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The PRESIDENT (Senator the Hon. Margaret Reid) took the chair at 9.30 a.m., and read prayers.

BUSINESS
Rearrangement

Senator IAN CAMPBELL (Western Australia—Manager of Government Business in the Senate) (9.31 a.m.)—I move:

That standing order 3(4) be suspended to enable the Senate to consider business other than that of a formal character before the address-in-reply to the Governor-General’s opening speech has been adopted.

Senator Brown—Could I have that motion read out please, Madam President?

The CLERK—The motion is that standing order 3(4) be suspended to enable the Senate to consider business other than that of a formal character before the address-in-reply to the Governor-General’s opening speech has been adopted.

Question agreed to.

NOTICES
Postponement

Senator IAN CAMPBELL (Western Australia—Manager of Government Business in the Senate) (9.32 a.m.)—I move:

That government business notice of motion No. 2 relating to the introduction of the Financial Services Reform (Consequential Provisions) Bill 2002 be postponed till the next day of sitting.

Question agreed to.

DISABILITY SERVICES AMENDMENT (IMPROVED QUALITY ASSURANCE) BILL 2002

First Reading

Senator IAN CAMPBELL (Western Australia—Parliamentary Secretary to the Treasurer) (9.32 a.m.)—I move:

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

Question agreed to.

Second Reading

Senator IAN CAMPBELL (Western Australia—Parliamentary Secretary to the Treasurer) (9.33 a.m.)—I table the explanatory memorandum and move:

That this bill be now read a second time.

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

Leave granted.

The speech read as follows—

Reform of specialist disability employment assistance and rehabilitation services is critical to meeting broader objectives for welfare reform. People with disabilities, including those with greater support needs, should benefit to the maximum extent possible from employment opportunities available to the wider community. The proposed new quality assurance system given effect by this Bill is a key element of the Government’s plan to improve employment outcomes for people with disabilities.

As part of the Australians Working Together package announced in the 2001 Budget, the Government is providing more than $17 million over four financial years for the new quality assurance system from 1 January 2002. Of this, $15 million will be used for implementation of this system from 1 July 2002.

This initiative will provide the platform to enable disability employment assistance services and rehabilitation services to deliver quality outcomes. The new system will benefit people with disabilities, as consumers and their carers. It will also benefit Government (and, therefore, the Australian taxpayer), as a purchaser of these services.

The specialist disability employment assistance and rehabilitation programs addressed by this Bill are just one part of a range of Commonwealth programs to help people with disabilities find and keep employment. Services are typically provided under contract by charitable, non-profit agencies with the exception of rehabilitation, which is provided by CRS Australia.

Currently, service quality is self-assessed annually by each agency and audited every five years by the Commonwealth Department of Family and Community Services. The current system was designed around an expectation that services
would progress from minimum applicable standards to higher standards. This simply has not happened.

The current system was discussed in Assuring Quality, a 1997 report by the Disability Quality and Standards Working Party, which comprised key representatives of the disability sector. Of particular concern was the lack of a transparent and universally applied accreditation and certification system to provide an assurance of quality. The current system also lacks incentive for service improvement and a transparent system of complaints and referral. The new quality assurance system responds to these concerns.

The new quality assurance system is the product of a great deal of time and energy committed by the disability sector and the Government. A consultation paper was widely distributed, public consultations held around the country and targeted consumer focus groups set up. The new system underwent a successful trial last year and enjoys support from the industry.

Under the new system, there will be a shift to a system that is industry owned and supported, that is outcome focused and that fosters a culture of continuous improvement. A key component is also the critical role people with disabilities will play as technical experts in the audit teams.

The new system is based on a well-established system of accreditation and certification that uses international standards of best practice. An independent, internationally recognised accreditation authority will accredit industry-based certification agencies. The skilled audit teams managed by those agencies will then certify disability employment services against the disability standards and associated key performance indicators.

Provision of rehabilitation programs by the Commonwealth will also be audited against the standards and associated key performance indicators and certified under the new system. All disability employment services and rehabilitation programs will be treated consistently.

After a transition period ending in December 2004, only those existing disability employment services that fully meet the standards will attract Government funding and only those rehabilitation programs the provision of which meets the standards will be approved. However, there will be a range of incentives and support to help services make the transition to the new system and continue to improve.

Newly established employment services will have up to a year to reach full standards.

The new complaint and referral system will form the final component of the quality assurance system. Work is underway with the disability community to have it introduced from 1 July 2002. This Bill provides the formal structure to put the new system to work.

Ordered that further consideration of this bill be adjourned to the first day of the 2002 autumn sittings, in accordance with standing order 111.

BUSINESS
Rearrangement

Senator IAN CAMPBELL (Western Australia—Manager of Government Business in the Senate) (9.33 a.m.)—I move:

That the days of meeting of the Senate for 2002 be as follows:

Summer sittings:
Tuesday, 12 February to Thursday, 14 February

Autumn sittings:
Monday, 11 March to Thursday, 14 March
Tuesday, 19 March to Thursday, 21 March

Budget sittings:
Tuesday, 14 May to Thursday, 16 May

Winter sittings:
Monday, 17 June to Thursday, 20 June
Monday, 24 June to Thursday, 27 June

Spring sittings:
Monday, 19 August to Thursday, 22 August
Monday, 26 August to Thursday, 29 August
Monday, 16 September to Thursday, 19 September
Monday, 23 September to Thursday, 26 September
Monday, 14 October to Thursday, 17 October
Monday, 21 October to Thursday, 24 October
Monday, 11 November to Thursday, 14 November
Monday, 18 November to Tuesday, 19 November
Monday, 2 December to Thursday, 5 December
Monday, 9 December to Thursday, 12 December.
Question agreed to.

COMMITTEES
Allocation of Departments and Agencies
Senator IAN CAMPBELL (Western Australia—Manager of Government Business in the Senate) (9.33 a.m.)—I move:

(1) That standing order 25(1) be amended as follows:
Omit: ‘Employment, Workplace Relations, Small Business and Education’,
Substitute: ‘Employment, Workplace Relations and Education’.

(2) That the continuing order relating to the allocation of departments and agencies to standing committees be amended to read as follows:
Departments and agencies are allocated to the legislative and general purpose standing committees as follows:

- **Community Affairs**
  - Family and Community Services
  - Health and Ageing

- **Economics**
  - Treasury
  - Industry, Tourism and Resources

- **Employment, Workplace Relations and Education**
  - Employment and Workplace Relations
  - Education, Science and Training

- **Environment, Communications, Information Technology and the Arts**
  - Environment and Heritage
  - Communications, Information Technology and the Arts

- **Finance and Public Administration**
  - Parliament
  - Prime Minister and Cabinet
  - Finance and Administration

- **Foreign Affairs, Defence and Trade**
  - Foreign Affairs and Trade
  - Defence (including Veterans’ Affairs)

Legal and Constitutional
- Attorney-General
- Immigration and Multicultural and Indigenous Affairs

Rural and Regional Affairs and Transport
- Transport and Regional Services
- Agriculture, Fisheries and Forestry.

Question agreed to.

BUDGET
Consideration by Legislation Committees
Meeting
Senator IAN CAMPBELL (Western Australia—Manager of Government Business in the Senate) (9.34 a.m.)—I move:

(1) That estimates hearings by legislation committees for the year 2002 be scheduled as follows:

- **2001-02 additional estimates:**
  - Monday, 18 February and Tuesday, 19 February and, if required, Friday, 22 February (**Group A**)
  - Wednesday, 20 February and Thursday, 21 February and, if required, Friday, 22 February (**Group B**).

- **2002-03 budget estimates:**
  - Monday, 27 May to Thursday, 30 May and, if required, Friday, 31 May (**Group A**)
  - Monday, 3 June to Thursday, 6 June and, if required, Friday, 7 June (**Group B**)
  - Wednesday, 20 November and, if required, Friday, 22 November (supplementary hearings—**Group A**)
  - Thursday, 21 November and, if required, Friday, 22 November (supplementary hearings—**Group B**).

(2) That the committees consider the proposed expenditure in accordance with the allocation of departments to committees agreed to by the Senate.

(3) That committees meet in the following groups:

**Group A:**
- Environment, Communications, Information Technology and the Arts
Finance and Public Administration
Legal and Constitutional
Rural and Regional Affairs and Transport

Group B:
Community Affairs
Economics
Employment, Workplace Relations and Education
Foreign Affairs, Defence and Trade.

(4) That the committees report to the Senate on the following dates:

Wednesday, 13 March 2002 in respect of the 2001-02 additional estimates, and
Wednesday, 19 June 2002 in respect of the 2002-03 budget estimates.

Question agreed to.

REGIONAL FOREST AGREEMENTS BILL 2002

First Reading

Senator IAN CAMPBELL (Western Australia—Manager of Government Business in the Senate) (9.34 a.m.)—I move:

That the following bill be introduced: a bill for an act relating to Regional Forest Agreements, and for other purposes.

Question agreed to.

Senator IAN CAMPBELL (Western Australia—Manager of Government Business in the Senate) (9.35 a.m.)—I move:

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

Question agreed to.

Bill read a first time.

Second Reading

Senator IAN CAMPBELL (Western Australia—Manager of Government Business in the Senate) (9.35 a.m.)—I table the explanatory memorandum and move:

That this bill be now read a second time.

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

Leave not granted.

Senator IAN CAMPBELL—I table the speech.

Ordered that further consideration of this bill be adjourned to the first day of the 2002 autumn sittings, in accordance with standing order 111.

BUSINESS

Consideration of Legislation

Senator IAN CAMPBELL (Western Australia—Manager of Government Business in the Senate) (9.35 a.m.)—I move:

That the provision of standing order 111(6) which prevents the continuation or resumption of second reading debate on a bill within 14 days of its first introduction in either House not apply to the Regional Forest Agreements Bill 2002.

Senator BROWN (Tasmania) (9.36 a.m.)—This is quite an outrageous motion. What we have at the outset of this parliamentary sitting is the government purporting—

Government senators interjecting—

Senator BROWN—The government members opposite may well leave the chamber, but it shows the disdain they have for a debate on a bill—the Regional Forest Agreements Bill 2002—which they claim to be urgent. That makes my point. The government is claiming to make urgent a piece of legislation which is now appearing, amended, for the fourth time in this chamber, which has been brought persistently to the chamber by the government over the last three years and which, most lately, has been mishandled in the week leading to the federal election when the government tried to have it bombed through the Senate and failed to do so.

This is a piece of legislation with amendments that the chamber has not yet seen. Nobody in this chamber, other than the minister, has a copy of this bill on his or her desk. How can you fast-forward a piece of legislation which senators have not seen? The government has said obliquely that there is only a minor amendment to the bill, but where is that minor amendment? Could I be provided with a copy of the legislation—to be the first in the chamber, other than the minister, to see it—with the amendment and the attendant pieces of legislation?

The dynamics of this legislation are that the woodchip industry has been able to ma-
nouveur both the government and the Labor Party into having this as the first piece of legislation on the Senate slate. And what a horrid piece of legislation it is! The legislation is to fast-forward the regional forest agreement process being validated in law by the passage of this bill through the parliament. The regional forest agreements were signed by Prime Minister Howard and several state premiers over the last three years, and they effectively give all of the unprotected forests in Australia to the logging industry.

The aim of this piece of legislation is to ensure that the federal parliament and the federal minister for the environment and for forests is hogtied as far as the destruction of Australia’s forests in the future is concerned. It removes the power of the minister to intervene to protect forests and wildlife, including endangered species and world heritage forests, effectively for good, while the chainsaws move in and the destruction of those forests, as in my home state of Tasmania, continues at the greatest rate in history.

At the outset of this debate I need to say that this legislation must be considered carefully. There is no way that an overnight look at the legislation and its ramifications can allow members of this house to go to their electorates and get feedback on this piece of legislation. Is it important to the electorate? Yes, it is. It is very, very important to my electorate, to the half a million or so Green voters in Australia and, in particular, to the tens of thousands of people who made a record Green vote in the elections in Tasmania. This was one of the major issues in mind. If you are in Tasmania you see what the regional forest agreement is doing to Tasmania’s wild forests—the greatest rate of destruction in history of the grandest forests in the Southern Hemisphere. This year 150,000 log trucks, including B-doubles, will take those destroyed forests to the woodchip mills to be exported to Japan and China, where they are processed into paper and ultimately end up on the rubbish tips of the Northern Hemisphere. The woodchips are being exported not only at the greatest rate in history but also at the lowest price in history for the fewest jobs in history.

Prime Minister Howard, when he signed the regional forest agreement in Tasmania in 1997, to howls of protest from the Tasmanian people, said that the regional forest agreement would produce jobs. What you will not get in the debate that is going to follow on this legislation, from either the Liberal Party or the Labor Party—because they speak as one on this legislation—is any justification of the Prime Minister’s statement, because it was a false promise. Instead of jobs being created, 1,000 jobs have been lost in the industry even though the rate of destruction has increased. That is because the sawloggers and the downstream processors in Tasmania are losing out. More than 90 per cent of the destroyed forests, the trees being cut down in these grand eucalypt and rainforests, in Tasmania is going to the woodchip mill. The latest count was 93 per cent. That means that, for every truck that gets to the sawmill for downstream processing, seven are going to the woodchip mills where the chips are sent to Japan and now, through Gunns, to China.

The opinion polls show that in my home state, as in the rest of the country, 70 to 90 per cent of people are opposed to this process. But we will find in the voting pattern on the vote we are about to have and in the coming days in debate on this matter that more than 70 per cent of the politicians are with the woodchippers. So there we have the dynamic: most Australians are opposed to this process and most politicians are in favour of it. We may ask: how can that be? The fact is that a corrupt process is afoot, whereby there is money going into the coffers of the political parties which is influencing the outcome of the political process. And the money is coming from the very logging companies that are going to gain from this piece of legislation. During the course of this debate over the coming month I will be seeking some explanation from the political parties about that process of influence, because it needs to be discovered.

If you look at it more carefully, the process in Tasmania is much more dangerous in this legislation than just validating the regional forest agreement. I again ask for a copy of the legislation to be given to me. We
are debating this matter without any member of the chamber having a copy in front of them, and I do not think that is fair or proper—but it shows how this debate is going to be run. It is going to be run with an unenlightened Senate, ignorant of the impact of this legislation. Members of the Labor Party will join members of the Liberal Party and the National Party, ignorant of the economic and employment impacts of this legislation on their electorates, and simply vote for the legislation as it goes through to benefit the big end of town, which is the woodchip corporations.

When you look at the impact on the economies in Tasmania, Victoria, New South Wales and Western Australia where the woodchip industry operates and where regional forest agreements have been signed or put forward, you can see that the public loses out all the way down the line. There is in this legislation provision for compensation. Who gets the compensation? The woodchip corporations do. Under this legislation, there is compensation if a future federal government moves under public pressure to protect a world heritage forest, such as the Weld Valley or the Great Western Tiers in Tasmania, or the Tarkine Wilderness in the north-west of Tasmania, or the tallest forests of the lot in the Styx Valley. Mr Acting Deputy President, I do not appreciate members walking between you and me when I am debating an important matter.

The Acting Deputy President—Senator O’Brien, that is not an appropriate standard. I ask that you maintain the standards of the chamber.

Senator Ian Campbell—Mr Acting Deputy President, I rise on a point of order. Is it within standing orders to debate the detail of the bill when we are actually debating a notice to suspend the provisions of standing order 111?

The Acting Deputy President—The question is that the bill be exempt from standing order 111. I would ask Senator Brown to confine his remarks to the issues relating to that motion.

Senator Brown—And you will find me doing that. I have done so far and I will continue to do so. The Leader of the Government in the Senate should know that you cannot debate whether a bill is urgent or not without looking at what the bill means. It will be interesting to see if the leader of the government gets up and defends the urgency of this legislation when the opportunity arises.

Senator Ian Campbell—Mr Acting Deputy President, on the point of order: is the senator now canvassing your ruling?

The Acting Deputy President—As I heard the senator, I understood him to be saying he was abiding by my ruling.

Senator Brown—You are right, Mr Acting Deputy President, and the honourable leader is simply wasting time.

Senator Ian Campbell—Mr Acting Deputy President, on the point of order: you actually upheld my point of order, which was that Senator Brown should restrict himself to matters relating to the suspension of the provisions of standing order 111. He certainly was not, and that is why you called him to order. He is canvassing, and he should not canvass your ruling.

The Acting Deputy President—I drew the senator’s attention to the terms of this debate, and, in his comments subsequent to that, he indicated that it was his intention to confine his remarks to matters relating to the suspension of standing orders. I will be listening very carefully to ensure that he abides by that commitment.

Senator Brown—Thank you, Mr Acting Deputy President. I do hope the honourable member opposite stops wasting the chamber’s time, because this is a very important matter. I want to get back to the matter at hand, which is the lack of urgency with this legislation. But with that comes the very important consideration for the Australian public, and that is that it has time to know what is in legislation that is before this chamber and that it has time to feed back to the members of this chamber so that the debate can be in the interests of the wider Australian public—not simply the well-heeled lobby groups and the woodchip corporations, which have got the Labor Party to join the
government in railroad this legislation through this chamber. A simple question arises: of all the legislation that a new government can bring forward in the interests of the people of Australia in the first week of a Senate sitting, is the regional forest agreement legislation, which has been before this chamber three times in the last three years, the most urgent? Is that what the government is saying? That is what the government is trying to put forward here, and patently it is not true. Patently, that is false.

The urgent component of this legislation is that the public be aware of what it contains and that there be full and proper debate on its contents and its ramifications. What I was saying earlier, before I was interrupted by the leader opposite—who will have his opportunity—was that this legislation has in it a compensation mechanism for the woodchip corporations. Is that an urgent matter? Only if the woodchip corporations believe that they are moving into forests of world heritage value, like the Tarkine, the Great Western Tiers and the Styx Valley—which contains the tallest forest in the Southern Hemisphere and, indeed, the tallest forest anywhere outside North America. That forest is about to be razed, chainsawed down from end to end, by the woodchip corporations.

The only way that you could argue that this matter is urgent is if the government and the opposition believe that the increasing tide of public horror at what regional forest agreements mean for those forests is going to prevent them being logged. In that situation, this legislation will lead to the woodchip corporations being compensated out of taxpayers' money for those forests as if they were a pile of woodchips. In other words, if a minister of the federal parliament responds to public pressure instead of to the woodchip corporations' moves to protect world heritage value forests in Tasmania, if this legislation is passed, then the woodchip corporation will put its hand out for tens of millions of dollars in payout from the taxpayers' pockets—even though the woodchip corporation never paid a red cent towards those forests.

