedictory speech he pointed out to a lot of members of the chamber that he had a lot of photographs of all of you. I am not sure whether he was saying that just to keep you on your toes or just to share his love of photography. He said:

I have found that photographs can be extremely useful in this place. Some of the language in here is colourful. There are many articulate professionals who do their best to convey word pictures but I have found that photographs can enhance the case that we make from time to time.

He had thousands of photographs of Tasmanian forests. I believe he recalled talking to Senator Robert Ray using photographs to try to articulate his case, whether it was regarding where a road should be placed or for better city management.

On the wool tax, Senator Robert Hill has referred to those crazy red socks that people used to wear on Wool Day. Robert Bell took it one step further and insisted on knitting in the chamber. He was vocal on nuclear issues and was antiwar; he was a pacifist. There was also his great work on animal welfare issues, which of course continues to this day. The list of his parliamentary legislative and policy contributions to this place goes on. Like all people, he would have found the tragic events of the last week particularly hard to cope with. He once said—and this has been widely quoted, I know, but it is Robert Bell’s reason for opposing war—the following:

I bring to this place the attitude that my mother had to wear since the minute I was born, when the midwife held me up by the heels—a long, stringy, very thin, weak-looking affair I was—and said, ‘More cannon fodder’.

Indeed. That was quoted in the Financial Review and other papers as a reason Robert opposed war. The last two weeks have been full of heartache for many people around the world and in Australia and no doubt for Robert’s family and his friends. I have lost two friends in the last two weeks, both suddenly, and I think that never before have there been so many reminders as to why we have to be good global citizens. I have no doubt that that is the message that Robert would have conveyed to us had he been here—whether it was in the parliament or more generally in his work as a councillor. I am sure that that would have been one of his messages to us all.

One of the most recent memories I have of Robert was at the reconciliation walk. He looked happy and proud. Indigenous issues was one of the causes for which he was a strong advocate and about which he was passionate.

He boasted strongly—typically, of course—about how incredibly well Sally and Christopher were doing. I do not think a day went by in parliament without him talking about you both. He loved you so much. He was so proud of you. I know that he was preparing for your upcoming marriage, Sally. There were so many good personal times ahead of him. I know that. I know that he is
not going to be here to experience them but you are still going to have some wonderful, extraordinary times that he would have been so proud and happy about. Our best wishes particularly to you, Sally and Ben. We all wish you well. There are some amazing times ahead for the Bells, and this chamber, and specifically the Democrats, wish you well. During his final speech in this place, he said:

I hesitate to start mentioning my colleagues and those others who are leaving at this time because I feel a very close bond with my team of fellow Democrats. I know if I start to list their qualities and characteristics I will not be able to finish the sentence without getting a little bit emotional about it.

Indeed, one could become so as one starts to list Robert’s huggy qualities. When I said to one person, ‘How do I convey Robert Bell?’ she said, ‘He was a big huggy bear’—and that is true. When we talk about his fine friendship, his wit, his humour and just that he was a good man who believed in justice for all, we get emotional.

He loved poetry. In his first speech he talked about the ability of poetry to influence our emotions. Senator Hill has referred to the Friends’ School in Hobart. Robert had said that he felt that he actually learnt more from the Friends’ School than he was indeed able to impart to those students. I doubt that. He said that the Friends’ philosophy inspires ‘a gentle, caring, humble and humanitarian concern for all people as equals’. If ever a man encompassed those qualities, it was Robert John Bell.

Senator FAULKNER (New South Wales—Leader of the Opposition in the Senate) (4.01 p.m.)—On behalf of the opposition I support the condolence motion and associate the opposition with it. We join with other senators, the government and the Australian Democrats in expressing our sincere regret and condolences at the sudden death of Robert John Bell. I do think he served in this place with distinction.

He was elected to the Senate for the state of Tasmania in March 1990 to fill a casual vacancy and, of course, he came here in his own right in June of that same year. In 1996, as we know, he lost his Senate seat in a very tight and hard fought contest, and I spoke about that in the valedictory speech to Robert that I made then as Leader of the Opposition. He did have many significant responsibilities during his time in this chamber as, very notably, spokesman for the Australian Democrats, as we have heard, in industrial relations, education and training, primary industry and science and technology as well as energy and resources. He did fight very strongly, very ardently, for a free and fair education system, and he did fight for his strong commitment to his value system of fairness in the workplace.

As Australia’s environment minister during some of the period that Robert was in this chamber, I know how hard he fought for protecting the environment particularly in Tasmania—the Tasmanian forests. I certainly recall his tenacious efforts in relation to Exit Cave. It got to the stage that, when I used to see him in the corridors, I would try to duck away to find a different route back to my office so I would not get another hammering from him on that issue. You could not doubt his commitment to those issues. You could not doubt his hard work on and understanding of those issues and those matters in which he had a strong belief, and I do think that it won him very widespread admiration in this place.

Like the other speakers, I remember the knitting needle incident. I had a very different approach from others to the knitting needle incident. I suppose I should share now with the whole chamber what I said to him and then Senator Cheryl Kernot at the time:
‘Don’t share those knitting needles with members of the Labor Party. We’ll use them as weapons against each other.’ But I do not think he thought for one minute that anyone in the Labor Party would have the consciousness to pick up the knitting needles and start knitting in the chamber. He was right in my case, I must say.

There are times and many occasions in this chamber, as there always are, when you disagree with colleagues from other political parties, and, of course, we disagreed on a significant number of issues. But I do believe that no-one in this place would have doubted Robert’s sincerity and commitment to the views that he expressed in this place. So there is no doubt in my mind that we have lost a very good man in Robert Bell, a man whose compassion was genuine and a man whose commitment to the community was valued and appreciated.

At this sort of time, we reflect on those with whom we have served in this place. I think it is a very different kind of condolence debate indeed when we speak about a senator with whom we have served, particularly a senator who has died at a comparatively young age and whose death was so unexpected. It was, as I said, so shocking to us all. But you remember the qualities of those with whom you served in this place and I remember well Robert Bell’s humanity, humour and sincerity.

I would like to conclude by saying this about Robert Bell: he was a very decent man. I really do not know what his views were about me, but I can say this to you: while I served with him, I liked him a great deal. I am sure that we remember those qualities as we think about the contribution of Robert Bell to this place, albeit for a comparatively short time, but it was a significant contribution. On behalf of the opposition in the Senate, we offer our most sincere condolences to all his family and his friends.

Senator BOSWELL (Queensland—Leader of the National Party of Australia in the Senate and Parliamentary Secretary to the Minister for Transport and Regional Services) (4.09 p.m.)—I was absolutely surprised and shocked when I got the advice of the departure of Robert John Bell only last week. In fact, I felt that it was such a young age for Robert to leave this earth. I used to sit where Senator Bob Brown sits and Robert Bell used to sit where Senator Andrew Murray is sitting, and I had a lot to do with him. He had a great sense of humour. I thought he was a very good guy. On behalf of the National Party, today I want to join in the condolence motion with regard to Robert John Bell, moved by the Leader of the Government in the Senate, and to make a contribution.

I can remember him coming into the Senate—I think it was on 7 March; I cannot remember the exact date, but I can remember him being here. He filled a casual vacancy created by the resignation of Norm Sanders. I think Norm Sanders actually ran for the seat of Canberra, for some particular reason which I never understood.

Senator Harradine—Because he lived here.

Senator BOSWELL—If he lived here, that is a pretty good reason. In 1990, Robert won the election in his own right and was defeated in the 1996 election by Senator Bob Brown. He had a pretty wide portfolio: he was the Democrat spokesman on industrial relations, local government, employment, education and training, and the ACT. I had the most to do with him when he was the rural spokesman and we got into that wool debate. I think his brother—it may have been his sister—had a fine-wool property somewhere in Tasmania. At the time, he and I were on the same side of the wool debate and it got pretty interesting during a couple of nights. But he stuck by his guns: he opposed the removal of the floor price and he voted against it.

I understand that he was a teacher before entering parliament. I can imagine that he would be a great teacher. I can just picture him as a teacher, imparting knowledge to children. He would have a great empathy with the teacher-student relationship. He served as an alderman on the Hobart City Council and he was also involved with social and community education programs in Tasmania. I can imagine him being very involved in a lot of community efforts and social programs because he had a very strong
social conscience. His maiden speech referred to his 10 years of teaching and how he got more out of the students than he gave to them. He was a great senator for Tasmania. I did not share some of his conservation values, but he was elected to represent the people that did share those views. He fought very strongly for the environment and for Tasmania. Apart from Tasmania, he had wider views on the Australian community overall.

As I said at the start of my contribution, I was shocked when I got the notification of his passing. Surprisingly enough, I had a phone call from him maybe three or four months ago. We had a bit of a chat over the phone and he seemed to be pretty hale and hearty at the time. I found Senator Bob Bell to be a tremendous guy—a good bloke—and I feel very sorry for his wife and his two children, who will no doubt miss him terribly. To his family, on behalf of my colleagues in the National Party, I pass my best on to you on your bereavement.

Senator LEES (South Australia (4.15 p.m.))—It is with great sadness that I rise to speak to this motion today. I would like to begin by extending my condolences to the family of the late Robert John Bell—to Jane, Sally and Christopher—and hope that I get through this. Robert was a very valued friend. As many people have already said, he was a very popular senator, not just amongst those of us down in this corner; his popularity stretched across all people here.

He was certainly committed to his community. He worked in local government and was an alderman, as has been said, on Hobart City Council before coming into this place and joining us. He was a compassionate and caring person who brought that commitment into this place. In particular, he was committed to helping those least able to help themselves. He was a passionate Tasmanian and worked extremely hard for his electorate—the entire state of Tasmania. Often when you wanted to contact him he was out on the road somewhere else. If he was not at a committee hearing, he was most likely somewhere else in Tasmania meeting with people and talking with people. He was a tireless worker for the environment. If he had been returned at the 1996 election, I am sure that we would not have seen the ongoing level of destruction of Tasmania’s old forests, which has been getting steadily worse and worse. I believe that Robert’s commitment to that and his plan of action would have seen some better results than what we see today. I will talk a bit more about that in a moment, but I do have to mention a few of his personal characteristics.

I will start with his office. On the one hand, it was the most environmentally friendly office. Indeed it still is. It has been inherited by Senator Murray. I think it has person-sensitive lighting and all sorts of switches and gizmos that mean there is virtually no energy consumption other than when you are actually sitting at your desk. On the other hand, while he had such an energy efficient office, he also had more paper than I have ever seen in a confined space in my life. One of the most amazing things was that, amongst that paper, which was stacked to the level of the windowsill on all sides of the office and then up over the desks and across every other static bit of furniture, he could find the piece of paper he wanted. Eight million other pieces of paper—maybe 80 million—were in there but he could find that one piece of paper. I always found that to be absolutely amazing.

I want to talk about some of the issues that Robert was so passionate about. I want to talk particularly about the environment. We have already heard about Exit Cave, which he talked about so passionately and which he worked on when he visited. But I also want to talk about the logging of the old forests in Tasmania. I went down with him to Tasmania and visited public forests and private forests. We met with sawmill operators, beekeepers, forestry workers and people involved with the tourism industry. He put together what was a very sensible industry plan—a plan of action that would have stopped, if implemented, the clear-felling and wholesale destruction that, as I said, goes on and on as we speak today. Unfortunately, he was pilloried by some—particularly in the environment movement—for not putting a wholesale end to logging. He was, I believe, largely defeated in 1996 by a misin-
formation campaign on this issue, and so we saw the loss of one of the most valuable senators that I have ever worked with.

Now, seven, eight, nine years later, we have other groups, including Doctors for Forests and Lawyers for Forests, picking up some of those very types of proposals—those types of plans of action—as a way of protecting what little old-growth forest is left down there. And the level of corruption in the Tasmanian forestry industry, I think, would have been one of the key issues Robert would have worked on extremely hard had he still been with us in this place. He was passionately opposed to the woodchipping of our ancient myrtle, leatherwood and sassafras, and he used to take me to visit the different coloured piles of woodchips at Burnie to show me what the damage ultimately meant.

Other issues in the environment area included alternative fuels. Another passion of his was, particularly, ethanol, both for its environmental impact and for what it meant for rural Australia and industries such as the sugarcane industry. He was interested in soil conservation and other land use issues—indeed, land conservation in general. As you look back through his speeches he was often speaking on the adjournment. He talked about rural Australia and was particularly very committed to better access for farming families to reasonable levels of income support. He worked very hard on the Austudy and Abstudy issues.

With regard to health, though never his portfolio, he had a passion for reducing the consumption of tobacco products and, in particular, for stamping out passive smoking in any form whatsoever in every public building and every space across the country. He was quite successful in his efforts on behalf of employees who had to put up with smoking as part of their job. I also remember his working to stop smoking on international airlines and in airport terminals. Some of what he has fought for has since come to fruition.

Education has already been mentioned as one of his many passions. Robert was, as has been said, a teacher. He was, like me, a recipient of a scholarship that meant we could actually get a tertiary education, and he remembered very clearly that many young people, particularly in the public education system, had no opportunity to even finish secondary education, let alone get a tertiary education. He fought passionately for a better deal for our public education system. That, by the way, was under a Labor government. I hate to think what his workload would have been under this government, but we had better not get political. He fought also for better funding for tertiary education and for language and literacy courses. Indeed, some of what he fought for this government has, in some part, implemented by way of some of those basic national literacy programs.

I will remember so many things about Robert: his shop, his knitting and his humour. He was very sadly missed when he left this place, not just by us but by all who worked with him. He will be very sadly missed now, particularly by his family and close friends. I close by again expressing my condolences and my sincere regret at his passing to his family: Jane, Sally and Christopher, and Sally’s and Christopher’s partners. He talked about you, Sally and Christopher, in particular. We were forever getting updates on what you were up to. I am not quite sure you would have known quite how much information we got. It is simply not fair that he has left you and us so soon.

**Senator Watson** (Tasmania) (4.22 p.m.)—I rise to support this condolence motion to our late colleague former Senator Robert Bell and, in so doing, pay tribute to a man of very generous nature. I also extend my sincere sympathy to his widow, Jane, and to his children, Sally and Christopher, who are in the gallery. Robert’s unexpected passing shows just how fragile our presence on this planet may be. Therefore, all of us must not lose the unique opportunity afforded by membership of this chamber and must leave no stone unturned to help others and to make this great country of ours an even better place to live.

Robert was a community minded person right throughout his life. Prior to his time in the Senate Robert served as a conscientious councillor for two years on the Hobart City
Council. He entered the Senate in 1990, I think replacing the eccentric Norman Sanders, and he served here until he lost his seat in 1996. Robert was a highly respected member of this chamber. He was well respected for his concern for the welfare of all citizens and worked tirelessly for his many fellow Tasmanians. He went about his life and his work in parliament in a quiet, dignified manner and in so doing commanded the respect of his colleagues.

My own personal connection with the Bell family goes back further than knowing Robert in this chamber, because Robert spent some time as a teacher and in this he followed in his father’s footsteps. His late father, in fact, was a very highly respected headmaster of the East Launceston Primary School, attended by my own four children during their formative years. During our contacts I came to respect his late father as a man of rare attributes and a great teacher.

Often in this place friendships do survive the political divide. Perhaps for many of us this helps retain our perspective on life. Indeed, Robert had very strong views on war, on peace, on education and on environment issues. But it was the generous way that he debated these issues that set him apart from the hard cut and thrust of most politicians who pass through these doors. In fact, he was such a generous person that the Liberal Party gave him their preferences in the 1996 election. Unfortunately, there were not enough surplus votes from us to get him over the line.

As a fellow Tasmania I am indeed proud to have known and worked with Robert for the good of Tasmania and all Tasmanians. I indeed respected his friendship. Again, to his wife, Jane, his children, Christopher and Sally, and their partners I offer my very sincere sympathy.

Senator ROBERT RAY (Victoria) (4.26 p.m.)—You get to know other senators in this place in other parties in a number of ways. You can get to meet them through committees, you can go on overseas delegations with them and get to know them fairly well—and I did not share any of that with Senator Bell—and the other place you get to meet them is on planes. I think in the air-

lines’ profiles Senator Bell must have preferred forward window seats and I had in mine forward aisle seats, because it was amazing how often I was drawn to sit next to Senator Bell going to Melbourne when he went on to Tasmania and coming the other way. So my perspective of Senator Bell is almost entirely drawn from all of the conversations we had in those 50-minute flights to and from Canberra. Some mention has been made of food. I can never remember an occasion when a morning tea was sent back uneaten, I have to say, between the two of us.

Senator Patterson—From either seat.

Senator ROBERT RAY—From either seat, and I am sure that we later reformed. I am also reminded by one of the other speakers of Senator Bell’s views on smoking. Because it was already banned on planes he never caught me in that particular activity. I am sure he would be pleased to know that it is at least 10 weeks since nicotine has passed these lips. But I cannot give Senator Bell or anyone else a guarantee of how long that will last.

What struck you first of all about Senator Bell was that he was Tasmanian. I know at times we say that Tasmanian senators tend to concentrate on issues in their own state more than others. I think that is partly because it is a smaller state, there are more senators than there are House of Representatives members, they almost inevitably take responsibility for geographical areas within their state and, if they are a Democrat, they take responsibility for the whole state. Time and time again Senator Bell raised Tasmanian issues right across the board. Mention has been made of his passion for environmental issues and he certainly pursued those very vigorously. I was lucky: I was Minister for Defence and Robert Bell was a pacifist; I was the dark side of the force, not even worth engaging on those particular issues, whereas Senator Faulkner often had to enter into various dialogues with Senator Bell. Senator Bell was, as mentioned, extremely interested in education and job creation issues and he took a very issue-oriented approach to this chamber.

But I think the thing that impressed me the most about Senator Bell was that he understood his own capabilities and temperament
and he worked within that; he never tried to exceed or go beyond that. I think Jane Austen would have described him—and I mean this in the best of ways—as an ‘amiable fellow’, a person that could get on with virtually anyone in the chamber. I liked him; opposites attract, obviously. He always would stop in the corridor, or anywhere else that you met him, for a very quick conversation. He had a pleasant and sincere approach to life.

The only other thing I want to say is that, if Robert Bell had all these qualities, how do you explain why he was not here post 1996? I think it should be put down for the record that politics and the paradigms of politics change: it does not matter who the individual is, the tidal wave comes and you get hit. It does not matter how well liked you are, how good you are or how effectively you operated. Former Senator Bell operated well, represented his state well and pursued a whole number of issues, but politics in Tasmania in that era polarised and changed and he was therefore not successful. That should never be seen as a reflection on Robert Bell and his performance in this place. It can happen to anyone on occasions. Circumstances change and suddenly they are out.

I do hope that former Senator Bell will always be remembered for the qualities that various senators have highlighted here today. We are all shocked at his early demise. I express my condolences to his family, whom I do not know, and to all his friends, and especially to all his colleagues here in the Australian Democrats I say that you have lost a very great contributor—someone that you can always be proud of.

Senator BROWN (Tasmania) (4.30 p.m.)—I too join in supporting the motion of condolence by the Leader of the Government in the Senate on the death of Robert Bell. I particularly want to express my deep and heartfelt sympathy to Jane, Sally and Christopher and the family of Robert. I knew Robert from back in the eighties but he was involved in Tasmanian conservation matters long before that—right back to Lake Pedder, where he supported saving the lake. He was also a fundraiser during the Franklin campaign. But, as others have said, he came to his greatest strength in environmental matters with the fight to protect Exit Cave in Tasmania.

Exit Cave is in the southernmost region of Tasmania, but it is one of the greatest cave systems on the face of the earth. It was threatened by a limestone quarry and Robert Bell was one of those who took it on with great vigour and great passion in this place when it needed an advocate here. It needs to be added that, because of that campaign and not least because of his effort, Exit Cave has in fact been protected and is now part of the Tasmanian Wilderness World Heritage Area. Maybe it would be part of a fitting reminder that part of that great system bears his name in the future. I do not know about that. I know that he had a passion for the Tasmanian forests which he also carried into this place and prosecuted with vigour on behalf of the Tasmanian people. Others have spoken about his contribution to social and rural issues.

In his period in this place Senator Bell had a consistent philosophy of gentleness in thinking and generosity in spirit and contribution not only for Tasmanians but also for the nation and indeed the planet itself. It is one of the great ironies of politics, and it was a matter of great distress to both him and me at the time, that, although closest in the spectrum in the campaign of 1996, we became competitors. I was successful there and he was not. I know that that very deeply affected him, and I felt that myself. But let me say that, as Senator Ray has indicated, it is not necessarily the better person who wins in elections. The greater tide determines that as much as any individual campaign.

Robert Bell had a bonhombre, an amiable sociability towards others and a moderation which I could never emulate. His passing, I can tell the chamber, has shocked the many Tasmanians that I have seen in the days and weeks since then. He was a great Tasmanian and a very positive human being who contributed through this parliament to the welfare of the whole nation. Senator Stott Despoja quoted an extract from his inaugural speech where he spoke about his 10 years as a teacher at the Friends School in Hobart. I
want to read the full extract from that time. It says:

... I taught in both government and private schools and I am happy to admit that I learned more from the community of the Friends' School in Hobart than I was able to impart to my pupils. Essential to the Friends' philosophy is the concept that within the heart of all people there lies a spark of goodness—the inner light of God.

This philosophy drives a gentle, caring, humble and humanitarian concern for all people as equals and I have found it very easy to identify with that philosophy.

In that quote he certainly not only identified with a philosophy but described the essential goodness of himself as a person. That inner light of God is a light which is not extinguished by his death.

Senator IAN CAMPBELL (Western Australia—Parliamentary Secretary to the Minister for Communications, Information Technology and the Arts) (4.35 p.m.)—I am happy to join with all of my colleagues from all sides of the chamber in supporting the motion moved by Senator Hill relating to the passing of Robert Bell. Like all of those who knew Robert, I was stunned, shocked and deeply saddened when I heard of his passing.

I think Senator Ray put it very well when he spoke about how you get to know people around this place. I got to know Robert for a very simple reason— I remember it like it was yesterday: we both attended an induction ceremony. When you get brought into this place as a wet behind the ears, interested and excited young senator coming here to change the world—Senator Sherry interjecting—

Senator IAN CAMPBELL—Many, many years ago, Senator Sherry. Senator Kernot, as she then was, was in that group and I think Senator Bourne may have been with us too. The various clerks and assistant clerks would show you where the toilets are, where your seat in the chamber is going to be and they would show you the dining room. We had a rather nice lunch up in the private dining room on this side of the building. I have not gone up there much lately because when you get the split charges it tends to give you a bit of a shock later in the month when the bill arrives! So I met Robert in connection with that. I did not really know where all the people were from, because we had all just been through an election and I did not follow the intricacies and the details and the personalities of the elections in the other states as much as I do these days. Robert was telling me enthusiastically how he knew this guy, Tony Knutt, who was a mutual friend of ours. Of course, most people know Tony now works within the Prime Minister's office in a very senior job. Robert knew Tony Knutt really well because they had just been across on a young political leaders exchange to the United States, and from the way Robert was talking—he was so friendly—I thought he must have been a Liberal whom I did not know and I was shocked a few days later to find out that he was actually a Democrat. Some others less kind could make jokes about my relationship with the Democrats going back—Robert Ray is staying mum.

So Robert and I got to know each other then and you do tend to have a bit of a bond with those you go through the induction process with—even though I have not seen much of Cheryl, Mrs Kernot, lately. Robert struck me, as he clearly has struck all of those who had anything to do with him, as an incredibly good bloke, which I think is the ultimate accolade to a person in Australia.

He was a lot more than just a good bloke, though; he was passionate about the things that he believed in—they were important things. I remember right to his very last days in this place—we did serve together on some committees; yet another way how you get to meet people, as Senator Robert Ray said—my serving on the environment committee with him. So I saw his passion in relation to environmental issues. I also served with him on coming into government—this was 1996, so Robert served out the balance of his term up to June—on the Scrutiny of Bills Committee. I remember at the very last meeting Senator Bell, as he was, trying to get this King Island dairy bill through. One of the great lessons that people like Robert and others can pass on to young people and particularly to those coming into this place—something that former Senator Withers actually told me very early on—is that when you get onto an issue the way to succeed is to just
stick at it. I think it is a lesson in life generally: if you believe in something, keep pursuing it till you achieve it. Robert, certainly, as you can tell from listening to his colleagues, both in the Democrats and in all other parties, was someone who lived by that important motto. I am sure that Robert would have passed that instinct and that philosophy onto those he taught formally through the education process and, of course, informally where he came into contact with other people.

Robert was irreverent: he had absolutely no pretension. What you saw was exactly what you got. There was nothing unnatural about Robert. He was a totally natural person. There was total congruity between what he thought and what he said: he did not hide his feelings. He was a very generous person. He was a person who has significantly improved this place, and I think that will be his legacy.

Robert is one of the very few people who have come and gone in this place during my time here that I would bother to look up. Whenever I had the job of going to Hobart, which I had to do regularly when I had responsibility for the Antarctic Division in the first term of this government, I would stay at a little place called the Shipwright’s Arms, which I recommend, in Battery Point. It is a tiny little pub with about three rooms upstairs—a fantastic little place with a work of art as a pot belly stove on the ground floor and a very nice little bar. Robert’s shop was probably 150 yards or so from that place—I have got some nods from the gallery to help me with my geography—I would always wander across and say hi to Robert. I think Senator Stott Despoja’s description of Robert’s acumen as a small business man may have been correct: he did seem to spend an enormous amount of time having a yarn to me and letting lots of customers come and go—I did not know whether he made many sales on those nights. He could probably teach small business people a lesson, because I think one of the things that is missing a lot in commerce and small business these days is people genuinely creating an empathy and friendship with their customers and making their customers feel welcome. It is a fairly rare thing, and Robert certainly made me feel welcome. He was someone I did stay in touch with right up until the last time I saw him, which was probably a couple of years ago now, when he scared me in Melbourne. He was at that stage running a courier operation in Melbourne and it was an odd place to see him. But he was always incredibly friendly—just genuinely friendly, as I think Senator Faulkner said—and my life has been improved because I got to share some time with Robert.

Robert has left us now. He will leave a huge hole in his family’s life and nothing can possibly replace that, but in words of consolation can I say that he has left so much. He has left Australia a better place, he has left Tasmania a better place and he has improved the Senate because he was here—the Senate is a better place because we have known him. Most importantly—and I do not know them, even though I feel like I have got to know Christopher over recent days because I have been working with Vicki Bourne to try and help Christopher find a flight back to Hobart—he has left in Sally and Christopher a part of him. You are his children and Robert has left you on this earth to carry on his beliefs and his humanity and he will live on through you and through your children. So to Jane, Sally and Christopher, my very best wishes at this very tough time. My thoughts are with you. You can be very proud of your husband and your father.

Senator HARRADINE (Tasmania) (4.43 p.m.)—My wife and my whole family as well as all my staff and I were shocked to hear of Robert’s death, and our hearts go out to Jane and to Sally and Christopher. Robert Bell was a good, a thoughtful and a generous man. He represented Tasmania extremely well and efficiently. He loved the place: he spent time out in the bush, he was in one of the Hydro villages, at Westbury and up in the north-east, and when people spend a bit of time in the north-east—in Ringarooma or Myrtle Park, for example—they do learn a lot. They are great people there—I married one of them.

He represented Tasmania in this place very efficiently, and elsewhere, wherever he
went, he made a very significant contribution to the nation. As Senator Campbell has just said, he made an enormous contribution to this place and it is better for Robert’s having been here. He believed in the inherent dignity of each individual human being. He had a deep respect for all human beings—including politicians. In his first speech he mentioned that his grandfather did not have much time for politicians. His grandfather no doubt said that for good reason. It could be said now that you have to be careful as to whether a politician says one thing and delivers something else, but Robert made sure he used this place as a house of review as well as for promoting the policies that he held very dear. He served on quite a number of committees. We all know that serving on committees is time consuming. You are not out there in the public; you are doing the real work of review that this chamber is here for.

He was passionate in trying to uplift the downtrodden, those who are underprivileged. In his first speech he talked about this aspect. He talked about the young unemployed who were, of course, underprivileged. I think it is worth while recording that he had this to say:

I continued with this attitude and approach to people while I spent the next couple of years working with young unemployed people. Apart from what was in all the research, the only common denominator I could find in the young unemployed was their lack of self-esteem. I diagnosed that problem as an emotional one rather than something which could be defined by logic, or solved by throwing money at it or running fancy programs. I found that by carefully searching for a task which a young person could complete, and then master, a sense of worth could be fostered. It did not really matter how simple that task was.

Those are profound words from a person who not only had studied the situation but had experienced it by being amongst the unemployed.

I know there are quite a large number of people—in the trade union movement, for example—that appreciated Robert’s strong views on industrial relations; he was very knowledgeable in those areas. He was a remarkable man. I have been listening to what has been said and clearly those that have spoken about various aspects of policy felt that he was very knowledgeable and effective in those areas. In one area in which I suppose I was knowledgeable—you cannot help it after you have been here for so many years—the industrial relations area, he was extremely knowledgeable and effective when it came to policy decisions.

I want to say that he was a man of the people. It was interesting that when he was defeated here he went into that shop that Senator Campbell mentioned. I will quote something that he said after a reporter went to speak to him. I quote from the newspaper article:

But Mr Bell, who runs the Battery Point Village Store with his 18-year-old daughter Sally, insists there’s little difference between politics and his new venture.

“People come in your door and you say, ‘G’day, what do you want?’” he said with a laugh. It has been said, I think again by Senator Campbell, that when he was open for business—that is, other people’s business—he did a lot of work there which may have meant a lost sale or two.

He also shared with me—and I will put it in my terms—an interest in and a liking for the poetry of that great Tasmanian poet, James McAuley. I will not quote from the poem that is in the top of my mind, but he had a great understanding and appreciation for James McAuley’s poetry. He was a laconic man; we got into several tight spots and it was his easygoing attitude that settled them down. I join with my colleagues in honouring Robert Bell for the person that he was, for what he meant to us and for his service to Tasmania and the nation. I join with all of my colleagues and the whole of the Senate in offering my condolences to the family.

Senator CALVERT (Tasmania) (4.52 p.m.)—I too wish to be associated with this condolence motion and also to record that Senator Abetz wishes to be associated with it. Over and over, it has been said here today that Robert Bell was a good man. He was a big man, and he had a big heart. He was a good bloke to work with and he worked hard. I would like to pass on my condolences to Jane, Sally, Christopher, Richard, Sylvia and the rest of the family.
I got to know Robert Bell very well, being a Tasmanian senator, and I worked with him quite a deal. The first thing Robert would say if he was here today would be, ‘What are you wasting your time talking about me for? There’s plenty of other work to do round this place.’ I can just imagine him saying that, because he was that sort of person. He was very practical—Robert Bell the teacher, Robert Bell the senator.

Robert Bell and I had a couple of things in common. He was a teacher at the Friends School and I was a student there. He was also an alderman of the Hobart City Council while I was a councillor at Clarence. And we were both senators at the same time—mind you, that did not last for long. We had opposing views on some things. I was interested today to hear people talking about Exit Caves. It was always called Benders Quarry when I was arguing the other case.

I had most to do with Robert in committee work. Robert was a very compassionate man and he convinced me that I should be a person who supported him in his great passion for Giant Steps. Those of you who know what Giant Steps is would know that he was one of the people who really put in the hard work and got the support group going for the Giant Steps project on the north-west coast. I am still helping them as much as I can, as are some of my colleagues.

I too, perhaps more than most, was very disappointed to see Robert defeated at the election in what I would say was a controversial campaign, to be generous. I think most of my Liberal colleagues were very disappointed to see Robert defeated, because we all believed he was a practical conservationist. He was a very practical person. He loved his garden. He used to love his radishes and his strawberries. I remember when I visited him at his little corner store he took me out the back and gave me a couple of bottles of recycled chainsaw oil that he had processed from some old engine oil. I thought, ‘That’s not bad. For a person who has been fighting for the preservation of forests, he has developed a very effective and very good chainsaw oil from waste oil.’ That is the sort of practical person he was.

I worked with Robert on committees. If Barney Cooney were here, he would remember some of the happier moments we had on the Select Committee on Animal Welfare. Robert was not only passionate in defending the forests, but also a very good animal conservationist.

Before I walked in here today, I grabbed a few reports off my shelves. The first committee on which I came into contact with Robert was the one that produced the *Come in Cinderella* report. I think that was probably the first report he did. It was for the Standing Committee on Employment, Education and Training. Robert played a leading role there, because it was all about adult education, which was one of Robert’s passions.

Another report I took from the shelves was the intensive livestock production report. I remember being in the Northern Territory when we were looking at the damage that feral animals were doing to the Kakadu park and other areas. Robert was a big man, and one thing about him was that he had a heavy foot. In those days, there was no speed limit in the Northern Territory. Barney Cooney, Robert and I were travelling from Darwin to Kakadu, and I think we did it in record time. I was very pleased to see the hotel halfway there so we could have a break for a while.

Robert did not do things in half-measures. I remember that he was part of the inquiry into equine welfare in competitive events other than racing, the inquiry into aspects of animal welfare in the racing industry and many others. When you work with somebody in committees, you get to know them. As I said, Robert was a practical conservationist, he was a very practical person and I support all the good things that have been said about him today. I cannot think of many bad things that people could say about Robert. He was that sort of person. To the family, I say that I, like everybody else, was shocked to hear of his death. In fact, I did not believe it. I was in Darwin and I said, ‘It must be somebody else; it couldn’t be him.’ He was the sort of person you would think would go on forever.

**Senator SHERRY** (Tasmania) (4.57 p.m.)—I also wish to be associated with the
motion of respect for Robert Bell. Robert and I were elected together to this place in 1990. We were both Tasmanians. Our paths crossed very often in that campaign of 1990, but I first met Robert two years earlier. As Senator Calvert has mentioned, Robert was very active in the Hobart City Council, along with a very close mutual friend, Dee Alty. I first met Robert scrutineering the count for the Hobart City Council. Dee introduced me to him, and I think it was fairly well known at that stage that he was going to be a Senate candidate for the Democrats. What struck you straightaway about Robert was that he was a big man with a big heart and very friendly. He shook my hand enthusiastically and we stood around the room watching the count for the Hobart City Council. That was my first meeting with him and they were my first impressions of him.

That friendliness of spirit and generosity as a human being never left him. They were always with him while he was a senator. As has been mentioned by many speakers, Robert was passionate about a number of issues, certainly the environment, education and training. What was interesting about Robert was that, despite that passion and really intense feeling about issues, he was a practical man. He knew how far you could go on an issue when you were negotiating with him. One of the frustrating things about Robert was actually pinning him down on a position. I had various discussions with him on industrial relations in 1996, and you really had to work. He was a very good negotiator. My colleague Senator Harradine and I, with our backgrounds, know that Robert was a tough negotiator. You really had to work to get him to a position and then get that position locked in. But once you got the position agreed on an issue, whether it was industrial relations or anything else, Robert was a senator of his word. Once he said ‘Yes, this is what we are going to do,’ he stuck with it through thick and thin.

I remember those discussions on industrial relations in that 1996 period, before he had to leave the Senate following his defeat. He did not have an industrial relations background. I do not know whether he was particularly interested in it when he came in here in 1990 but he certainly developed a deep knowledge very quickly. He could get across issues and he became very passionate about his views.

Senator Calvert referred to the animal welfare committee. That was my first committee in the Senate. Robert and I shared that. I was only on it for a few months, and we were looking at the issue of feral animals. What was interesting about Robert was that he was passionate about trying to protect feral animals. I watched him grapple with the practicalities of the problem—I will not go into the detailed issues of feral animals and how we have attempted to control them in Australia—and initially his response was, ‘We have got to save feral animals. We have got to protect them.’ But as the evidence was presented before the committee and we looked at practical ways in which to control feral animals, I watched him grapple internally with coming to what I think was a reasonably unanimous set of conclusions. He really did work hard at trying to find a real solution to those problems.

He was a moderate, passionate human being. He represented his state very well over that six years. I recall the 1996 campaign. It was at the Newnham campus of the University of Tasmania in Launceston and Robert had just learnt that, through the allocation of preferences, his task was going to be much more difficult. I think it was one of the few occasions when he was quite angry about the political process, and we had a fairly lengthy conversation about it. He was very upset about what occurred and understandably so. But, in the context of this debate, I think that is as far as I should go with those remarks.

He was a very passionate human being, a very good companion, always friendly, a man of his word, very dedicated and very committed. I think one of the sadder parts about politics is that you often lose touch with former colleagues, whether they are from the same side of politics or from other political parties. I caught up with Robert in early 1998 in what were obviously fairly difficult circumstances for me personally, and Robert and I spent about three or four hours one afternoon having a drink and
talking about the meaning of life and what the future holds and going over past events. He was a great and, as I say, very passionate, deep human being who really did care about human individuals. He was a very sad loss to the Senate.

Like others, I could not believe the news last week when I heard of Robert’s death, at what is a very young age. I think Robert was 50 years of age. He had so much more of life to give. You have to ask why someone is taken from us at that age, when there is so much more that he could have given in terms of goodness, both to his family and to his friends and the causes for which he was so passionate. My condolences to Jane, his wife, and to Sally and Christopher. You had a great father—such an incredibly friendly and human person. He will be sadly missed.

Senator PATTERSON (Victoria—Parliamentary Secretary to the Minister for Immigration and Multicultural Affairs and Parliamentary Secretary to the Minister for Foreign Affairs) (5.04 p.m.)—I will be very brief but my brevity does not in any way diminish what I felt or feel about Senator Robert Bell. Senator Ray mentioned that he got to know Robert best on the plane flights backwards and forwards, in the front rows. I think I must have been on the flights that Senator Ray was not on with him, because that is when I got to know Robert best. I guess sometimes on the plane you put aside political differences and you talk about family and friends and issues that are not political.

If I had to remember one thing, it would be that he talked most about his children. Although I had not met Christopher and Sally, I knew lots about them and what they were doing. I think they ought to take comfort in the fact that he spoke about them so often to somebody who was a stranger to them. It emphasises the fact that so many of us are away from our families, and we want to tell people about them when anybody is prepared to listen. Robert was always willing to tell me in great detail about what Sally and Christopher were up to.

We shared a very strong interest in youth affairs and education and I first got to know Robert when we served on a committee together. It was in the days when you actually had committees that had majority reports and there was no minority report, the days when committees decided they were going to try to get the government to do something, and could agree and would stand up and be critical of their own side. It seems we have moved away from that. Often we would negotiate through committees to try to come to some compromise that we could all agree with, that we thought would make a difference. I enjoyed working with Robert on those committees.

People have said so much about him. I was very sad when he did not return. I talked to him after that election. He was not bitter but, as people have said, it was not the easiest of campaigns and I felt that the Senate had been diminished by his not being returned. Obviously, the Liberal Party in Tasmania, given that they gave him their preferences, would have liked to have seen him returned as well.

His untimely death reminds us that not only our hold on our positions here is very tenuous, as I think I said in my maiden speech, but also our hold on life is very tenuous. It is a timely reminder when we have condolences for someone whom we know. Often condolences are for someone who has been in the Senate and who was gone before we ever came here. It is much more pertinent when it is someone with whom you have worked and someone whom you have respected, and I did respect Robert. I used to take legislation through and, as Senator Sherry said, when Robert did the deal and said that is it, that is what the Democrats agree with, you knew you could come into the chamber and that is the way it would be. That is not always the case, and I always respected him for that.

He was a decent, determined and delightful person, and his untimely death has meant that his family and all he stood for have been robbed of his many years of commitment and care. To his wife, to Sally and Christopher, whom I do not know but I did get to know by all he said about you, and to his extended family, my sincere condolences.

Senator BOURNE (New South Wales) (5.08 p.m.)—On the evening of Wednesday, 5 September, one of our favourite ex-senators
was driving home in his beloved van when something happened that made him pull over to the side of the road. Some time later an off-duty ambulance driver and ambulance officer and a doctor pulled up near the van to check that everything was okay, and obviously it was not. Robert had died from a massive heart attack. We can only take comfort from the fact that he went quickly. I say that because a lot of people have asked me how he died, what had happened to him. He was very young—51. I asked Jane today if she would mind if I said that, and she said no that was fine. She also said to me that his grandfather was only 58 when he died of a massive heart attack. It is a pity Robert did not take more notice of that and did not look after himself a lot better.

Robert was a good man. He was a kind, gentle and generous man. Everyone has talked about that. Most things he is famous for in this place have already been said. There are a couple of things he is not particularly famous for, except around the Democrats, so I thought I might mention them. I bought a flat for the first time in my life about five years ago, and I was discussing kitchen shelving with Robert. He decided that I was a bit inadequate in that department—he was absolutely right. He decided what shelves I needed and said that only Tasmanian timber would do. He got me to take measurements and then he went to the local timber shop in Tasmania and got the timber that he thought would match my colour scheme. He said it was the best shelving for kitchens. He had them turned and then carried the shelves with him on the plane to Canberra. He gave them to me. I have put them up and I have excellent shelves in my kitchen. They are very lovely. They are exactly the right colour—always have been.

We have heard about Robert’s desk. I found a memo from one of his staff to our office notifying us of what she called ‘an archaeological dig’ on the site of Robert’s desk when he left. She let us know what the more interesting artefacts were, things such as a Magnum ice-cream wrapper in near perfect condition and several invitations, probably from the Dark Ages. Not only had he not gone to these things but he obviously had not even replied or given them to Lee to reply to.

I remember one occasion, I think it was about 1991 or 1992, when all the Democrats were together. We were doing some courses over two days at the old quarantine station up on North Head in Sydney. It was an absolutely superb location; it was just beautiful. All the old quarantine buildings are made of corrugated iron and the walls are extraordinarily thin. They were made of iron or some sort of metal. We were there overnight. There were two rows of rooms that backed on to each other like dormitories. I was allocated the room directly opposite Robert’s. I have to say that I have never heard anybody snoring so loud in all my life. I am sure that Jane could tell us that that is absolutely correct. It kept me awake and by about 1 o’clock I had had it—I had been psst-ing through the wall but it made no difference—and I smashed on the corrugated iron to make him stop. It made a terrible noise and woke up every other Democrat senator, except for Robert who slept through the whole thing still snoring.

The only outcome of that was that not only could I not sleep but now I had woken everybody else up and Robert was still snoring so they could not sleep either. So we all had a terrible night’s sleep. The next morning we all came out bleary-eyed to breakfast, and I said, ‘Right. Who was it? Who was behind me? Who was the snorer?’ Everybody said, ‘Not me, not me, I could not sleep.’ Robert said, ‘What? Not me. I do not snore.’ It had to be him. Jane told me later that yes it probably was, that she had had similar problems.

We have heard about Robert’s attitude towards his family. I must say that it is all true. I had never met a man more proud of his children. He was always telling me—and probably most people in this chamber—the latest about both Sally and Christopher and their general brilliance. Fortunately, they are very talented; they have been all their lives, and it is all true. We never heard the end of it. We probably still will not. I will probably dream about it. He will probably come back to me in my dreams, and I will find out what
you two are doing. That is probably what will happen to me.

Jane, Sally and Chris, whom I have known for more than a decade, and Ben and Kirsten, whom I have just met, I cannot tell you how sorry I am that you have lost Robert at such a young age. I understand, though, that you had a lovely Father’s Day together. It is very comforting that you have that to remember. All my staff and my former staff have asked to be included in these condolences, especially Lee Rivers who worked for me for a short time and who worked for Robert for a long, long time. There is also Jene Fletcher, Nada Vlatko and Andrew Larcos—all of us loved Robert. He was a good friend. He treated us like a brother would, and I think he was like that with a lot of people. That was generally the way that he acted. We are so sorry that we have lost him and we are so sorry that you have lost him at such a young age, and we will all miss him very much.

Senator NEWMAN (Tasmania) (5.14 p.m.)—I want to very briefly say how saddened I am by Robert’s death. He was a fine man. I was very fond of him and I respected him very much. I also know very well what pain you are going through. I cannot say too much more. When he lost his seat, it meant, to me, that Tasmania was not nearly as well represented as it had been, and I shared conversations with him afterwards about that. He was too young to die, and I hope you can be strong and look after each other.

Senator MURRAY (Western Australia) (5.15 p.m.)—I join in this motion of condolence. Robert Bell’s early death is a reminder to all of us of our own mortality and that we should do what we can whilst we can. It also reminds us that if we are going to be remembered, we need to be remembered well—and if what I have heard today is any reflection on the man, he is remembered well. I convey my condolences to the Bell family. To Jane, Sally and Christopher, I will not be able to be in Hobart for your commemorative service. I also convey my condolences to the wider family and to the friends, as there are many people who lose a lot when this sort of thing happens.

One of the things to note is not only the reflections of those who know a person well, and who work and live with them, but also the reflections of people like me, who do not know them well but who have an impression from meeting them just a few times. To be remembered well by somebody who has met you only once, or several times—as I did—reflects very well on an individual. Western Australia is far away from Tasmania. Some people say that Western Australia is proof that Tasmanians can swim. Because of that distance and because my parliamentary career did not intersect with Robert Bell’s, I guess that, with the party and politics and meetings, I would not have met him more than half a dozen to a dozen times. But, whenever I did, he was the very things you have told me he was: engaging, lovely sense of humour—which I always appreciate in a human being—and kind. I thought the word ‘practical’ suited him, as he always had practical thoughts about things. He combined tolerance with passion, and it is always good to hear from somebody whose passion does not descend into extremism. His qualities were such that even though I did not know him well, I will remember him and am glad to have known him.

I am very conscious, living, as I do, in S136—for those of you who do not know what that means, it is room 36 on the first floor—that daily and nightly I experience the ghost of Robert past. I experience this not only because I have all the gadgets nobody else has—to moderate lights and to conserve energy—but also in the sense of his presence and the stories of my colleagues whenever they come in. I have tried to match Robert in paper and failed, and they always remark on my deficiencies and the fact that you can make your way across my floor without hearing the scrunch, crunch and squeak, squeak of paper beneath your feet. Whenever I lie on that sofa on a late night, I remember him giving me some practical advice: to bring a pillow and a blanket for those long, late hours. We have all experienced those and all regret them. I know the ghost of Robert past, and it is a good ghost. It is a room and an office with a good feeling to it, from what he has given it, and I know this from the hours I have spent in it.
Kevin Anderson, from Tasmania, was kind enough to send me a few notes, because one of the things that a senator is remembered for is their work in their own state. Kevin has been a strong Democrat, but unfortunately has had a very serious illness. He told me of a couple of Robert’s achievements, and he thought his achievements in relation to community building and to resolving issues deserved mention. One of the things he told me was that Robert initiated and chaired a series of community forestry forums. He held three or four of them around the state and invited anyone with an interest in forestry to attend, including log truck drivers, deep green conservationists, professional foresters, tourism operators, local residents and those for and against plantation forestry. In other words, it was a mixed bag—and if you want to achieve a solution you need to get hold of one. You cannot achieve solutions by only talking to like-minded people.

The idea, largely successful, was to move behind the slogans and the rhetoric and for all stakeholders to appreciate better other stakeholders’ points of view and to start to explore, wherever possible, the shades of grey between polarised points of view. Proceedings were tape-recorded, obviously with the knowledge of those there, and lightly edited transcripts were made freely available. These forums upset some extreme people, but Robert knew that his approach would assist in solving issues such as forestry. I think that is the sort of thing both my colleagues and the Tasmanian senators have referred to—that practical attempt to get good conservation outcomes from a very intractable issue. The Democrats have always respected and admired Robert for being a trailblazer for us in that respect.

The second area Kevin mentioned to me about Robert was sustainability and the Dorset Council Forum. Robert held a day-long forum in Scottsdale in Tasmania’s north on the issue of sustainability—economic, social and ecological—with the Dorset Council. There were about 30 attendees, including a number from the local council. There was an interplay of ideas, particularly on unemployment, the need for and sources of investment, vineyards and forestry. These issues—as Senator Sherry, Senator Calvert, Senator Gibson and other Tasmanians would know—are still alive and a problem for Tasmanians. The attendees had their upsides and their downsides on show, but apparently it was a day that, in interacting on those issues, those 30 people have never forgotten. It was a forum created by Robert Bell and others for differing and sometimes opposing views to come together to help create a more enduring and worthwhile community. What I have taken from this debate is that you need the Roberts of the world to provide some glue for those who oppose each other to find a joint way forward. I think the respect we have for each other means at times that you need that sort of person.

**Senator BARTLETT** (Queensland) (5.23 p.m.)—I also would like to add my support to this motion and to pay my personal condolences to Robert’s family and friends. I first met Robert about 10 years ago, and most of my experience with him was on the party side of things rather than the parliamentary side of things. From my knowledge of his work during his time in the Senate, I can say that he was clearly a very effective legislator and a very effective advocate for a wide range of issues. One of those areas that unfortunately are often not recognised and noticed sufficiently in the political process is that core business of legislating and making practical and positive changes to the laws of the land and to various areas that affect Australian people directly. Robert was particularly effective.