What is urgent here is that we look at the economics and the dynamics of this industry in the small state of Tasmania. How is it that in Tasmania we have the biggest per capita income from exports of any state in the Commonwealth, in an average period of statistics, but the poorest people in Australia? It is because the Labor Party and the Liberal Party serially intervene on behalf of big extractive industries like the woodchippers to feather their bed against the interests of the public who own those resources. Here we have it writ large, because the compensation in this legislation goes to the woodchip corporations if they are denied access to destroying heritage forests and wildlife in Tasmania.

Where is the compensation mechanism for the workers who are being sacked from that industry by the woodchip corporations while the CFMEU and the Labor Party sit on their hands and say nothing? Where is the compensation mechanism in this legislation for local government in Tasmania, which pays millions of dollars each year on the upgrade of roads damaged by huge log trucks hurling along them to the woodchip mills, and for the Roads and Transport Division of the state Department of Infrastructure, Energy and Resources?

The ACTING DEPUTY PRESIDENT—Order! Senator Brown, please confine your remarks to the motion before the chair.

Senator BROWN—Mr Acting Deputy President, I am going to do that and I will continue to do that, but if the Leader of the Government in the Senate wants to indicate to you that he has a point he should get to his feet and make it. Where is the urgency—and the government can respond to this—in putting through a piece of legislation which is going to leave local government, state government and the people of Tasmania out of pocket without compensation but which will have the big woodchip companies, like Gunns, potentially putting their hands out for millions of dollars and then exporting those profits to shareholders out of state? Where is the urgency in this piece of legislation? It is not there.

It is up to the government and their fellow travellers in this matter, the Labor Party—who failed in the defence of even the work-
ers’ interests in this matter—to justify the urgency of this legislation. I am making this move at the dawn of this new parliament because I believe the government and the Labor Party should justify their actions when they try to upset the forms of this Senate to urgently deal with a piece of legislation which patently is not urgent. It was not urgent enough for the government and the opposition to put it through during the last period of parliament. It was not urgent enough for the last Minister for Forestry and Conservation, Wilson Tuckey, to bring it on in the last six months of the last parliament. He brought it on in the last week when it was too late. It was not urgent enough for him to bring it on during the last six months of that parliament until the death knock, so why has it now suddenly become urgent? What is in the ‘minor amendment’ from the minister that makes the legislation so urgent that it should be debated today?

This is a travesty of the forms of the Senate. That is why I am objecting to it. This is not an urgent piece of legislation. The whole notion of urgency, which allows pieces of legislation to be put through quickly when it is in the public interest, is being abused by the government that moves this motion and by the opposition that, so weakly, is going to support it. It is being abused in the interests of the big end of town—the woodchip corporations; the donors to the Labor Party, the Liberal Party and the National Party. I object to that. If there is now an urgency which did not exist in the last period of parliament, when this could have been brought through and debated at leisure, let the government or the opposition state what it is. If they say, ‘Well, it didn’t get through last time,’ let them explain why they did not get it through, because they had the numbers.

The Labor Party is acting in an appalling fashion here. It should hang its head in shame. It has sold out the workers—1,000 have lost their jobs since the regional forest agreement was signed in Tasmania—and what has the Labor Party or the CFMEU done about that? They have never stepped off a footpath. But when the corporations say, ‘Jump! Make this urgent!’ they jump, because that is who they serve. That is who the Labor Tasmanian government serves, that is who the Labor opposition in this place serves and that is who the government in this place is serving. We will debate this in full in the coming debate, but I object to the process now being used whereby this spurious claim of urgency means that this is the first piece of legislation we deal with in this parliament when there are so many more important issues that we should be debating.

Senator HARRADINE (Tasmania) (9.57 a.m.) I think we ought to come back to what the motion is about. I certainly would not be voting for this motion if I considered it to be a travesty of the forms of this Senate, as has been suggested by Senator Brown. I do not believe it is. This matter has been around for five years and we saw the legislation last year. I certainly have a copy of the Regional Forest Agreements Bill 2002—I do not know whether Senator Brown has a copy—and I have had a look at it. It is not very different from the matter we were discussing last year.

Everybody knows the story, and we can debate the merits or otherwise of the legislation when it comes on. This is not the time to debate the merits or otherwise of the legislation, but the issues are the same now as they were previously. I appeal to you to get this matter out of the road. There are lots of people who want certainty in this particular area, particularly the workers. That is what is of concern, I hope, to the whole of the Senate. If I thought that this was a travesty of the forms of this Senate, I would not vote for this particular resolution, but I do not think it is because this matter has been around for so long. The sooner we get to debate the merits of the issue, the better.

Senator BARTLETT (Queensland) (9.59 a.m.)—The Australian Democrats very strongly oppose this motion, possibly for slightly different or for extra reasons beyond those that have already been put forward. I acknowledge that the Regional Forest Agreements Bill 2002 in the form in which it has been presented is basically the same as a bill that has been around for a while. Obviously, the issue of forestry has been around for a while, but I think that makes it all the more important that this not be rushed. The issue has been around for while, but an ex-
amination of how RFAs have been operating in practice for that period has not happened.

I was part of the Rural and Regional Affairs and Transport Legislation Committee inquiry into the original legislation in, I think, about 1998 or early 1999, and the issues that have arisen in the three years since then are enormously important, and the Senate and its committees have not had an opportunity to examine those. In their previous term, the government went out of their way to deny that there were any issues there at all, despite their being repeatedly raised by people in this section of the chamber. There are enormous concerns about how the existing regional forest agreements are operating. To move towards fast-tracking legislation that will lock them in place for an incredibly long time, I believe, is very irresponsible.

So, from the Democrats' point of view, this is not so much an objection in terms of process as an objection in terms of the content and the importance of the issue. When the bill was around last year, we did not get the opportunity to examine it in the context of all the broader issues, so in a sense we would be debating the bill in complete isolation from the reality of the outside world. The bill is simply an attempt to lock in existing forestry practices for an extended period, under pain of immense financial cost to the taxpayer if there is any change. There are lots of ironies in relation to that, particularly the fact that this government, so-called believers in market forces, should be taking such an enormous protectionist measure as the one they are taking in this regard. But perhaps that is a debate in terms of the substance of the bill which I can go into at a later stage, whenever we do finally get around to debating the bill itself.

Obviously, the government wishes for that to occur sooner rather than later, but enabling this legislation to be fast-tracked without it being examined in the context of all the issues it is meant to be addressing is, in the Democrats' view, a significant problem. It is a piece of legislation that is specifically meant to provide so-called certainty for the forestry industry in certain regions of Australia, and yet we are expected to debate and approve it—or otherwise—without actually looking at what the reality is with forestry operations in Australia. And, from the Democrats' point of view, the reality is pretty tragic and getting worse: it has been getting worse for quite a period of time but, since the original Regional Forest Agreements Bill 1998 appeared, things have been getting enormously worse. To not acknowledge, address and examine those things is, frankly, irresponsible.

As senators will be aware, I have a motion on the Notice Paper to refer this bill off to a committee. Obviously, that can still be done, regardless of whether or not the bill is exempted from the cut-off. I am as always attempting to be constructive in relation to this: it is not just a tactic to put it off into the never-never. It would be a very short time span, but it would enable the Senate to at least make a more informed decision about what it is doing. That is basically the core of the issue. We can forget to some extent our differing views about forestry operations and the immense control that the woodchipping corporations have over processes at the moment. We can put them to one side and debate those when the bill comes up, but in terms of our responsibilities as a legislative chamber to make informed decisions about legislation—laws of the land which will have major impacts on a lot of people for a long period—to do so in ignorance of what the reality is in relation to that area of activity in the community is unacceptable and inappropriate.

When we consider legislation, we all have a responsibility to make sure—as much as we can—that we do it in as informed a way as possible, and we have a particular responsibility to inform ourselves about what the reality is in the real world, what our decision is going to mean in terms of its impacts. This is not just an intellectual debate here. This is not just a debating society. It is not just a question of who can shout the loudest or who can turn people around to different ideologies. It is a matter of decisions we make affecting people in the real world—in the outside world. In that sense, I think it is completely inappropriate for us to not be ensuring that we are informed about what the cir-
cumstances are in those areas of activity that the legislation will affect.

By agreeing to this motion, we will certainly put ourselves in a position where the government will be able to bring on the bill as soon as it wants, and we all know they want to bring it on tomorrow, and, therefore, we will be in a situation where we will be debating the bill without an awareness of what its impacts are going to be. It is a fundamental principle that you do not pass laws without some idea of what the impacts of those laws are going to be and of what the activities of the industry or operation that the law seeks to regulate or affect are.

It is probably an appropriate point, given that we are moving now into a new parliament, to again reconsider what our role as a chamber actually is. We have had all the historical backward glancing in the last year about this 100 years of Federation and, of course, that means 100 years of federal parliament. We have looked at how that has evolved over those 100 years, and we have looked at the role of the federal Senate over those 100 years—it is now even more important than ever. The Senate has now quite clearly evolved into the only mechanism that provides any protection for the people of Australia against absolute power on the part of the executive.

That is a very heavy responsibility. It is certainly one the Democrats take seriously. I think it is appropriate to acknowledge that, given that this is the first real debating day of this new parliament. Given that I am looking at this from an historical note at the moment, if we compare the number of bills that went through this chamber in the three years of the last parliament—the number of different pieces of legislation—and the number that went through in the first federal parliament from 1901 to 1903, they are absolutely beyond compare.

I do not know the precise figures off the top of my head. I know the number of bills put before this chamber in the last three years was in the high 500s. In that time we would have had at best, I would think, 200 sitting days. We are almost to the stage of three bills per day that we are supposed to consider in an informed way. Obviously, some of them are minor procedural bills, but some of them are major. This is a very small bill with major impacts. I think it gets us off to a very bad start as a new parliament for our first act to basically enable the government to ensure that the Senate cannot perform its appropriate role of reviewing legislation in an informed way.

If that is the start that we are going to have in relation to the operations of this new parliament, I think it is a pretty bad sign. It is a worrying sign for the people of Australia, because laws affect people. If the numbers keep increasing by the same rate as they have over the last decade or two, the chances are that we will have over 600 pieces of legislation in this parliament. If this year is anything to go by, the number of days will decrease. The number of sitting days the government is suggesting for the Senate this year is an absolute disgrace—the lowest number of sitting days in a non-election year since, I think, the 1950s. It is a joke in terms of our role and responsibility. This gets us off to a very bad start in terms of our actual role.

It is worth noting that in addition to those nearly 600 pieces of legislation, the number of pieces of delegated legislation, regulations et cetera have gone through the roof. They are into the thousands. The list of the different bits of regulations, orders and disallowable instruments that was tabled yesterday, our first day, would have had over 100 on it. There is no way that any of us can pretend that those are going to be examined and the implications of them understood by anybody in this chamber. Half of the time they are probably not understood by the ministry that is putting them forward. They certainly cannot be absorbed, analysed and assessed by this chamber.

That is not devaluing the very important work that the Regulations and Ordinances Committee does in keeping an eye on those matters. They keep an eye on them in a procedural sense and for basic legal appropriateness. They do not assess them in a policy way—neither does this chamber, nobody does. I think it is a growing problem that the public is unaware of and which they need to become aware of. We are a law-making body
and we are not in a position to do our job properly.

If this government keeps up what it has proposed for this year, less than 60 sitting days for the Senate in one year, it will mean fewer sitting days and more legislation. It will get up towards four bills per day in effect. There will be thousands of pieces of regulations and ordinances that will be barely looked at in a policy sense. All of this has some effect on people in various ways—some small, some enormous. They would not be being done if they did not have some effect. I think it is a growing problem that really needs to be acknowledged.

Without straying too far from the topic under consideration, I think it is an issue that we, as legislators, need to turn our minds to. We are obviously running a real risk when legislation, not just regulations, is going to be passed without proper objective assessment. Obviously you cannot trust the government to always act in the interests of the people. Separate to that, they do not always get it right as well. If it is hard for this chamber to be aware of what is happening in the real world then it is even more remote for people in the bureaucracies and ivory towers who devise the legislation to be aware.

Coming back to the particular legislation that we are proposing to bring on immediately for debate, I am absolutely certain that the federal department responsible for this is blissfully unaware of what the reality is on the ground in terms of the impact on the environment, the impact on the workers and the impact on the communities in the regions where these forestry agreements operate. The federal department makes a point of being blissfully unaware. They do not want to know.

This legislation is their final way of being able to keep their blindfold on for 20 years. They can say, 'It is all locked in, we do not need to bother now. We will forget about it. We will leave it up to somebody else.' We cannot afford to leave it up to somebody else, in the Democrats' view. That is the sort of thing that we need to examine, at a minimum. Is it something that we can leave up to somebody else? What are those other people doing? Are they operating in an appropriate way? In the Democrats' view they are clearly not—and in many other people's view, not just those in political parties, they are not.

We have seen the situation in the Gippsland in recent times where the forestry workers have got together with conservationists to work out a different path because they have acknowledged on all sides that the regional forestry agreement they are operating under is making things worse from every perspective.

It does not matter which approach you take, which angle you come at this issue from. You can come at it from an environmental view, you can come at it from an employment view and you can come at it from an economic view: they are failing on all grounds. For us to agree to putting a piece of legislation through that addresses this crucial area—a crucial area of public policy that is blatantly, in the Democrats' view, failing on all grounds—is incredibly irresponsible. That is why we are so strongly opposed to this legislation being considered by this chamber straightaway without an attempt to acknowledge that, without an attempt to hear from the people on the ground. Forget about all our views for the moment; we need to hear what other people's views are, what the public's views are.

Three or four years down the track from when the legislation was originally proposed, so many things have changed. We have had Western Australia with a Labor government being elected in that time in part—a very significant part—because of its policy shift to abolish logging in old-growth forests, a key area that this legislation goes to the heart of. When this bill first appeared and we had our inquiry into it, that had not happened: Labor in WA supported ongoing logging—the government in WA supported it. There has been a big change, a very positive change, since that time.

Since that time three or four years ago in my state of Queensland, we have seen the Queensland government, in conjunction with environmentalists and the timber industry, develop a very positive agreement that phases out logging in old-growth forests, that builds a sustainable timber industry. Of course, it shows how farcical this govern-
ment’s approach to it is that the one forestry agreement that has been developed and agreed upon broadly by all sides is that which the federal government would not acknowledge. Now that we have a new minister in this area—and a Queenslander as well—in Senator Ian Macdonald, I hope that he will act in the interests of his own state of Queensland, endorse that agreement and provide some backup and assistance. The one positive agreement is the one that the government refuses to acknowledge, and so it actually would not be affected by this piece of legislation. They are the sorts of double standards we have operating here.

Since this bill originally came forward three or four years ago, we have had enormous developments in New South Wales, in Victoria, in Tasmania—in all of these areas and from all aspects. It is a complete furphy to suggest that this is just a fringe opposition by hardline environmentalists like Senator Brown or the Democrats. The concern is across the community—in Tasmania more than anywhere else—and from all aspects, about the social damage that is being caused, the economic absurdities that are operating and the irreversible environmental damage. We will not be able to examine any of that. We will obviously try and bring it to the attention of the Senate during the debate. But we will not be able to hear from the people on the ground, the communities that are being devastated because of the distorted way in which the woodchip industry has twisted forestry operations. We will deliberately be making ourselves ignorant of the views of the reality of what is happening in the community.

This is a major issue and, for that reason alone, we should be making sure it does not just become one of the 600 faceless bills that we vaguely glance at as they roll through this sausage machine, with more and more being forced through in a shorter and shorter time frame. When we all know this is such a big issue, it is all the more irresponsible for us to keep ourselves blindfolded to the outside world in considering this particular legislation. So the Democrats very strongly oppose this motion. We think it is an appalling starting point for a new parliament and it sets a very bad tone for where we might be going, not just in the environment but also in terms of any consideration for the community.

Senator O’BRIEN (Tasmania) (10.19 a.m.)—Well, I have heard it all. Senator Bartlett’s contribution on behalf of the Democrats about this bill supposedly being rushed through without objective assessment and without our taking into account the facts when we consider the debate remind me of the arrangement that the Democrats entered into with the government for the passage of the Environment Protection and Biodiversity Conservation Bill. I think we were allowed an average of 20 seconds to debate each of the amendments, which we had not seen, and we were not going to be allowed to vote individually on each amendment. That was the arrangement that the Democrats entered into on that piece of legislation.

This legislation has, in effect, been before this parliament twice, has been to Senate committees twice and was the subject of debate in the last election—when the opposition and the government made it clear that they would support its expeditious passage. The opposition, in supporting this motion, is keeping its word, having allowed extensive community debate in relation to it. I want to contrast that with the sort of treatment that we received in relation to the Environment Protection and Biodiversity Conservation Bill when it came through this place. I find it astonishing that the Democrats have the gall to stand up and say what Senator Bartlett has just said about bills being rushed through without objective assessment, when they were party to that treatment we received.

In press reports on Monday, 11 February, Senator Bartlett comments that if the Democrats ‘fail to get the bill killed’ they will attempt to have it examined by a Senate committee ‘to ensure its full ramifications are assessed’. So, point 1 is ‘get the bill killed’ and point 2 is have a Senate inquiry. They are the priorities that the Democrats set down when they spoke to the media through Senator Bartlett on Monday.

Senator Brown has suggested that this bill is not so urgent as to require exemption from the procedural rules that prevent it from be-
ing debated within 14 days of its introduction. The fact is that this bill is, as I understand it, substantially the same bill as was introduced into the parliament in August last year. It is substantially the same bill which has been the subject of a reference to a Senate legislation committee. This is substantially the same bill, as I understand it, on which both the opposition and the minor parties have had the opportunity to prepare amendments.

If I understand Senator Brown’s comments in the same media articles on Monday, he indeed has already prepared amendments to the legislation. So, to the extent that he might suggest that he is disadvantaged by the expeditious processing of this legislation, I suggest his own comments reveal that is not the case—that Senator Brown is well aware of the legislation and that in fact he simply does not want it to be passed. I understand that and I respect Senator Brown’s motives in pursuing his agenda and the agenda of his party—it is his entitlement to do that—but I do not believe there is merit in the suggestion that somehow dealing with this legislation now will prevent him from putting his point of view. Neither would it prevent the Democrats nor any other party from putting its point of view.

In terms of Senator Bartlett’s comments that somehow the passage of this legislation will put on the blindfold, I accept that this somewhat goes to the question of debating the bill. But it was raised in the debate so I feel I should respond to it. Each of the RFAs has five-year review provisions. Far from putting the blindfold on proceedings for 20 years, there are, in regional forest agreements, provisions for regular reviews so that the concerns which are being expressed can be addressed and there can be public debate about those matters. There are a great many reasons why the opposition supports the legislation, but we believe that it is appropriate that the legislation be dealt with now, that it is important that it be dealt with now and that there is no disadvantage to other parties in dealing with the legislation now, given that it is substantially the same as the bill which was introduced into the parliament in August last year. We will be supporting the motion.