In my experience with him, his very strong interest and his strong advocacy in relation to education issues were quite clear—particularly as to the importance of ensuring as much as humanly possible that people from all parts of the community were able to access quality education and were not denied it because of their lack of resources or because of factors such as remoteness. He was a huge advocate in the area of education, and I was also strongly aware of his very passionate advocacy, as people have said repeatedly, on environmental issues—particularly, but not just, the serious issues concerning Tasmania’s forests. There is still a
significant problem in terms of the destruction that continues to occur there to this day. He certainly put in a lot of time trying to address that serious problem; indeed, he supported instigating a woodchip fighting fund to try to provide support for people in the community to access legal protection for those forests and to try to prevent some of the damage that was occurring. That is just one example among many of his practical involvement in attempting to gain solutions.

Another strong impression, as others have mentioned, was absolutely and definitely the most spectacularly unfiled office I have ever seen. The range of paper across not just every inch of his desk but every shelf in sight and most of the floor as well in an almost continuous, unending mass of papers and reports was certainly a sight to behold, but he seemed to know where things were and he obviously absorbed a lot of the information in all that paper because of his knowledge across a range of issues.

As a number of people have said—and I think it is probably the best description of him—Robert was indeed a good bloke. That simple description highlights his easygoing nature, his friendliness and his self-effacing nature as well. People have talked about the unfortunate situation of Robert not being re-elected in 1996. That was obviously a significant loss to this chamber and to the state of Tasmania, and particularly to the Democrats in the role he was able to play for us not just in the parliamentary arena but more broadly. It was a loss that we felt deeply at the time in what was otherwise quite a successful election for us. He was our Senate candidate again in 1998. I had involvement with him at that stage in the role of national campaign director, trying to assist him in regaining that seat, which again sadly he was unsuccessful in doing. Along with Norm Sanders, he is one of only two Democrats who have represented Tasmania in the Senate. We hope that we will have a third after the next election in the form of Debbie Butler, and she has a great legacy to follow on from in the work of Robert Bell both in the chamber and in Tasmania; it provides a great example of work for someone to look to.

People have mentioned the political circumstances of 1996 to some extent in relation to his being unsuccessful. In my perception and experience, it is possible that Robert was so committed to his work in parliament and the important issues he had to deal with that he sometimes put that first, ahead of some of the other issues that go with being in politics like campaigning and generally getting your face in front of people. Because he was a self-effacing person and a sharing person, I think he was more interested in working with people at a community level and trying to get concrete solutions than in self-promotion. He recognised the importance of the issues and the enormity of the number of issues that need to be addressed. Many times I think he put his commitment to those ahead of his own best political interests. He certainly did not just take the politically easy line on a lot of issues. He wanted to work with many people across different perspectives to try to get solutions rather than to simply take what might have been a politically expedient approach to particular issues. In some ways that may have hurt him in relation to his eventual electoral defeat, but I am sure he would not have had it any other way because he recognised the importance of his position. You do not just get into this place for the sake of being able to sit in these seats; you are in here to try to make concrete change. Robert Bell certainly did that, and he leaves a great legacy in that.

Another example of his willingness to not just pursue his own interests came at a later time, and indeed I think it was the last time I met with Robert face to face. I certainly saw him regularly at national executive meetings and things like that over the 1990s. But towards the end of the 1990s, when he was in Hobart in the shop that a couple of people have mentioned, as people are probably aware—certainly it was no great secret—there were a few internal problems in the Democrats in Tasmania, and for my sins or whatever other reason I was sent down there by the national executive to try to sort things out. When I met him there, Robert gave a clear message, apart from everything else in terms of his advice and views about how we could sort things out, that he was quite willing to step aside and sacrifice his own inter-
ests in maintaining an active role in the party if that would be for the betterment of the party in the long term. He made that very clear a number of times, not just in the meetings I had with him but to the broader party as well. He was willing to put the party first rather than himself, and I think that reflects the nature of the man and also correlates with his work in the parliament, where he put his work and his responsibilities as a senator ahead of his own self-interest many times. His legacy in so many areas, as people have pointed to today, shows the positive results of that.

He was always supportive of and committed to keeping the Democrats as strong as possible, because he recognised the important role that he believed the party played. Amongst the range of 26 parliamentarians that we have had in this place, he will certainly be one that stands out amongst a fine team of people—and we have had lots of fabulous Democrat representatives over the years—being amongst the best, not just in terms of his effectiveness in this place as a parliamentarian but, as people have said, as someone that was widely liked across the party.

As we would all know in this business of politics, sometimes people can get into situations where they are not necessarily popular with other groups of people in their party, but I think Robert was widely liked around the nation as a genuine person and as someone that was always keen to try to work constructively through things. He has left a great legacy in many ways. People have spoken here of his repeated comments about his family and his great pride in his family. Putting his pride in his family together with his pride in and commitment to the issues and the work that he did does leave a great legacy. It is a tragedy that his life was ended at such an early age, but I am sure his family can be proud of all he has achieved not just as a parliamentarian and as an advocate in the community but also as a human being.

Senator IAN MACDONALD (Queensland—Minister for Regional Services, Territories and Local Government) (5.33 p.m.)—Ever so briefly, but my brevity should in no way lessen the sincerity of my comments, I want to associate myself with the condolences being offered by the chamber and the words that have been said about Robert John Bell. I can relate to a lot of the comments made about Robert as a practical environmentalist. He was not one of those who grandstanded about the environment; he was one who actually did something practical about it.

My best memory of Robert was when we were on the joint committee for external territories and were visiting Cocos Island back in 1993. I remember he had some very practical comments about a boat harbour at Rumphar Baru. It is almost 10 years since the time when Robert made some practical suggestions about that, and I would have liked to be able to say to him that 10 years on those suggestions are at last being implemented. He would have been interested to know that what he said then is eventually being implemented by government now. I remember joking with him as we left about a very non-environmental outcome for getting rubbish off Cocos Island. We laughed about that for many a time afterwards. He was only joking, I am sure, but I do clearly remember that, and I remember very well the association I had with him particularly on that trip. I join with other senators in expressing condolences to Robert’s family.

Senator ALLISON (Victoria) (5.35 p.m.)—I did not know Robert Bell well—he had left this place by the time I arrived—but nonetheless I was deeply shocked to hear of his death, and I join my colleagues and others in this place in offering my sympathy to his family over his departure. I had a number of conversations with Robert and I spent some time with him, and it seemed to me that he was everything that people have already said in this place. I found him to be a very warm, witty and very gentle man. He was generous, and it was very obvious why he was so well liked within his own party and more broadly.

I took up two of Robert’s portfolios when I came here. One of them was schools and the other was local government. He was very generous with his time, as I recall, in telling me about the issues that he had pursued. Fortunately, he did not press upon me his
filing system for those two portfolios. I did have occasion to look up on Hansard some of the work that he had done. Despite his very laid-back approach to his work in this place, I found his speeches remarkably erudite, and his persistence in this place gives the lie to the notion that he was not working hard.

He had a couple of other passions which I share. One of them was tobacco smoking and trying to put in place laws which would dissuade young people from taking up this very harmful habit. The other one was school funding—his passion for public funding of our education system. If you map his work you will find that he railed against sponsorships in schools. He drew attention to the problems of a confectionery company offering sponsorship in a number of schools in Victoria, for instance. He drew attention to the fact that in some states debt collectors were being called in to follow up on school fees that were not being paid by some parents who doubtless could not afford to do so.

One question on tobacco that I really liked was back in 1993, when he asked: Does the staff bar at Parliament House still provide empty beer cans for patrons to use as ashtrays?

Clearly, he had some inside knowledge on this subject. I cannot say whether it was because he frequented the staff bar, but he certainly knew about it. The answer came back: Bar staff are not permitted to provide receptacles to be used as ashtrays.

I can pretty much guarantee that, following that question and response, that practice would have stopped. He had success with the issue of tobacco in a couple of important areas. I would be prepared to say that certainly Robert ’s contribution to this area, and the contribution of people like Robert, has caused enormous changes to be made in the way we deal with the question of smoking. When he was on the Hobart council, his work resulted in having council buildings declared to be smoke-free. It is only eight years or so on, and just think how many of our workplaces are now smoke-free. He did not win his bid to prevent advertising on council property at that time, but of course that was another question subsequently won down the track.

He pointed out that basketball and hockey, played at that time by his son and daughter, were very popular sports that did not require advertising with sporting heroes promoting tobacco products. He also complained about tobacco exports from this country and said in this place that $146 million—which is what we earned at the time, I think in 1993—was a disgrace, even though that amount had increased. He pointed out that of course Australia needed to increase its exports, but that was an abrogation of all sense of propriety.

On one occasion, he came to Melbourne to speak at a TAFE college conference. I met him at the airport and went to the conference with him. He had been invited by this organisation to speak at this conference and he had prepared some notes but, when we arrived, they said, ’Oh, we’ve changed the arrangements and that workshop is now not being offered.’ I was astounded—I thought he would be as furious as I was, but he just kind of took it, shrugged and said, ’Oh well, we’ll go and have a cup of coffee somewhere, shall we?’ I was amazed that he would not be upset about it and would not point out to those who had organised this function that he had probably got up very early that morning, had probably done quite a lot of preparation and would probably have spent about eight hours getting there and back by the end of the day. I gather that that was fairly typical of Robert ’s approach to things—that he was not one to get upset by that kind of thing.

I called into his shop in Hobart on one occasion, and I concur with those others who have talked about it: it was idiosyncratic, to say the least, with an amazing array of local produce and things that people had made and brought in. I gather, too, that he was very generous with his time and probably with every other aspect of dealing with people in business. He seemed to enjoy the political debates that he had with those who came to buy a paper or whatever, rather than being in the business of making money. I do not know whether it was so or not, but it seemed to me that his approach to business was probably
not typical. I saw Robert for the last time at the South Melbourne market, which is close to where I live and where I shop every week. It had been a long time before that that I had seen him previously, and we had a conversation as if it were yesterday. I think that is probably typical of Robert, too—that he was an easy man to communicate with, that he could pick up on relationships quite easily and that he talked with his generous style. I really enjoyed seeing him that time. That is all I want to say. Again, I pass on my condolences to Robert’s family. I, too, feel the sense of loss that his death has brought upon us all.

Senator CHERRY (Queensland) (5.42 p.m.)—I also want to add my voice to this condolence motion in respect of Senator Bell. I think of him as Senator Bell because I was an adviser to him for two years in the area of industrial relations. I remember dealing with some unbelievably contentious issues in that industrial relations portfolio with Robert over that period. Industrial relations has always been, as Senator Murray can concur, the poison chalice of the Democrats’ portfolios. Robert managed to carry through some very contentious bills and came through at the end with letters of congratulations from the ACTU and the ACCI—from the unions and the employers—and I really think that is an achievement which has stood the test of time. I still have in my filing cabinets at home reports and letters which he had written and lots of briefing notes which he had left me when he departed this place, which I have used and have referred to time and time again. We have defended in this place, and continue to defend, the stuff that he did on secondary boycotts, independent contractors and discrimination in employment. The policy which he wrote in 1995 is still the party’s standing policy. The point I want to make in my brief comments is that his legacy lives on. We are still defending it in this place and we will continue to do so.

I also want to point out that his name came up in my office only two weeks ago. I say ‘two weeks ago’ because he was still alive two weeks ago—it is still a shock to even think of that. His name came up in the context of agricultural chemicals. We were talking in my office about some of the options to do with agricultural chemicals, and we were pulling out of Hansard the reports which Robert had written on that area—an area of great obsession to him. Those issues which he was working on then are still relevant now and we will continue to work on them. I wanted to make those few very short points. I never got to visit the famous shop at Battery Point, but I did get lots of phone calls from Battery Point between 1996 and 1998, with lots of advice. I really hoped that he would come back in 1998. My spreadsheet said that he would, and I was wrong. I think it was a tragedy for Tasmania and for the Democrats. We have lost a great Tasmanian, we have lost a great Democrat and we have lost a very great man. I extend my heartfelt sympathy to his family.

Senator CRANE (Western Australia) (5.44 p.m.)—I would like to quickly add my contribution to the memory of Robert Bell. Robert came into the Senate at the same time as I did. We served together on the Senate Standing Committee on Employment, Education and Training, which was the first committee we were both on. I particularly remember that, when we did the inquiry into the fourth sector of education, we went out to a place in Western Australia called Merredin—commonly known as John Panizza country—and we had many interesting times on that trip. My memories of that and my connections with Robert were that he always considered the evidence on its merit. He seldom, if ever, played politics and, over time, I developed a very deep respect for him.

I would like to pass my condolences to his immediate family. He is one of those people who was much too young to die, but that is something that none of us—I guess, fortunately—has any control over. With those few comments, I would like to acknowledge his contribution to the committee work we did on the education committee at that particular time and to the various reports we brought down, which, over time, have been slowly adopted by the various governments. I think there is now very little of the report we did on the fourth sector of education that is not policy in Australia.
Tuesday, 18 September 2001

SENATE

27287

Question resolved in the affirmative, honourable senators standing in their places.

PETITIONS

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

Telstra: Privatisation

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

The petition of the undersigned shows our concern that:

(1) the Howard-Anderson Government plans to fully privatise the Australian people’s 50.1 percent share of Telstra as stated in the Government’s own 2001 Budget papers;

(2) a fully privatised Telstra will focus on profits not people; and

(3) services will suffer under a fully privatised Telstra, particularly in outer metropolitan, rural and regional Australia.

Your petitioners request that the Senate oppose the Howard-Anderson Government’s plans to fully privatise Telstra.

by Senator Reid (from 11 citizens)

Parthenon Marbles

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

The Petition of the undersigned shows that the efforts of the Australian Hellenic Communities is urging the British Museum to change its position on the return of the Parthenon Marbles to Greece and to support the efforts of the Hellenic government to unite the Parthenon Marbles in the new Acropolis Museum.

Your petitioners request that the Senate should call on the British government and in turn the British Museum, to reconsider its decision not to return the Parthenon Marbles to Greece, and to enter into negotiations with the Greek government for the return of the Parthenon Marbles to Greece on the completion of the New Acropolis Museum.

by Senator Bolkus (from 1,530 citizens)

Historical and Environmental Assets

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

The petition of the undersigned respectfully showeth: but for a High Court decision narrowly favouring the Federal Government, 20,000 years old archaeological cave sites near the Franklin River, Tasmania, would have been destroyed, like a United Kingdom Government unable to stop a Wiltshire authority from clearing Stonehenge for a freeway. Constitutional protection for historical and environmental assets is needed.

Your petitioners therefore most humbly pray that the Senate in Parliament assembled should request the Government to hold a referendum to amend the Constitution so that:

The Federal Government has the bounden constitutional duty, which any citizen may legally require it to perform and a right superior to state and local governments, to set above the commercial advantage of one generation, protect and restore all we hold in trust for the future

Including relics, sites, features, areas, wildlife, buildings or things of Aboriginal and other historical, cultural, architectural, scientific, aesthetic, ecological or environmental importance; and

To care for the maintenance of the balance of nature, manage land, marine and atmospheric use so as to avoid their degradation and act nationally and internationally in any matter seen as related to these; including

To prevent military and commercial use or uranium and derivatives, beach and related mining; to preserve Heritage areas, The Great Barrier Reef region at least as originally defined in the 1975 Act and extended into Torres Strait and other coral reefs.

Your petitioners, as in duty bound, will ever pray.

by Senator Bourne (from 22 citizens)

Education: Funding

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

The petition of the undersigned shows Australia’s spending on education has fallen from five per cent of GDP in 1994 to just 4.3 per cent now, even though most other OECD countries are increasing spending on education to better prepare for the knowledge based global economy of the future.

Your petitioners ask that the Senate should call on the Government and the Labor Opposition to commit to increasing education spending to five per cent of GDP as a matter of priority to improve school standards and completion rates, end the decline of the higher education sector, increase research and development, promote innovation in industry and prepare Australia’s workforce for the jobs of the future.

by Senator Bourne (from 316 citizens)

Second Sydney Airport: Sydney West

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

(a) a proposal has been made by the Department of Transport to build a major no-curfew international airport in Sydney’s western suburbs;
(b) airports and attendant infrastructure are a major source of air and noise pollution;
(c) Western Sydney already suffers from the worst air pollution in Australia;
(d) an additional airport in the Sydney airshed will only serve to greatly increase such pollution; and
(e) an airport in Sydney’s west will harm the lifestyle and wellbeing of citizens living and working within the Sydney airshed.

Your petitioners therefore request that the Senate not pass any bill which would lead to the construction of any new airport within the Sydney airshed.

by Senator Bourne (from 16 citizens)

Sexuality Discrimination
To the Honourable the President and Members of the Senate in the Parliament assembled.

The Petition of the undersigned shows: That Australian citizens oppose social, legal and economic discrimination against people on the basis of their sexuality or transgender identity and that such discrimination is unacceptable in a democratic society.

Your petitioners request that the Senate should: pass the Australian Democrats Bill to make it unlawful to discriminate or vilify on the basis of sexuality or transgender identity so that such discrimination or vilification be open to redress at a national level.

by Senator Bourne (from 21 citizens)

Food Labelling
To the Honourable President and Members of the Senate in the Parliament assembled.

(1) The Petition of the undersigned calls on the Federal Parliament to ensure that the current regulations relating to food content are retained by the Australian New Zealand Food Authority and that adequate food labelling is introduced which allows the Australian community to make a real choice when it comes to the purchase and consumption of food.

(2) Your Petitioners ask that the Senate support legislation which will ensure that all processed food products sold in Australia be fully labelled. This labelling must include:
   - percentage of ingredients
   - nutritional information
   - country of origin
   - food derived from genetically engineered organisms

by Senator Bourne (from 25 citizens)

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, truly independent from the government of the day;
(iii) an immediate increase in funding to the ABC in order that the ABC can make the transition to digital technology without undermining existing programs and services, and that it will be able to do this 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 178 citizens)

White-Tailed Spider: Funding for Research
To Members of the Senate
We the undersigned wish to bring to the attention of the Government the urgent need for funding, to enable scientists and doctors involved in researching the bite and damage caused by the White Tailed Spider, to find a test and antivenom to be used in treating victims who are suffering unnecessarily because funding was cut. This is very urgently required.

by Senator Lees (from 474 citizens)

Bass Strait: Transport
To the Honourable the President and Members of the Senate in Parliament assembled, the petition of the undersigned respectfully sheweth that:
(1) People with disabilities are disadvantaged in crossing Bass Strait by sea; and that
(2) People with disabilities should not be discriminated against in any means of transport.
Your petitioners request that the Senate, in Parliament assembled, call on the Federal Government to ensure that:
(1) The Bass Strait Passenger Vehicle Equalisation Scheme makes provision for people with disabilities to send their vehicles unaccompanied on a Bass Strait ferry and still receive the appropriate rebate;
(2) Tasmanian Government vessels meet national standards for people with disabilities; and
(3) The Tasmanian and Victorian governments provide port facilities which also meet such standards.
And your petitioners as in duty bound will ever pray.

by Senator Newman (from 72 citizens)

Asylum Seekers
To the Honourable the President and the Members of the Senate in Parliament assembled:
Whereas the 1998 Synod of the Anglican Diocese of Melbourne carried without dissent the following Motion:
That this Synod regrets the Government’s adoption of procedures for certain people seeking political asylum in Australia which exclude them from all public income support while withholding permission to work, thereby creating a group of beggars dependent on the Churches and charities for food and the necessities of life;
and calls upon the Federal government to review such procedures immediately and remove all practices which are manifestly inhuman and in some cases in contravention of our national obligations as a signatory of the UN Covenant on Civil and Political Rights.
We, therefore, the individual, undersigned attendees and the men’s breakfast at St James the Less Anglican Church, Mount Eliza, Victoria 3930, petition the Senate in support of the aforesaid motion.
And we, as in duty bound will ever pray.

by Senator Tchen (from 50 citizens)

NOTICES
Presentation
Senator Jacinta Collins to move, on the next day of sitting:

That the time for the presentation of the report of the Employment, Workplace Relations, Small Business and Education References Committee on higher education be extended to 27 September 2001.

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

That the time for the presentation of the report of the Finance and Public Administration Legislation Committee on the Charter of Political Honesty Bill 2000 and three related bills be extended to 28 February 2002.

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

That the order of the Senate of 9 November 2000, relating to the days of meeting of the Senate in 2001, be modified as follows:
(a) omit “Monday, 15 October to Thursday, 18 October”, and
(b) after “Monday, 22 October to Thursday, 25 October”, insert “Monday, 29 October to Thursday, 1 November”.

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 27 September 2001.

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

(1) That the Senate, having regard to:
(a) the enormous health disaster represented by tobacco;
(b) the rising costs of tobacco diseases, conservatively estimated at $12.7 billion (1992), that are borne by governments, individuals and businesses, including health care costs, lost productivity, absenteeism, and social security payments;
(c) the availability of evidence implicating the tobacco industry in a global conspiracy to engage in misleading and deceptive conduct over the adverse health effects of smoking and the addictiveness of nicotine and misleading, deceptive and unconscionable conduct in relation to the marketing of tobacco products to children, including in Australia; and
(d) the desirability of preventing or reducing loss or damage suffered or likely to be suffered by such conduct, and of compensation being available for any loss and damage suffered or likely to be suffered by that conduct;

resolves that there be laid on the table, no later than 28 February 2002, a report by the Australian Competition and Consumer Commission (ACCC) on the performance of its functions under the Trade Practices Act 1974, with respect to:

(a) the extent to which the ACCC has investigated the conduct of Australian tobacco companies and their overseas parent and affiliate companies in relation to such misleading, deceptive or unconscionable conduct;

(b) the implications for Australia of documents now public from tobacco litigation in the United States of America;

(c) the implications of that litigation for Australia;

(d) the extent of loss or damage caused, or likely to be caused, by that conduct in Australia;

(e) the extent to which the tobacco industry may be made liable to compensate for that loss or damage, or the extent to which that loss or damage may be prevented or reduced; and

(f) the potential for tobacco litigation in Australia, including for compensation and remedial action, in respect of that conduct.

(2) That, in preparing a report under paragraph (1), the ACCC is to consider:

(a) the importance of this issue to Australian public health;

(b) the impact of the costs of treating tobacco-related disease in Australia and the associated productivity losses borne by Australian businesses;

(c) the desirability of ensuring that the tobacco industry is made accountable under the Trade Practices Act in respect of such conduct, that any loss or damage suffered or likely to be suffered by that conduct be prevented or reduced and that any persons harmed or likely to be harmed by that conduct obtain appropriate compensation; and

(d) the potential for overseas parent and affiliate companies being made liable for such loss or damage; and

indicate in its report the action it has taken, and the action it proposes to take, with regard to the matters upon which it is required to report.

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

That the Senate—

(a) notes:

(i) that a National Store Project discussion paper regarding the location for the disposal of radioactive waste was released in July 2001 by the Department of Industry, Science and Resources,

(ii) the discussion paper was advertised nationally, inviting submissions by the closing date of 31 August 2001,

(iii) hundreds of submissions to the discussion paper were ‘returned to sender’ as a result of the wrong address being provided in the national advertising campaign,

(iv) many more submissions may have been lost altogether as a result of this blunder, and

(v) that the Minister provided a two-week extension for submissions to those who contacted the department, but did not notify interested parties or readvertise for submissions; and

(b) calls on the Minister to:

(i) readvertise nationally for public submissions to the National Store Project discussion paper with the correct address,

(ii) extend the deadline for public comment in order to ensure that all interested parties may resubmit their comments, and

(iii) directly contact those organisations and individuals expected to have an interest in the matter of the disposal of radioactive waste, in order to ensure that those organisations and individuals are aware of the new public comment period.

Senator Allison to move, on the next day of sitting:
That the Senate—
(a) notes that the Victorian State Government:
(i) proposes to legislate to exempt the forthcoming Commonwealth Games in Melbourne from planning, environment, heritage, building and coastal management Acts, and residential tenancy and local government controls, and
(ii) does not propose to adopt the ecologically-sustainable development (ESD) guidelines used by the Sydney Olympics so successfully;
(b) notes that the venues and village are likely to all be constructed on parkland;
(c) reminds the Bracks Government that it promised it would be democratic and accountable in government and not bypass the checks and balances as its predecessor had done; and
(d) calls on the Victorian State Government to:
(i) ensure there is no net loss of parkland in the Commonwealth Games preparation, and
(ii) implement the ESD guidelines for the Melbourne Commonwealth Games.

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

That the Senate—
(a) notes with great sadness that an Aboriginal man died in custody on 17 September 2001 in a Queensland gaol, nearly two months to the day since the previous Aboriginal death in custody in Western Australia on 18 June 2001;
(b) acknowledges that:
(i) whereas Indigenous people in New South Wales were eight times more likely than the general population to be imprisoned in 1991, this figure rose to almost ten times more likely in 1998,
(ii) this over-representation of Indigenous Australians in our nation’s gaols stems initially from their higher rate of appearance at court, which is amplified at the point of sentencing, with Indigenous offenders sentenced to prison at almost twice the rate of non-Indigenous offenders, and
(iii) this situation is contrary to the recommendations of the 1991 Royal Commission into Aboriginal Deaths in Custody, which emphasised the need to reduce the disproportionate levels of Aboriginal people in custody, and to use incarceration as a measure of last resort; and
(c) calls on the Government:
(i) to re-affirm its commitment to addressing the unacceptably high levels of social, economic and cultural disadvantage experienced by Aboriginal Peoples and Torres Strait Islanders in recognition that this disadvantage contributes to Indigenous over-representation in our gaols, and
(ii) in consultation with Aboriginal Peoples and Torres Strait Islanders and their representative organisations, as well as state and territory governments, to commit to the development of a national strategy to reduce the rate at which Indigenous persons appear in court and the rate at which they are taken into custody.

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

That the Senate—
(a) notes that:
(i) the Victorian State Government recently rejected the petition of mercy for Heather Osland, who is serving a fourteen and a half year jail term for the murder of her abusive husband despite calls from the Release Heather Osland Group and 30,000 Victorians to do so, and
(ii) 330,000 Australian women reported to the Australian Bureau of Statistics in 1996 that they had experienced physical violence inflicted by their current partners and 1,070,000 by previous partners;
(b) on behalf of women who suffer brutality at the hands of their partners, condemns the Victorian State Government for its lack of compassion in this case;
(c) calls on state and territory governments to reform the law so that:
(i) ongoing and persistent abuse can be recognised as self-defence in the consideration of murder charges, and
(ii) charges may be laid for physical violence with or without the involvement of the victim of abuse; and

d) calls on the Federal Government to increase its efforts to protect women and children from abuse.

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

That the following matter be referred to the Environment, Communications, Information Technology and the Arts References Committee for inquiry and report by 1 April 2002:

All aspects of the provisions of the Regional Forest Agreements Bill 2001, including, but not restricted to:

(a) whether the legislation contravenes Australia’s obligations under international agreements, including the Convention for the Protection of Biodiversity, the Framework Convention on Climate Change, the World Heritage Convention, the Ramsar Convention and agreements for the protection of migratory species;

(b) whether the bill overrides section 42 of the Environment Protection and Biodiversity Conservation Act 1999 and the implications of this for the protection of World Heritage, the protection of Wetlands of International Importance and the environmental impacts of taking actions whose primary purpose does not relate to forestry;

(c) the compensation obligations to which the Commonwealth would be exposed if it took action to prevent forestry or mining operations or other activities in Regional Forest Agreement (RFA) areas;

(d) whether it is fair to provide compensation to an industry whose activities are already heavily subsidised and which has no reverse obligation to compensate the Commonwealth or states for damage to the environment, including water quantity and quality, soils, carbon banks, biodiversity, heritage and landscape;

(e) the need to ensure that workers entitlements are protected; and

(f) the need to ensure full parliamentary scrutiny of all RFAs before initial ratification and before any proposed renewal.

Senator ELLISON (Western Australia—Minister for Justice and Customs) (5.47 p.m.)—I give notice that, on the next day of sitting, I shall move:

That the provisions of paragraphs (5) to (7) of standing order 111 not apply to the Royal Commissions and Other Legislation Amendment Bill 2001, allowing it to be considered during this period of sittings. I also table a statement of reasons justifying the need for this bill to be considered during these sittings and seek leave to have the statement incorporated in Hansard.

Leave granted.

The statement read as follows—

ROYAL COMMISSIONS AND OTHER LEGISLATION AMENDMENT BILL 2001

Purpose of the Bill

The object of the Bill is to ensure that Royal Commissions can provide information regarding possible contraventions of laws that give rise to penalties to the responsible persons or agencies. The Bill is also intended to ensure that Royal Commissions can obtain information from ASIC and AUSTRAC.

Reasons for Urgency

The Royal Commissions into the failure of the HE Insurance Group and the building and construction industry are scheduled to commence their inquiries shortly. The amendments need to be in place before those Commissions commence their inquiries or as soon as possible thereafter, to ensure that they are able to operate smoothly and efficiently.

(Circulated by authority of the Prime Minister)

Senator ELLISON (Western Australia—Minister for Justice and Customs) (5.48 p.m.)—I give notice that, on the next day of sitting, I shall move:

That the provisions of paragraphs (5) to (7) of standing order 111 not apply to the following bills, allowing them to be considered during this period of sittings:


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

The statements read as follows—

INTERACTIVE GAMBLING AMENDMENT BILL 2001

Purpose of the Bill
The Bill will amend the Interactive Gambling Act 2001 by inserting a regulation-making power relating to the prohibition on the advertising of certain interactive gambling services. The proposed regulation-making power would provide that advertisements of a kind prescribed in the regulations are exempt from the definition of “interactive gambling service advertisement” in the Act. This would allow regulations to be made exempting from the advertising ban advertisements for licensed Australian “offline” casinos, preventing any inadvertent breach of the advertising ban by those casinos.

Reasons for Urgency
Early passage is required, to ensure that legally licensed Australian casinos are able to continue advertising their offline gambling services if those casinos also offer interactive gambling services that are not in breach of the Act.

(Partly circulated by authority of the Minister for Communications, Information Technology and the Arts)

PARLIAMENTARY SERVICE AMENDMENT BILL 2001

Purpose of the Bill
The Bill proposes amendments to the Parliamentary Service Act 1999 to clarify the arrangements for mobility of employees between the Parliamentary Service and the Australian Public Service (section 26) and to provide for continuity where the name of a parliamentary department is changed or where a parliamentary department is created to replace an existing department or departments (section 54).

Reasons for Urgency
Legal advice on the current mobility provisions in the Parliamentary Service Act for moves between the Services has produced contradictory opinions. A particular problem for the Parliamentary Service is that Australian Public Service (APS) employees considering moves to the Parliamentary Service are being advised that they must resign from the APS before taking up employment with the Parliamentary Service, jeopardising accrued and continuing entitlements. This is a significant disincentive to APS staff considering a move to the Parliamentary Service and is to the Parliamentary Service’s detriment. The situation is contrary to the intention of the Parliament and the Government, when the separate Parliamentary Service Act was being considered, that movement should be unfettered.

This and other difficulties with application of the current provisions appear to be inhibiting moves between the Services.

It is in the interests of the Parliament and both Services that the amendments proposed in this Bill be put in place without delay.

(Circulated by authority of the President of the Senate)

Senator O’Brien to move, on the next day of sitting:

That there be laid on the table by the Minister representing the Minister for Transport and Regional Services, no later than 5 pm on 20 September 2001, the following documents:

(a) the analysis, and any related reports, prepared by the Department of Transport and Regional Services of the application by Air New Zealand to the Australian Government for approval to take 100 percent ownership of Ansett Airlines;

(b) any reports prepared for the department by consultants relating to the above analysis;

(c) all correspondence and other communications, including e-mails and briefing notes, between Minister Anderson, his office, the Department of Transport and Regional Services and Air New Zealand relating to the conditions placed on that company as part of the approval of its application to take 100 per cent ownership of Ansett Airlines;

(d) all correspondence and other communications, including e-mails and briefing notes, between Minister Anderson, his office, the Department of Transport and Regional Services and Air New Zealand relating to the ownership and operation of that airline and its subsidiaries from 1 January 2000;

(e) all submissions and other communications, including e-mails and briefing notes, from the Department of Transport and Regional Services to Minister Anderson relating to:

(i) the approval of Air New Zealand’s application to take 100 per cent ownership of Ansett Airlines and its compliance with conditions placed on its ownership and operation of Ansett Airlines as part of that approval, and
(ii) the ownership and operation of Air New Zealand and its subsidiaries from 1 January 2000.

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

That the Senate calls on the Government to:

(a) increase Totally and Permanently Incapacitated (TPI) benefits to 75 per cent of average weekly earnings;
(b) provide assistance to the wives of TPI recipients for travel and accommodation when they accompany their partners for treatment relating to their disabilities;
(c) formally recognise the organisation, ‘Partners for Veterans’, established in Dubbo and the benefits this organisation provides, and facilitate the establishment of similar support groups within Australia;
(d) ensure that children of TPI recipients, not resident with them, are able to access medicines and medical facilities, the need for which has arisen as a direct result of their parent’s TPI status;
(e) ensure that, upon the death of TPI recipients, their partners continue to receive the same level of compensation; and
(f) recognising the physical and emotional stress of being on call 24 hours a day for extended periods of hazardous service, and mindful of the high fatality and injury levels associated with this level of preparedness, amend the applicable legislation for that service to be recognised in assessment for TPI status.

Senator O’Brien and Senator Greig to move, on the next day of sitting:

That the following matter be referred to the Rural and Regional Affairs and Transport References Committee for inquiry and report by 28 March 2002:

The role of the Federal Government in the sale of Ansett Australia to Air New Zealand and the events leading up to, and the collapse of, the Ansett group of companies.

LEAVE OF ABSENCE

Motion (by Senator O’Brien)—by leave—agreed to:

That leave of absence be granted to Senator Crowley for the period 17 September 2001 to 13 December 2001 inclusive on account of absence overseas on parliamentary business.

Motion (by Senator Bourne)—by leave—agreed to:

That leave of absence be granted to Senator Greig for the period 18 September to 20 September inclusive on account of illness.

BUSINESS

Days and Hours of Meeting and Routine of Business

Motion (by Senator Ellison)—by leave—agreed to:

That on Tuesday, 18 September 2001:

(a) the hours of meeting shall be 2 p.m. to 6.30 p.m., and 7.30 p.m. to 11.10 p.m.;
(b) the routine of business from 7.30 p.m. to 10.30 p.m. shall be government business order of the day no. 1 – States Grants (Primary and Secondary Education Assistance) Amendment Bill (No. 2) 2001 – second reading speeches only;
(c) if a division is called for after 7.30 p.m., the matter before the Senate shall be adjourned until the next day of sitting at a time fixed by the Senate; and
(d) the question for the adjournment of the Senate shall be proposed at 10.30 p.m..

NOTICES

Postponement

Items of business were postponed as follows:

General business notice of motion no. 969 standing in the name of the Leader of the Australian Democrats (Senator Stott Despoja) for today, relating to the introduction of the Republic (Consultation of the People) Bill 2001, postponed till 24 September 2001.

BUSINESS

Consideration of Legislation

Senator Ellison (Western Australia—Minister for Justice and Customs) (5.53 p.m.)—I ask that government business notice of motion No. 1 relating to the exemption of a bill from the bills cut-off order be taken as formal.

Leave not granted.

Senator Brown—I would like you to read out the name of the legislation involved.

The DEPUTY PRESIDENT—It is not going to be taken as formal.
ANZUS TREATY: 50TH ANNIVERSARY
Motion (by Senator Ellison, at the request of Senator Hill) agreed to:
That the Senate—

(a) notes that this year marks the 50th anniversary of the alliance between Australia and the United States of America under the ANZUS Treaty;
(b) reaffirms the commitment of Australia to that alliance, recognising its fundamental importance to this nation’s ongoing security;
(c) recognises that the alliance has significantly contributed to peace and security in the Asia Pacific and beyond;
(d) expresses its profound gratitude to the men and women of both nations who have served together throughout the world in defence of freedom and in the pursuit of peace and prosperity for all;
(e) acknowledges that this is an alliance between two peoples forever committed to democracy, and its foundation stones of freedom of speech, freedom of the press, and the independence and authority of the rule of law; and
(f) affirms its beliefs that the alliance will continue playing a vital role in a changing world, building a prosperous and secure future for our two nations, the Asia-Pacific region and the global community.

COMMITTEES
Privileges Committee
Report
Motion (by Senator Robert Ray) agreed to:

(1) That the Senate endorse the findings at paragraphs 60(a) to (g) of the 99th report of the Committee of Privileges.
(2) That the Senate impose the penalty recommended at paragraph 61(b) of the 99th report of the Committee of Privileges, and agree in principle to the committee’s recommendation at paragraph 61(a).

MATTERS OF PUBLIC IMPORTANCE
Ansett Australia
The DEPUTY PRESIDENT—Order!
The President has received a letter from Senator O’Brien proposing that a definite matter of public importance be submitted to the Senate for discussion, namely:
The role of the Howard Government in the collapse of the Ansett group of companies, with the consequent loss of competition, thousands of jobs and many aviation services for regional Australia.

I call upon those senators who approve of the proposed discussion to rise in their places.

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

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

Senator O’BRIEN (Tasmania) (5.56 p.m.)—Air travel has a special place in this country, and in regional Australia it has a very special place. In many areas air travel is the only realistic means of getting around to cover the distances involved. In the case of my state, Tasmania, over 80 per cent of interstate travel is conducted by air, obviously the only other method being by sea.

Large Australian airlines are more than just ordinary businesses; they are often the providers of essential services. They do not operate in a free market. To say that the airline business is capital intensive is an understatement. Aircraft are extremely expensive items. The aviation industry is also highly regulated, requiring very high operational and maintenance standards to be met, as is proper. There is no queue of new operators waiting in the wings to take over if an existing operator collapses.

This industry makes a contribution to Australia far beyond the jobs it creates, as important as they are. This industry is far more important than the services it provides, because it plays a key role in binding together both the Australian economy and the Australian community. Given all of this, it is beyond my comprehension how the Deputy Prime Minister of Australia could agree to Ansett’s 100 per cent sale to a foreign company without ensuring that this country’s national interest was properly protected. It is
even more bizarre that the Deputy Prime Minister could then stand by and watch this once great Australian company completely collapse.

On 21 February of this year Air New Zealand announced a fall in profit of 94 per cent, and at the end of May of this year the Sydney Morning Herald reported that analysts were forecasting a further and significant deterioration in Ansett’s financial position. Those analysts were adding another $NZ100 million to the already substantial losses that had been forecast. There was yet another story in the financial pages of the Sydney Morning Herald on 11 June. Let me quote the first paragraph. It said:

The news goes from bad to worse for troubled airline Ansett, which is poised to post a staggering $400 million loss for the year to June 30.

The head of Singapore Airlines, Dr Cheong, was then reported on 22 June as saying that Ansett could not exist within the Air New Zealand group unless there was an equity injection. Some four days before Dr Cheong’s comments, Mr Paul McDonald, a KPMG partner, resigned as Ansett’s auditor. It is not unusual for an auditor to resign but it is unusual for an auditor of a major company to resign just days before the end of a financial year. Even if Mr Anderson was just reading the daily press, by the end of June this year it would have been very clear to him—as it was to everyone else—that this company was in very big financial trouble and required immediate attention.

If Mr Anderson was missing the gloomy message about Ansett and its future through the popular press, he certainly was getting it very loud and clear privately because on 27 June Mr Anderson and his staff were briefed by Air New Zealand on the financial state of its business. Mr Anderson was told at the briefing that Ansett was losing $18 million a week. He was told that that company had debts approaching $2 billion and was existing in an environment losing $18 million a week, and also that revenue was down 27 per cent on the previous year.

Again, Dr Cheong gave Mr Anderson the same message loud and clear on 29 June. On top of that, the New Zealand finance minister, Dr Cullen, gave Mr Anderson the message loud and clear again on 22 July this year. Dr Cullen repeated the message when Mr Anderson went to New Zealand on 31 July. On 14 August, having received all that advice, Mr Anderson was in receipt of a copy of a letter from the Acting Chairman of Air New Zealand, Dr Farmer, which was addressed to the Prime Minister. In that letter, Dr Farmer told Mr Howard—and thereby, of course, Mr Anderson—that Ansett could collapse before it was due to report its results in early September. That is a very stark warning. I repeat that the Prime Minister and Mr Anderson were told that Ansett could collapse before it was due to report its results in early September—that is, in less than a month. That letter informed Mr Howard—and thereby, of course, Mr Anderson—that the company might breach its loan covenants, triggering a right for the company’s lenders to demand immediate repayment of loans. On the same day, 14 August, the Chief Executive of Air New Zealand, Mr Toomey, told a business lunch that the ownership and equity issues had to be resolved because—and these are Mr Toomey’s words—‘We are at the point of no return.’

Again, and within less than a month of those dates, on 4 September the New Zealand finance minister, Dr Cullen, was provided with a confidential report on the financial state of the Air New Zealand group prepared by Wellington investment bank Cameron and Co. That report confirmed the critical state of the Air New Zealand group and showed that the situation had deteriorated further in the previous two months. Dr Cullen immediately called Mr Anderson to brief him on the situation exposed by the Cameron report.

Despite all of this public and private information, including detailed financial information that clearly showed as early as June that this company was in financial freefall, Mr Anderson did nothing. I am sure there are a number of reasons for this gross ministerial failure but I want to touch on three obvious ones. The Deputy Prime Minister and Minister for Transport and Regional Services, despite his grand titles, carries no weight in this government. The political landscape is littered with his cabinet room
failures. At the end of June, Mr Anderson was letting it be known that he was a supporter of the proposal for Singapore Airlines to increase its holding in Air New Zealand and Ansett.

On 29 June, the *Australian Financial Review* reported that Mr Anderson believed an increase in the Singapore Airlines holding in Air New Zealand was the only way forward for the group. There did not appear to be any clarification of Mr Anderson’s position in the *Financial Review* the following day, so we must all assume that the report the day before was an accurate report of Mr Anderson’s view. In fact, there was another story in that paper on 30 June running the same Anderson line. The story referred to the Australian government urging the New Zealand government to allow Singapore to lift its stake in Air New Zealand. But, while Mr Anderson was pushing the Singapore Airlines plan, the Secretary to the Department of the Prime Minister and Cabinet was killing it off. At a breakfast function with senior bureaucrats in Canberra, Mr Moore-Wilton told Mr Gary Toomey that the Howard government would rather see Ansett fail than have Qantas at risk from an Air New Zealand-Singapore Airlines behemoth.

I understand that the Singapore Airlines issue was raised in a subsequent cabinet meeting by the Prime Minister, Mr Howard, who had a win. The Singapore option was dead and Mr Anderson is, apparently, now Qantas’s greatest supporter. Mr Howard all but confirmed that immediately after question time in the other place today.

The Prime Minister and his departmental secretary are not the only ones to undermine Mr Anderson in relation to this matter. On 6 September, Mr Anderson was reported by AAP as saying:

No we’ve not been formally approached for an equity injection. ... But obviously a formal approach from the New Zealand Government, in particular, would be treated with respect and looked at on its merits by the Australian Government.

Yet, within 48 hours, the Treasurer had fixed him up. Mr Costello told a doorstop somewhere in China that Ansett’s problems were ‘a matter for the Air New Zealand board’. He said that it was the duty of the directors to try to secure the commercial future of the organisation.

The last reason for Mr Anderson’s failure to act to protect Ansett from collapse was a lack of understanding of the issues and a lack of political will to deal with a difficult situation. Mr Costello made it clear that the collapse of Ansett was nothing to do with the Australian government—that it was a foreign company. I remind the government that it used to be an Australian company, and Mr Costello approved its sale without first ensuring that our national interest was protected.

In relation to comments emanating from the coalition about this being a foreign company, Ansett, whose shares are owned by Air New Zealand, directly employed approximately 17,000 Australians and provided services right around Australia to thousands of the constituents of this parliament. So to categorise this as ‘a foreign company’ and, by implication, not a matter of concern to the government—because that is the implication of what they are saying—is an outrageous position to take. This is the Dick Smith approach to Australian corporate governance: that we should not support any company that is owned outside of Australia. Is this the government’s policy? Is this what they are saying to companies around Australia?

**Senator Boswell**—Come on, you know that is not right.

**Senator O’BRIEN**—Senator Boswell may well make some interesting contributions to this debate, but I suspect he knows very little about the matter and has been sent in here to try to protect the government’s interests. To return to the matter at hand, on 12 September the *Australian Financial Review* included a comment reported from Mr Anderson’s office. His spokesman was quoted as saying in relation to the lobbying on the future of Ansett and the looming crisis:

The messages we received were what we expected to hear in a lobbying campaign. That is, just more self-interested lobbying from Ansett. Mr Anderson clearly did not appreciate the dimensions of the problem.
being put to him. It is clear from the briefing to the media given by his office that, in his view, this was all about commercial self-interest. The fact that the second largest domestic airline and its 16,000 staff were in trouble had clearly escaped him.

In relation to the problems which are being experienced as a result of this collapse, there is an article in today’s Launceston Examiner commenting about the briefing given by the Ansett problem for part of regional Australia—that is, my state, the state of Tasmania. The article says:

Gateway Tasmania chairman Tony Peck said yesterday that the impact on Tasmania’s $800 million tourism industry, employing 17,000 people, would be far-reaching.

In the long-term the collapse would affect travellers confidence in the Tasmanian market, Mr Peck said.

“People who are thinking of booking holidays at Christmas, for example, will put off that decision,” he said. “The ripple-down effect is going to have a huge impact on the economy.”

That is just one example of the effect of this collapse on regional Australia—in my state, the state of Tasmania for example—that will be severely affected by the tourism consequences of people losing confidence in the system and cancelling tours. This is apart from the fact that some tourist operators are not being paid because of the collapse of Ansett, even though they provided services, and that people who are away on their holidays are finding that money they paid for their accommodation has not been paid to the operator and they are being asked to pay again. So there is tremendous concern and anxiety about this matter.

In relation to Mr Anderson’s role in all this, can I finish by referring to the view of the New Zealand government that Mr Anderson took to his negotiations with that government—negotiations, as I said, about 16,000 jobs and vital regional air services. The Australian Financial Review of 30 June reported the following:

... sources close to the Federal Minister for Transport, Mr John Anderson, said on Friday they had serious concerns that the influential Left faction within New Zealand Prime Minister Helen Clark’s Labour Coalition Government would continue to resist the Singapore Airlines proposal.

“The New Zealand Government resembles something like the ALP’s ... left faction meets One Nation,” said one source.

That is just another example of Mr Anderson’s tactical skills as a negotiator. Going over to New Zealand to represent Australia’s interests with a company that employed 16,000-plus Australians, and that is how he has described the person he was negotiating with. What an abject failure.

**Senator IAN MACDONALD** (Queensland—Minister for Regional Services, Territories and Local Government) (6.14 p.m.)—In the course of the debate, Senator O’Brien invited Senator Boswell to make a contribution. As Senator O’Brien well knows, Senator Boswell was listed to speak in this debate, but because Senator O’Brien has taken 20 minutes instead of the agreed 15 minutes—I will be taking 15 minutes—unfortunately nobody else will be able to participate. It was a fairly tricky arrangement for Senator O’Brien to increase his time from 15 to 20 minutes, without reference to us, so that no-one else could speak in the debate. I apologise to Senator Boswell and to Senator Cherry, both of whom would have liked to make a contribution. I think it would be useful to start by emphasising to the Senate that Ansett Airlines and Air New Zealand are foreign companies. I will table for the Senate’s elucidation a list of the top 20 shareholders in Air New Zealand as at 31 August 2000. I understand that the shareholding is somewhat similar now.

In the very unfortunate collapse of Ansett Airlines, a foreign company but with substantial air routes in Australia, the Howard government, and the Minister for Transport and Regional Services, John Anderson, have been working very hard to lessen the impacts of the collapse on Australians and on the employees of Ansett. I have been saddened, I might say, by the attitude of the unions, which are of course the masters of the ALP—the unions are the political wing of the ALP—and I have been disappointed by the approach that the unions have taken on
this issue. It has all been about petty political
point scoring, criticising with venom, as
much as they could, the Howard government
when they well knew, as everybody well
knew, that this was a foreign company, it was
a private company, and the responsibility
was with Air New Zealand rather than with
the federal government.

I am also disappointed by the tactics of the
Transport Workers Union—tactics that in-
cluded putting a notice on the Ansett web
site telling employees that unless they joined
the union they would be last in getting any
entitlements. That was an absolutely dis-
graceful thing for the unions to put on the
web site. I make it quite clear to Ansett
workers that they will receive the statutory
entitlements whether or not they are in the
union; the Howard government will ensure
that. This petty political point scoring, this
union bullying, will not work any more in
this incident than it will anywhere else. The
whole basis of Labor’s approach to this issue
is one of high farce and high hypocrisy.