Senator HARRIS (Queensland) (10.25 a.m.)—In relation to the exemption of the Regional Forest Agreements Bill 2002 under standing order 111, I believe it is proper to support this motion of the government, because in no way does it reduce this chamber’s ability to have a full and frank debate on it. On the issue of urgency, I believe it is urgent for two reasons. Firstly, it is urgent for the people who are participating within the industry. Secondly, there are environmental issues that we need to address. As long as there is uncertainty within the industry in Australia, we will continue to see huge imports of timber from overseas—and I would be interested later on to direct, through the chair, a question to Senator Brown as to how he reconciles the total devastation of the environment in countries such as Indonesia while Australia continues to import from those areas. We have an environmentalist saying, ‘You can’t log in Australia because that is destroying the environment,’ but at the same time he is effectively causing utter devastation in countries that do not have a managed approach towards harvesting timber products. For those two reasons, One Nation supports the government’s position in bringing this bill on.

Senator IAN CAMPBELL (Western Australia—Manager of Government Business in the Senate) (10.27 a.m.)—I congratulate Senator Brown and Senator Bartlett for achieving their aim of speaking for their full 20 minutes. For Senator Brown it was not much of a struggle, but Senator Bartlett was clearly struggling after about nine minutes of trying. We should understand, and those hundreds of thousands of people across Australia tuning in to the Parliamentary News Network should understand—Senator Forshaw—they’re switched off.

Senator IAN CAMPBELL—Senator Bartlett probably was not too good for the ratings, I have to say. It is only 7.30 a.m. in Perth, where it really counts. We have probably lost all the listeners. I say sorry to PNN—

Senator Brown—Mr Acting Deputy President, I raise a point of order. Besides the snide remarks about Senator Bartlett, the parliamentary secretary on his feet took a
number of points of order about straying from the subject, and I would ask you to bring him back to it. This is an urgency debate.

The ACTING DEPUTY PRESIDENT (Senator Chapman)—I ask the parliamentary secretary to confine his remarks to the question before the chair. I am sure that he will, as I previously asked Senator Brown.

Senator IAN CAMPBELL—That is quite right. I certainly would not want to be referred to as the pot calling the kettle black. There are a number of things that Senator Brown and Senator Bartlett said during the debate that were either misleading or just plain wrong. The issue about the legislation has been dealt with by Senator Harradine—that is, that the legislation has been around for some years. In fact, I think the Tasmanian RFA is actually up for review now. This legislation has been around for so long that the Commonwealth has not been able to pass the legislation to uphold the Commonwealth’s commitments to the RFA process for a period of years, basically because we could not get it through the Senate.

Senator Forshaw—You should have introduced it then.

Senator IAN CAMPBELL—We have introduced it more times than I have had hot breakfasts in the last year. It is a matter of record that the review of one of the RFAs is coming up before we can actually get the legislation through the Commonwealth parliament. To use Senator Brown’s words, this is far from fast-tracking legislation. It is more like Bob Dylan’s famous album Slow Train Coming. This has been a very long and slow and tortuous process. The government did make a commitment on the second last sitting day, two sitting days ago, on 26 September. Senator Hill gave an undertaking to this chamber and to the people of Australia that we would introduce this legislation on the first sitting day, which we are doing. It is the first day of government business today. We are upholding that. I think that is the appropriate thing to do. Certainly I, as the manager, made commitments publicly and in this place to do exactly what we are doing now. So I think it is quite appropriate that we do that.

Could I go to the point about this being some sort of affront to the forms of the Senate. The reality of the sitting schedule for this week and the reality of the standing orders is that if Senator Bartlett had his way the Senate would not actually be able to deal with any legislation at all this week. The Senate regularly decides whether or not bills can be exempted from the cut-off order and makes those decisions. What we are talking about here is not spending two back to back speeches of 20 minutes explaining why a couple of senators and their parties do not want to deal with something. What we are trying to do—and I am grateful for the Labor Party’s support in this issue—is to allow the bill to be debated. I am sure it is just an idealistic pipedream from my point of view, Mr Acting Deputy President—and you would probably agree with me—but it would be very good if the Senate could ensure that important legislation was debated.

We will have, I am sure, the first significant filibuster of the 2002 parliamentary term, the 40th Parliament of Australia, on this bill because any time you have a bill with anything to do with an RFA Senator Brown finds as many opportunities as possible to get up and speak for his full allotted time. It is the great art of filibuster. The trouble is we will spend a couple of weeks doing the RFA Bill. It will not be an informative debate because it will be tedious repetition. It will be filibustering. He will do whatever he can to slow the passage of the legislation, and at the end of the sitting periods leading into the Easter recess we will have a backlog of 20 other bills which will not get proper consideration.

Senator Bartlett makes some fair points about the parliament’s consideration of bills. It has got to be within the hands of the Senate to ensure that all of the bills get an adequate time for debate. I have been the manager here for a long time, and I know the reality in this place is that in a normal sitting week we do one or two major bills during the government business period. The statistics will bear this out. I would be happy for Senator Bartlett to look at these statistics. We tend to do one or two major bills during Monday through to Thursday and they usu-
ally get very thorough debate. In the Thursday lunchtime period, we have what is called the non-controversial timeslot when pieces of legislation which are fairly rudimentary and, as we have come to call them, non-controversial—where every single senator in the place has said, ‘Yes, we have no objection to that; put it through’—are dealt with. Most of those bills go through in two or three minutes on what we call a tick and a flick, which is probably very unparliamentary language and not a great description of the process, but they get through all of their stages in a short period because they are non-controversial. When you look at the statistics that Senator Bartlett refers to, on the face of them they can look like the parliament is not giving things proper scrutiny. I do not think Senator Bartlett set out to cause affront to members of the Regulations and Ordinances Committee or other senators who do spend enormous amounts of time looking at legislation. Not only do the Senate committees spend a lot of time looking at every piece of legislation or regulations of any interest to them but there are backbench committees. I am sure the Democrats themselves have committees in their own party processes. I am sure the caucus has subcommittees that deal with any issue that comes before them.

I think that Australians are very well served by the process. I think the weight of legislation, although it is heavy, is dealt with very effectively by the committee structure and by the Senate as a whole. This Senate is very accessible to the people of Australia. It is one of the great benefits of the structure of our federation. There are 12 senators from each state. They all make themselves accessible. They are spread throughout the states and, if anyone has any concern with any proposed piece of legislation, one of us usually hears about it. I think we have a lot to be proud of. I do not think the statistics that Senator Bartlett puts forward in relation to all these hundreds of pieces of legislation paint a fair picture.

I should point out that in this particular piece of legislation there are two relatively small changes. The first is a change to the commencement provisions, which one would expect, the bill having been in and out for the last four years. It includes a new form which will be used in all bills introduced into the parliament from the autumn sittings in 2002. It is a technical matter; it does not go to the substance of the legislation at all. The other is some minor amendments which relate to the interaction between the Environment Protection and Biodiversity Conservation Act 1999, which has come into force since the RFA was first drawn up. Of course, those two pieces of legislation need to work together. These changes are minor and technical. Otherwise the bill really has not changed very much at all. To be able to deal with it we do need this motion to pass. It is very appropriate that the Senate does this. But I remind you, as I started off, that what we are doing here is trying to pass a motion so the bill and its provisions can be debated. I say: let the debate begin.

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

The Senate divided. [10.40 a.m.]

(The President—Senator the Hon. Margaret Reid)

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AYES

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Brandis, G.H. Buckland, G.
Calvert, P.H. Campbell, G.
Chapman, H.G.P. Collins, J.M.A.
Conroy, S.M. Coonan, H.L.
Crossin, P.M. Crowley, R.A.
Denman, K.J. Eggleston, A.
Evans, C.V. Ferguson, A.B.
Ferris, J.M. * Gibbs, B.
Gibson, B.F. Harradine, B.
Harris, L. Herron, J.J.
Hogg, J.J. Hutchins, S.P.
Knowles, S.C. Ludwig, J.W.
Lundy, K.A. Macdonald, I.
Macdonald, J.A.L. Mackay, S.M.
Mason, B.J. McGauran, J.J.
McKiernan, J.P. McLucas, J.E.
O’Brien, K.W.K. Payne, M.A.
Ray, R.F. Reid, M.E.
Schacht, C.C. Scullion, N.G.
Sherry, N.J. Tierney, J.W.
In division—

Senator Brown—Madam President, I draw attention to page 139 of standing orders, which require that any senator who has a financial interest, in this case in the wood-chipping industry or the logging industry, to declare it now.

GOVERNOR-GENERAL’S SPEECH

Consideration resumed from 12 February 2002.

Senator Gibson (Tasmania) (10.46 a.m.)—I move:

That the following address-in-reply be agreed to:

To His Excellency the Governor-General

MAY IT PLEASE YOUR EXCELLENCY

We, the Senate of the Commonwealth of Australia in Parliament assembled, desire to express our loyalty to our Most Gracious Sovereign and to thank Your Excellency for the speech which you have been pleased to address to Parliament.

First of all, I thank the Prime Minister and our leader in the Senate, Senator Hill, for giving me the opportunity to speak. This may be my last speech in this chamber. Some months ago I gave notice that I intended to resign from the Senate in February. Straight after the election I advised the Prime Minister and my party that I would resign in February. I nominated 22 February, which is Friday of next week, to be the day. I gave sufficient notice so that my replacement could be organised, and that is in process.

Today I want to thank many people, and to say that I am proud to be a Tasmanian, proud to be a member of the Liberal Party and proud to represent the party and Tasmania here in this chamber. It has been a great time; I am very proud to have been part of the process. I am also proud to have been part of the Howard government, which has been a great government for Australia. It has carried out many reforms, and is going to continue to reform Australia, as outlined in the Governor-General’s opening speech.

Today I want to do two things: firstly, to quickly run over some of the major issues that I have been involved in since I have been in the Senate—things I have had the privilege to take part in and to make a contribution to, for which I am very grateful—and, secondly, to talk about Tasmania’s troubles, basically its economy. The first thing I want to mention is national competition policy. When we were in opposition the government of the day brought forward the national competition policy. I played a part as a member of the opposition in agreeing with that policy, and I congratulate the Keating government for bringing that policy forward. I also want to congratulate the Productivity Commission for the excellent work it does for Australia. In more recent times the Productivity Commission, and particularly its chairman, Gary Banks, has highlighted the great benefits to all Australians from national competition policy, which has basically brought the government businesses of Australia under the Trade Practices Act and forced competition on those businesses. We have had cheaper services, communications and transport as a result of that pressure. So it has been a great thing for Australia, and I am very proud that I have been part of that process.

The next thing I got involved in was the accounting system and the financial responsibility legislation for parliament and government. When I was on the Public Accounts Committee in opposition I pushed very strongly for the Public Accounts Committee to do a major review of the accounting system of the Commonwealth government and also a review of fiscal responsibility legislation. I pushed hard for that 12 months before the 1996 election to make sure that Finance and Treasury did their homework for the implementation of full accrual accounting—in other words, normal commercial accounting—well before the 1996 election so that they, assuming we won the election, could...
not claim that they needed time to do their homework. That was successful, and I had a hand in persuading the leaders at the time, the Leader of the Opposition, Mr Howard, and Mr Costello, that we should go with full accrual accounting and our fiscal responsibility legislation, the Charter of Budget Honesty. I am very proud to have been part of that process.

Another initiative I was involved in was the National Commission of Audit, which was initiated by the Howard government as soon as it came to power in 1996. Some six or eight months before the election I proposed that we do a commission of audit. I made that suggestion to our leader at the time, and he agreed and said, 'Okay, you go and set it up and organise it.' I am very proud of the fact that I assembled a great team led by Professor Bob Officer, who was the chairman. The commission did a great job. Looking back now at the report of that commission of audit and the things it suggested the government could do, one can see that most of the recommendations have been implemented.

After the 1996 election I was Parliamentary Secretary to the Treasurer and I was responsible for Corporations Law and the Australian Securities Commission. I initiated a review of what was wrong and what needed to be done with regard to Corporations Law and the operations of the Australian Securities Commission, and I am pleased to say that the government carried on with that initiative when some months later I resigned as parliamentary secretary over a minor perceived conflict of interest which really had no materiality, but I did it because I wanted to make sure that the government was not damaged.

After that I became involved in tax reform. I was appointed by the Prime Minister as chairman of the first coalition tax consultative task force. That committee took over 660 submissions from the public and met with all people involved and interested in the tax system. Our objectives were to define what was wrong with the system at that time and make suggestions for change. We basically assembled the evidence, which was passed on to the government and from which the ANTS package was derived. The ANTS package was put out by the government, and after that there was the Ralph report, the business package. I am proud to have been part of the two Senate committees which investigated those packages.

One of the sad things, though, out of that process was that the ALP I think made a fundamental error in strategy. Since we have been in government they have decided to oppose virtually everything—particularly with the ANTS package. They fought it tooth and nail through the committee process, and in fact it was sad the way they treated a lot of the witnesses at the time.

Senator Conroy—Behave.

Senator GIBSON—It is true, Senator, and you know that. I contrast that with what happened when we were in opposition. National competition policy is a good example. We in opposition supported that initiative of the Keating government because we knew it was right for Australia. The same thing applied to things which happened before my time: the floating of the dollar, the freeing up of the finance markets and the lowering of tariffs. They were all major policy initiatives, good for all Australians and strongly supported by the opposition when they were brought forward by the Labor Party. Contrast that with the last six years. The Labor Party have I think made a fundamental error. I hope we see a change in the future in the way they behave, particularly here in the Senate.

Senator Ian Macdonald—I wouldn’t hold my breath.

Senator GIBSON—I am hopeful, Minister.

Senator Ferguson—We think Conroy’s changed.

Senator Conroy—Ever the optimist.

Senator GIBSON—I have been doing my best to try and train him, so I hope that does happen. I have got involved in many issues to do with Tasmania, a lot of them not in the public arena. The things in the public arena were, of course, the RFA process, which we are still to see finalised, and the issues arising from the sale of Telstra shares for the environment, communications and the IT
industry for Tasmania. I have been proud of being a board member of the Intelligent Island project, which is trying to get an IT industry going in Tasmania.

That allows me to move on to the future of Tasmania. Yesterday in the Australian Alan Wood referred to a report done by ACIL written by Jeffrey Rae entitled The Tasmanian experience: Lessons for New Zealand commissioned by the New Zealand Business Roundtable and published in January this year. It has only become public in the last couple of weeks. It uses the example of Tasmania relative to the rest of Australia as a lesson for New Zealand in what they should do. What essentially does it say? When you contrast what has happened to poor Tasmania over the last 13 years with regard to output—in other words, the size of the economy—the Australian economy expanded by 53 per cent over that 13-year period; Tasmania’s by 17 per cent. Queensland and Western Australia expanded much faster than the national average. Australian productivity for the 10 years of the 1990s rose by 28 per cent; Tasmania, 16 per cent only. Consumption in Tasmania has outstripped production by quite a large amount. The estimate in this report is that the net income transfers to Tasmania have been running in recent years at about $500 million per year. That is nearly $10,000 per capita, so it is a huge subsidy. In spite of that, employment growth in Tasmania has been very poor. For the 20 years up to 2001 Australian employment grew by 40 per cent, but Tasmania’s only grew by 14 per cent and it is deteriorating. The participation rate in Australia is gradually rising, but the participation rate in Tasmania has been declining for quite some time and is getting worse. For the decade of the 1990s Australia had an increase of investment nationally of 80 per cent; Tasmania’s was nine per cent. When you look at private sector investment in Tasmania for that decade, it was only one per cent, so there was virtually no increase in investment. So investment is down, jobs are down and population has been going down also—in spite of largess from the Commonwealth.

I would like to quote the lessons in this report by Jeffrey Rae. He cites lessons for New Zealand, but they really are lessons for Tasmania too. He says:

The first lesson is that, while geography affects economic performance, governments can do little directly to reduce any adverse impact that it may have.

The second lesson is that small and remote economies have few inherent attractions and some inherent disadvantages for investors. Making it attractive for investors is the key to growth.

The third lesson is that appropriate labour market regulation that allows wages and other conditions of employment to be set in response to demand for, and supply of, particular classes of labour in particular localities is necessary to foster employment and economic growth.

In other words, national rates should not apply in regions because otherwise you frighten the investment away.

The fourth lesson is that when economic performance suffers, residents will leave...

That is what has been happening.

The fifth and most important lesson is the crucial importance of sound institutions and sound public policies.

Of the institutional risks, perhaps the most immediate is the proportional representation system of voting. Proportional representation is not easily grafted on to a Westminster parliamentary system without the risk of a severe unanticipated reduction in the effectiveness and efficiency of government.

Proportional representation can institutionalise minority government and political instability, weaken political leadership, blur lines of responsibility...

The confluence of institutions and public policy can be profoundly anti-business in its effects, even if that result is unintended.

And that is what we are seeing happen in Tasmania, particularly through the influence of the Greens as a minority pushing antidevelopment and trying to kill off major projects which were successfully done, particularly the Wesley Vale pulp mill. As a result, the boardrooms of Sydney and Melbourne say, ‘Why bother with Tasmania—it is basically too hard.’ The report also says:

The final lesson is that solutions to poor institutions and poor public policy are entirely in the hands of the community in question.
So I raise this today with a message to my fellow Tasmanians: the matter is in all our hands; let us do something about it.

Finally, I would like to thank a lot of people. First of all, I thank my wife and family. I thank all my staff over the years, who have been great. To my colleagues and friends here: I will miss you, but stay in touch. To the parliamentary staff, particularly a lot of them I know well: you have been great. The committee staff have just been excellent. To the Liberal Party, particularly the Tasmanian division: I have worked hard to try and strengthen the party, and I am pleased to say it is improving and getting stronger. I know the five senators from Tasmania will continue that hard work—they have all been actively involved—and it is important that we keep the party structures well.

I am proud to have been here. I decided many months ago that it was basically time for me to move on. I deliberately did not say anything about it until after the election because I did not want to create any fuss, but immediately after the election I notified the PM. I am looking forward to a different life. Thank you very much.

Honourable senators—Hear, hear!

The PRESIDENT—Before I call Senator Scullion, I remind honourable senators that this is his first speech. I therefore ask that the usual courtesies be extended to him.

Senator SCULLION (Northern Territory) (11.02 a.m.)—Thank you, Madam President. I second the motion that the address-in-reply to the opening speech by the Governor-General be agreed to. I have been honoured by the Northern Territory community in being elected to represent their interests in the Senate. I wish to acknowledge the Ngunawal people, who are the traditional owners of this land, and to thank one of the elders of the Ngunawal people, Matilda House, for her welcome last week and her presence in the gallery today.

As the Country Liberal Party senator in this chamber, I will be continuing the great work of Bernie Kilgariff and Grant Tambling. Both of these dedicated Territorians have made a vital contribution to the life of all Australians. My thanks to everyone who encouraged and supported my endeavour to represent Territorians’ interests in Canberra. The Country Liberal Party and the people of the Northern Territory offered a wonderful level of support. Thank you.