Mr Acting Deputy President, as you well
know, Labor were in charge when Compass
Airlines collapsed. In fact, at that stage Mr
Beazley had not long gone as aviation min-
ister. I have to say to you that not once did
the then Labor government have any regard
for workers’ entitlements. They had no inter-
est whatsoever in the workers at the time.
They did not bring in any scheme, such as
the Howard government has done, to guar-
antee the statutory entitlements of the work-
ers. When you hear the Labor Party and the
unions bleating about that at the moment,
you should have a look at their actions back
in the Compass days. You will then see the
Labor Party for the hypocrites they are. As
well as being hypocrites, the Labor Party are
all over the place with their involvement
with Ansett. Labor’s shadow spokesman said
on 7 September on the ABC’s The World
Today program:

It’s not the responsibility of the Government to
always clean up after mistakes in the private sec-
tor.

That was the Labor comment on 7 Septem-
ber. But a week later, in a press release, the
same person had changed his mind. He then
said:

John Anderson is displaying rank hypocrisy and
callousness by abandoning Ansett workers and
denying all responsibility for the demise of An-
sett.

So you have two completely different views
from the same Labor spokesman. That is
fairly typical of the way the Labor Party has
approached this matter.

I heard Senator O’Brien talking about
competition and deregulation. Of course, he
would know that the airline industry was
deregulated in the days of the Labor gov-
ernment. I heard someone say earlier on in a
debate today that Malcolm Fraser, I think,
had brought in the troops to break a strike.
There are only two prime ministers in Aus-
tralia who have brought in the troops to
overcome a strike of workers and they were
both Labor prime ministers. One was Mr
Curtin, in the immediate postwar period, and
the other was Mr Bob Hawke, the former
ACTU president, who brought in the military
at the time of the pilots strike. So do not let
the Labor Party rewrite history on these is-
sues. Mr Beazley, back in 1990 when he was
involved in some policy matters, had this to
say on the aviation market:

That is the point of domestic deregulation: The
Government no longer directs who is to be in the
market.

In November 1999 the question was put to
him about the entry of Virgin and what this
said to Ansett and Qantas if Virgin could
come in and undercut the market by so
much. In answer to that question, Mr
Beazley said:

It says welcome to the world of private enterprise.
That is the approach of the Labor Party to
these issues. I remind the Senate that last
year an amendment to the Air Navigation
Act was needed to permit the sale of the re-
main ing 50 per cent of Ansett to Air New
Zealand and that was supported by the oppo-
sition. At the time, the shadow spokesman
said in a press release:

Labor joins the Government in supporting the Bill...
because we believe it will encourage competi-
tion, assist airlines to create alliances, and ensure
Australia retains a healthy presence in the inter-
national aviation market.

Now he says that competition was unsustain-
able and has destroyed Ansett. Mr Acting
Deputy President, you see the rank hypocrisy and policy cowardice of the opposition. Since the collapse of Ansett, this government has worked around the clock, in cooperation with Qantas, Virgin Blue and any number of smaller regional carriers, to ensure that, as quickly as possible, services can be resumed to all ports within Australia, particularly rural and regional ports. There are well over 100 regional ports, and I am very pleased to say that, as a result of the work by Mr Anderson and his department, in conjunction with Qantas and other carriers, nearly every one of those ports—bar five, six or seven—is now back in service. It is not the best service; we want to get a better service. We understand that there will be inconvenience. But we have worked to ensure that there is a service. As the hours and days roll on, that service will get better.

I hasten to say that one would wonder where the Labor Party would be—were they in government—in trying to get these services back into the air. They would have had no interest, because they have no interest in country Australia and in any case they have very few members in rural and regional Australia. We have got people back into the air. As I say, it is not the best service, not the service we want, but at least it is a service, and that is something that we have been very keen to ensure. As I say, we have done that in conjunction with Qantas, Virgin and other smaller airlines. On behalf of the government, I thank those airlines for assisting us at this time, for the cooperation they have shown. Regrettably, we have not had that same cooperation, that bipartisan support, from the Labor Party in this time of difficulty.

One would have hoped that, if Mr Beazley had any ticker, he would have got his people to support the government in getting those services back and tried to work with us to ensure that entitlements were guaranteed. The unions see a federal election coming up and they will take any opportunity at all to attack the Howard government, whether it is justified or not. That is all we have had from the unions. At this time, when a lot of workers—16,000 Ansett workers—are very worried about their position, the union has gone out and told lies, made inflammatory statements and done all in its power to make the situation worse rather than attempting to make it better.

If you were an international investor or even an Australian investor looking at picking up some of the routes that Ansett had, or some of the assets, the last thing you would need in considering your investment decision would be to see unions running rampant, running wild, and doing all in their power to create turmoil. They are doing it not in the interests of their workers but in the interests of their political masters in the Labor Party, in the hope that they may be able to get some political advantage out of this in the run-up to the federal election. (Quorum formed) For those listening who do not quite understand, that was the Democrats calling a quorum to take three or four minutes off my time in a show of petulance because Senator O’Brien took more than his allotted time for the debate. That curtails very severely some of the good news that I was relating about the entitlements of Ansett workers.

I just make this point very quickly, since time is now escaping me. What the Howard government have done, what John Anderson has done, in a very significant assistance program is vow to pursue Air New Zealand to pay those entitlements. The Australian government will not rest until we get Air New Zealand to discharge their moral and legal obligation to the Ansett workers. Where that does not result in payment to the Ansett workers, the Australian government will guarantee statutory workers entitlements and redundancy to the community standard, which we determine is up to eight weeks redundancy pay. The Australian government have done that. Ansett workers will get all of their statutory entitlements, hopefully from Air New Zealand, but, if not, from the Australian government. I think that is significant. We will continue to work with relevant parties to try to get some resolution out of this.

The ACTING DEPUTY PRESIDENT (Senator Ferguson)—Order! It being 6.30, the discussion is concluded.

Sitting suspended from 6.30 p.m. to 7.30 p.m.
TELSTRA: DOCUMENTS
Return to Order
Senator TROETH (Victoria—Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry) (7.30 p.m.)—I seek leave to table a document relating to Telstra’s E71 database and ask that this document be incorporated.

Leave granted.
The document read as follows:
The Government today tables Telstra’s E71 Quality Control Database. The database has been edited to remove any commercially sensitive material or material which might identify individuals.
The database is not, as Senator Mackay has incorrectly stated in the past, a faults database.
Telstra manages and reports faults under the Customer Service Guarantee standard, an initiative of this Government, which requires that carriers repair faults to customer’s services within legislated timeframes or pay compensation. Telstra records customer faults in a separate database to the E71 database. Customer faults are reported quarterly to the Australian Communications Authority, and since the introduction of the CSG Telstra’s performance in this has been trending upwards.
The E71 database is a maintenance database, a list of ‘to do’ jobs. The tasks reflect the need for ongoing maintenance to address wear and tear in the network. Tasks listed in the database do not interfere with a customer’s services. Tasks are completed the next time staff and resources are available at the location.
Examples of E71s are chipped pit lids, use of short term materials eg use of plastic sealant tape vs plastic ducting tape, or temporary fixes that will eventually require a permanent solution.
Telstra operates one of the largest geographic telecommunications networks in the world. It is responsible for 11 million lines, involving 55 million joins and millions of manholes and pits, all with lids. This network operates in extremes of weather conditions from snow to drought to monsoons while also facing rodent and other damage.
Over time these factors do impact on the network and some remedial work is required. The first stage in identifying these situations is the E71 database.
Databases similar to the E71 database exist in every industry. Every large organisation providing infrastructure services keeps a list of maintenance tasks outstanding and ensures that work is undertaken according to needs and resources.

So, Senator Mackay, having obtained this material, do not run around Australia claiming that you now have a list of faults in the Telstra network and that services and safety are under threat.
You have a list of maintenance tasks. Nothing more—nothing less. Any attempt to use the maintenance database to claim that people’s phone services are at risk would be dishonest, misleading and yet another example of needlessly and callously scaring people for Labor’s purely political ends.
It is reasonable to assume, based on experience that Senator Mackay will use the database to attempt to run another scare campaigns about Telstra in regional and rural Australia.
In all likelihood Senator Mackay will be as sloppy with the facts about the database as she was in preparing the motion requesting that this material be tabed.
Senator Mackay’s motion asked that the E71 database be tabled consistent with an undertaking given by Telstra to the Estimates hearings of the Rural and Regional Affairs and Transport Legislation Committee on 7 June 2001.
Advisers combed the Hansard of the estimates hearings of the Rural and Regional Affairs and Transport Committee but were unable to find any such undertaking.
However, we are a helpful Government, and realising the Telstra spend a lot of time answering aimless questions from the Opposition in the Environment, Communications, Information Technology and Arts Committee we searched Hansard for those hearings and found the undertaking there.
For someone who aspires to Ministerial Office, Senator Mackay needs to pay more attention to detail and make sure she gets her facts right. Just as Senator Mackay should ensure that she gets her facts right when it comes to representing the contents of the E71 database.
No doubt Senator Mackay will take this material to her union masters in the CEPU with a view to trying to understand what is in the database before embarking on her scare campaign.
She may make comments about tasks with a ‘safety’ and ‘urgent service affecting’ priority code.
Let me get the facts on the table before Senator Mackay starts her scare campaign.
Tasks with a ‘safety’ priority code refer to work that has already been made safe through a temporary fix, but awaits a permanent solution.
Tasks identified as ‘urgent service affecting’ refer to a potential Customer Service Guarantee risk ie
the task does not impact on customer service but it could potentially impact on service at a later date.

Telstra is aware that the Government expects it to continue to improve the levels of service it provides customers. Keeping a maintenance database is just one tool used by Telstra as it works to meet the expectations of its customers and the Government.

Ill-informed scare campaigns of the sort we can expect shortly from Senator Mackay do not contribute positively to improved standards of service. If she wants to focus on service levels she should look at the ongoing improvements in Telstra’s quality of service under the Government’s Customer Service Guarantee, and she should ask herself why Labor never thought of introducing such an initiative.

She should also look at the improvements in telecommunications services being achieved by initiatives such as Networking the Nation, the Telstra Social Bonus and the response to the Telecommunications Service Inquiry. Further, she should ask Mr Crean, Mr Tanner and Mr Smith why Labor has not signed onto these programs and why there is a real threat that funds will be withdrawn from vital telecommunications projects in rural and regional Australia if Labor were to get into office.

Scare campaigns are no substitute for policy.

STATES GRANTS (PRIMARY AND SECONDARY EDUCATION ASSISTANCE) AMENDMENT BILL (No. 2) 2001
Second Reading
Debate resumed from 30 August, on motion by Senator Alston:

That this bill be now read a second time.

Senator CARR (Victoria) (7.31 p.m.)—I am speaking to the second reading of the States Grants (Primary and Secondary Education Assistance) Amendment Bill (No. 2) 2001. I am sure you would be only too well aware that the government’s education policy is in a mess. We have seen an incompetent minister who has administered a crisis in the tertiary education system, a policy of positive discrimination against government schools, a dishonest strategy of directing money away from areas of greatest educational need, under a series of false pretexts. The bill we are now considering first appeared as part of the Innovation and Education Legislation Amendment Bill 2001, which was debated in the Senate in June.

The Senate will remember that the provisions of the bill were originally hidden away as part of that omnibus bill. These provisions related to increases in the appropriation for Dr Kemp’s new program of establishment grants for new non-government schools, and legislated in the package of funding for schools in the State Grants Act 2000. In brief, this bill seeks to increase the funding under schedule 7 of the State Grants (Primary and Secondary Education Assistance) Act 2000 for the years 2001 through to 2004 by annual amounts of up to 330 per cent.

Labor would not have handled this legislation in the manner in which the government has done. For a start, Labor would have ensured that the bill was even-handed; it would have ensured, in regard to its provisions, that across all sectors, both government and non-government, there would have been a fair and reasonable approach to the funding of school education. We intend to move a motion providing pro rata funding for government schools by means of an amendment to the State Grants (Primary and Secondary Education Assistance) Act 2000, adding an additional $30 million to the capital grants for government schools.

I emphasise that this is a bill that would not have been brought forward by the Labor Party in its current form. It contains far too much bad policy. There is too much in the way of questionable assumptions. Unless amended, there are problems with this bill being carried by this chamber. We need an amendment carried to try to improve what is a very difficult situation, brought about by a misguided minister who seems to be quite cavalier in the way in which he treats the government school system and in the discrimination he is showing against that system.

Labor cannot be accused of deliberately delaying or defeating the Innovation and Education Legislation Amendment Bill 2001 in June. The Labor Party proposed that that bill be split and that it be considered in its component parts rather than attempt to slide through, to slither through, this chamber with propositions which were at fault, which were
clearly stopgap measures and which were aimed at trying to cover up the mistakes that had been made in the original legislation that was considered by this chamber last December. If the government had not wasted time and if we had not seen—although, in fact we were not able to see—the way in which this government actually operates, we might not have been able to expose the masquerade that this minister was seeking to perpetrate upon this parliament.

We are now being asked to consider this legislation, which delivers a further $10 million to newly established private schools, in addition to the $4.7 million originally committed last year. It seems to me that there are some questions that need to be pursued in this regard. Schools are entitled to ask why they are being held hostage by this minister’s ambitions and why they are being held in such contempt by him in the way in which he has presented legislation to this parliament—which he must have understood was going to come into such difficulty.

We find that we have a new grants program, which has very liberal guidelines. New schools, under these proposals, do not even have to apply for a grant. The onus rests entirely with the minister and his department to ensure that it is only schools meeting Commonwealth guidelines that receive a grant. Secondly, we were advised that the minister and the department knew in October last year that there were insufficient amounts of money being appropriated to meet the grants targets in regard to the applications that were likely to come forward. We had a situation where, in my judgment, the minister misled the parliament as to the quantum of funds necessary for this particular program. Thirdly, we saw a department which has acted in a lax and sloppy way with regard to the administration of the guidelines, with the result that the funding was provided to schools that do not meet the guidelines—which, naturally enough, were very pleased to receive the money. Fourthly, we saw a series of errors, where the minister tacked additional money for school establishment grants onto the innovation funding for universities and declared that this was a matter of urgency. Having passed up the opportu-

nity last November to deal with this issue, he waited some eight months before he introduced the Innovation and Education Legislation Amendment Bill 2001. Quite clearly, the question of urgency in the minister’s statement regarding urgency might be seen as being spurious.

Finally, the truth is now emerging that the minister seeks to blame others for what, in my judgment, can only be described as a stuff-up. The incompetence of this administration has left schools unsure of their status under the grants program and afraid of the possibility of having to repay money that they have already spent. For instance, Ms Maureen Hartung from Canberra’s Blue Gum school, in an article in the Australian on 28 August, said that there was increasing anger at the inequities enshrined in the government’s education policy, and that she was dismayed that there was not greater accountability required for the establishment grants. She also said she did not understand why they were not based on need and that:

We just have this money thrown at us, it is mixed into the budget of the school.

At this point we are entitled to ask the minister why it is that the guidelines that have been laid down for these grants not been observed. What is the level of accountability for the administration of this department in terms of this legislation? It seems to me that these conditions could hardly be described as onerous—quite the contrary. The government’s guidelines provide that the grants are available to all new non-government schools approved for Commonwealth general recurrent funding, except those formed as a result of an amalgamation, separation or rebadging of existing funded schools. Nowhere is the confusion of these guidelines more evident than in the spirited defence mounted by the Association of Independent Schools of Western Australia and its constituent members who said in a damning critique of the current federal policy:

If there is a fault, it lies in the regulations developed to implement the provisions of the State Grants Assistance (Primary and Secondary Schools) 2000 Act. DETYA and state registration authorities need to be clear that the establishment grants should apply to new pupil places and prop-
DYTA has breached its own guidelines on many occasions. Funding has been provided to schools that do not qualify for it and, despite the various warning signals, such errors have not been addressed. The government ‘tucked away’ the increases in the establishment grant appropriations when they wanted the establishment grants to be part of that omnibus bill back in June—and well may they do that. Dr Kemp might feel ashamed and embarrassed if the full truth were understood about the laxity of his administration of this department. This program is fast running out of funds. Further, the minister knew about this 10 months ago and has done very little about it.

Why has this program been so extravagantly overspent? According to the government—Dr Kemp is sticking to this version through thick and thin—we have an unexpected and inexplicable rise in the average enrolment size of new private schools. The increase in enrolments has almost doubled from 42 students per school in previous years to 92 students per school in the year 2000. I do not dispute that raw statistic. What the opposition has trouble appreciating is the level of neglect that this government has been party to in not looking behind those statistics. We have found that three unusually large schools had increased the average size of the new private schools in general. These schools had remarkable enrolment figures for new non-government schools. One school had 847 students who apparently appeared from nowhere. Suddenly, a new school emerges with 840 students in it. Another school had well over 300 students. It seems to me that, from a few phone calls, a perusal of the Internet sites and an examination of the basic material that is available throughout the public arena, these were not new schools at all. Two of them are simply new campuses of existing schools. New campuses, as opposed to new schools, are—if you read the government’s guidelines—ineligible for the establishment grants.

The minister’s incapacity to adhere to his own simple guidelines and the rank inadequacy of the guidelines themselves have led to significant distortions in the fundamentals of the establishment grants program. By funding large schools that do not meet the guidelines for eligibility for these grants, the initial allocation of revenue has proven insufficient, and the minister cannot now pay the Commonwealth’s bills. Dr Kemp is running out of money because, in his zeal to create more and more non-government schools, he has recklessly thrown money at large schools that, according to his own guidelines, are not really new schools. He has squandered public money. Genuine new schools are in danger of missing out on their establishment grants because now the cupboard is bare.

Let us look at a few examples. The Christian College Institute of Senior Education Highton, Geelong, was fortunate enough to benefit from a one-off transfer of students from its brother school, the Christian College Highton, in the year of establishment—that is, 2000. The Christian College Highton lost 295 students while the Christian College Institute of Senior Education Highton gained approximately 330 students. To me that is a prima facie case of transfer. The Institute of Senior Education is a registered RTO for vocational education; it is a registered training organisation. Its address is given as: c/-Christian College, Highton. The principal place of business for both schools is listed as 18 Burdekin Road, Highton. Of the 13 directors of the Christian College Institute of Senior Education, 12 are also current directors of the Christian College Highton. They share the same company secretary. It is evident that the institute is effectively a controlled entity of the Christian College Highton. The mass transfer of students renders the institute a collateral campus of the Christian College Highton rather than a new school in the true meaning of the term. It would not be eligible for an establishment grant if the guidelines had been followed.

What has the minister done about this obviously inappropriate allocation of Commonwealth money? Clearly, not much at all. The minister says he assumes that the registration of a new private school is a state responsibility and it is tantamount to the qualification of the establishment grant—which,
of course, is a Commonwealth program. It is here we have a serious gap in the administration of this program. We can see that there is a difference between the registration process of the state and the automatic assumption that, as a result of state registration, there is access to the Commonwealth moneys, despite the fact that the guidelines for the Commonwealth moneys would appear to be in conflict with the circumstances which have led to the registration in the first place.

It seems to me that, if this is not disingenuousness, it is downright dishonesty. The minister has encouraged a fabrication of statistics, one might say. He has sought to artificially create proof of new enrolments to justify his delivery of further funding to non-government schools. It seems to me that the minister may well be guilty of misleading this parliament as a consequence. He accuses the Labor Party of preventing the new establishment grants being distributed when in fact not only did the drafting of the original legislation lead to a situation where there were not sufficient moneys available but also it now appears we are seeing, as a consequence of the dishonest and profligate payments to genuinely eligible schools, the program being placed in jeopardy. Who do we look to in terms of accountability and responsibility for this? We look not to the Labor Party but to the minister who is responsible for the department and for the administration of these guidelines.

The second distortion that flows from what strikes me as deceptiveness is the failure to calculate the apparent growth in the number of student enrolments through these new schools. The sudden growth in the average size of new schools was due to a few schools that were not actually new schools at all. As I have said, a couple of phone calls would have established that. I cannot understand why the Commonwealth department officials were not able to establish those facts.

We are seeing students being churned from one campus to another and the minister sanctioning this potentially quite serious abuse of public moneys. Research available to me indicates that up to 60 per cent of the funds already allocated by this government in establishment grants may well have been allocated in error. It is possible that there are in fact appropriations for the allocation of up to 17 so-called new schools of the 54 that the government says are eligible so far. These are obviously issues that I will need to explore in some detail in the committee stage of this bill. We need to establish just how the government was able to fund possibly as many as 17 of 54 schools in circumstances that appear to be outside the guidelines. We seem to be stuck here with a flawed program that is administratively a shemozzle. We need to ask whether or not the consequences of the government’s mistakes and errors have so far led to a situation where the schools are being held to ransom by this government.

The Labor Party do not suggest that there should not be moneys paid to the schools. On the contrary, we are saying that we ought to make sure that programs are based on careful and considered administrative practices. We are saying that in this bill there needs to be balanced arrangements, and that is why we are moving the additional $30 million as a means of providing that balance. We are saying that this government has had a biased attitude and that needs to be corrected. We are suggesting that there be an examination of the way in which this program has been administered. We as a parliament are entitled to get to the bottom of these matters. It may well be that the government has a reasonable explanation for the way in which these payments have been made. I have yet to hear it.

I ask this chamber to consider and agree with the proposition that there be more balance in the way in which the program is advanced. That is why it is necessary to ensure that there are additional moneys appropriated—some $30 million—for spending on government schools education. The bill as it stands does not provide that balance. It needs to be re-examined in light of what appear to be quite serious deficiencies in the administrative practices that have been followed by the department that indicate a direction from the minister that this sort of policy should be pursued, which is quite clearly to the detriment of the schools and to the general education of students in this country.
Senator O'BRIEN (Tasmania) (7.50 p.m.)—I seek the leave of the Senate to incorporate, on behalf of Senators Hutchins, McLucas and Denman, contributions to the second reading debate.

Leave granted.

Senator Hutchins's speech read as follows—

The States Grants (Primary and Secondary Education Assistance) Amendment Bill (No. 2) 2001 Bill will amend the States Grants (Primary and Secondary Education Assistance) Act 2000 to increase the total funding available for establishment assistance for new non-government schools for the program years 2001 to 2004.

The Bill arises out of the Innovation and Education Legislation Amendment Bill 2001 that was split into three separate bills by the Senate on a motion of the Australian Labor Party and supported by the Democrats.

This Bill provided an opportunity for the Government to redress some of the damage that it has inflicted on the public education system since it came to office 6 years ago. Regrettably, the Government has failed to seize this opportunity.

Instead, the Howard Government has chosen to continue to barrel millions into independent schools at the expense of public schools.

Public schools that are in desperate need of capital works, of additional teaching resources and of extra teacher development will not benefit one bit from the Government's intentions for this Bill.

They again will be ignored unless the Government and the Democrats choose to support Labor's amendment and give some parity back into Commonwealth funding of schools across Australia.

Last week I met with teachers, parents, students and supporters of public schools in the Port Macquarie and Hastings area of New South Wales.

Amongst other concerns, they were incensed at the amount of money that this government has been pumping into non-public schools at the expense of public schools.

Their concerns primarily concerned equity. They are fearful that as a result of this government's preference for private and independent education over public schools, their children will be disadvantaged for life.

There is a genuine concern that graduates of public schools will not be able to compete for places at university, for vocational education and training, and for the jobs of the future.

Unable to keep pace with the privileged products of non-public schools who never had to scrape for books, for resources or for facilities they will be relegated to second-class citizens of the twenty-first century.

Labor believes that this situation is intolerable.

We believe that it is a fundamental right for all children to have access to a quality education. Nobody should be forced to think of themselves as a second rate citizen when it comes to education.

Labor will be moving an amendment to this Bill that will ensure public schools receive their fair share of funding from this Bill.

Labor will move an amendment that will provide $30 million to be given to public schools for urgent capital works.

Whilst it is only a small step, it is a move in the right direction that will rectify some of the damage that this Government has inflicted on the public school system.

It will be an initial step of Labor's program of improvement for public schools that will be delivered in full if Kim Beazley and the Labor party are elected to office later in the year.

It will build on Labor's plan to reallocate $105 million that this government intends to give to the 58 wealthy category 1 schools.