I would like to thank particularly my wife, Jenny, and my three children, Sarah, Daniel and Luke, who have travelled from Darwin to be with me today. I suspect my two young boys are enjoying one of the universal pleasures of having an acceptable excuse for a few days off school.

In 1985, when I arrived with Jenny in the Northern Territory, I knew that our search for a home and a place to start a family was over. You have never seen such a place! On the journey north to Alice Springs, through the Red Centre, you cannot help but be impressed not only with the magnificent harshness of the desert country but also with the Centralians who have built such a splendid town and a vibrant tourist industry, with products that rank amongst the finest in the world. Arguably, Australia’s finest and most comprehensive advertising campaign has been conducted by the Arrernte desert people. Wherever you travel in the world you will see images of Central Australia depicted in the unique art of dot paintings. All Australians, particularly those involved in the tourist sector, have benefited significantly from the efforts of those hardworking Territorians.

Darwin has to be the true cosmopolitan capital of the world. We have people from half the nations in the world represented in our population, and the other half wants to move there. It is the friendliest place in the world—the kind of place where you can leave the airport, jump in a cab, drive to one of our many watering holes and sit down and have a beer, and within an hour you will be sharing a table with a whole range of new mates. It is just that sort of place. So I had this vision of sitting on a vessel surrounded by perfect balmy weather and swaying palm trees, catching barramundi and getting paid for it. I thought: that seems to be a great way of life. A professional fisherman—that’s the life for me, I thought. Well, the vision was soon shattered. As anyone who has made a living from the sea will attest, success is usu-
ally about very hard work, a few tears and a fair bit of luck.

There were pretty significant downsides to living off north-east Arnhem Land: the harshness of the environment, the unforgiving nature of the sea. Challenges ranged from the unpredictable—like being grovelled by a wounded buffalo when attempting to put some meat into an otherwise all-seafood diet—to the more predictable—like cyclones, and trying to resolve fights with your missus in the confines of a 40-foot vessel. I must say the downsides were substantially outweighed by the upsides: the unlimited pleasures of waking up each day in one of the most beautiful, pristine and remote areas of Australia. Imagine it, if you can: emerald-coloured rainforests that come down to a crystal clear, cobalt sea. It is just a glorious place to work and a glorious place to live.

As a conservationist and a fisherman, I have developed and maintained a keen interest in the use and control of our natural resources. I am the immediate past chairman of the Australian Seafood Industry Council, one of the largest conservation groups in Australia, the work of which I have no doubt is well known to the members of the chamber. I can remember—as perhaps many other people in the chamber will—that, as a young bloke, ‘environmentally friendly’ meant putting the cigarette butt out in the beer can before you threw it out of the window. In the past, we had followed what we considered to be the world’s ‘best practice’. We were encouraged to cut down those ‘ugly’ native trees and we were encouraged to plant wheat and other European crops. We treated fisheries as if they were a danger to swimming. ‘Bigger vessels, more capacity!’ cried the experts.

Australia now understands that the worst aspects of environmental degradation in this country, evidenced by dryland salinity, degraded rivers, depleted fish stocks and a net loss to our biodiversity, are the result of our own historical world’s best practice. I have noticed with growing concern the call for primary producers to stop these practices overnight—‘Fisherfolk, lay down your lines!’; ‘Irrigators, just give up your water quota!’; ‘Graziers, clear no more land!’—without consideration for compensation. If we ask the food producers of Australia to repair 50 years of our bad management and our bad advice without adjustment packages, and that means compensation, then we are asking for the job not to be done.

I was delighted that, in his speech yesterday, His Excellency the Governor-General highlighted and reflected on Australian’s concerns about the environment. The establishment of a new Sustainable Environment Committee of cabinet chaired by the Prime Minister will most certainly place this most important of issues under the strongest focus of government. As part of the Australian Seafood Industry Council’s role in protecting our natural resources, it lobbied the federal government to take a strong stance with regard to protecting our sovereign resources in the Great Southern Ocean. I am delighted to report that this government now has a policy that sends a clear message to those who come to Australian waters with the intent of stealing our fisheries resources: ‘If you come to steal, we are prepared. You will be caught, you will be prosecuted, and it is very likely you will lose your vessel and your equipment.’ This is a strong policy that has resulted in a substantial decline in the number of recidivist illegal fishers.

In an international sense, Australia has been a leader in the high seas fishing agreements and is widely respected for its strong position on maximising the benefits to Australia over the sustainable use of our marine resources. Unfortunately, it seems that our policies with regard to our offshore oil and gas reserves do not enjoy the same focus of putting Australia first. Recent discussions with representatives of the oil and gas industry reveal that serious consideration is being given to constructing a floating liquid natural gas plant over the Bayu-Undan gas field north of Darwin. This has actually been proposed as an alternative to bringing natural gas onshore to be processed in Darwin and to connect Australia with cheap, efficient power. Instead of creating jobs and an economic stimulus in the Northern Territory and Australia, these jobs will be created in Korean shipyards, and another nation will enjoy the economic benefits that are necessarily associated with the construction of liquid
natural gas production plants. You would have to agree that this is clearly not in our national interest.

Processing the gas offshore and having gas loaded into ships destined for overseas markets gives the impression that Australia has an unlimited supply of gas or that there is little domestic demand for this commodity. We all know that is not the case. What legacy shall we leave our children? Will they live in a truly independent country—you know, independent; not to rely on another—or will we leave our children with a country that relies on other nations for its power supply?

Or, instead, will we leave them with a country that has access to affordable power and enjoys the jobs, the economic stability and the security that comes with industries that thrive on affordable power? Every endeavour must be made to ensure that, if multinational companies wish to profit from our natural resources, they accept that future use of extracted resources should be managed in a way that maximises the long-term interests of all Australians. I will continue to work with this government to ensure that the resources that lie to the north of my beloved Territory are extracted in a way that achieves this outcome.

I have also been closely associated with the issue of sea rights. In fact, I am one of the principal respondents to the Croker Island test case of native title over seas. We entered this process willingly and will accept the determination of the court in this matter. Aboriginal land under inalienable freehold title comprises 84 per cent of the Northern Territory coastline, with virtually all of the rest of the coastline under land claim. Almost the entire area of the intertidal zone of the Northern Territory, in some cases stretching over a kilometre seaward, is also under claim. My principal concern is that, if these claims are granted, the fish stocks that live or move through these waters will no longer enjoy the protection offered under our fisheries legislation, thus enabling new owners to issue additional access rights which will inevitably place extra pressure on our currently well-managed fish stocks. The depletion of fish stocks, particularly in breeding areas, will lead to depletion in other areas. You just cannot take the plug out of one end of the bath and expect the water to remain in the other.

Much of my time in the Territory has been spent on land that belongs to Aboriginal people and on waters adjacent to that land. Indeed, the times my wife and I valued most were those spent with our only neighbours at the time, the Aboriginal people who inhabit their lands and islands along the Arnhem Land coast. It still amazes me that in the Territory you can drive for days in a vessel through myriads of the most magnificent islands or for countless hours across country so rich not only in a cultural sense but also in an economic sense, with potential for industries such as tourism, aquaculture and forestry, and yet when you arrive at the home of the proud owners of these vast, rich tracts of land you are not greeted, as you may well expect, by a community whose housing, health and economic wellbeing reflect the riches of their land. Instead, dwellings sometimes consist of a few sheets of tin, and the overall community demonstrates the lowest standards of mainstream education, the lowest standards of health and an average life expectancy for men which is less than my current age.

I do not stand before you claiming that I have the answers to this most complex challenge. In fact, if you ever get a phone call from somebody who claims to have the answer to the challenges facing indigenous Australia, just hang up. Whilst I am sure that the social debris from the collision between a Stone Age culture and modern times is not going to be cleaned up through implementing just one or two ideas, I suspect that the special Aboriginal freehold title issued to indigenous Territorians under the current legislation is a sad comparison with the real freehold title enjoyed by other Australians. The nature of the tenure of this land is a principal impediment to development and the economic self-determination that will surely follow.

Residents of our six states may not be familiar with legislation that gives rise to such discrimination against indigenous Territorians in relation to their land, that provides for massive sea and river closures and that dras-
tically reduces our capacity to manage the marine environment in a sustainable manner. This is because the Northern Territory is the only jurisdiction affected by such legislation, and that legislation is of course the Aboriginal Land Rights (Northern Territory) Act 1976. Since the introduction of native title, the Northern Territory now has a double whammy. We have two Commonwealth acts dealing with essentially the same issues. If a single Commonwealth act is good enough for the rest of Australia, then it should be good enough for the Northern Territory.

I will be calling on the members of this house to support Territorians in amendments to the Aboriginal Land Rights (Northern Territory) Act that may be brought forward to make it consistent with native title. I strongly believe that appropriate amendments will deliver not only a secure and sustainable economic future for all Territorians but also the capacity for genuine self-determination for indigenous Territorians.

The Aboriginal land act is an ill-considered piece of legislation that became law in the Northern Territory in 1976 because Territorians had no choice in the matter. Madam President, the people of the Northern Territory are regularly reminded of the fact that we often have little input in determining our own future. A stark example was the euthanasia debate. Territorians’ very mature attempt to resolve the most complex of social issues was treated with contempt, and our decisions were overturned as if we were errant children. This is the sort of reminder that keeps the vision of statehood and the struggle for self-determination fresh in the minds of Territorians.

I was very pleased to hear His Excellency the Governor-General reflect the government’s position that Australian society is fundamentally built upon the principles of fairness and equity. I am delighted to report to His Excellency that statehood is again a focus of discussion in the Northern Territory, and I will be working with all levels of government to ensure that the principles of fairness and equity are applied to all Territorians as we take our legitimate place in the Federation as the state of the Northern Territory.

At some time during the escalation of hostilities in East Timor, prior to that young nation’s independence, my eldest son, Daniel, sidled up and stood quite close to me. He was silent for a moment, which, in Dan’s case, usually prefaces a statement of great import—or he has broken something. He said, ‘Dad, when the war comes here, will I have to fight?’ I assured him that there would be no war in Darwin and he would not have to fight anyone. I also reminded him that the last time Australia was attacked was 60 years ago, when Darwin was bombed. We then spoke for a while about how lucky we are; about how Australia, in comparison with the rest of the world, is a hostility-free country.

Dan’s concerns were also a reminder that Darwin, whilst it is the capital of the Northern Territory, is also an Australian capital in South-East Asia. In such turbulent times, I see much wisdom in the words of a great Australian and Territorian, the late Reverend Fred Mackay, who suggested, ‘We should view tolerance and forgiveness as greatness.’ If these words were to become the mantra of all Australians, our beloved island home would remain free, for another 60 years, of the sorts of hostilities that have tormented so many other nations of the world.

I will work with the members of this chamber to ensure that our legacy to the children of Australia is at least equal in quality to the social, economic and environmental legacy that previous generations of Australians have bequeathed to us. I have always felt a little sad for all those Australians who have not made the Northern Territory their home. In the interests of fairness and equity, I invite the members of the Senate to visit the Territory at any time; and, when you are there, experience a new benchmark in hospitality and, in your memories at least, take home a slice of paradise.

Senator WEST (New South Wales) (11.19 a.m.)—I rise to speak in this debate and, like my colleague Senator Gibson, this will be my last address-in-reply; however, I am still here until 30 June. Senator Gibson, thank you for your friendship, your camaraderie, and the great times we have had together; particularly the couple of delegations we have done overseas. You and Pauline
have been great company and I have enjoyed it immensely. Have a good retirement. I have said things to you privately about your going to the backbench from the frontbench, and you know what I think about that. You had standards and courage, and you stood by those convictions and did things that some of your colleagues who are guilty, I suspect, of far greater crimes and sins did not do.

To Senator Scullion, the new senator: welcome. That is your easiest speech. From now on we can interject and tell you precisely what we think about some of your comments, and that will be a great and delightful experience. I have noted a couple of points but I will be a bit reserved today, because this is the address-in-reply—

Senator Hogg—You are never reserved.

Senator WEST—Senator Hogg, that was totally unparliamentary. I will endeavour to be a bit more polite, because I do not want this to be construed as being disrespectful of the Governor-General, and I certainly have a great deal of admiration for the people of Australia. After that preface, I will commence looking at the Governor-General’s speech and the address-in-reply.

When we went to the election campaign last October-November—the end of the 39th Parliament—we seemed to be focused on a small group of desperate asylum seekers. I would hope that, as we begin the 40th Parliament, there is a different focus. It is improvements in the issues of jobs, health and education that will make the Australian way of life more secure and prosperous. The Governor-General’s reply saw, in effect, an effort by the government to, I think, rewrite history—or to rewrite the issues that shaped the campaign, at least. The reply noted that the Australian people endorsed a wide-ranging program of continued reform. I would beg to argue that it was not a focus on proposed reform that enabled the government to win the election. Yesterday in his speech the Governor-General commented: Although neither complacent nor unaware of the many challenges ahead, Australia can create for itself a future of immense prospect and prosperity. The government pledges itself to that effort. I can say that the opposition pledges itself to making sure the government lives up to those commitments, because they are very important commitments.

I turn to some specific aspects of the Governor-General’s speech: first of all, the government’s commitments on telecommunications. The Governor-General commented that all Australians should have ‘timely, affordable and reliable access to basic telecommunications services’. For those of us who live outside metropolitan areas, that is not necessarily the case. We are actually seeing this government preparing for the further sale, the complete sell-off, of Telstra. The government is trying to ensure that it gets the maximum price. It thinks it will get the maximum price but recently it has allowed a number of issues to happen with Telstra which quite seriously affect people living in rural and regional areas.

I have heard criticism by people who live in remote areas of the proposal that the Radphone—the Codan system for those who live outside where the normal lines can run—is going to be phased out and cancelled by the end of March. The alternative will be satellite phones. There are certainly some questions about that. Radphones are a bit noisy and there are some problems with them, but on the whole they have been quite reliable. There are concerns about satellite phones: the footprint of the satellite coverage and the cost of phone calls through satellites is very expensive. The government would do well to listen to the concerns of people travelling in remote areas who now use the Codan system in their vehicles that they may not be able to use satellite phones with such efficiency or without an increase in cost.

Also, recently with Telstra—they are getting worse than banks, as far as their fees and charges are concerned; I think they are taking over from banks—we have seen that Easymail, the free email service, is being cancelled. There will be no way that anybody’s email addresses can be transferred to a new carrier, and the email messages cannot be sent on. Easymail is just going to come to a sudden stop. It was introduced in December 1998 by the government when they said that it was a Christmas present to all Australians, that it would help those people on low incomes living in rural areas where services
may be a bit dicey and that it would provide them with an email service that would not cost them any additional funding. It has gone.

Those people now have the option of taking out email services with BigPond, but that is going to cost them money. The cheapest service will be about $3 per month, but there is a huge number of restrictions on what they can and cannot do with that particular service. We have also seen changes to BigPond and, for those with significant or even moderate amounts of usage, it is not very clear from reading Telstra’s packages what the best package is going to be for individuals and what the cost is going to be. The government need to be very careful about that because it is not happening as well as it could or should be. I would ask them to be very cautious.

The government also talked about protecting salinity. Great! But what is their record in protecting this country by doing something about salinity? They have been talking about it now for six years, but let us look at their record. In 1998, the Prime Minister promised $1.5 billion over six years on the environment and then cut $130 million to fund a seventh year. He cut $35 million from on-ground works under the National Action Plan for Salinity and Water Quality before it had even started. He has allowed land clearing to continue at rates some 100 times faster than the land is being replanted under the Natural Heritage Trust. On coming into government, he immediately cut over $200 million in regional environmental programs.

It is fine to say that he is going to give us this salinity protection, but we need to be reminded that the government has already taken a lot away and that previous commitments have not been upheld. The government’s own mid-term review of the Natural Heritage Trust was damning for the trust’s failure to achieve environmental outcomes and recommended fundamental reform. It is quite apparent that this government has not shown any leadership in salinity reform and the overcoming of salinity. It has abrogated its leadership responsibility.

The problem grows. Two-and-a-half million hectares are already affected by salinity and scientists think that this could increase to 15 million hectares. That is a significant area of land. It is not just grazing or farming land either; it comprises towns and settlements. In Wagga, many houses are having problems with salt in the subsoil rising and causing crumbling—basically, it is causing houses to fall down. There is also lost agricultural production, currently valued at $130 million a year and rising—all from salinity.

It is fine for the government to say that they are going to do something for salinity but we have evidence of what they have done in the past, and it has not worked. They have broken their promises and their commitments, and I condemn them heartily for that. It is a major concern for the rural areas of this country which we must address. It might not be a problem in Sydney or Melbourne. In Adelaide, water quality is a major problem and there is a lot of salt in the water. In 20 years time, it is projected that water piped from the Murray River to Adelaide will be too salty for human consumption. That problem is going to have to be addressed as well. It is of major significance. We have to have a great deal of respect for our land. It is an old land which has salt in the subsoil and that is having a very big impact upon us.

I will go back to telecommunications issues for a minute, because I think the other issue that people have not really thought about is this: Telstra is going to charge businesses that want to be listed in both sections of the White Pages. This year they are separating the White Pages into two sections: business and residential. That is fine for big business; they go into the business section, and the individuals who are part of that company do as they normally do and stay in the residential section. But many small businesses operate from home, and they have one telephone. That is both their business and home telephone. Now they will be put into the business section of the White Pages, because that telephone is their business telephone; if they want their number listed in the residential section of the White Pages, they will have to pay $126.50 for the pleasure.

Obviously, government has approved this, allowing Telstra to make some more money.
They are just priming Telstra up for further privatisation, so I would very much urge people to be very aware of what is happening there. Having to pay that additional $126.50 is, I think, an impost. Many small businesses that work out of home in such industries as the building industry and the farming industry have just the one telephone number. If you have a sheep stud, you want to register yourself or to be apparent as a business, so you go into the business area of the White Pages, where you would expect to be; but you also want to make sure that people looking for you at home can find you in the residential area of the White Pages. For that, you are going to be slugged another $126.50. It just keeps adding up, and it is not fair or right. But this is something that this government did not really talk about at election time. We know they did not talk about it, because as I said earlier we seemed to concentrate on asylum seekers and not really talk about what the government was going to do on other very important issues.