We will give that $105 million over to urgent capital works in public schools and to funding 1000 new teacher scholarships that will encourage the best year 12 students to undertake vocational education in the field of teaching.

This money will also be invested into providing teacher development programs that will allow for extra professional improvement by teachers and in turn, provide a better education for our children.

Labor will also give a $2000 completion bonus to teachers who undertake professional development in their own time.

These proposals will be in addition to the extra funding that Labor in Government will provide to public schools and reverse this Government's trend of reducing Commonwealth funding for public education.

The Government wants an extra $10 million in establishment grants for non-government schools. We will support the Government's bill as soon as it commits an extra $30 million for capital works in public schools.

70% of Australian students attend public schools. It is only reasonable that funding be provided at a balanced rate that ensures all students, and in
particular those who attend public schools, are guaranteed a quality education.

Senator McLucas’s speech read as follows—

Having been a teacher in North Queensland I welcome the opportunity to have input into this legislation. I will take this opportunity to speak more broadly about how education has fared over the past five and a half years and about how a Beazley Labor government would treat education and its funding.

The Labor Party is committed to rebuilding the education system if we were to be elected later this year.

Kim Beazley’s Plan for our country sets out four key strategies:

- Labor’s New Medicare—rebuilding Medicare and our public hospitals
- Quality education for all Australians, not just the rich
- Better living standards for everyone, whether you live in the country or the city
- Building a Knowledge Nation, investing in the skills and knowledge of all our people

A quality education system is explicit in two of these priorities but it underpins all four and that is why education is such a priority for Kim Beazley and Labor.

This is especially so for those of us who live in non-metropolitan Australia. The regions, more than the cities have borne the brunt of this Government’s economic rationalist policies. We all know that the gap between city and country is growing and part of the reason is the gap in educational opportunities.

We all know that we need more doctors in rural and regional Australia.

Doctors and other professionals who come from regional areas are more likely to return to live in the regions than their city cousins.

We have to provide children in the regions with the same opportunities children in the capital cities have. This will be a part of reversing the trend of difference in opportunity for our children in the country.

John Howard’s approach to education funding has done little to improve education for people living in rural and regional Australia including North Queensland.

The Howard Government’s policy has been to shift funding from the public school system where more than 70% of children are educated to a small number of exclusive private schools located principally in Sydney and Melbourne.

The Howard Government’s Enrolment Benchmark Adjustment policy has removed over $60M from government schools across Australia in the past 3 years, while at the same time those schools have enrolled more than 26,000 extra students.

In Queensland, implementation of the Enrolment Benchmark Adjustment scheme has cut $11.5M from projected funding levels from government schools despite an increase of more than 14,000 students in public schools.

While the Howard Government has been cutting back funding to public schools it has been increasing funding to a small number of Category 1 schools particularly in Sydney and Melbourne.

Only one Category 1 school exists in Queensland, located in Warwick.

Under the Howard Government the richest 61 schools in Australia will get $57 million a year extra in funding.

Labor is not opposed to extra funding for needy non-government schools.

Quite the reverse. We support the provision of funds on the basis of need.

But all available data shows that only very rich schools, all but one outside of Queensland, are the winners.

Under the Howard Government’s school funding formula, The Kings School in Sydney, with its 15 cricket fields, 50 metre swimming pool and indoor rifle range, would receive an extra $4 million by 2004.

Geelong Grammar would receive an extra $4.3M; Trinity Grammar an extra $7.8M; Caufield Grammar an extra $9.2M and Wesley College an extra $10.4M.

Labor does not believe these schools are the most needy in the community.

Labor will abolish the Enrolment Benchmark Adjustment formula and fund these Category 1 schools at their 2000 funding level in 2002, 2003 and 2004.

The legislation before us today is another example of this government’s support for the private education system at the expense of the public system where over 70% of students are educated.

As it presently stands this legislation will provide an extra $14 million in establishment grants for new non-government schools and not one extra cent for public schools. Not one extra cent for public schools.
Labor will be moving amendments to this legislation to provide an extra $30M for capital works in public schools.

As I have said previously, Labor supports extra funding for needy non-government schools so it will not be opposing the $14 million for these schools.

Labor however believes in equity and fairness in the education system. We believe that you cannot increase funding for non-government schools without also providing funding to needy public schools.

Particularly when this government has already done so much to undermine funding of the public education system.

On top of this $30 million for public works funding in our amendments, Labor in government would provide $50 million over three years in capital funding for public schools.

We are committing an extra $80M in capital works funding for public schools.

There are clear differences between the anti-Queensland, anti-regions approach to education the Howard government is delivering compared with a Beazley Labor government’s approach to education.

I am amazed that Senator Ian McDonald the Minister for Regional Services, Territories and Local Government and Senator Boswell the Leader of the National Party in the Senate could support the Howard Government’s approach to Education.

How do these Senators who are supposed to represent Queenslanders explain that under a funding formula they support there is only one category 1 school in Queensland.

They are saying that the needs of Greater Public Schools in Sydney and Melbourne are greater than the needs of government and non-government schools in places like Townsville and Cairns.

They are saying that the needs are greater in GPS schools in Sydney and Melbourne than in schools in Cape York Peninsula, the Burdekin or Charters Towers.

I find this astounding!

Like their colleagues in the house Warren Entsch and Peter Lindsay they are supporting a Government whose education policy discriminates against 70% of children and families in Australia.

So what could have been achieved with the funding for Category 1 schools if it had been spent in areas like North Queensland which Senators McDonald and Boswell claim to represent.

I recognise that not all of this money could be spent in North Queensland. This would be unfair and Labor stands for fairness.

But let’s say though that North Queensland had access to the $4.3M in extra operational funding that Geelong Grammar will receive under the Howard Government.

Let’s say that we could allocate that money to North Queensland. We could achieve the following capital works outcomes.

- Coen State School Port Stewart campus—$800,000
- Bentley Park College SEU—$400,000
- Hambledon State School preschool second unit—$300,000
- Mossman State High School Science Room upgrade—$650,000
- Yarrabah State School senior primary upgrade—$800,000
- Annandale State School Music Block—$120,000
- Cranbrook State School Special Education Unit—$400,000
- Thuringowa State High School SEU—$350,000
- Vincent State School SEDU—$300,000
- William Ross State High School teaching spaces—$245,000

Total—$4,365,000

With extra funding from just one of John Howard’s category 1 schools Labor could fund 10 important capital works projects in public schools in North Queensland.

These works will proceed in due course as funds become available but these works could be expedited with a fairer funding regime.

From the extra funding of just one of the Greater Public Schools, 10 public schools in North Queensland could benefit.

It astounds me that Warren Entsch and Peter Lindsay, the so-called Federal government representatives for these communities consider the Howard Government’s education system to be fair.

In direct contrast to the Howard Government’s policy of supporting the wealthiest school in Australia, Labor’s policy is to identify those schools in most need. Schools in places like Cape York and Cairns and Townsville and Thuringowa.

Labor has committed to the establishment of Education Priority Zones.
We will establish a national network of Education Priority Zones to improve education results in disadvantaged areas. Education Priority Zones represent a major shift in the Commonwealth’s role in education.

No longer will the Commonwealth Government simply be a remote funder of education.

Through Education Priority Zones the Commonwealth will become an active partner with schools and local communities in dealing with local problems, which are holding back young Australians.

We will also work in partnership with State and Territory governments who will be an essential part of the delivery of Education Priority Zones.

Education Priority Zones will combine the resources of the Commonwealth Government with the wisdom, talent and enthusiasm of local communities to solve their own problems, and will help share examples of best practice in education throughout Australia.

In each zone the Commonwealth will work with the community to develop a local plan, which must include a commitment to focus on core educational outcomes.

Specific initiatives will be funded to address local needs identified by the community and agreed with the Commonwealth.

These initiatives could include:
- employing specialist remedial literacy and numeracy teachers;
- extra professional development for teachers;
- introducing a community mentoring program for students;
- encouraging local businesses and local government to work with schools to motivate students, give them a better understanding of the importance of education to the world of work and offer appropriate workplace learning opportunities; and
- strengthening the links between local schools, TAFEs and universities.

Education Priority Zones will also address issues beyond the school gate, in particular, parents’ involvement in schools and their expectations for their children.

These zones will be identified through a set of criteria based on education outcomes including student retention and participation rates as well as relevant socioeconomic indicators.

While the Howard Government attacks public education and provides extra funding for some of Australia’s wealthiest schools, Labor’s plan is to target the students, the schools and the communities who need extra help.

Labor recognises the value of teachers to the community.

Teachers have always been a group held in high esteem within the community. We all know our child’s teachers and know their personal commitment to our children’s achievement.

Labor wants to attract the best and the brightest students to the teaching profession.

We will do this by offering scholarships to new teachers and supporting ongoing training of existing teachers.

And we will invest $4.5 million in the first three years of government in Teacher Excellence Scholarships.

A Beazley Labor Government will offer 1,000 Teacher Excellence Scholarships each year to attract high achieving school leavers into teaching.

We know that the quality of teaching is a most important factor in students’ achievement.

That is why Labor will place a higher priority on recruiting and retaining the best teachers. We also know that there are several subject areas where there are serious shortages of qualified teachers - particularly in maths, science and Information Technology.

Students will win Teacher Excellence Scholarships on the basis of their tertiary entrance scores and the scholarships will be targeted to subjects where there are already shortages.

Currently, teaching graduates face a HECS debt of around $15,000 when they begin work and could expect to pay this off in 7-10 years - depending on their salary.

Scholarship holders will have their annual HECS payments forgiven each year they work as a teacher.

In this way Labor’s Teacher Excellence Scholarships will act as an incentive not only to attract the brightest but also to encourage them to remain in teaching.

Labor though not only recognises the need to attract the brightest and the best to the teaching professions.

We also recognise the need for existing teachers to continue to develop and improve their knowledge and skills.

A Beazley Labor Government will offer Teacher Development Partnerships to 10,000 teachers over three years to upgrade their skills and knowledge.
Labor will invest $50 million in its first three years in Government in developing teachers’ knowledge and skills.

Under the partnerships, teachers who undertake a semester of part-time training in their own time will have their course costs paid and will receive a $2,000 completion payment.

The partnerships will be offered to teachers to further improve their knowledge and skills, particularly teachers who are forced to teach outside their area of specialty, and to stay up-to-date with the latest knowledge and the best teaching methods.

This policy will also inject substantial additional resources into university education faculties, which will be the main providers of this training.

Labor has made its position clear on education. We support a fair go for all Australians. We don’t believe a small number of private schools should benefit at the expense of the vast majority of non-government and government schools.

This Bill is just another example of the Howard Government’s attempts to undermine Australia’s education system.

Australia has a unique education system. Our mixture of State, Catholic and other non-government schools provides parents with a range of education options for their children.

Labor is not opposed to funding for needy non-government schools so we will not be opposing the $14 million in funding in this Bill. We support a fair go for all Australians.

Labor in government has committed to providing another $50 million in capital improvements funding for public schools. This is on top of the $30 million we are moving in amendments to this Bill. That’s $80 million in extra funding.

Labor’s Education Priority Zones will help restore fairness as an underpinning principle to the funding of education in this country.

Labor will provide 1000 scholarships each year to attract the best and the brightest students into a teaching career; and Labor will support professional development training for 10,000 existing teachers.

Kim Beazley and Labor are committed to making Australia a Knowledge Nation and the policies I have outlined today are part of Labor’s commitment to achieving that vision.

Senator Denman’s speech read as follows—

The purpose of this Bill is to assist “non-government schools...”. This Bill only exists as a result of consistent lobbying on behalf of Labor, with Democrat support to split the Bill. In fact it is contained in our minority report in the Consideration of Provisions on page 8.

Additionally, why didn’t the Minister amend the Bill earlier, regarding the need for extra funding? He was aware of the shortfall in funding in October last year and chose not to amend the Bill then, but has introduced a new Bill this year. One suspects political motives may be involved in this lack of action.

So the department kept funding the schools realising that the funds would run out by October 2000, now this new Bill has been given utmost urgency when it could have been dealt with last year. If the motive is not political it must have been ineptitude.

There have been increases to the Establishment Assistance Grants. These are not small increases, but represent a 330 per cent increase in the first year, from the original amount mooted at $859,000 to $3,693,000 in subsequent years as follows; 2002 - $3,390,000 or a 264 per cent increase and for the years 2003 and 2004 the anticipated increase exceeded 125%.

While Labor has no quarrel with specific schools, there appears to be some question regarding the application of DETYA’s own guidelines. Questions concerning even basic checks need to be raised if there is going to be a fairer decision process. Again, it points to ineptitude on behalf of the Minister or the department when it comes to applying their own guidelines.

Thus, as a result of the Minister being misinformed or disinterested, we now find ourselves having to rush through debate on this Bill.

We must remember this Bill is only concerned with grants to non-government schools. There is no money for government schools here, as was recommended in Labor’s minority report, no additional $30 million for government schools here for expenditure on capital projects as recommended in Labor’s report.

Part of the justification for this Bill is the increase in new enrolments in some non-government schools. In Tasmania there are five hundred and two less students in the non-government sector in the year 2000 than there was in 1997, yet we find that in Tasmania there was an increase of 47 per cent in funding to non-government schools versus around a 26 per cent increase in government schools.
In fact, we find that in Tasmania, 75 per cent of children are in government schools. Commonwealth Government funding from 1997-98 to 2001-02 increased 10.29 per cent, by comparison funding to non-government schools increased 50.9 per cent in the same period.

This is particularly pertinent given there are no category one schools in Tasmania, thus we did not receive the biggest part of the non-government schools funding pie that was reserved for the most well off private category one schools.

In essence then this Bill has done little to help the teachers of Tasmania as they try to deal with students whose needs are increasing as a result of larger social problems.

The demands are also increasing due to the expectations placed on the teaching profession. As stated before they have to be child minders, family counsellors, drug and alcohol police, child abuse monitors, teach the three basics, arithmetic, reading, writing, plus computer skills and they then have to fill in the measurement charts as well. All this with fewer teachers, is it any wonder teachers, as with nurses, are hard to find.

There is a real need to spend more money on public education, not just in Tasmania, but also in the rest of Australia. Some of the smaller schools in rural Tasmania have been closed down making it less likely families would want to settle there.

This is one of the things first asked by parents moving into a new area, what is the school like, will my children receive a good education.

Many families do not have the extra money needed to send their children to private schools, or they do not want their children exposed to a religious education.

Regardless of some of our personal views on that matter, they have a right to send their children to public schools and a right to expect those public schools to be well resourced both in terms of teacher student ratios and resources.

In some cases as a result of the inordinate rate of children from disadvantaged backgrounds in public versus private schools we would expect there would be greater funds available to high need areas in an effort to lift those disadvantaged children up.

As we know if we spend the money and time early we find that there is less chance those kids will wind up costing us more later in terms of antisocial behaviour.

As stated before schools play an important role in the socialisation process and this role with some children can only be achieved by focussing special attention on them early in life.

This is the beauty of Labor’s response, we have a policy that does not give funds to the most well off schools as the Howard government does, we have a policy that will target the black spots.

That is the areas with high need, those with the greatest disadvantage not the most privileged.

This is not just a response of a bleeding heart but makes sound economic sense. As stated before a small amount of extra effort with a child will reduce the cost to society later on in life.

I must stress that Labor is not against all funding to non-government schools. Some of those schools also deal with those from disadvantaged backgrounds and some fall into the category of needy.

However we feel that if there is increased funding for non-government schools there should be at least a great increase for government schools, as most of our nation’s children attend them. Germaine to this, I think even the opposition would agree that on average there are more children from higher needs areas attending government schools than non-government ones.

Thus, this Bill reveals an unfair and inequitable funding slant toward non-government schools, particularly those of privilege.

An inferior application of the department’s own guidelines via a reluctance to adequately check up on some of the applications, and most importantly those areas of high need, are not receiving the increase in funds they need to adequately address the areas of disadvantage, either in direct funds for teachers and support staff or an increase in capital grants.

If this is not remedied soon, future generations will pay in terms of dislocation and alienation.

Senator CROSSIN (Northern Territory) (7.50 p.m.)—I rise to make some comments on the States Grants (Primary and Secondary Education Assistance) Amendment Bill (No. 2) 2001. This bill amends the States Grants (Primary and Secondary Education Assistance) Act 2000 to increase the total funding available for establishment assistance for new non-government schools for the program years 2001-04. We know that this is not the first time that this parliament has dealt with the issues contained within this bill. The provisions in this bill were in fact first introduced through the Innovation and Education Legislation Amendment Bill 2001, and we dealt with that towards the end of June this year.
We are now dealing with that bill again because, as members of this chamber will recall, when the bill came before us in June last year there was a move by the Labor Party in the Senate to split the bill into three separate pieces of legislation, a move which was supported by other parties in this chamber. That was done mainly to allow further consideration of the separate provisions within the original bill. That bill was an omnibus bill, introduced by the government for the first time, which dealt with changes and funding issues connected with three separate sections of the education industry. You may remember that it included money for research; it included the introduction of the PELS, the Postgraduate Education Loans Scheme; and it included this matter before us now. That bill was rejected by this chamber. This chamber directed the government to bring that bill back as three separate pieces of legislation, proving once again that this government is mean and tricky in trying to get all three sections of the education industry dealt with all at once in the one bill.

The establishment of assistance for new non-government schools was introduced under section 75 of the current act. The purpose of this assistance, as stated by the Minister for Education, Training and Youth Affairs, is ‘to assist new non-government schools with the costs incurred in their formative years and to enable them to be competitive with existing schools’. But we have run into some problems with the allocation of this money in the last 12 months. The administrative guidelines for schools state that the grants are available for all newly commencing non-government schools that are approved for Commonwealth general recurrent grants, except those new schools formed as a result of the amalgamation or separation of existing funded schools. In other words, existing schools should be excluded from gaining any benefit from these guidelines and from this allocation of money.

The grants are paid automatically to eligible schools, with no requirement for schools to apply for the grants. Once schools have passed a registration process in the states and territories, DETYA automatically pays these schools. They are paid at a rate of $500 per full-time equivalent student for the first year of the school’s operation and $250 per full-time equivalent student for the second year of its operation. These rates are not legislated but are a matter for ministerial determination. As at 6 July this year, $749,200—which is 50 per cent of the estimated total 2001 entitlement—had been paid to 49 schools, 33 of which are new non-systemic schools that commenced in the 1999-2000 program years and 16 of which are new systemic and non-systemic schools approved for general recurrent funding in 2001.

This bill does not alter the per student rates but increases the total allocation for the grants from $4.7 million for the 2001-04 program years to $14.26 million. That is an increase of $9.5 million—in other words, an increase in the allocation of grants of more than 200 per cent in that four-year period. Why? Why do we have an increase of more than 200 per cent? It is because of a cost overrun which the minister knew about last October but decided to do nothing about until later this year—a matter on which I will go into more detail later in my speech.

Two explanations are being put forward by the government to explain the need to revisit this legislation. Firstly, they say that the figures for 2001-02 include a catch-up provision for a limited number of new schools established after May 1999 that otherwise would not have received the assistance more recently established schools will attract. Secondly, the government argue that these substantial increases are due to a significant rise in the average size of the schools qualifying for grants during the year 2000 and the consequent increase in the number of students at new schools.

Let us just have a look at that. There has been substantial discussion as to what constitutes an eligible school. In the minority report of the Senate committee inquiry into the original bill, the Innovation and Education Legislation Amendment Bill 2001, the Labor senators argued that some of the new non-government schools that have qualified for establishment grants may be extensions of existing schools and may therefore breach the eligibility guidelines. We know that that has been the case with at least one school in
Victoria and one in Western Australia. However, according to state registration practices these schools are categorised as new schools and are therefore entitled to the grants. The Australian Education Union in its submission on the Innovation and Education Legislation Amendment Bill also argued that a minimum enrolment benchmark should form part of the eligibility criteria.

As I said, there have been a number of cases where schools have registered separately to provide a trigger for the Commonwealth’s provision of funds, and fundamental checks have been ignored and not conducted. This is solely the responsibility of DETYA. As my colleague Senator Carr has alluded to, obviously there are functions within the department that are severely lacking in accountability. As the ALP said in its minority report on the original bill, there are problems with DETYA’s practice of automatically paying establishment grants to schools which apparently meet the guidelines, without first conducting appropriate inquiries. Existing schools that are seeking extensions of buildings or seeking additional moneys to upgrade their facilities have registered under a name that is similar to, but not the same as, that of the existing school. Because the practice within DETYA has lacked the accountability and the inquiry that is needed, these schools have ended up being granted money under this form of payment. The automatic conferal of the grants without examination by DETYA of the circumstances of the schools has created contention. Unlike the major general recurrent grants for non-government schools, establishment grants are not scaled according to need.

Last year’s states grants legislation provided $859,000 in 2001 for establishment grants and $1.2 million per annum for each of the following years. This bill seeks to increase those amounts by a total of $9.5 million, as I have said. That is an increase of 330 per cent in 2001, 262 per cent in 2002 and 128 per cent in both 2003 and 2004. Where is this leading to? Clearly and categorically, the people of Australia can see that the operation of the establishment grants introduced by this bill, which the government expects us to support, is further evidence relating to the disparity of Commonwealth funding between non-government schools and government schools. This government is going to provide additional money for the non-government sector to be able to establish their schools—and rightly so. We do not object to that, but we are saying this government should provide an additional $30 million in capital works funding for government schools to match proportionately the $14.3 million that it proposes to provide for establishment grants for non-government schools.

Let us get this quite clear in this chamber tonight, and my colleague Senator Carr has reiterated this: this party, the opposition, has no intention of approving one extra cent for the non-government school sector without a proportionate increase in funding for public education. We will no longer stand by and watch this government pour money into the non-government school sector—and money in some cases, in the example of establishment grants, may well be acceptable—without the equivalent money on a proportional basis being spent on the government sector.

The main reason why this bill was necessary in the year 2001 was, of course, that there was a significant blow-out in the cost of the establishment grant program caused by poor administration of the scheme. Last October the minister and his department failed to fix a problem that became very evident at the time of the Senate estimates hearing. The department was well aware that the funds appropriated in the States Grants Act 2000 for these grants were significantly inadequate to fund the number of applications that had been received from new schools. As I said, this was evidence we obtained during hearings last year and you may recall that, although the department had informed the committee of this fact at the first hearings on this matter, it had failed to tell the minister.

But when the minister became aware of this fact late last October this bill was not amended. This bill was not brought before the parliament then. Instead this government waited and waited and sought to introduce new legislation very late in 2001. It is clear that the minister would never have wanted to reintroduce the amendments late last year to
allocate an extra $10 million for non-government schools when—if you recall last year at the end of the sitting period before the Christmas recess—he was asking this parliament to consider a bill which we considered two or three times in this chamber and sent back to the House and which was already going to provide $800 million in funding increases for non-government schools without any balancing increases in funding for public schools.

Would the minister seek to bring it back before this parliament late last year when he had been told and he had discovered that his department had made a mistake and had miscalculated the amount of money it needed, an additional $10 million for non-government schools in establishment grants? No, this minister, a minister of a mean and tricky government, would not come back before this parliament last year and seek an additional $10 million at the same time the government was forcing this parliament to support legislation that provided an additional $800 million in funding increases for non-government schools. So the bill was put off until the middle of this year, the government hoping that it could just sneak the bill through with two other elements of the education industry legislation in late June.

The shortfall in the establishment grant funds was due in large part to a substantial increase in the average enrolment numbers of non-government schools. For example, three new schools had on average 92 students per school, rather than an average of 49 students as in previous years. So we had seen, for example, for non-government schools’ enrolments, nearly a 50 per cent increase in the number of students attending those new schools. As a result of that, there was a shortfall in the establishment grants. But these were funded without any investigation of the credentials and particulars of these abnormally large schools. They were simply funded—the 92 student new enrollees were accepted and funded—but the department went ahead and continued to pay out grants to eligible schools, well aware that the funds allocated would run out by October of this year and that full payment to these schools could not be made. Now the government seek to hold those schools to ransom and try to blame this on the Australian Labor Party, rather than place the blame fairly and squarely at their own feet because of the miscalculation in the amount of establishment grant funds needed and an inability by the department to check what was actually happening in these new schools. As the report into this bill in the middle of this year suggests, this approach and conduct, as a Labor senator said, ‘might be regarded as reckless or even contemptuous of the parliament, and the minister’s knowledge of it reinforces his responsibility for the current situation’.

Last month, with less than two months before the next federal election, we saw another trick by the Howard government. The release of a leaked document showed that the Howard government was about to bombard the public with yet another multimillion dollar taxpayer funded political advertising campaign, but this time on education. The leaked document showed that the Howard government intends to spend $3 million of taxpayers’ money on TV and radio ads and another $1 million on more than 3.8 million newspaper inserts. The plan is to spend $4.4 million on media placements in a four-week campaign. If it goes ahead, this will bring the latest spending by this government on its campaign propaganda advertising to $40 million for the months of August and September. Forty million dollars is more than the federal government will spend in the entire year on capital funding for schools in Western Australia, South Australia or Tasmania.

Let us have a look at what would be put in these advertisements that this government is planning to splash around this country. I am sure that they will not include the fact that the Howard government’s enrolment benchmark adjustment policy cut funding to government schools by $60 million or the fact that the Howard government will reduce the share of federal funds going to public schools from 41.5 per cent in 1996 to 33.6 per cent in 2004—a cut of 20 per cent. I bet they will not say that the Howard government’s unfair new funding system has given massive million dollar increases to wealthy category 1 schools—like King’s College and
Geelong Grammar—that do not need them, to the detriment of the public school system, and I am sure they will not say that, over the period 1998-99 to 2004-05, the Commonwealth will increase funding to non-government schools by 68 per cent but will increase funding to government schools by only 37 per cent. Obviously, these are facts that the John Howard campaign is designed to hide—facts that the general public know are true. People do know and are angry about the fact that this is a government that continually wants to siphon money into the non-government school sector at the expense of the public school sector. As I said earlier, we will not be supporting a bill that pours more money into the non-government school sector while, at the same time, it ignores and will not fund in a proportionate way grants for capital equipment and funding for government schools.

In finishing, I remind the Senate that, amidst all this, the Labor opposition has a plan to cater for and look after the public system in this country and to rebuild the public system of education in this country. We plan to reallocate into the public sector, in a different way, the $105 million that this government proposes to direct in funding increases to the 58 wealthy category 1 schools. We will spend half of the $105 million on providing urgent capital works in public schools and we will spend the rest on funding 1,000 new teacher scholarships to encourage the best year 12 students to go into the vocation of teaching. The Labor Party wants to encourage more of the best year 12 students to become maths, science and IT teachers, so that we can improve the quality of teaching in our classrooms. We have also said that we will direct part of the category 1 school funding increases into funding teacher development partnerships.

So the Labor Party has a plan to support, nurture and encourage the education system in the government sector in this country, while we stand by and watch a federal government that just keeps pouring money at 300 per cent increases into the non-government sector to the detriment of the public sector. We will not stand by and support a bill that does not give equal weight and equal support to the public sector. It is detrimental to the public sector, which has for so long educated our students in this country. The sector is well supported and is a highly professional education sector. (Time expired)

Senator CARR (Victoria) (8.11 p.m.)—I seek leave to incorporate a speech by Senator Buckland.

Leave granted.

The speech read as follows—

The purpose of this bill is to amend the States Grant (Primary & Secondary Education Assistance) Act 2000. The amendments are to increase the total funding available for the establishment assistance for new nongovernment school for the program years of 2001 to 2004.

This was specifically designed to assist non-government schools with the costs incurred in their formative years and to enable them to be competitive with existing schools.

The grants will be paid automatically to eligible schools with no requirement for schools to apply for the grants.

The grants are available for all newly commencing nongovernment schools that are approved for Commonwealth general recurrent grants, except those new schools formed as a result of the amalgamation or separation of existing funded schools.

There is no similar provision for the establishment of government schools.

Rates offered with this grant are not legislated but are set arbitrarily by the minister.

There is very little transparency - especially with regard to rate setting by the minister.

Why the bill is being dealt with in its current form is because the Government, inappropriately packaged up these measures with two other matters that dealt with higher education. The Government initially tried to deal with this, by allocating funding for both school education and higher education all in the one bill.

This included provisions for the Postgraduate Education Loans Scheme for Postgraduate uni students and also the Government’s proposals for implementing the commitments that were made in the innovation statement in January.

Labor argued for the bill to be split because we were suspicious about the minister’s motives in packaging both school education and higher education together.
In October last year, the government failed to fix a problem that was apparent at the time. Since then the department has made an admission in Senate hearings that the department was aware that financial provisions for establishment grants for non-government schools would be inadequate to fund the number of applications that had been received from new schools.

The Government has now admitted that the department of education knew as early as October that there were insufficient funds to pay for all of the establishment grants to new non-government schools.

The ALP does not oppose the concept of the grants but we have made it clear that we offer our support on this bill on the condition that there is a proportionate increase in Commonwealth funding for government schools.

The one request that Labor will move in the Senate is a provision to request that the government provide an extra $30 million for capital works in public schools.

Seventy percent of Australian students attend public schools; therefore it is only logical to provide a balancing or equalising increase in funding for capital works for public schools.

To do otherwise would expose the Government to being disingenuous in it’s attitude to the public school sector.

As mentioned earlier the Government has introduced this system of establishment grants to non-government schools to assist with unexpected costs when they are first established.

The question then that I guess we need to ask is are these pressures not faced by new government schools in some of the fastest growing areas in Australia?

Both in new non-government and government schools there are often unexpected expenditures both for capital works and recurrent works that require Government to look after.

While the government is looking at adding an extra $10 million for establishment grants for non-government schools, why can’t they agree to an extra $30 million in payments for public schools to provide a balancing increase?

As I said earlier, 70% of Australian students attend public schools.

In mid-August the Minister for Education wrote to schools saying that they would not agree to Labor’s amendments and also stated that in some ways the Labor Party is responsible for the delays in payments to certain schools.

Let me say that is not the case. The problem has always been that the government was not willing to support an amendment that would have provided equity to the whole education system for all students in all of Australia. An amendment that would have given all Australian students a fair go.

Labor has given a commitment to schools that are affected by any possible delay, that we will agree to the bill before the election, if not, after the election.

If Labor is elected into government, then a Beazley Labor Government will provide not only the $10 million to non-government schools, but also it will provide at least an extra $30 million for public schools across the country.

Labor has already outlined that they plan to reallocate $105 million that this Government proposes to direct to funding increases to those 58 wealthy category 1 schools.

Labor will spend half of the money on providing urgent capital works in public schools and will spend the rest on funding 1000 new teacher scholarships to encourage the best year 12 students to enter the vocation of teaching.

Labor wants to encourage more of the best year 12 students to become maths, science and IT teachers, so that the quality of teaching is improved in our classrooms. Teachers want to be recognised as professionals, but this Government only wants to allow that professionalism to exist in a limited number of cases.

Labor will pay for the cost of extra professional development for teachers and will provide a $2000 completion bonus for those teachers who are willing to undertake that extra professional development in their own time.

Kim Beazley has committed that a Labor Government that he leads will reverse the trend of the falling percentage of Commonwealth schools funding going to public schools.

The challenge this Government faces is to convince the Australian public and the public school sector that they are being treated fairly.

The reality is they can not.

\textbf{Senator Allison} (Victoria) \textit{(8.11 p.m.)}—The 	extbf{States Grants (Primary and Secondary Education Assistance) Amendment Bill (No. 2) 2001} seeks to provide an additional $9.5 million in establishment grants for non-government schools. The original allocation was for $4.7 million over the 2001-04 program years, but now, as we know, the government seeks to increase the
amount available to $14.3 million. This amendment was of course known by the government to be needed because of the blow-out in the budget when the bill was debated in the Senate in December last year. I must say that it is still not clear to me why this amendment could not have been included in the legislation at that time. According to Dr Kemp, the funding is intended: ... to assist new non-government schools with the costs incurred in their formative years and to enable them to be competitive with existing schools.

Schools do not have to apply for the funding; instead, the grants are automatically paid to eligible schools. These are schools that are approved for Commonwealth general recurrent grants, except those formed as a result of the separation of an existing funded school or through amalgamation. New schools receive $500 per student in the first year of operation and $250 per student in the second year, with no cap on the amount that any one school can receive.

The Democrats opposed the provision of establishment grants for new private schools in December last year, when the bill for topping up non-government school funding by $700 million was passed with Labor’s support. There were numerous reasons for our opposition: there is nothing equitable about the distribution of the money—the wealthier schools receive the same per capita amount as the poorest school; the process was obviously going to be open to manipulation, as the blow-out of the budget quickly demonstrated; and because scarce public resources should not be spent on new private schools when the public education system is so chronically underfunded. Furthermore, we believe that scarce public resources should not be spent on new private schools which have not been considered in the context of viability or need. Since 1996, 249 new private schools have been established, compared with 120 new government schools. In that same period, 208 government schools have been closed.

We say this bill is yet another example of this government’s and Dr Kemp’s desire to privatise Australia’s education system. Dr Kemp wants to create markets in education, to offer his notion of choice in education providers to those, of course, who can afford it—hence, Dr Kemp’s choice of the word ‘competition’ to explain the value of these grants. The Democrats are strongly opposed to this policy position. Unlike the government, we want to arrest the drift to user-pays and to private education which has seen the percentage of students in non-government schools increase from 22.3 per cent in 1980 to 31 per cent in 2000. Of course, it is a much higher figure in my home state of Victoria.

We want to see Australia’s public education system, which provides for everyone in our society, grow from strength to strength. We think this is the basis for a fair and egalitarian society. We in the Democrats will therefore continue to use our voice and our vote in the Senate to do all that we can to see that this system is funded at a level which matches the expectations of students, parents and the community. Unlike the ALP, we opposed the States Grants (Primary and Secondary Education Assistance) Bill 2000 in December last year. This now notorious bill awarded an additional $700 million to private schools, which will result in 64 per cent of specific federal funding going to non-government schools and only 34 per cent to government schools. It also set up the establishment grants system.

In addition to our philosophical problem with the government’s view of this funding to foster the shift towards user-pays education, we are also greatly concerned that these automatic establishment payments to new private schools have far from adequate eligibility and accountability requirements. Basically, if you are registered at the state level as a new school, you get the money. So it does not matter to the government if a new school which receives establishment grant funding is not needed. It does not matter how many students will attend the school, and it does not matter if the school is not financially viable and folds a couple of years after receiving the funding—and we know that several new non-government schools have done that. It does not matter if the money is used on advertising and that the criteria are so sloppy that the money could even be used for corporate ventures. As the department ad-
vised the Senate Committee on Employment, Workplace Relations, Small Business and Education, it does not really matter if a school sells off its school buildings and the site and moves to another site with a new registration number and the same students and then claims the establishment grant funding. Under the current funding guidelines, this is perfectly legitimate.

There is no cap on the number of students or the number of schools which might be eligible. I think it is fair to say that, when the establishment grant system was proposed, the assumption was that it would be for schools that might set up with, say, 30 students—maybe 60 students, two classes of students—in the first year. That typically is how new schools are established. They then add another level each year of operation until the school has its full complement of levels. But schools in the last nine months or so have opened with 700, and even 800, students.

There is nothing in the guidelines to limit or prevent funding to for-profit non-government schools. The Murdoch University, in conjunction with a commercial partner, has established a for-profit school called Murdoch College. It is not beyond the realms of possibility that Murdoch could be branching out into this area because there is now soft government money for non-government schools, but of course, as we all know, there have been massive cuts to universities. We think that this is at best an irresponsible measure. Today, Senator Carr has given a number of examples of where it would appear that establishment grant funding has been provided in breach even of these very loose guidelines. An article in the Australian recently reported that establishment grant funding is being paid ‘to schools that rebadge themselves or have opened a new campus’. The article further says:

... lax registration requirements and the absence of cross-checks mean some schools are qualifying for the grant without genuinely being new schools.

According to the financial controller of one of the schools mentioned in the article, this ‘new school’ is ‘really a new campus’, with students coming from two other campuses and with the same registered office and director. Despite this, this new campus has received establishment grant funding even though the guidelines clearly state that establishment grants are not available where new schools have been established as a result of the separation from an existing funded school. Clearly the government is giving away public money even where its own inadequate guidelines say it is not appropriate, and this is something that needs to be looked at as a matter of urgency. It is a reason why the Democrats cannot support this bill.

Last year, when the states grants bill was being debated in this house, we moved an amendment to remove the establishment grant provisions from the bill and, failing that, to extend the eligibility for establishment grants and transitional emergency assistance to government schools, since there is no similar Commonwealth assistance for new government schools. Neither the government nor the opposition supported our amendments at that time. This time the opposition is putting up an amendment that requires the government to provide an additional $30 million in capital expenditure for government schools. We will support this amendment because we do want to see more funding go to our desperately underresourced public school system. If the government does not acquiesce to this request, the opposition will be left with a choice to make. We will of course be encouraging the ALP to not repeat the events of last December and to stand with the Democrats if that amendment goes down and oppose this bill.

Debate (on motion by Senator Hill) adjourned.

Senate adjourned at 8.21 p.m.

DOCUMENTS

Tabling

The following government documents were presented:

Airservices Australia—Sydney Airport—Maximum movement limit compliance statement for the period 1 April to 30 June 2001.

Treaties—
List of multilateral treaty action under negotiation or consideration by the Australian Government, or expected to be within the next twelve months, September 2001.

Tabling
The following documents were tabled by the Clerk:
Christmas Island Act—Utilities and Services Ordinance—
Water and Sewerage Services Fees Amendment Determination No. 1 of 2001.
Water and Sewerage Services Fees Amendment Determination No. 2 of 2001.
Civil Aviation Act—Civil Aviation Regulations—
Civil Aviation Orders—
Directives—Part—
Exemption No. CASA EX16/2001.
Instrument No. CASA 335/01.
Dairy Produce Act—Supplementary Dairy Assistance Scheme 2001 Variation (No. 1).
Export Control Act—Export Control (Orders) Regulations—Export Control (Processed Food) Amendment Orders 2001 (No. 1).
Farm Household Support Act—
Dairy Exit Program Scheme Amendment 2001 (No. 2).
Farm Help Re-establishment Grant Scheme Amendment 2001 (No. 2).
Fisheries Management Act—
Regulations—Statutory Rules 2001 Nos 190 and 244.
Health Insurance Act—Health Insurance Determination HS/03/2001.
Jervis Bay Territory Acceptance Act—
Administration Ordinance—Fee Determination (Amendment) No. 1 of 2001 [Electricity supply].
Ordinance No. 2 of 2001 (Rural Fires Ordinance 2001).
Privacy Act—Determination under paragraph—
Product Ruling—
PR 1999/99 (Addendum).
PR 2001/73 (Addendum) and PR 2001/128.
Remuneration Tribunal Act—Determination—
2001/17: Remuneration and allowances for various public office holders.
Telecommunications Act—
Telecommunications Labelling (Customer Equipment and Customer Cabling) Amendment Notice 2001 (No. 2).
Telecommunications Numbering Plan Amendment 2001 (No. 3).
Trade Practices Act—
Veterans’ Entitlements Act—
Regulations—Statutory Rules 2001 No. 228.

PROCLAMATIONS

Proclamations by His Excellency the Governor-General were tabled, notifying that he had proclaimed the following provisions of Acts to come into operation on the dates specified:


QUESTIONS ON NOTICE

The following answers to questions were circulated:

Human Rights: Mr Terry Irving

(Question No. 3716)

Senator Bourne asked the Minister representing the Attorney-General, upon notice, on 16 July 2001:

(1) Is the Attorney-General aware that in October 1999, the United Nations (UN) Human Rights Committee sought an explanation from the Australian Government as to whether the Australian and Queensland governments allegedly breached the International Covenant on Civil and Political Rights (ICCPR) in relation to the failure to compensate a Cairns man, Mr Terry Irving, who was wrongly convicted and imprisoned in Queensland for 4½ years, following the High Court’s quashing of Mr Irving’s conviction in 1997.

(2) What material was used by Australia in its submission to the UN in this matter, with particular reference to any police statements which may have been relied upon.

(3) Why has the Australian Government suggested to the Human Rights Committee that Mr Irving is still guilty of a crime, when he is entitled, by law, to a presumption of innocence consequent to the High Court quashing his conviction.

(4) Does the Attorney-General stand by the Government’s reply to the UN Human Rights Committee, dated 30 October 2000 (at paragraph 22), that the Queensland Criminal Justice Commission (CIC) was satisfied that there had been no inappropriate conduct by members of the police force in Mr Irving’s case.

(5) How does the Attorney-General reconcile that submission to the UN with a public statement made by the CJC on 22 November 1999, that ‘The Commission concluded that the arresting officer had not been guilty of any criminal offence but her conduct was far from optimal, and disciplinary action was almost certainly warranted’.

(6) (a) Does the Attorney-General agree that the UN Human Rights Committee has been misled by the Australian Government in this instance; and (b) what steps does the Attorney-General propose to take with the UN Human Rights Committee to correct Australia’s error.

(7) (a) Can the Attorney-General confirm whether the Queensland Government informed the Commonwealth Government that a complaint under section 118 of the Queensland Criminal Justice Act was lodged with the Queensland Parliament on 15 August 2000, alleging the CIC knew of, and withheld, material evidence pointing to Mr Irving’s innocence, and left him in prison; (b) if the Commonwealth was so advised, can the Attorney-General explain why the UN Human Rights Committee was not informed of the substance and progress of that statutory complaint in Australia’s reply to the UN dated 30 October 2000; and (c) can the Attorney-General advise what steps the Commonwealth proposes to take to inform the UN Human Rights Committee of the substance and progress of that statutory complaint.

(8) Is the Attorney-General aware that the Irving case has highlighted the fact that Australia is also in breach of Articles 2 and 40 of the First Optional Protocol to the ICCPR.

(9) Is the Attorney-General aware that since Australia adopted the First Optional Protocol some 10 years ago, neither the Commonwealth nor the Queensland governments have taken any steps necessary, under Article 2, to provide for lawful compensation for Australians wrongly imprisoned, as is required under Article 14(6) of the ICCPR.

(10) Why, in the Government’s reply to the UN Human Rights Committee dated 30 October 2000, did the Government fail to point out that the Queensland Government has also breached Article 2 of the First Optional Protocol, in that the Queensland Government has failed to provide measures compliant with the terms of the ICCPR to compensate Australians wrongly imprisoned.

(11) Is the Government’s failure to implement measures for the payment of compensation connected with the fact that Australia has failed to provide reports to the Human Rights Committee, under Article 40 of the ICCPR, for almost 15 years, including a report which was due for submission on 12 November 1991.
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(12) What steps are being taken to ensure that Australia complies with its international human rights obligations under the ICCPR, so that Australia’s already declining human rights reputation is not further damaged in the eyes of the international community.

**Senator Ellison**—The Attorney-General has provided the following answer to the honourable senator’s question:

(1) I am informed that Mr Irving or his representative lodged a communication with the Human Rights Committee under the Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR) in 1999. As required by the Optional Protocol, Australia was provided with a copy of the communication and responded.

(2) I am informed that the Australian submission in response to the communication was lodged with the Office of the High Commissioner for Human Rights in Geneva on 30 October 2000. It would not be appropriate to reveal the detailed content of that submission prior to the Committee’s consideration of the communication. However, in general terms, where a complaint raises an issue that falls within State or Territory jurisdiction, the Government’s practice is to provide a copy to the relevant State or Territory and request its comments. Specific material, including original documents, may also be requested. This practice recognises that most of the relevant material and knowledge would lie with the State or Territory involved.

(3), (4), (5) and (6) It would not be appropriate to comment on the detail of that submission pending its consideration by the Human Rights Committee. I can indicate however that the Government will be clarifying its submissions on this point when it responds to the comments on its submissions by Mr Irving’s representative.

(7) I am not aware of a complaint being lodged with the Queensland Parliamentary Criminal Justice Committee (PCJC). That is properly a matter for the Queensland Parliament. It is not a matter for either the Commonwealth or the Queensland Executive. I understand that the PCJC is not subject to the direction of the Queensland Government in carrying out its statutory functions, and it does not report to the Queensland Government about its activities or about any complaints it may receive. I also understand that its proceedings are confidential.

(8) The substance of this and a number of the other questions is erroneous. In relation to this particular question, there is no article 40 of the Optional Protocol. On the assumption that the question is intended to refer to articles 2 and 40 of the ICCPR itself, Australia does give effect to those articles. In this respect reference is made to the 3rd and 4th reports of Australia lodged under article 40 of the ICCPR in 1998. These reports have been available on the Attorney-General’s Department internet site since they were lodged.

(9) and (10) I am informed that Australia is in compliance with Articles 2 and 14(6) of the ICCPR. In this respect it is relevant to note that Australia has a reservation in place to Article 14(6) which notes that compensation may be by administrative procedure rather than pursuant to specific legal provision.

(11) Under the previous Labor government reports under Article 40 of the ICCPR were well overdue. Those reports have been brought up-to-date by this Government. Australia’s 3rd and 4th reports were lodged on 28 August 1998 and were considered by the Human Rights Committee in July 2000. Australia’s next report is due in 2005.

(12) A description of Australia’s compliance with the ICCPR is set out in the 3rd and 4th reports lodged under Article 40 of the ICCPR. Australia’s reputation as a forthright defender of human rights both at home and abroad is well intact. We are making inroads in the improvement in the UN human rights treaty body system that will also lead to the improved protection of human rights.

**National Centre for Social and Economic Modelling: Consultancies**

(Question No. 3820)

**Senator Carr** asked the Minister representing the Minister for Education, Training and Youth Affairs, upon notice, on 6 August 2001:

(1) When was the report Advice on Aspects of Special Socio-Economic Status initially commissioned from the National Centre for Social and Economic Modelling at the University of Canberra.

(2) Can a copy be provided of the detailed terms of reference provided to the National Centre for Social and Economic Modelling for this commission.
By what date is the report to be completed.
When will the report be made public.
What was the value of this contract.
What other contracts have been let during the past 12 months, or are proposed to be let, by the department to the National Centre for Social and Economic Modelling.

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

The University of Canberra as represented by the National Centre for Social and Economic Modelling (NATSEM) was commissioned to provide consultancy services for “Advice on aspects of spatial socio-economic status” on 1 May 2001.

The consultancy services to be provided are expert technical advice and analysis on:

Stage 1. Modelling the methodology to determine the effect on the scores for non-government schools in the following ways:

(a) standardise socio-economic status (SES) scores after they have been applied to students rather than before;
(b) add dimensions of Aboriginality, family size and both; and
(c) use a measure of equivalent income rather than gross income as the income dimension.

Stage 2. Determine distributions of income, education and occupation within Census Collection Districts (CDs) through the following methods:

(a) rank the CDs by income and expenditure using variables from the NATSEM Marketinfo/99 model and consider how the resultant CD distribution varies from the CD distribution of SES scores;
(b) examine the dispersion and distribution of incomes, education and occupation within each CD; and
(c) consider the impact of using a different measure of central tendency rather than the arithmetic mean in calculating the SES score for each school.

The expected completion date of the project is end September 2001.
The report will be available on acceptance by the Department and release by the Minister.
The value of this contract was $49,000 inclusive of GST.
Other contracts let by the Department in the 2000-2001 financial year to the University of Canberra – NATSEM are:

- Start Date: 1 January 2001 – Joint contract between DETYA, Department of Family and Community Services and the Department of Aged Care and the University of Canberra – as represented by NATSEM for the provision of social policy research services (DETYA contribution of $297,000).

The Department has no other current proposals to let additional contracts to NATSEM at this stage.

Education: University of Melbourne

Senator Carr asked the Minister representing the Minister for Education, Training and Youth Affairs, upon notice, on 6 August 2001:

Is the Minister aware of the ‘categorical assurance’ provided by the Vice-Chancellor of the University of Melbourne that no Commonwealth funds have been used either directly or indirectly in relation to the financial affairs of Melbourne University Private.

Is the Minister aware that the University of Melbourne’s 2000 financial statements reveal a $60 million liability for the construction of the University Square complex.
(3) Is the Minister also aware that the university, as part of its application for Victorian Government approval for Melbourne University Private, described the relationship between the university, Melbourne University Private and University Square as follows: ‘The major initial investment in the interests of Melbourne University Private is in physical infrastructure. A separate parcel of investment by superannuation funds, banks and other commercial interests through a separate business vehicle promises a short-term development of academic and associated infrastructure of more than $200 million.’

(4) Can the Minister advise:

(a) whether he considers expenditure by the University of Melbourne ‘in the interests of Melbourne University Private’ represents indirect expenditure on behalf of MU Private;

(b) whether the University of Melbourne successfully launched the ‘separate business vehicle’ to raise the money to construct University Square ‘in the interests of Melbourne University Private’; if not, what discussions have taken place between the university, the Minister or any officers of the department regarding funding of the project;

(c) the extent to which Commonwealth money from any source or allocation, whether current funding or retained funding, has been used for any of the negotiation, construction or fit out of University Square; and

(d) whether, in the light of this information, he believes that his department has been fully informed of expenditure related to Melbourne University Private and whether the university’s ‘categorical assurance’ may now require some qualification.