For me, the issues of health and of access to universities and of nursing numbers are of major concern. I have a letter from a constituent from my area to whom I have spoken. She is very concerned. She is an older woman and has family commitments in her particular community. She has some nursing experience—she is an assistant in nursing. She has now got to the stage where, while she has family commitments, she wants to do something for herself and become a registered nurse. Heaven knows, there is a chronic shortage of nurses in this country and, in fact, worldwide. As a mature age person, she went through the process of getting an assessment for a university admission index—a UAI—which is an index that goes from one to 100. The Charles Sturt University in Bathurst runs two nursing programs. One is to allow enrolled nurses to upgrade to registered nurse qualifications. It is very popular and very good, and it works well. The other one is for undergraduates. This woman, because she is an assistant nurse and not an enrolled nurse, would have to undertake the undergraduate course. This year for the second round of offers, which she failed to get into with a UAI somewhere in the 70s, the UAI for the Bathurst campus of Charles Sturt University is 87. That is a very good and high UAI. I think it is wonderful that that is the standard that is being required for people to enter into nursing, but my constituent cannot leave that town. She has to stay in the area, but she cannot get into nursing.

The government will say to me, ‘She could do it at Western Sydney, maybe, or at one of the other institutions where the UAI required is less.’ There are people—women in particular—who wish to undertake nursing degrees but who do not have that option. All she needs is 12 months at the Bathurst campus of Charles Sturt University. They run a program where, if you do your first 12 months as an internal student, you are then able to undertake the final two years as an external model. That means that you can keep working in the industry; it enhances your clinical skills, and it enables you to come out at the end of the time with a nursing degree, and we need people with that qualification. I do not think that is going to be happening for my constituent. This government has walked away from its responsibility to ensure that, first of all, there is enough funding to universities and, consequently, that there are enough university places so that universities can actually train and provide enough nursing graduates for the various states.

Senator McGauran—It’s the enrolments that are the problem. The places are there. It is the enrolments that are the problem.

Senator WEST—Senator McGauran has obviously not cleaned out his ears and has failed to understand that this woman cannot get in because the UAI is 87, and the UAI is 87 because there are so many people wanting to get into this course. There are people waiting. There is not a lack of enrolments; there is an excess of enrolments.

Senator McGauran—Are we talking about nursing? I only tuned in a minute ago, by the way.

Senator WEST—I think you had better tune out again, because you obviously know nothing about this at all.

Senator Abetz—Everybody else has.

The ACTING DEPUTY PRESIDENT (Senator Chapman)—Order! Senator West,
please do not provoke senators opposite, and then we might have a more peaceful debate.

Senator WEST—I am sorry, Mr Acting Deputy President. If government members choose to tune out of my speech about the critical shortage of nursing places and the lack of funding to universities, I think that is indicative of their lack of concern about this very important issue—the fact that there is a huge shortage. The only shortage in health that they will talk about is the shortage of doctors, and they will run headlines such as, ‘The doctor numbers in rural areas are increasing.’ We saw that again last week or the week before. What they do not and will not tell us is how many effective full-time equivalent doctors there are out there in rural areas.

I know very well that, while the number of doctors might have increased, the number of full-time equivalents has not increased: the government has pulled this stunt before. I can remember when Mr Fischer was Acting Prime Minister: he came out and said that they were increasing the number of doctors in rural areas, but when we got to estimates the situation was different. I put this on notice and warn the departments that next week I will want the numbers of doctor full-time equivalent positions in rural areas—not the number of doctors but the number of full-time equivalents that there are out there. That is the important figure, and I bet that will show that, if there has been any increase, it has only been one or two.

They do not care about the shortage of any of the other health professionals. They do not provide enough money for universities to make sure that there are adequate places. There were reports in my local paper of the Vice-Chancellor of Charles Sturt University calling for more funds. He wants to pick up the 20 or so would-be nurses who did not get places in the second round. Why can’t he? The government will not give him enough money. That university runs well and runs hard.

This government enables university entrants to pay their own way and to buy their way into places. They buy their way in the first year only and then they are able to take up a HECS position the following year. Is that fair? No, it is not fair because often these people who have bought their way in may not have the same high UAI numbers as those who actually got HECS positions in the first place. This government is ripping off this country. It is not providing fairness and equity in terms of ability to everybody who wants to go to university. This policy enables people who can afford to buy a first year place at university to slot into a HECS position the next year and thus affect the numbers from outside who want to get in but cannot get in.

That is what this government has done. These are the issues the opposition will make sure are well canvassed and highlighted. We will try to make sure the government delivers on the issues of fairness and equity. We know that, unless we are there monitoring this and pushing this hard, they will not deliver on fairness and equity and they will rip people off, not help those who need help and help those who do not need help.

Senator BARTLETT (Queensland) (11.39 a.m.)—Yesterday, the Governor-General, Dr Hollingworth, opened the 40th Parliament and, as per tradition, gave an address that outlined the program for the coming term of government. There are aspects of the government’s program that the Democrats will be opposing and opposing strongly. There are, of course, other aspects that we will be supporting. As always, the Democrats will seek to engage constructively with all other parties and senators to try to get the best outcome for the people of Australia. We will stand firm on the principles that are central to our party and our purpose in being and the principles and policies that we took to the last election where we returned the same number of senators as we achieved in the previous election in 1998.

In regards to the motion relating to the Governor-General’s address, the Democrats will be moving an amendment to what everybody knows was the central issue of the last election campaign, asylum seekers. We will be seeking the support of the Senate to send a strong signal that we must move towards a more humane and workable approach in the way we deal with asylum seek-
ers and refugees and the Woomera Detention Centre being closed. The Democrats have always opposed mandatory detention for all unauthorised arrivals since it was introduced around 10 years ago. The damage caused by that policy is now becoming clearer. The unnecessary nature of it is also becoming clearer. I am pleased to see some movement from the Labor Party acknowledging that to an extent.

In this chamber in 1999 the Democrats opposed very strongly the introduction of temporary protection visas for genuine refugees. I moved the motion to disallow the introduction of that inappropriate and unfair measure. Unfortunately, of course, it nonetheless went through. The concerns and dangers that the Democrats expressed at the time are now becoming quite clear. The bureaucratic and emotional time bomb is rapidly ticking down. This year we will see the first of those people who got temporary protection visas go back through the emotional grinder, the psychological grinder and have their futures thrown up into the air and into uncertainty.

There will be uncertain futures for many genuine refugees who have lived in the Australian community for the last few years—people who have tried to get on with their lives, tried to work in with the Australian community despite a deliberate lack of assistance on the part of the government. They will once again be thrown into uncertainty. It shows the complete absurdity and falsehood of the government’s argument and that of some in the community that we cannot let asylum seekers out of detention centres because it would not be safe for the community. Yet, suddenly, once they are assessed as refugees and allowed out they all do their best to be members of the Australian community. I am not aware of any who have caused any sort of disruption within the Australian community. All whom I have met, if anything, are more committed than virtually anyone else in society to get on and live a constructive life and assist in building a better Australia.

The Democrats opposed the border protection bills that in the week before the calling of the election the government—and the Senate—passed without due consideration. We oppose the so-called Pacific solution and we continue to ask the government what that solution is costing and how it is operating. The Democrats believe that, as an important first step, the Woomera Detention Centre must be closed. A few weeks ago, on 24 January, accompanied by the Democrats leader, Senator Stott Despoja, I visited the Woomera Detention Centre at the request of detainees—and I thank the minister and his office for their cooperation in that. We met with a number of people, including delegates for the asylum seekers there and some children. Before Christmas, Democrats, including my colleague Senator Lees, delivered toys for the children at Woomera—and I thank those members of the public who donated those toys.

Undoubtedly, there is a terrible atmosphere of tension, fear and despair in the centre, as there is in other detention centres around the country, but I think it is particularly highlighted and magnified at Woomera. It is blatantly not an appropriate place for children to be raised or for children to be for any length of time. Neither they nor their parents know what the future holds and some, disgracefully, have been in detention for years. Traumatised, depressed and confused, some detainees have rioted or begun hunger strikes, sewing their lips shut, and have engaged in other acts of self-mutilation and protest. Those who think that hunger striking is some disgraceful, violent act of inappropriate behaviour should have their attention drawn to the long tradition—in some ways, the noble tradition—of it being used by people, the most notable being Gandhi, to highlight very strongly their powerlessness and voicelessness or their need to demonstrate as strongly as possible their opposition to the oppression they are under.

This is what some of the detainees in Woomera said to Senator Stott Despoja and me:

Welcome as representatives of Australia. We wanted you to see with your own eyes. We are not criminals. We are people with problems. The Australian people are afraid because of September 11. We were here before September 11. We are just simple people and very depressed. We also run from terrorists; there is nowhere else for
us to go. We escape from our history. We are the victims of our history.

There are misunderstandings about us among the Australian people.

They are direct quotes from people talking with us inside of the Woomera Detention Centre. Those misunderstandings amongst the Australian people clearly exist, and they are quite clearly being deliberately generated by some in the media and by the government.

The government’s insistence on locking up all unauthorised arrivals for prolonged periods of time is causing immense and unnecessary suffering to people who often have already endured an enormous amount. Asylum seekers in detention centres have fewer legal rights than anyone else in Australia, including those in Australia’s jails. Clearly, the government has also attempted to keep from the Australian public the full truth about the situation in detention centres. It has released selective pieces of information that are often very misrepresented or completely deceiving. At the Woomera Detention Centre, for example, I was told:

Three days ago someone take three children to school. A reporter then went to a child, a five-year-old, and spoke. The child, it was his idea to say, “I want freedom”. The next day that child cannot go to school. He is five and he has not gone to school since. Not allowed.

That is the way intimidation is inflicted on all detainees down to the youngest of children.

We are all aware of the arrest of an ABC journalist who was charged for failing to leave Commonwealth land outside the Woomera Detention Centre on 26 January. Of course, anyone who has been there would realise the farcical nature of such a demand and such a request. This was clearly not someone who was trying to clamber over a fence or anything like that. The media were already a long way away from the actual centre. Again, clearly this was an attempt just to intimidate journalists. I think it must be the first time in decades that trespass has been used as a means to restrict the freedom of the press and attempts to get more facts out to the Australian community. The detainees are very aware of not having a voice or having difficulty in gaining one and getting their message out to the Australian people. That is why it is so important that those of us in the community who support them, including the Democrats, continue to be a voice for them and add to their voice.

Last year the government was more than willing to allow media access to show destruction at the detention centre in an attempt to portray asylum seekers in a bad light; but when detainees are engaging in a nonviolent protest, such as hunger striking, the journalists are kept completely away. We have seen this week on television bits of a video showing security guards at the Port Hedland Detention Centre acting in an extremely violent way towards young people and detainees. That also is a message, a vision, which the government did not want us to see.

It was happy to release visions of detainees smashing windows, but it tried to prevent the public from seeing what generated or exacerbated that situation and the thuggish behaviour of some security guards.

For the last few years, parts of the government have run a deliberate campaign of misinformation and fear against asylum seekers. Australians have now endured years of demonising ‘these people’ and of the public being told that there is a potential invasion occurring—a serious threat to our sovereign borders from people who, it is claimed, are diseased, dishonest, not genuine refugees and ‘not like us’.

We still have to get to the truth behind the incident during the election where government ministers clearly falsely claimed that asylum seekers had deliberately thrown their children overboard, and there are other claims the government has made that I think are equally dubious. More and more I think people are becoming aware that you simply cannot take the word of the government on this issue. We saw that again with Woomera where the federal minister and the relevant state minister, Deane Brown, made blatant allegations that adults were forcibly sewing shut the lips of children. That allegation was referred to the South Australian Department of Family and Youth Services to investigate.

The Human Rights and Equal Opportunity Commission, examining specific conditions
for children in detention centres, also investigated that allegation. It quite specifically said that it found no evidence to substantiate the claims that there was forcible mutilation of children. Also, there was very strong talk around the place about the same thing occurring with the investigation by the South Australian Department of Family and Youth Services. That department has, I believe, provided a report to the minister and, again—guess what—he is not releasing it because it shows that there is no evidence to back up his defamatory claims about detainees. I think that looks again very clearly like another deliberate fabrication on the part of the government to try and mislead the Australian people about the character and nature of detainees.

World events, not government posturing or punishment of unauthorised arrivals, determine the flow of asylum seekers, and we as a mature nation have to recognise our international obligations and take our share. We must adopt sensible, humane, legal and workable approaches. There are hundreds of children, including some who are unaccompanied, locked away behind razor wire in detention centres. The Democrats believe that, while their claims for refugee status are assessed, families should be in group homes outside of detention centres, and unaccompanied minors should be in the care of community and welfare agencies. There will be lower financial, emotional and social costs if most asylum seekers are released into the community. It is done effectively in all other countries around the world, and it is ridiculous to suggest that somehow or other asylum seekers in Australia are different. Quite clearly, children should not be in detention centres.

The Governor-General said in his speech yesterday that the government ‘will continue to believe that Australian society is fundamentally built upon principles of fairness and decency and the premise that opportunity should be available equally to all, regardless of background, gender, race or religion’. I am afraid the Governor-General, who I know has to read what he is told by the government, is being misled there, because the government, by its actions, shows that its belief in those principles is not true. Fairness and decency are clearly the last things on this government’s mind in relation to some absolutely key areas.

There are other important aspects of this government’s agenda that the Democrats will be strongly involved in and examining, particularly the crucial area of welfare. The Governor-General said the government ‘will maintain a strong social security safety net for the more vulnerable in our society’. Again, this government has actually been degrading the security of our safety net over the course of the last six years, and the Democrats will continue to resist attempts to downgrade it further. The most disgraceful area is the imposition of breaches on huge numbers of people with low literacy, people with mental illness or acquired brain injuries, people with drug and alcohol related problems, people who are homeless, indigenous Australians and many young people.

The intensification of the breaching regime over the last few years means that the most disadvantaged job seekers—those who need high levels of support and assistance to enter the work force—are being trapped in a maze of bureaucratic requirements and are suffering tremendous financial hardship as a result of the penalties they receive, often for reasons and in circumstances outside their real control. Too often penalties are imposed without even seeking a reasonable excuse from the unemployed person. This is becoming a major social problem in our community. It is a self-induced problem by the government. In the same way as the suffering of asylum seekers is deliberately inflicted by government policy, the suffering of many thousands of Australians through excessive breaching is also the result of deliberately inflicted government policy.

Sadly, the environment area did not get much focus from the government. It did get a small mention in the Governor-General’s address—and we certainly welcome the new Sustainable Environment Committee of Cabinet that will be chaired by the Prime Minister. But, as we have already discussed this morning, the first thing on the government’s agenda is the introduction of the Regional Forest Agreements Bill 2002, a bill
that will increase the destruction of our native forests and expand the unsustainable woodchip industry—hardly a good sign of the environmental credentials and priorities of this government.

The United Nations Foundation has prepared a world energy assessment that calls on governments to make better progress on energy efficiencies and renewables. Whilst the Democrats welcome and strongly support any extra focus by this government on the crucial issue of salinity—an issue on which we will gladly work with the government and all other senators to get strong positive outcomes—the rest of the government’s environmental agenda is sadly empty. This call from the United Nations Foundation for energy efficiency highlights another crucial area that we are very much falling behind on. It comes just as Australia has been assessed by the World Economic Forum as worse than the United States in reducing greenhouse emissions.

As Senator Stott Despoja has said, the government may boast of its $1 billion over five years for greenhouse gas abatement—the money, I might add, is there only because of the Democrats—but clearly we are not doing enough to reduce greenhouse emissions and reduce land clearing. This year marks 10 years since the original Rio Earth Summit. There will be another international environmental gathering, Rio plus 10, which will consider progress made since 1992, assessing the progress of nations in meeting the targets of sustainability set 10 years ago. Australia, clearly, must do better in the next decade than we have in the last.

Before my time runs out, I formally acknowledge and welcome to the Senate Senator Scullion and Senator Colbeck, and I congratulate Senator Scullion on his interesting first speech. I note Senator Gibson’s announcement of his retirement and wish him well, and I acknowledge the contribution he has made during his time here.

However, in conclusion, it is a very delicate time for the future direction of our nation as we move into the second century of Federation. We have a government that has got back into power solely—and everybody knows this—because of its deliberate divisive and destructive focus on demonising asylum seekers. It has divided the Australian community in relation to that. We have a Prime Minister who is probably the most divisive in the history of our nation since Billy Hughes. He is obviously willing to get power at any cost, regardless of the damage he does to the nation and regardless of the suffering he causes. He is willing to divide the nation as long as he can get the biggest chunk to help him get back into government.

As Greg Sheridan said the other day, you cannot be a cheap, hollow populist one day and then try to pretend to be a constructive, considered leader the next. You cannot flop from one to the other. The lack of principle, the lack of any morality by the Prime Minister, in particular in his disgraceful misleading of the Australian public, and the enormous damage he has done to Australia’s ability to engage with the international community on fundamental issues of justice should be condemned. (Time expired)

Senator BUCKLAND (South Australia) (11.59 a.m.)—I rise to speak in this debate to bring notice to the fact that in the Governor-General’s address yesterday he spoke about families but he did not at any point speak about that very important part of family life: those of our families who are required to become residents of aged care nursing home facilities. I think that was somewhat negligent. It is an area that the government in outlining its policies should have addressed more constructively.

During the period since we were last here, leading up to and following the election and until coming back yesterday, I took the opportunity to visit a number of nursing homes and aged care facilities, including one in which my mother is a resident. What struck me was not so much that the nursing homes needed structural repairs or that they needed additional beds, although I would imagine we are going to have debate on the chronic shortage of beds for some time to come. These visits were more casual visits to catch up with people I have known over many years and whom I have worked with. I was going round at Christmas to visit my friends and my mother whom I visit a number of times per year. What struck me in all of this
was the lack of care for the intellectual property that belongs to the residents. We talk about their health care and their need for medications. All whom I saw were well catered for there. There were a few for whom maybe more could have been done. But there seemed to be nothing to take care of the residents’ intellect.

Just recently I visited one particular nursing home or aged care facility; it was a bit of a mix of both. The director of nursing there said, ‘They are all in the lounge at the moment. They have just had lunch and they are sitting there at the moment. This is when they generally spend a bit of time together.’ When I walked in, to see one person in particular but to talk to as many as I could, I was absolutely horrified to find that they were sitting in two rows facing each other. At school we used to call it bellybutton staring. They were across the way from each other and there was quite a gap between the two rows. No-one was talking. They were sitting next to each other and they were just staring. There was nothing in that room to stimulate conversation. At first you think to yourself that perhaps these people do not like to talk to others around them. But in fact the difficulty they had was that they had ‘talked one another to death’. They had talked so much to one another that they knew everything they needed to know. What was missing there was something to stimulate new conversation or new activity between them all. There seemed to be nothing in the plan of that particular nursing home, and a few I visited subsequently, to stimulate further discussion outside of the little clone of, ‘I’m Geoff Buckland. Who are you? I used to live in Whyalla till I came in here.’ Those sorts of things were all gone. I started talking to a few in this nursing home. I thought that perhaps I will bring something different into it. The football was not on, so it was no good talking about Port Power. I think, by the scarves that were around, they were Crows supporters anyway. I brought in other subjects about things I have done in my life. When I was talking to a couple of the men, I found they had been keen fishermen prior to going into the facility, so I had an affinity with them. They were delighted to start talking about things they did and how they went fishing and places I had been to that they had been to, but they had never discussed it with their companions in this facility.