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

(1) Yes.

(2) Yes.

(3) Yes.

(4) The University of Melbourne has made it clear that ‘whatever association there are or have been between Melbourne University Private and the University Square project they remain distinct’. In its application for Victorian Government approval for Melbourne University Private (MUP), the University of Melbourne has said that the University Square site was going to be owned by the University of Melbourne and that the MUP development was to be on a commercial leasehold basis. This type of arrangement is commonplace in the university sector. There is no reason to rule out the use of Commonwealth funding in these circumstances. In light of the above, I see no need for the University’s assurance to be qualified.

Visas: Overseas Students

(Question No. 3822)

Senator Carr asked the Minister representing the Minister for Immigration and Multicultural Affairs, upon notice, on 7 August 2001:

(1) What level of consultation has the Department entered into with peak education industry organisations when considering amendments to the regulations governing visas for overseas students wishing to study in Australia.

(2) More generally, what level of consultation did the department undertake with individual providers and agents when considering these changes.

(3) What complaints concerning the visa regulations have been registered from these bodies.

(4) To what extent were these addressed by the new regulations.

(5) What transitional arrangements have been put in place for students who commenced under the old regulations but who are now seeking to extend their studies under the new regulations.

(6) (a) Which students who are currently in Australia are now required to apply for new visas offshore; and (b) how does this amend previous practice.

Senator Ellison—The Minister for Immigration and Multicultural Affairs has provided the following answer to the honourable senator’s question:
The student visa reforms have been the subject of many separate meetings with the Affiliation of International Education Peak Bodies (AIEPB). This affiliation is made up of the:

• Australian Vice-Chancellor’s Committee (AVCC);
• English Australia;
• National Council of Independent Schools’ Associations (NCISA);
• Australian Council of Independent Vocational Colleges (ACIVC);
• Australian Council for Private Education and Training (ACPET);
• Government Schools; and
• TAFE Directors Australia.

Meetings have occurred over the last 20 months as follows:

<table>
<thead>
<tr>
<th>Date</th>
<th>Location</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>25 Jan 00</td>
<td>Department of Education, Training and Youth Affairs (DETYA) offices</td>
<td>Preliminary discussions on the visa restructure</td>
</tr>
<tr>
<td>28 March 00</td>
<td>DETYA offices</td>
<td>Student reforms discussed with DETYA, State authorities and AIEPB</td>
</tr>
<tr>
<td>29 March 00</td>
<td>National Convention Centre</td>
<td>Student visa reforms discussed</td>
</tr>
<tr>
<td>20 June 00</td>
<td>University of Canberra</td>
<td>Benchmarks and evidentiary requirements discussed</td>
</tr>
<tr>
<td>7 Aug 00</td>
<td>University of Qld</td>
<td>Preliminary results of risk analysis presented</td>
</tr>
<tr>
<td>7 Sep 00</td>
<td>Parliament House</td>
<td>Outstanding disaggregation issues discussed with Senator Patterson</td>
</tr>
<tr>
<td>16 Oct 00</td>
<td>AVCC offices</td>
<td>Outstanding disaggregation issues discussed with the Department of Immigration and Multicultural Affairs (DIMA) and Senator Patterson’s office</td>
</tr>
<tr>
<td>21 Feb 01</td>
<td>DIMA offices</td>
<td>Discussion of implementation arrangements including provider information strategies</td>
</tr>
<tr>
<td>6 April 01</td>
<td>Parliament House</td>
<td>Senator Patterson provides the results of DIMA’s country risk analysis</td>
</tr>
<tr>
<td>20 June 01</td>
<td>AVCC offices</td>
<td>Discussion of late-breaking issues</td>
</tr>
<tr>
<td>8 Aug 01</td>
<td>Parliament House</td>
<td>Discussion with Senator Patterson of post implementation visa disaggregation issues, including those previously raised by AIEPB</td>
</tr>
</tbody>
</table>

On 21 September 2000, DIMA distributed detailed papers on the student visa re-structure to Industry peak bodies for circulation amongst their members. The papers comprised the proposed methodology for determining risk and risk benchmarks, evidentiary standards applying to each sectoral sub-class and the courses/qualifications within each sectoral sub-class.

Given the number of individual education providers in Australia the Department did not consider it practical to enter into consultations with individual schools, TAFE’s, colleges or universities. These providers are represented by their peak organisations.

During the process of consultations various individual providers contacted the Department on an ad hoc basis with queries. The Department also gave presentations on the reforms at various educational conferences. The Department continues to receive queries by phone, letter and e-mail from individual providers and responds in kind.

The Department held a series of information sessions specifically for education providers in May 2001 to explain the student visa changes. Nine information sessions were held covering the Schools, ELICOS, VET and University sectors. Approximately 900 individuals representing providers across Australia advised their intention to attend one or more of the sessions.

Separate information sessions were held for migration agents.

In relation to pre-1 July Regulations, complaints were generally about:

the lack of transparency and objectivity in the requirements for a student visa;
the lack of consistency between Posts and between Regional Offices;
a perception that new immigration officers imposed their own interpretation and evidentiary requirements to be met by applicants causing uncertainty and confusion; long processing delays at some posts; the claimed genuineness of a student visa applicant when the decision maker had found otherwise; high refusal rates.

(4) The reforms have created a student visa regime that:
- is designed to increase the integrity of the student visa program;
- is more transparent in that visa requirements are made more explicit. This will help to reduce visa refusal rates (which in recent years have averaged between 30% and 60% for applicants from countries such as China and India);
- is more consistent in that applicants in a similar situation will need to meet identical requirements;
- uses visa criteria based on an objective assessment of the risk of student non-compliance using statistical indicators and benchmarks;
- was developed during a process of genuine consultation with Industry peak bodies;
- aims to ensure that quality cannot readily be compromised through education providers assisting the entry of students who do not meet requirements.

Under the new student visa arrangements, there are now seven sector-specific student visa subclasses designed to better serve the requirements and challenges within each of Australia’s education sectors. There is also provision for five assessment levels for each sector, although on the basis of the initial statistical analysis only four have been used initially as no sectors/countries were found to fall within the category of extreme risk. The assessment levels are based on a sound statistical analysis of indicators of risk agreed as part of the lengthy consultation process with industry.

Providers, their agents and key stakeholders can be confident that the rules will not change without notice at the discretion of decision-makers or program managers. This confers a significant benefit on those involved in developing marketing strategies in high-risk markets. Importantly it will enable them to target specific markets with a high degree of certainty as to outcome.

The new regime is also intended to promote quality in Australia’s education export industry and the objective and transparent requirements in place under the reforms should help to drive out some of the more unscrupulous education agents operating in the Industry.

(5) Migration Regulation 1.42 provides that existing students in Australia who are in Assessment levels 3, 4 or 5 and who are either holders of a 560 or 562 visa (as the primary applicant), or who entered on a 560 or 562 visa (as the primary applicant) and were subsequently granted a subclass 570-576 visa when they applied for permission to work on form 157P after 1 July 2001, will be assessed under Assessment level 2 for their subclass if:
- they have undertaken at least 50% of the principal course for which their visa held was granted, and they require a further visa in order to complete that course; or
- they were assessed in relation to an application to undertake a package of courses, but were visaed for their initial course(s) only, and require a further visa to commence the remaining course(s).

This provision is expected to apply mostly to previously non-gazetted students who applied offshore for a package of courses, were assessed against that package, but were only granted under policy a visa for their first preliminary course, and are now seeking a further visa to commence the remaining course(s) in that package.

Consultations with Industry on whether some fine-tuning to this is needed is continuing.

(6) (a) No student visa holders currently in Australia are required to apply for a new visa offshore.

(b) Student visa holders who enter Australia after 1 July 2001 and have a ‘no further stay’ condition attached to their visa will be required to depart Australia before their visa expires and will not be allowed to extend their stay in Australia other than on the basis of a Protection Visa. All students who apply to come to Australia to do a course of less than 10 months and confirm that this is all they require will have a ‘no further stay’ condition on their visas.
Visas: Edith Cowan University
(Question No. 3823)

Senator Carr asked the Minister representing the Minister for Immigration and Multicultural Affairs, upon notice, on 7 August 2001:

(1) How many students at Edith Cowan University have been threatened with visa cancellation and deportation by the department.

(2) How many students have been threatened with visa cancellation and deportation by the department.

(3) Have the requirements for fiduciary information from family bank accounts changed in regard to prospective students from India, China, Iran, Lebanon, Nepal, Pakistan and Sri Lanka; if so, in what ways.

(4) Does the department anticipate that the number of off-shore student visa applications from India, China, Iran, Lebanon, Nepal, Pakistan and Sri Lanka will increase or decline, and by what degree.

(5) What is the expectation in regard to the refusal rate as a result of the changes to visa regulations.

(6) (a) What was the rate of refusals for the countries for the 2000-01 financial year; and (b) what equivalent figures are projected for the 2001-02 and 2002-03 financial years.

(7) What is the projected increase or decrease in approvals for student visas from these countries.

Senator Ellison—The Minister for Immigration and Multicultural Affairs has provided the following answer to the honourable senator’s question:

(1) The Department of Immigration and Multicultural Affairs (DIMA) does not ‘threaten’ people with deportation. The Migration Act 1958 provides a formal process for visa cancellation and where a visa is cancelled, arrangements are then made for the removal of the non-citizen from Australia as required by law.

DIMA is unable to provide visa cancellation statistics linked to education provider prior to 4/6/01 when the new automatic visa cancellation process commenced. Between 4/6/01 and 20/8/01, 14 students from Edith Cowan University were sent a notice under section 20 of the Education Services for Overseas Students Act 2000 by the University for failing to attend classes or meet academic requirements. Students who are sent a section 20 notice by their provider have 28 days in which to report to a DIMA office to explain the breach or their visa is cancelled by operation of law at the end of that period.

Of these 14 students (as at 23 August 2001):
- 9 were within the 28 day period and had not yet reported to a DIMA office;
- 2 had another substantive visa granted;
- 1 had their visa cancelled;
- 1 departed; and
- 1 changed provider.

(2) The Migration Act 1958 provides a formal process for visa cancellation. This involves notifying the visa holder of the Department’s intention to cancel their visa and inviting them to put a case as to why cancellation should not occur. A decision to cancel the visa is only made after the visa holder has responded to this notice or fails to respond within the prescribed time period. Migration law requires the Minister to cancel a student visa where he or she is satisfied that the visa holder has not complied with visa conditions relating to meeting course requirements (condition 8202), or work (condition 8104 or 8105). Where a visa is cancelled, arrangements are then made for the removal of the non-citizen from Australia as required by law.

In 2000-2001, 4,030 student visas were cancelled, (3,838 onshore and 192 offshore), and 1,617 former student visa holders were removed from Australia. Not all cancellations result in removal due to voluntary departures, decisions being set-aside by the Migration Review Tribunal (MRT) and/or difficulties in locating the former visa holders.

Between 4/6/01 and 20/8/01, 1,524 students were sent a notice under section 20 of the Education Services for Overseas Students Act 2000 by education providers for failing to attend classes or meet academic requirements. Students who are sent a section 20 notice by their provider have 28
days in which to report to a DIMA office to explain the breach or their visa is cancelled by operation of law at the end of that period.

(3) Prior to 1 July 2001 the Regulation relevant to assessing financial requirements for student visas was Regulation 560.224(1)(a):

560.224

(1) Subject to subclauses (4) and (5), the Minister is satisfied that the applicant is a genuine applicant for entry and stay as a student, having regard:

(a) to the financial ability of the applicant to undertake the course without contravening any condition of the visa relating to work.

This Regulation was subject to wide interpretation as to what constituted “financial ability to undertake the course” and there was variation between Posts in acceptable levels and sources of funds. Savings history and the extent to which funds from close or more distant family members were accepted depended on individual Post assessments involving various factors, including the circumstances of the applicant’s family and the general incidence of fraud.

From 1 July 2001, the Regulations changed to more clearly set out the requirements to establish the financial capacity of a student visa applicant. India, China, Iran, Lebanon, Nepal, Pakistan and Sri Lanka now have to meet either assessment level 3 or 4 financial capacity criteria, depending on the educational sector of the visa. For example, assessment level 4 financial criteria for a Subclass 573 Higher Education visa are as follows:

5A505 Financial capacity

(1) The applicant must give:

(a) evidence that the applicant has funds from an acceptable source that are sufficient to meet the following expenses for the full period:

(i) course fees;
(ii) living costs;
(iii) school costs; and

(b) evidence that the applicant has funds from an acceptable source that are sufficient to meet travel costs; and

(c) evidence that the regular income of any individual (including the applicant) providing funds to the applicant was sufficient to accumulate the level of funding being provided by that individual.

(2) In this clause:

acceptable individual means one or more of the following:

(a) the applicant;
(b) the applicant’s spouse;
(c) the applicant’s parents;
(d) the applicant’s grandparents.

(3) funds from an acceptable source means one or more of the following:

(a) a money deposit that an acceptable individual has held for at least 6 consecutive months before the date of the application;

(b) a loan from a financial institution;

(c) a loan from the government of the applicant’s home country;

(d) financial support (such as a scholarship) from:

(i) the applicant’s proposed education provider; or
(ii) the Commonwealth Government, or the government of a State or Territory; or
(iii) the government of a foreign country; or
(iv) a corporation that:

(A) conducts commercial activities outside the country in which it is based; and
Clause 5A505 and its equivalent in the other student visa subclasses, introduces a savings history requirement and limits the source of acceptable funding to specific family members compared to the former Regulation 560.224(1)(a). As well, precise living and school costs are specified in the new legislation.

(4) We anticipate overall growth in student visa application numbers in the longer term, although there is likely to be a fall in applications in countries where there have been high levels of non-compliance and consequently a higher assessment level allocated (i.e. India, Nepal, Pakistan and Sri Lanka). On the other hand, with the more transparent criteria and the availability of student booklets on the internet, students subject to assessment level 3 and 4 criteria may be able to better self-assess their prospects. As a result, we expect to see a decline in refusal rates.

With China, the new arrangements represent a lowering of criteria that applied under the pre-1 July special entry arrangements for PRC students, so we anticipate an increase in application numbers.

No major impact is expected in Iran as most students are Government sponsored.

The following table compares actual 2000-01 and estimated 2001-02 application numbers by selected Posts:

<table>
<thead>
<tr>
<th></th>
<th>2000-01 student visa applications</th>
<th>Estimated 2001-02 student visa applications</th>
<th>Estimated percentage change in application numbers</th>
</tr>
</thead>
<tbody>
<tr>
<td>New Delhi</td>
<td>8102</td>
<td>6500</td>
<td>-19.8%</td>
</tr>
<tr>
<td>Beijing</td>
<td>19003</td>
<td>21000</td>
<td>+10.5%</td>
</tr>
<tr>
<td>Tehran</td>
<td>242</td>
<td>255</td>
<td>+5.4%</td>
</tr>
<tr>
<td>Beirut</td>
<td>588</td>
<td>294</td>
<td>-50%</td>
</tr>
<tr>
<td>Islamabad</td>
<td>1101</td>
<td>1000</td>
<td>-9%</td>
</tr>
<tr>
<td>Colombo</td>
<td>1557</td>
<td>1300</td>
<td>-16.5%</td>
</tr>
</tbody>
</table>

(5) Applications lodged by students with a clearer idea of the requirements they have to satisfy to obtain a student visa should mean better prepared applications and if from bona fide students, lower overall refusal rates.

(6) (a) The offshore student visa refusal rate is the percentage of Post decisions in a given period that are refusals. In 2000-01, refusal rates were as follows:

New Delhi (53.9%); Beijing (27.7%); Tehran (29.1%); Beirut (48.7%); Colombo (27.9%).

(b) Estimates of refusal rates are unreliable because refusal rates depend on many factors, including overseas economic and political changes, beyond the control of DIMA. Furthermore, an official estimate of refusal rates, if made public, may act as a disincentive to applications from legitimate students and/or create the false impression of pre-determined refusal rates.

With China, the new arrangements represent a lowering of criteria that applied under the pre-1 July special entry arrangements for PRC students, so we anticipate a decrease in the refusal rate.

In respect of all other countries, we anticipate that refusal rates as a percentage of the caseload, should also decline over time. This view is based on the fact that students, providers and their agents have access to unprecedented levels of information in regard to eligibility criteria. Better prepared applications should lead to an overall decline in refusal rates and a consequent overall increase in approval rates.

(7) Estimates of student visa grants should be treated with caution because grant numbers depend on many factors, including application numbers and the quality of the applications. An increase in the student visa approval rate will occur if the more objective and transparent evidentiary requirements translate into an increase in the proportion of applications meeting the criteria for grant of a student visa.

With China, the new arrangements represent a lowering of criteria that applied under the pre-1 July special entry arrangements for PRC students and we anticipate an increase in student visa grants.
The following table compares actual 2000-01 and estimated 2001-02 student visa grants by selected Posts:

<table>
<thead>
<tr>
<th></th>
<th>2000-01 student visa grants</th>
<th>Estimated 2001-02 student visa grants</th>
<th>Estimated percentage change in grant numbers</th>
</tr>
</thead>
<tbody>
<tr>
<td>New Delhi</td>
<td>3564</td>
<td>3250</td>
<td>-8.8%</td>
</tr>
<tr>
<td>Beijing</td>
<td>8720</td>
<td>11000</td>
<td>+26.1%</td>
</tr>
<tr>
<td>Tehran</td>
<td>112</td>
<td>155</td>
<td>+38.4%</td>
</tr>
<tr>
<td>Beirut</td>
<td>295</td>
<td>147</td>
<td>-50%</td>
</tr>
<tr>
<td>Islanabad</td>
<td>418</td>
<td>390</td>
<td>-6.7%</td>
</tr>
<tr>
<td>Colombo</td>
<td>1018</td>
<td>770</td>
<td>-24.4%</td>
</tr>
</tbody>
</table>

Visas: Students
(Question No. 3824)

Senator Carr asked the Minister representing the Minister for Immigration and Multicultural Affairs, upon notice, on 7 August 2001:

1. How many students have sought a change in visa status as a result of a change in their provider (please provide details for 2000 and for 2001).
2. What is the most recent figure for on-shore students seeking an extension to their visas as a result of the non-completion of their course.
3. How many of these applications have been granted.
4. Over the past 3 years, how many students: (a) have entered Australia to study at a university and have subsequently changed their provider to another university; and (b) have changed to another category of provider altogether, eg. a VET college (please provide the answers to the highest level of detail).

Senator Ellison—The Minister for Immigration and Multicultural Affairs has provided the following answer to the Honourable Senator’s question:

1. Change of provider applications is as follows:
   • 1999-2000 - 1163
   • 2000-2001 - 1609
2. Students apply for new student visas for a range of reasons, including the need to extend their stay in Australia in order to complete a course of study or to undertake new studies. The Department of Immigration and Multicultural Affairs (DIMA) considers information on academic performance when considering the grant of a new student visa, but DIMA systems do not report on visa grants to students seeking a new visa as a result of the non-completion of their course.
3. Change of provider application grants is as follows:
   • 1999-2000 - 947
   • 2000-2001 - 1260
4. Reliable information prior to 1 July 2001 is not available due to systems difficulties in matching data. The new sector based student visa subclasses introduced from 1 July 2001 have resolved this problem and we are currently developing detailed change of provider reports.

Visas: Student Visa Reforms
(Question No. 3825)

Senator Carr asked the Minister representing the Minister for Immigration and Multicultural Affairs, upon notice, on 7 August 2001:

1. Have any educational agents either in Australia or overseas made any representation to the Government or to officers of the department concerning the new regulations; if so, what was the nature of these concerns.
2. Is the Minister aware of recent media reports indicating concern that students are being re-directed to other countries as a result of these recent changes.
(3) Has any research been undertaken by the department into the impact on agents’ commissions as a result of changes to the visa regulations.

(4) Has any undertaking been entered into with any agents regarding maintenance of commission income.

(5) Will enforcement measures be directed at unregistered agents operating in Australia; if so, what measures are proposed.

Senator Ellison—The Minister for Immigration and Multicultural Affairs has provided the following answer to the honourable senator’s question:

(1) One education provider has claimed that some overseas education agents may direct students to other countries due to a feared loss of commission if students are poached by IDP Education Australia or the British Council when sent to do an IELTS test. IDP Education Australia disputes this claim.

A survey of selected overseas Posts in connection with this question indicates agents have expressed concerns in relation to:

• clarification of new requirements;
• impact on processing times;
• perceived anomaly between subclass requirements;
• financial capacity requirements and limitation on financial sources;
• requirement for Year 12 or equivalent;
• IELTS requirement;
• impact on particular markets eg VET sector in India.

(2) Some media reports have reported education representatives as being concerned that overseas student recruitment may be jeopardised by the student visa changes.

The student visa reforms have been developed in consultation with industry peak bodies and are designed to encourage growth with integrity. Growth rates in key markets have been very high. During 2000-2001 the following offshore growth rates in student visa grants were recorded: PRC (46%), USA (16%), Indonesia (12%), Hong Kong (26%), Japan (19%), Thailand (21%), and Korea (30%). 2000-01 was a record year for student visa grants with an overall increase in offshore grants of some 16% compared to the previous year.

At the same time, growth has also occurred in non-compliance indicators, eg:

• the fraudulent documentation rate and onshore student visa cancellation rate in some markets.

The new student visa requirements are expected to result in continued growth of overseas students to Australia, particularly from markets such as the People’s Republic of China and Brazil. There will, however, be a correction in some markets from where we have been attracting a disproportionate number of non-bona fide students.

Genuine students consider a range of factors when selecting which country they will study. They consider carefully the quality of education, the comparative cost of studying in a country, as well as lifestyle and safety aspects. Introduction from 1 July 2001 of a recognised pathway to skilled migration for overseas students in Australia is proving to be a key factor enhancing the competitiveness of Australian education overseas, especially from countries with strong emigration pressures. It is important that this pathway is only available to bona-fide students.

While some applicants may find the new visa requirements more difficult to meet, this reflects the objective of the reforms to match visa requirements with objectively assessed measures of risk using methodology agreed by Industry. We accept that non-genuine student visa applicants may find it easier to gain entry to other countries.

Strengthening the system of processing student visas will ultimately result in more genuine students being attracted to study in Australia. While short term structural adjustments are anticipated and inevitable, in the mid to long term a student visa program which succeeds in facilitating the entry of genuine students will further enhance the quality and reputation of the industry, attracting more students and benefiting the reputable providers of education.

(3) The impact of the student visa changes may or may not have an impact on agents’ commissions depending on the market involved. Potential students will have access to an unprecedented degree
of information on how to obtain a student visa and the actual evidentiary requirements. The greater objectivity and transparency in the requirements should lessen the reliance of potential students on the advice of education agents as to visa requirements and also make it harder for these agents to mislead potential visa applicants as to their likelihood of success in obtaining a visa. Clearer criteria will empower student visa applicants with knowledge of actual visa requirements and give them a more reliable guide as to their likelihood of success in applying.

In relation to the Indian market, we are advised that most agents charge an application handling fee for all applicants regardless of outcome. Many also receive a commission on the first semester enrolment fees for successful applicants. Many agents also request applicants to pay into their agency accounts all moneys for fees, 6 months living expenses, airfares etc up front. If non-genuine applicants no longer apply because they cannot meet evidentiary requirements, then this source of interest bearing income and a large percentage of handling fees will dry up for agents.

(4) No undertaking has been entered into with any agents regarding maintenance of commission income. An agent’s commission is a commercial arrangement between the agent and the education provider, which the Department of Immigration and Multicultural Affairs (DIMA) has no authority to monitor or maintain.

(5) There is no requirement for education agents to be registered in Australia so the Department has no authority to direct enforcement measures at ‘unregistered education agents’.

However, anyone in Australia who uses knowledge of migration procedures to offer advice or assistance to a person wishing to obtain a visa to enter or remain in Australia must register as an agent with the Migration Agents Registration Authority (MARA). This includes lawyers and people who work for voluntary organisations and provide their advice free of charge. Under the current scheme, the definition of ‘immigration assistance’ has been extended to include giving assistance to people who are nominating or sponsoring prospective visa applicants.

There are penalties ranging up to 10 years imprisonment for people who practice in Australia as unregistered migration agents.
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