The facility in Victoria where my mother now resides was another of those. Until the last week or so my mother was fortunate to have her own unit, so she had a great deal of independence and was allowed to leave, with company because she is blind, and go down the street if she desired, as were the others in the self-contained units. They ate in a general dining room. It is a very charming little village. I was concerned not so much about that as where she will be placed when she leaves hospital in the next fortnight, in the more acute care nursing facility. When I walked in with my two sons and my wife to go through to my mother’s unit, the very first thing I saw were the looks on the faces of people who were sitting in the lounge room. They were absolutely delighted to see a fresh face who actually waved to them. In our duties we all visit nursing homes. You pick up things that you do and gauge the people as soon as you get there. It was not until we left there that day that my wife said, ‘That made me cry, going through that section.’ It was then I started thinking that we are not caring for the intellectual management of these residents. Again, their lounge room had the chairs all around the four walls. It was quite a large room. There were spaces between the chairs that I assumed were for people to put their wheelchairs or motorised buggies or whatever. But there was no place within that lounge room facility where they could interact with each other, where they could share ideas and views.

When I went back to that facility the following day, I again went and spoke to some of the residents. I found that they were extremely nice people who had a lot to offer. Their lives had been very rich and they had contributed to society immensely, but they were now behind the walls. These people did not have such independence, they could not get out as freely, and that really disturbed me. Again, there was no encouragement. They were all sitting chairs and chairs apart. They all knew each other by name, but not one that I spoke to knew the backgrounds to
Those who were sitting in the same room—apart from knowing that they came from further up the track at Oberon or from Tathra and places like that.

It is because the care of our older Australians was not mentioned yesterday in the Governor-General’s address that I really thought it should be raised. This government really has to get hold of the whole question of how we treat the older and frailer members in our community; how we can engage them and keep their minds alert. For the benefit of my colleagues on the other side, I visited a nursing home in Jamestown in South Australia. I would suggest to you that we would not gain a vote there if we tried. I went to a nursing home there at the invitation of the director of nursing. One particular gentleman there dressed immaculately each day. He had been a farmer for many years, and when I talked to him—and I have not farmed much more than a couple of tomato bushes—he explained to me in detail the way that they cleared and prepared the land for the wonderful harvest that they now get from that very prosperous region in South Australia. As I said, he dressed immaculately—tie and all—every day of his life. He had a wonderful wit and a wonderful command of the current world situation, but he sat there waiting for someone to take him out for the day. As a result, I took him to a cafe down town and enjoyed a further conversation about his interesting life.

In the Accreditation guide for residential aged care services, standard 3 deals with looking at enriching the lives of these people. In the guide there are things like independence for these people. I have certainly come to the belief that, once you go into an aged care or nursing home facility, your independence is eliminated—I am convinced of that—otherwise they would not have the little security locks for those people who are not at risk if they did go out. The expected outcome for the standard on independence is:

Residents are assisted to achieve maximum independence, maintain friendships and participate in the life of the community within and outside the residential care service.

The facilities today do not appear to be addressing that in any real way. There is no encouragement to residents to participate in the life of the community that they are living in. In some places they might have the occasional barbecue about once a fortnight or a social singsong in the evenings. Some said, ‘We wouldn’t go to that. We can’t sing and they sing old-fashioned songs anyway.’

So where is the active participation in that community and where is the active participation in the outside community? Many of these people have worked tirelessly to contribute to society prior to being placed in these facilities or entering at their own will, as my mother did. Many have contributed much, but they are not getting very much out of it now. They are locked away and forgotten. Their interaction with the outside community appears to be that either the family comes and takes them out for an afternoon or occasionally, if funds are available, the facility will organise for them to go away for a day to play the poker machines perhaps—and that is a great interaction with the community, as I have seen as I go around—or for them to go down to the local senior citizen’s club for an afternoon of bingo or, if they are capable, carpet bowls.

In our management of aged care, I do not think we are really dealing with and addressing what, to me, is very important: keeping their minds active and giving them a purpose to sit there and talk to each other. They have the TVs going in these lounge rooms, of course. Days of Our Lives is on every day, but no-one watches it. They just sit there, hoping that someone will come and talk to them. Another one of the standards is leisure interests and activities, and the expected outcome is:

Residents are encouraged and supported to participate in a wide range of interests and activities of interest to them.

Again, I have visited facilities on their activity afternoons—maybe a Tuesday afternoon—and it seems to me that they are involved in putting a few beads together or doing things that could be suitable for those at kindergarten, such as learning to weigh up things. Some of them do very productive things such as knitting, but it is usually what the facility would like them to do rather than what they would like to do.
I visited one facility—at Cobar in New South Wales, I think it was, but I may be wrong about that—with a group of my colleagues. Three of the people there desperately wanted to get together as a group and knit some baby clothes because they loved to knit. The problem was that they had to sit and try to learn to paint. One of those ladies said, ‘I’m too embarrassed to try because I know I can’t. I have another problem: I am colour blind.’ They had discussed this with the worker who was there with them giving them some social activities. Unfortunately, these people were bound to the facility; they did not have the independence to go outside. I was disturbed that they had to do that activity. One of the other standards is that there be choice and decision making:

Each resident (or his or her representative)—

I am not too sure who that actually is; I suppose it is the person who has had them admitted—

participates in decisions about the services the resident receives ...

Certainly, that is a case where they did not have a choice about the activities they would like to take part in. My mother is blind, as I have said, and she still knits. Basically, all she can do now is knit the little covers for coat hangers, but the nursing home sells them at fetes and various functions to raise money. I wonder how much we really do allow our older citizens to decide for themselves. They may be allowed to decide on the clothes they wear, but beyond that I tend to think there is very little. There is a requirement under the guide that each resident is:

... enabled to exercise choice and control over his or her lifestyle ...

It is a blight on all of us here and on the government for not doing more to ensure that these residents, these people who have contributed so much to our society, have more control over the lifestyle they lead. The reasons they do not have this choice are, firstly, there is no money to fund some of the things they would like to do and, secondly, there does not seem to be an interest in getting them together as a group to discuss these things but, rather, a tendency to dictate what they should be doing.

We could give that power back to them. Even if it were to have someone sit with them and try to record some of their histories so that we understand how it was before, that would be an interest to them. Some of the stories I have heard over the time I have been doing this are so fascinating—the hardship many had to endure to establish a life for themselves and their families. There was the hardship of travel prior to the reasonable roads that we have now—although much more could be said about that. A trip we can do now in four hours was perhaps a two-day trek. These people have a wealth of experience to offer us and each other. In the debate on aged and acute care, we are missing the fact that we are not catering for their needs or giving them an opportunity to take part in what is vital to their intellectual continuance once they leave mainstream society for these facilities. (Time expired)

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

(12.19 p.m.)—Mr Acting Deputy President Chapman, welcome back. A number of Democrats will be giving speeches in the form of an address-in-reply to the Governor-General’s speech. I would like to do so on behalf of my party also. As we know, this is the opening of the 40th Parliament in the 101st year of an Australian federal government. I would like to begin by acknowledging the indigenous people, who are the traditional owners of this land. The Democrats strongly believe that the opening of parliament should include a welcoming ceremony by the indigenous people and I believe my colleague deputy leader Senator Aden Ridgeway has a motion on notice to that effect.

As I did briefly yesterday, I congratulate the coalition—and, in particular, Prime Minister John Howard—on their re-election to government for a third term. I also extend a welcome on behalf of all the Democrats to the 22 new members that we have in the parliament and particularly to those two new senators who joined us yesterday. After 1 July this year the Australian Democrats will still hold seats in this House. We will have eight Senate seats and therefore the effective balance of power.
In his speech yesterday, the Governor-General, Dr Hollingworth, opened the 40th Parliament and, according to tradition, gave an address that outlined the government’s program for the coming term. There are aspects of the government’s program that the Democrats have grave concerns about. As usual, we will analyse and scrutinise legislation and vote on its merits. The Australian Democrats will move an amendment to the motion on the Governor-General’s address. I give notice now of that amendment; it is being circulated, and I will refer to it later. I note, to avoid any panic in the chamber, that this is not an amendment that we will be voting on for some time. To give senators an idea of what that amendment is, it is in relation to asylum seekers and that we move towards a more humane and workable approach and, specifically, that the Woomera Detention Centre be closed. We are seeking the support of the Senate and I urge all senators to support that motion.

Since the last parliament some significant new laws, particularly on a domestic level, have come into effect. The new private sector privacy laws came into effect on 21 December last year—an area that has been of particular interest to me over the past six years that I have been in parliament. The Democrats welcome the new laws. We have been calling for such laws for more than a decade because we have always believed that privacy legislation should extend to the private sector. The legislation therefore is long overdue. It is a good start, but we still think there is long way to go, particularly if we are really serious about protecting the privacy of all Australians. We opposed very strongly the exemption of political parties from that legislation. I think it is a little hypocritical for political parties to not have to subscribe to the same laws that we are in effect imposing on other aspects of Australia, not only the Public Service due to the last privacy laws but now the private sector as a consequence of the laws that came into effect on 21 December.

In relation to genetically modified foods and labelling specifically, labelling laws came into effect on 7 December last year. Again it is a step in the right direction. Again it is an issue on which the Australian Democrats have been vocal for many years, but we still acknowledge there is a lot of work to be done. While consumers now have a lot more information about the GM ingredients in the foods they buy, there are still too many exemptions to those laws. So we will continue to pursue improvements to those laws, particularly under the Australia New Zealand Food Standards Council, and we will work to ensure a tighter labelling regime for genetically modified foods.

This is actually the 25th anniversary year for the Australian Democrats and it is the 21st anniversary of the party first holding the balance of power in the Australian Senate. We will be celebrating a quarter of a century of the Democrats as the third force in Australian politics, and it is clearly an opportunity for us to highlight the role that the Australian Democrats have played on many issues, including protection of the environment, human rights, education and, of course, accountability in government. I am proud to lead a party that has changed the face of politics in this country by opening it up to scrutiny and bringing greater diversity to the parliament. I would like to take this opportunity to pay tribute to a very special Australian Democrat, Sam Hudson, who has been our national secretary for 21 years and has recently resigned from that position—21 years of good work and certainly a lot of good humour.

One anniversary project that we are putting forward is a speaker series. The speaker series will occur throughout the year and it will highlight the leading role that the Australian Democrats have played on a range of issues, including world heritage, antinuclear campaigns, native title, women’s issues and honesty and accountability in government. I look forward to informing the chamber over the next few months of some of the key speakers that will be part of that event.

It is notable that many of the issues that the Australian Democrats put before the electorate back in 1977 when we were first formed are still an important part of our work, as evidenced, for example, by the number of private members’ bills that the Democrats have drafted and asked the gov-
ernment to consider. We actually introduced 16 private members’ bills in the last parliament. In addition, another 17 bills had been put back before the parliament. As most people would know, we only get a couple of goes, maybe two turns a year, when we actually have the opportunity to do private business. That is on a Thursday afternoon, of course. This parliament we are going to ask the government to consider our private members’ bills, and I can think of a number I have on the Notice Paper relating to issues like prohibiting patenting of genes and gene sequences, captioning for the deaf and hearing-impaired and, for example, my private member’s bill in relation to genetic privacy and nondiscrimination. I would be very keen to see some of these forward-looking issues, particularly in relation to biotechnology, finally reach the chamber for debate, and not only that but hopefully come to a vote.

The Governor-General in his speech highlighted some of the federal legislation that is due to come to the federal parliament this year. The legislation that is likely to come before the parliament in the first half of this year includes the RFAs, changes to media laws, ASIO and related security powers, industrial relations of course and probably further toughening of how this government treats asylum seekers. The Labor Party may support the government on some of these issues, but the Democrats expect that we will hold the balance of power on some others. The Australian Democrats will consider changes to media ownership laws only if they encourage media diversity. The Democrats remain committed to increasing levels of diversity in media ownership; that is our very clear objective. The Democrats do not see foreign participation in the Australian media sector as a bad thing per se. However, any changes to foreign media rules should not decrease Australian control of our media, result in decreased Australian content or have a deleterious effect on the number of Australian jobs in the media sector.

We will also closely scrutinise any new security measures proposed by the government. We recognise that security is an essential requirement for defending democracy. However, in the process of defending democracy, we must not compromise or weaken those very freedoms that we seek to defend. The revelations in recent days about the Defence Signals Directorate intercepting calls to and from the Tampa have breached the rules that prohibit them from spying on Australians except under extreme circumstances. That is why the Australian Democrats are seeking an inquiry into this matter by the Inspector-General of Intelligence. I have given notice of this proposed inquiry to the Senate, and we are very keen to ensure that any results of such an inquiry are available to the Senate. I think that is an essential part of any inquiry.

The government has also signalled its intention to go in hard on its old favourite of industrial relations reform, concentrating on more changes in unfair dismissal laws, implementation of secret ballots in relation to strike action and preventing the collection of bargaining fees from workers who are not members of unions but who might benefit from enterprise agreements. Much of this agenda, as we know, has been before the Senate, has been exhaustively debated and has been largely rejected. Unfortunately for Australian employers and employees, this tired agenda is more about politics and posturing than it is about good policy or problem solving. Where are the reforms that will create jobs? Where are the reforms that will assist industry on a systematic rather than a knee-jerk basis and face up to the realities of unemployment and underemployment? They are the reforms that Australians want to see come to the parliament. They are the ones that will make a real difference for Australian families, for workplaces generally and for employers.

There has been a significant decline in the number of jobs in Australia, partly hidden by a fall in the number of Australians looking for a job and a continuing rise in part-time employment. While the official unemployment rate in Australia is 6.7 per cent, seasonally adjusted, which is up from 6.3 per cent a year ago—and I acknowledge there will be new data out on Thursday—other surveys of employment show a much more serious problem, with unemployment estimated to be around 10 per cent. This figure also hides
some of the serious regional problems and a widening gap between the cities, outer suburbs and the country. Over the past year, almost 60,000 full-time jobs have disappeared from Australia, and all the net job growth has been in part-time, casual, less secure jobs. Three-quarters of the unemployed are looking for full-time work, yet the new jobs that are being created in Australia are part-time jobs—indeed, most of them are casual. With more than eight unemployed people for every vacancy, it is obvious that more needs to be done. Bigger sticks, more penalties and tougher breaching, however, are the wrong responses to a simple shortfall of jobs. Young Australians and the many older Australians who face longer periods out of work deserve better.

The Democrats are determined to put the issue of employment creation, the issue of this seemingly intractable problem of unemployment, back onto the political agenda and to keep it there. It was noticeably absent from the debate during the federal election. Now it is time to get it back on the agenda and for government to actually address this issue and the issue of creating sustainable, meaningful, long-term jobs. We want the government to use its next budget to deliver some hope for the unemployed in this country—particularly, of course, in regional labour markets.

The government has signalled its commitment to once again try to roll back rights on unfair dismissal, particularly for those employed in small businesses. Such legislation has been refused several times, on the straightforward ground that it discriminates against a class of employees. The government actually contradicts itself on this one. It says, on the one hand, that it:

...will continue to believe that Australian society is fundamentally built upon principles of fairness and decency and the premise that opportunity should be available equally to all ...

But one of the first bills it is introducing into this new parliament will directly discriminate against a class of employees—those in small business. To suggest that this approach is something to do with fairness is surely testament to a lively sense of irony among the government and its drafters. What it is about is unfairness. The Australian Democrats have been on the record many times on this issue: we will not trade rights for phantom jobs. The vast majority of unfair dismissal applications are made under state laws, not federal laws. Changes to our federal laws will not affect most unfair dismissal applications. That is the reality, and that is why we have opposed these changes previously.

Taxation reform will continue to be an important component of the government’s agenda. There were enormous problems with the implementation of the new tax system. The Democrats were quick to point out some of the flaws and we have indicated a willingness to work with the government to resolve some of these issues. I note that Senator Helen Coonan has a watching brief on this issue, as the assistant to the Treasurer, and I look forward to working with her in my capacity as the Australian Democrats’ treasury spokesperson. The Democrats would welcome any proposals that will simplify paperwork for businesses, but for small business in particular.

The government also indicated—and this was evident in the Governor-General’s speech yesterday—that it is interested in assisting families with workplace responsibilities. To do this is going to take more than words; it will take more than a small tax break for families as well. I hope we see more this term from the government than the lip-service it has already given to the issues of work and family. That means it has to take steps that matter to families. As the Governor-General recognised yesterday, during the election Prime Minister John Howard announced a $1.2 billion tax break for new mothers. Under the plan, mothers would be refunded the tax they paid on income earned in the year before the birth of their child. The Democrats support the aim of this initiative and we will support this initiative. However, we believe it will least benefit those women who need that support most. For example, over a five-year period, a low-paid woman in full-time work will receive a tax benefit of $2,900, compared to $12,500 for a woman on around $53,000 per annum.
Tax benefits that favour the rich and apply only on the birth of a new baby are not going to benefit all Australian mothers; they are certainly not going to give equal benefits to Australian mothers. What women want is paid maternity leave. They need support to take time off around the birth of their baby, as well as for the birth of course, not just a financial benefit down the track. The Australian Democrats are on record as being committed to 12 weeks government-funded paid maternity leave for all Australian women.

We anticipate that this year’s budget could be a harsh one. We urge the government not to continue the cuts to education and social services that marked its first two terms. Alternate areas of budget restraint could be government advertising and, of course, the perks for retiring politicians. According to the Daily Telegraph—and I am not sure whether or not we believe on occasions that so-called esteemed publication—the government spent $187 million on advertising campaigns and self-promotion, and that was only last year. That made it Australia’s biggest advertiser—it was previously the third biggest. The newspaper pointed out that what the government spent on advertising could have provided 19,820 university places or 12,460 heart bypasses. Since 2002 is not an election year, presumably the government will spend less. We certainly encourage it to spend less. One area of expenditure that the Democrats will not drop as a matter of debate is the issue of parliamentarians’ entitlements, particularly those of former parliamentarians.

Time does not permit me to talk in detail about the innovation, technology and higher education aspects of the Governor-General’s address, but I am sure some of these will be taken up by my colleagues. In relation to the environment, in his speech yesterday the Governor-General expressed the need for a whole-of-government approach to sustainable environment issues to be one of the highest priorities for the government’s third term. I am very pleased to hear that this is a high priority. It is something that we support. However, there is going to have to be a lot more done. For example, the government may boast about its $1 billion over five years for greenhouse gas abatement, but clearly we are still not doing enough in this country to reduce greenhouse gas emissions and reduce land clearing. Given that we have been assessed as a country that is worse than the United States when it comes to reducing greenhouse gas emissions, we must address this.

In closing, the Australian Democrats, who introduced to this parliament the concepts of environmental sustainability and world heritage, will continue to pursue legislation that protects Australia’s unique and precious natural heritage. We will continue to oppose the selling off of key public assets, including opposing the further sale of Telstra. Accountability is, always has been and continues to be a priority for the Australian Democrats. This government’s record in providing information to the Senate is one of the worst in parliamentary history, and that has to be addressed. Finally, we hope that all participants will deliberate wisely at the Commonwealth Heads of Government Meeting in March. We pay due tribute to Her Majesty—

Senator Heffernan—Have you got a new dress for it?

Senator STOTT DESPOJA—Senator Heffernan, I am paying tribute to Her Majesty the Queen in this her Golden Jubilee year—and, of course, I have already offered my condolences on the death of Princess Margaret. I look forward to a time when we have an Australian head of state, but I do recognise the extraordinary work the Queen does, especially as a high profile powerful woman in public life.

If an Australian republic is unlikely in the next government term, we at least have a few sporting events to look forward to. I point to the examples of the Ashes tour in 2003, the Youth Commonwealth Games in 2004 and, indeed, dare I forget, the Gay Games in 2002. So there are some things to look forward to. There is an interesting parliamentary agenda, and certainly the Democrats will continue to put both policy and legislative pressure on this government to ensure that our laws are the greenest, the fairest and the most accountable. I move the amendment as circulated in my name:
That the following words be added to the address-in-reply:

"...but the Senate is of the opinion that:

(a) the government must move towards a more humane and workable approach to asylum seekers; and

(b) Woomera detention centre should be closed".

Senator LUNDY (Australian Capital Territory) (12.39 p.m.)—In rising to speak in this debate on the address-in-reply, I would like to focus on several themes. In the short time I have available, approximately six minutes, I cannot help but address the question of leadership. Over the last six years of the coalition government, we have had a Prime Minister of this country who has not displayed any of the attributes of leadership that I know Australians have come to expect and look for in their Prime Minister. What we have had, as we have moved into this phase of our national development, is a person at the helm of this country who has highlighted the politics of division as being the key feature of his prime ministership. This was never more clearly displayed than in the election campaign leading up to last year’s election. In place of true moral and ethical leadership, we had a Prime Minister who was prepared to use wedge politics—and by that I mean target issues in an election campaign which knowingly polarise and divide opinion within a country—rather than move towards creating consensus and understanding as a means by which to garner the support necessary to win the election.

Leadership was so obviously lacking under the coalition government right up until that point when the Prime Minister started using the slogan of leadership under the auspices of (1) division with the Tampa and asylum seekers affair and (2) the genuine international crisis relating to the September 11 attack in New York. The role that the Prime Minister played throughout that period was not one of leadership of the statesman-like quality that Australians have come to expect—not only during a crisis but also through the whole period of prime ministership and governance. That is something which I think is still at the forefront of the minds of many Australians, who have re-elected a coalition government but know that there are deficiencies that the coalition will be unable to rectify over the next three years.

Our role in opposition is to continue to highlight this. I do not think it will be that difficult. If you are lacking in attributes as a leader, as I believe John Howard is, it becomes painfully obvious. The government’s behaviour with regard to the Tampa crisis—their ongoing stance and their inability to acknowledge that the campaign they ran was fundamentally racist and divisive in nature—continues to divide society. On the other hand, we in opposition are now working to try to find policies that are humanitarian and compassionate and that provide, as we said during the election campaign, a long-term sustainable solution. We have taken responsibility in opposition for these issues in a way that the coalition never have and, I believe, never will in government. Yet that is their role; that is their job. It is ironic that it is Labor—from these benches; from this side—that continually find themselves taking the responsible position on matters of such great importance. It is no wonder that the coalition in government pay so much of their attention to what we are doing and to our agendas—because, despite not being in government, we do take those issues seriously and want to provide an alternative to the people.

I would like to talk about the government’s agenda. In the speech yesterday, we heard a really pitiful attempt to try to both rewrite the record of this government and create a third-term agenda. One of the glaring indictments of the coalition leading up to the election campaign was that they had no third-term agenda. They obviously felt they did not need a third-term agenda because the politics of division would deliver the electoral outcomes the government were pursuing. The third-term agenda that the government have now constructed is hilarious in its blandness. It is a restatement of policies that they uttered many, many years ago and a whole lot of generalities about future directions. There was very little substance in the speech yesterday.

Debate interrupted.
MATTERS OF PUBLIC INTEREST

The ACTING DEPUTY PRESIDENT (Senator McKiernan)—Order! It being 12.45 p.m., I call on matters of public interest.

Immigration: Asylum Seekers

Senator PAYNE (New South Wales) (12.45 p.m.)—Some of those remarks of Senator Lundy’s were quite interesting, and I cannot wait to hear what the rest of her speech contains. I rise to speak today in this matters of public interest debate to, in part, acknowledge Senator Hutchins’s invitation in last night’s adjournment debate—I acknowledge it with care, given that he is from the New South Wales Right and one would count one’s fingers afterwards if one shook his hand—and to confirm the record on the issue of asylum seekers which, unlike Senator Hutchins’s implications, does not require correction.

I note that our colleague had never spoken in the Senate, as far as I can ascertain, on immigration or mandatory detention before last night. Given that he is a newcomer to this debate and would not have any of the depth of your expertise, Mr Acting Deputy President McKiernan, I am very happy to explain some of these issues on which I have been focused for a very extended period of time. Perhaps the good senator’s background as a prominent New South Wales trade union official and leader of the ALP’s New South Wales Right explain his basic contempt for compassion and his oversimplistic, combative approach to an issue that calls for serious-minded debate and a concern for some of the victims of global politics; or perhaps it is just easier to throw stones and make no constructive contribution oneself. Only he could tell us that.

It was alleged in this chamber last night that my position on refugee policy has been inconsistent. Quite the contrary: I have indeed maintained a very consistent position on issues relevant to mandatory detention, immigration and the international movement of people. As you would know, Mr Acting Deputy President McKiernan, as Chair of the Senate Legal and Constitutional References Committee I have chaired several inquiries into aspects of migration law and immigration law and practice in Australia. I am, in another capacity, a member of the Human Rights Subcommittee of the Joint Standing Committee on Foreign Affairs, Defence and Trade and participated in that inquiry into detention centres. I have visited detention centres in Australia on more than one occasion. Last year I visited and inspected Tinsley House immigration detention centre in the United Kingdom. I visited the port of Dover and met with staff from the United Kingdom’s Home Office concerning immigration, detention and border control. I have considered in some depth the policy implications of different national approaches, including our own, and more particularly the international macro issues involved.

I have applied what I hope has been some knowledge developed in this process and some experience in these matters to contribute to debate in the community, within my party room and within the parliament. I have spoken not as a bleeding heart, which apparently is a pejorative in Senator Hutchins’s view, but as someone who realises the practical challenges facing government. I strongly endorse the government’s desire to maintain a balanced migration plan, which includes a generous humanitarian component but focuses on skilled and family reunion streams. I support the UNHCR’s assessment and resettlement program, and I actively and vehemently discourage and oppose people smuggling. That in no way detracts from the concern that I hold for the people in this process and most particularly for asylum seekers. I do not step back one centimetre from focusing this chamber on the plight of, for example, Bhutanese refugees in Nepal, detainees in Aranya Prathet in Thailand, or the living conditions of women under the former Taliban regime in Afghanistan—issues on which I have spoken at length in the past.

Senator Hutchins said that I had a series of different public positions on issues concerning refugees. He said of my speech of 19 September 2001 that he felt I was wearing my heart on my sleeve and criticised me for
showing ‘compassion’. He said last night that a letter I sent to constituents in Eden-Monaro was inconsistent with my speech in the Senate. To assist in this process, I would like to compare the two. In my speech on 19 September I said:

I want to emphasise, as the Prime Minister has, that we and every country have the right to decide who comes to our country and in what circumstances.

In a letter I wrote to constituents in New South Wales, I wrote:

I share the Prime Minister’s belief that Australians should decide who comes to this country and the circumstances in which they come.

In my speech I said:

I abhor people smuggling ... and we should strengthen our provisions in dealing with that.

In the letter I said:

I share his—

referring to the Prime Minister’s—

commitment to upgrade our maritime surveillance capability by purchasing new long range surveillance aircraft and state of the art radar and telecommunications technology.

So I think that refutes, very effectively, the implications made in Senator Hutchins’s speech last night. He would do well to re-examine the record. I repeat today the call that I made in my speech on 19 September that we should look at the challenges that the UNHCR faces and the lack of resettlement programs in other refugee convention signatory countries. There are, after all, 139 signatories to the convention and only 12 countries which, in any real substance, take in refugees for permanent resettlement. I maintain that the United Nations is capable of taking a lead on this issue and should consider convening a special session on refugees, reviewing the implications and the operation of the UN convention in the 21st century.

I might be criticised for being a bleeding heart, but at least, unlike my critic, I have taken the time and effort to consider this issue and make a contribution to the discussion. I am proud to have taken a compassionate stand on the position of women and children, and I do not shrink from my earlier comments in that regard. I maintain that detention centres are no places for women and children, and I commend the minister, as I have previously, for the Woomera trial release of women and children from detention.

I will spend a moment talking about those alternative detention arrangements for some women and children detained at the Woomera Immigration Reception and Processing Centre in South Australia. The first volunteers were moved into accommodation in the Woomera township on 7 August last year for a project that will run for between three and six months. They will be constantly monitored and evaluated by DIMIA. Woomera was chosen because it is close to an established community, which makes it easier to establish the new procedures required. Those arrangements were put in place only after extensive consultations with the Woomera community, a number of federal departments, the South Australian government, and leaders of ethnic community groups. The eligible women include women with children who have a family member remaining at Woomera, their female children of any age, and their male children 12 years of age and under.

I go back to the point that I made in September and have made on a number of occasions since. This is not just a problem for Australia. This is an international problem of the 20th and 21st centuries—people movement. It is one of the impacts of globalisation. It is one of the impacts of conflict. I take up Senator Scullion’s words in his first speech today: if someone rings you and tells you they have the answer, hang up. It is not that easy to solve. It is a problem which Australia and other Western developed nations and other signatories to the refugee convention of 1951 have an obligation to pursue on an international and cooperative basis. It will not benefit in any way, shape or form from cheap, simple, base politics.

I note that in his remarks last night my New South Wales Senate colleague indicated that he was concerned by some attendance of mine at rallies. I am assuming he did not mean the launch of a website which I attended last year on behalf of the Attorney-General at HREOC. They would find it confusing to hear that launch described as ‘a
I assume he did not mean my representation of the Prime Minister and the Minister for Immigration and Multicultural and Indigenous Affairs at the closing ceremony of the International Human Rights Day event on 10 December by Vietnamese youth groups and Amnesty International. If perchance it was the latter, then perhaps the remarks I made then should be put on the record here today. I said then:

... now more than ever human rights must be defended by countries such as Australia, not only for our own citizens but for those who live in other countries, who by no fault of their own, find themselves in situations of unrest. I do not think that is an unreasonable proposition. It would be stretching a very long bow to describe it as such.

It is not entirely surprising that the speech made by Senator Hutchins last night did not contain a great deal of substance. He has been otherwise occupied in the public examination of post-election entrails, which can be a very time consuming process. In the Australian on Monday, 3 December last year in an article with the subheading ‘The New South Wales Right’s disintegration is pregnant with national implications’, Glenn Milne said:

In the words of one senior Left figure who’s watching the entire saga with delight: ‘Leo’s got no friends. One thing about the NSW Right, when there’s a carcass swinging in the breeze they’ll devour the lot.’ Yet McLeay thinks he’s still kicking. When he was bulldozed by Crean over the new frontbench, one of the victims was McLeay’s mate, former Transport Workers Union boss and state Labor president Steve Hutchins. In tried-and-true fashion, McLeay put his mate up for the frontbench. Crean knocked him over.

Hutchins, according to those close to the event, has been in a rage ever since. The pair have been plotting revenge.

And so the entrails go on in Mr Milne’s article. One imagines that coming to matters of substance might be something which is not a current focus for the good senator.

The most enormous pleasure I have gained since I was appointed to the Senate in 1997 is being based in Sydney’s Greater West: a burgeoning economy, an amazing landscape and amazing people who have shown their wisdom through their voting intentions in a way I never would have thought possible. In Lindsay in 1996, we won the seat with an 11.8 per cent swing to the Liberal Party. In 1998, the member for Lindsay, Miss Jackie Kelly, increased that swing by 0.3 per cent. In 2001, against a candidate whose name I believe was David Bradbury, who I understand had been the Mayor of Penrith and one might say a protege of Senator Hutchins, the swing achieved by Miss Kelly was 2.44 per cent.

In Parramatta, where my office is—coincidentally, so is Senator Hutchins’s office—we won the seat in 1996 with a swing of 7.11 per cent to Ross Cameron, the member for Parramatta. He managed to increase that swing by 2.8 per cent in 1998 and in many ways, like myself, was written off post-redistribution and told that Parramatta would be a very hard seat for him to hold. Ross Cameron managed to bring against David Borger, previously the Mayor of Parramatta, a swing of 3.64 per cent to retain the seat of Parramatta, somewhat handsomely for Mr Cameron.

Let me finish by referring to a seat which gives me some particular personal pleasure. The seat of Macarthur was significantly redistributed after the 1998 federal election. It changed substantially. A former employer and good friend of mine, the Hon. John Fahey, did not recontest selection for the seat of Macarthur. That preselection was won by Pat Farmer. The campaign in Macarthur was long and arduous for all concerned, but fortunately for people in Western Sydney it was won in an overwhelming fashion by Pat Farmer with an 8.65 per cent swing to the Liberal Party over the Labor Party. In one’s efforts in Western Sydney and in one’s activities in the parliament, it is always better to put results on the table rather than to mouth invective. That is what I have done today.

**South Australia: Election**

Senator ROBERT RAY (Victoria) (12.58 p.m.)—I do not intend to get involved in the battle of Western Sydney here today. Today’s editorial in the Adelaide Advertiser states:

On Saturday—meaning last Saturday—
the Democrats were walloped in South Australia. No ifs. No buts.

It goes on to say:

... they deserve to be initiated into the Self-Denial Hall of Fame.

That editorial points out that the Democrat vote has slumped from one election to another from 16.3 per cent to 7.3 per cent. Expressing it in that way does not bring out the full drama of the vote. When you say you are down three, four or five percentage points, it depends where you came from originally. In fact, the Democrat vote crashed by over 55 per cent. It sounds more dramatic to express it in that way rather than to say that it dropped just nine points. To explain this, the Democrats say, ‘We’re going to launch a review.’ What a waste of time. If they are going to have a review, they should have a review into their 1997 result and ask why it was so high, not why their 2002 result was so low. The reality is that the 1997 result was quite abnormal; their 2002 result is quite normal.

Of course, when that result happened in 1997 the hallelujahs went up. We were told, ‘This is the dawn of a new era.’ Yet most of us, most of the pros in politics, knew it was an aberration—we knew it would last one state election and get washed out of the system. I mean, the 1997 result is easily explained. Firstly, you had an incumbent Liberal state government that was lacklustre and uninspiring. Secondly, the electorate clearly judged that the Labor alternative was not yet fit to assume office so they marked us down in 1997. Thirdly, you did not have any alternative protest groups—the Greens did not run. One Nation was not in formal existence and the Democrats got the entire protest vote in 1997, in their strongest state, and, yes, did poll 16 per cent. It was just an aberration. So while we have got all this analysis at the moment as to why the Democrat vote collapsed, it has simply returned to normal. Remember that last Saturday you had the Greens running, you had One Nation running and you had a Christian based party offering an alternative, so a lot of the protest vote that would naturally accure to the Democrats drifted on to other parties as well.

But my reason for speaking here today is the Prime Minister’s comment on this last Sunday. The Prime Minister could not get up and say that they had a wonderful vote in South Australia, when it had dropped below 40 per cent of the primary, so he quite cleverly diverted attention and attacked the Democrats—and that is an admirable thing to do at any time, I suppose. What he said was that the Democrats are too close to Labor. That is a lot of gratitude, isn’t it, when the Democrats put the Liberals’ GST through. But, leaving that aside, it was part of a Liberal Party campaign to say that, in the last election, the Democrats were too close to Labor, and this comes out of the Liberal national secretariat. They said, ‘The Democrats sent some preferences Labor’s way in the last federal election.’ Let us put the record straight on this: the Democrats did preference deals with Labor and with Liberal in the last election. The Democrats negotiated, quite properly, with officials of the Labor Party and officials of the Liberal Party.

So this rewriting of history by the Liberal Party, as though it was a one-way street, that the Democrats only talked to Labor and did not talk to the Liberal Party at all, is quite mind-boggling. The fact is that the Liberal Party—and I have no objection to this—did a preference deal with the Democrats in 1996, in 1998 and in 2001. I remember the 1996 deal well because they sent preferences directly to the Liberal candidate against Kim Beazley in the electorate of Brand. The Liberal Party in Western Australia did not really demand preferences in marginal seats at that time; they got them in the two seats where the independents were running—in Curtin and Moore—just to try to give them the edge to get elected in those two seats. There is nothing wrong with that, but let us put it on the record that deals were done.

I am not sure of all the details of the deal this time but I know some of it. Let us take New South Wales. The Liberal Party negotiated to get preferences from the Democrats directly in the seats of Wentworth, Macarthur and Farrer. They chose those seats at a time when they were about 15 points ahead in the polls. Clearly, if they knew how close it was eventually going to be, they may not have
chosen those seats. Let us take Victoria. In Victoria there were three key marginal seats: Ballarat, McEwen and Dunkley. The Democrats did not send preferences to Labor in any of those three seats but they did send them to the Liberal Party in Dunkley. So in the three key marginal seats in Victoria it was the Liberal Party that was the beneficiary of Democrat largesse and not the Labor Party. They also sought preferences in Indi.

When we have a look at Queensland we see that the deal was done: preferences were delivered in Blair, Kennedy and, I believe, Wide Bay, to the coalition parties. For heaven’s sake! The Liberals did their negotiating and they got what they wanted. Labor might have got what they wanted. The Democrats got what they wanted. Why would the Prime Minister now start to argue that the Democrats were so close to Labor? Why would the national secretariat of the Liberal Party try to infer that the only deal done at that election was between Labor and the Democrats?

Of course, I do enjoy the fact that in both New South Wales and Victoria the Liberal Party delivered coalition preferences to the Democrats in the Senate whilst at the same time seeking preferences for the Liberal Party candidate in Farrer and in Indi, where the major competitor to their interests was the National Party. In other words, take the totality of the coalition vote, trade the second preferences to the Democrats but in turn have the Democrats send their preferences to the Liberals ahead of the Nationals in the two three-cornered contests. That is the sort of formula that was done.

In the end, I have to say, they dropped their demand in Indi. They kept it in Farrer because Farrer was close. So they would not get caught out on this they surveyed Indi and found that they were so far in front, and the National Party were so far gone, that they did not insist on getting preferences over the National Party in Indi. You really have to wonder about this stratagem. Of course, it is easy to orchestrate in the face of such inept and naive political leadership as the National Party have provided at a federal level here. You could never have imagined a Nixon, a Sinclair or an Anthony letting this con go by that allows their coalition party to dud them. But at the moment it is like taking candy from a kid.

This brings me to the second reason for speaking here today and that is that we are about to watch one of the great cons in political history occur in this country. It is going to occur at a state level and it is to do with the coalition. Three previous conservative governments in Western Australia, Queensland and Victoria were coalition governments—the Liberal Party and the National Party together forming the government. But in each case the defeat of those coalition governments has seen the coalition dissolve. So in Victoria, Western Australia and Queensland we have the coalition parties—the Nationals and the Liberals—going in their own direction. They are doing that so they can work both sides of the street at the same time—there is no question about that. They are doing it because they do not want to get blamed for each other’s sins. But what they then intend to do is to go into each one of these three state elections as separate parties with a vague promise of forming a coalition afterwards.

That is not good enough for the electorate; that is deceptive politics. The electorate will expect to know what a future state coalition government in any one of those three states stands for—not some sleazy backroom deal done after the election for the convenience of holding office. But that is the great con that they intend to perpetuate on the Australian electorate in all three states. You can say what you like about New South Wales—at least we will know the nature of the future coalition government there. It is entirely unknown in Western Australia, in Victoria and in Queensland. We will have three-cornered contests, we will have different policies adopted by the Liberal Party and the National Party and somehow, magically, they are supposed to come together afterwards and form a government that is coherent. We want to know in advance what policies are going to be jettisoned in the negotiations to form a coalition government in those states. We are not going to let the great con continue.
I must say, reflecting on the election results, that the Labor Party must accept that it was defeated at the last election but that it still has a role to play in opposition. There is no use complaining about what happened in the election campaign. We did not win. We now have a role to play. But I caution the government and others about triumphalism. This is the fact: the coalition in 2001 received exactly the same preferred vote as the Labor Party did in 1998, and in 2001 the Labor Party achieved exactly the same preferred vote as the victorious coalition parties did in 1998. It is a bit like grand finals—I am sure you have all been through it. A grand final has been won by five or six points, it is close, and within a week people are writing articles about the winner and the loser is ‘terrible’—they played the ‘worst game in history’, even though bad luck or something else may have caused the result. That is human nature, and we have to accept that. All said and done, the last federal election ended up being fairly close. It is not a massive mandate for the coalition parties. They received exactly the same vote in 2001 as Labor did in 1998.

I want to mention two other matters. Senator Payne was talking today about refugee policy and asylum seekers. People talk about ‘principle, compassion and pragmatism’. I do not want to go into any details on that, but any immigration policy and any entry policy of this country must be based on principles. Once you establish those principles, proper compassion and humanity will follow. But the policy must be established on principles. There must not be an emotive and reactive thing on either side of the fence, either on the redneck side or the bleeding heart side. You must establish principles and, where principles clash, you must resolve it. But more of that on another occasion.

I was not here for the republican referendum of 1999. Eighteen months ago in the Labor Herald I wrote an article that said that any attempt to have an appointed president of this country by way of a referendum to the people on republicanism was bound to fail. Nothing ever changed my mind on that. That is exactly what transpired. Two things came out of that campaign that continue to aggrieve me. One is the view from Turnbull and others that politicians should stay out of the argument. They did, basically. The best arguments on politics are had by politicians. They are the best advocates, and they are more likely to get a better response out of the electorate than talented amateurs and dilettantes. Yet constantly we are told to leave it to the amateurs. We were told that in the 1988 referendums. Remember those? All four got beaten, got thrashed. We were told then by Labor people: ‘Let’s leave it to the councils and others to argue.’ But I say, ‘Get politicians in there; let them run the argument.’

The second thing I want to say is that the Republican Movement narrowed the agenda time and time again to not look radical. That was the mistake they made. I heard Senator Scott Despoja talk about an Australian head of state today. I could not care less about an Australian head of state. What the republican argument is about is whether you believe in monarchy—not how the head of state comes about or who appoints them. We have an effective Australian head of state. That was proved yesterday when His Excellency the Governor-General, the Right Reverend Dr Peter Hollingworth, opened the parliament. What the republican argument is about is: do we believe in inherited positions? Do we believe in sublimating ourselves to history? Do we believe that a monarchy is superior to the rest of us? Have we so little trust in ourselves and our other fellow Australians that we believe an inherited power base is right? It is absolute rubbish. If the republican movement is to succeed, they are going to have to extend into a more radical position of arguing consistently about monarchy, and not use the code words ‘Australian head of state’ et cetera because they do not have the guts to take up the argument. At least the monarchists took up the argument much better than the republicans. So, when we do have this debate again, let us question whether monarchy is a justifiable institution. I say it is not, and I think most Australians agree with me.

Kendall, Mrs Carol

Senator RIDGEWAY (New South Wales—Deputy Leader of the Australian Democrats) (1.13 p.m.)—I would like to
dedicate this speech to a truly inspiring Aboriginal woman from New South Wales, Mrs Carol Kendall. Sadly, my tribute to her today follows her passing earlier this year on 15 January, after a two-year battle with cancer. But her family and friends and the many Australians whose lives she touched will remember Carol Kendall’s tireless energy in fighting for justice and recognition, particularly for the stolen generations and their families.

I want to record something about her largesse in life, her selflessness in the way that she dealt with these issues and the way that she offered herself to many families across the country. Carol was one of those rare people whose life story really gives meaning to the phrase ‘the power of one’. She was an outstanding Aboriginal leader and a dedicated activist for the stolen generations. What is extraordinary about her life story is that up until the age of 20 she had no knowledge of her aboriginality. She had been adopted into the loving home of Violet and Harry Laird when she was six weeks old, not knowing that she had been born Toni Susan Maynard, the daughter of an Aboriginal woman, Ms Mary Maynard Kondek. This knowledge came to her in later life when she began to search for her own family and relatives.

During her search for family, Carol found that she was not the first of her mob to advocate for Aboriginal people on the national stage. Her grandfather Fred Maynard, a returned World War I soldier and leader of the Australian Aboriginal Progressive Association in New South Wales, had been a prominent campaigner for citizenship rights for Aborigines in the 1920s. I believe his efforts have led to many of the changes that we see now in the year 2002. I believe his efforts have led to many of the changes that we see now in the year 2002. Later in her life, Carol used to remind people that in 1927 her grandfather had asked the then Premier of New South Wales to ensure that the family life of Aboriginal people be held sacred and free from invasion and interference and that children be left under the control of their parents. Looking back over her life’s work and her warrior spirit, it is clear that Carol inherited her grandfather’s passion and sense of justice.

It should not have been a surprise to anyone that Carol would follow in his footsteps and take up the baton for another generation of Aboriginal people. In hindsight, it is clear that something instinctively drew Carol to her Aboriginal heritage and back to the members of her own family, as if fate had intervened to ensure that those ties were never severed. With the assistance of the organisation that became known as Link-Up, Carol Kendall found her Aboriginal mother, Mary Maynard Kondek, when she was 35. She discovered that she was one of 29 siblings. She connected with her Aboriginal family in a very deep and enriching way, while remaining a treasure in the lives of Violet and Harry Laird, her adoptive parents. It was this experience that steered Carol to her life’s work of reuniting families across the country, and her Aboriginal and white families stood solidly behind her.

Even before the current debate and the views and reviews surrounding the practice of the removal of children, Carol was Chair of Link-Up in New South Wales for two years and its coordinator for a further nine years, helping hundreds of people across New South Wales take the journey that she had taken herself.

From here it was a natural progression for Carol to take on the national political scene as consultations were getting under way for the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families. She helped run 22 forums across New South Wales to prepare Aboriginal communities for what would come to be known as the ‘Stolen Generations’ inquiry. She attended most of those inquiries to support people who came forward to tell their stories and share their pain with a nation unprepared for their revelations and harrowing truths.

For Carol, there was only one way to deal with the legacy of the stolen generations. It was recommended at every forum by every Aboriginal person and it was the primary recommendation of the Bringing them home report that resulted from the inquiry—namely, that there be a national apology. It was no surprise to anyone who knew Carol that she would become a key figure in the
chain of events that led to the first calls for a national apology, nor that she would continue to lobby for this outcome as long as she lived. She marked that campaign with her own special blend of courage, integrity and focus. As Debra Jopson wrote recently in the *Sydney Morning Herald*:

Carol ... wept with and counselled those who had been taken, helped to reunite fractured families and lobbied for a national apology.

She was bewildered and in great pain at the Prime Minister’s refusal to say sorry in 1997. Like many members of the stolen generations, Carol saw saying sorry not as a guilt inducing statement but as a necessary recognition of the suffering that Aboriginal people have endured—and the only means by which they could begin a self-healing process.

In 1998, she accepted the position of Co-chair of the National Sorry Day Committee, with every confidence that even those who appeared deeply conservative could come to understand the need for a national apology. As co-chair, Carol oversaw the thousands of events across the country that commemorated the first anniversary of the *Bringing them home* report, including the opening of the Sorry Books so that one million Australians could make their own personal apologies to the stolen generations. Carol understood that the wounds of the removal policies were not just confined to indigenous Australians. This was a national injustice that had affected every Aboriginal family, and its consequences for all Australians had been compounded by generations of denial, cover-up and secrecy.

In 1999, Carol and the committee launched the Journey of Healing with the aim of offering the whole Australian community the chance to help overcome the wounds resulting from the separation policies. As Chair of the Journey of Healing, she sought out white Australians caught up in the administration and implementation of the separation policies who were prepared to tell their stories and asked the media to feature them as well as the stories of the stolen generations. One of the other seminal events organised by the Journey of Healing in 1999 was the welcome home given by the Mutitjulu people of Uluru to removed indigenous children. Carol was involved in this special ceremony and, with the Rock behind her, she was painted up by her northern sisters in Central Australia and joined them in their ancient dances.

The last few years of Carol’s life were especially busy, even though she was becoming ill. She started a project with the New South Wales National Parks and Wildlife Service to take women aged in their 70s and 80s back to their traditional lands, particularly around Toomelah in the north-west of New South Wales. During this time, she acquired a Bachelor of Welfare degree from the University of Western Sydney—although one of her lecturers and close friends, Ms Rhonda Ansiewicz, commented that Carol ‘taught us more than we taught her’. In 2000, after being diagnosed with cancer, Carol conducted five-day workshops across the country for the Marumali program, training Aboriginal health practitioners to help heal members of the stolen generations suffering trauma. Last year, when her health improved a little, Carol accepted the position of Co-patron of the Journey of Healing, along with former Prime Minister Mr Malcolm Fraser.

Her last public statement was a strong protest at the exclusion of the stolen generations from the commemoration of their story at Reconciliation Place, here in Canberra. Last December she called a rally on the issue, and only her husband Bruce’s sudden death prevented her from speaking at it. She knew that proper consultation was vital to healing and, as always, she was ready to fight for the things she believed in.

While Carol will be remembered most for her work with the stolen generations, she also worked energetically in a number of different indigenous organisations across many areas of need, including education and, more particularly, child care.

She was, in my view, one of the most deserving recipients of the Order of Australia, for her services to the indigenous community this year. Although Carol was aware that she was to be awarded this honour, she passed away before it was presented to her on Australia Day. Receiving it on her behalf was Carol’s sister, Jackie Bedford, who commented that she was thrilled and really, really
happy. She was proud to receive the honour but the top accolade for Carol would have been to hear the Prime Minister being able to deliver that national apology.

At the time of Carol Kendall’s death, I called her a stolen generations’ warrior. The ATSIC Commissioner for South Australia, Mr Brian Butler, paid tribute to her—and I quote:

... determination to achieve recognition for the plight of separated families [which] has provided an abundance of strength to people working on Link-Up programs throughout the country ... Carol’s standards, philosophy and principles will never fade—they will be carried forward in the work that each of us does as we strive to match her enormous contribution to our communities.

Carol is survived by her daughters, Vanessa and Belinda; her grandchildren, Jade, Mykela and Zane; and her parents, Violet, Harry and Mary. I extend my sincere condolences to Carol’s family and to all of those whose lives were touched by hers. Most of all, given the life story that she has left behind, we all have much to learn from her example, and we inherit a great legacy to uphold for our future generations.

South Australia: Election

Immigration: Asylum Seekers

Senator SCHACHT (South Australia) (1.25 p.m.)—Some people might think I intend to speak about the South Australian election, but in view of the uncertainty about the final result as to who might end up in government I might, wisely, wait for a few more days until we actually see what the outcome is.

I want to speak today about the issue of asylum seekers. I wish to speak about this matter because there is obviously an ongoing debate about it not only in the community but in the Labor Party. Mr Crean and Ms Gillard, the spokesperson for immigration for the Labor Party, have launched a discussion paper to which all members of the party are contributing. I have already made one contribution, for what it is worth. I notice, Mr Acting Deputy President McKiernan, that because of your deep and knowledgeable interest in immigration matters, having regard to your work in the past as chair of the relevant joint committee, you are serving on the estimates committee that will look at this matter. So a major debate on our policy on asylum seekers has been under way in the Labor Party since the election.

Before the last election I represented the then shadow minister for immigration matters, Mr Con Sciacca, in the Senate. During the last week before the parliament rose for the election, some people might say that I drew the short straw, therefore, of having to explain the Labor Party’s policy of agreeing with the government on so many aspects of its policy on asylum seekers. I remember being strongly berated by the Democrats and the Greens about why we were supporting the coalition. I was berated because I was exposing some of the deficiencies in the legislation but I was still voting for it. I have to say that it was uncomfortable, because the legislation, as I said then, would not work in the long term. But I also explained that it was a pragmatic decision. We were not going to get wedged politically on this issue during the campaign; there were bigger and more important issues before the Australian people. Living standards, the roll-back of the GST, education and health were much more important to the broad range of Australian people.

In one sense, I was relieved that the government in the end gagged the debate, be-
cause it meant I did not have to spend another day on my feet going through the package of bills, particularly the one relating to mandatory sentencing. When I was chairman of the parliamentary Human Rights Subcommittee of the Joint Standing Committee on Foreign Affairs, Defence and Trade, in our first report, which I presented at the National Press Club as well as in this parliament, I made it clear that I did not support the policy of the Western Australian Labor government at the time when it introduced mandatory sentencing. I have never supported mandatory sentencing. I saw what happened in the Northern Territory and the disgraceful episodes there—kids as young as 12, 13 and 14 being put in jail for stealing $2 or $3 worth of goods while someone who committed company fraud, when hundreds of millions of dollars may have been stolen, would get a suspended sentence. There was no rhyme or reason, in equity terms, for putting young kids in jail for 12 months for stealing $2 or $3 while company fraudsters who diddled large sections of the Australian public for millions of dollars were let off.

It was uncomfortable for me to have to say that, in the case of the package of bills, mandatory sentencing was to be supported, but I explained our pragmatic decision. During the election campaign, we got it on both sides of the head and we got it in the back of the neck from both sides. Those in the community who supported the Prime Minister believed we were still too soft and did not trust us to be as tough as the government, if we were in government, in rejecting asylum seekers. Other people in the community who did not agree with the government, hoping that that will be the way we do not lose votes, we lose votes on both sides of the spectrum. I think that is what happened on the asylum seekers issue.

As my colleague Lindsay Tanner, the federal member for Melbourne, pointed out, when you do the two-party preferred vote between Labor and Liberal in his seat of Melbourne, it is over 70 per cent Labor. But if you do the two-party preferred vote between Labor and Greens, he now sits in an extremely marginal seat—52 per cent. He nearly lost the seat to the Greens in the election last year. I see Senator Boswell frowning. It is true, Senator Boswell. He got under 50 per cent of the first preference vote, the Greens got 15 per cent, the Democrats got 10 per cent, and I think the Liberal Party got in the low 20s. So the Democrat preferences went to the Greens, the Greens went ahead of the Liberals, the Liberals gave preferences to the Greens ahead of Labor, there was one minor candidate or a couple of others, and it turned out that, if there had not been a leakage of preferences from some of the smaller parties, the Greens may have won the seat.

The next election will not be a contest against the Liberal Party; it will be a contest against the Greens. So it is not just a matter of the Labor Party looking at the drift of safe seats in our blue-collar areas, like Western Sydney and some suburbs of Adelaide, it also has to look at how to hold seats like Melbourne—a traditional safe Labor seat, where committed Labor people went and, in protest, voted Green on the issue of asylum seekers.
This comes back to the issue that it is important that the Labor Party review its policy on asylum seekers. I certainly am strongly of the view that we have to change it. I come from the state that has the most controversial detention centre anywhere in Australia, called Woomera. It is not a detention centre—let us not beat around the bush—it is a jail. It has double fences with razor wire, it has categories of detention for detainees in different sections, it has guards, and it is in an environment that is pretty hostile, to say the least. Some of us are more interested in getting Woomera back up as a space launching facility—something we can be proud of. The Woomera we now have is a blot on Australia’s reputation. I, as a South Australian, would rather have Woomera seen as a place of something positive and constructive, like launching rockets and showing our best in science and technology, rather than our worst, by having an ongoing controversy about the management of a detention centre that is really a jail.

Of course, I am also a bit annoyed that Woomera seems to cop it all the time. Governments want to put nuclear waste there. In the 1950s at Maralinga, near Woomera, there were atomic tests. I would just like poor old Woomera to be given a new chance of having a reputation and an image of something positive and constructive, rather than always being seen as somewhere where nasty things happen. The way Woomera is at the moment is a blot on Australia. Whatever is the argument about what the detainees have done—the damage they have done to property or the self-mutilation of sewing of lips—it goes out to the world that something odd, at the very least, is going on here. I do not like it happening in my state, I do not like it happening in my country, and I do not think we can afford to let it go on much longer. That is why the policy has to change.

This government may crow privately that they pulled a great stunt to win the election on the fear campaign of asylum seekers, but in the long run they have done enormous damage to Australia’s standing. Let us not beat around the bush on this. The visceral nature of the asylum seekers campaign launched by the Prime Minister had an undercurrent of racism about it. Playing to the visceral fear of Australians that the yellow hordes of Asia would come down and take over this country in one form or another has been an undercurrent in Australian politics for 150 years. If it was not the Russians, it was the Red Chinese, or the Indonesians, or the Japanese. Only the Japanese made an effort to get here. All the other situations have been trumped up in some scare campaign.

Let us be honest about it: if the asylum seekers arriving from boats were from Great Britain or from America, or if they were white farmers from Rhodesia, now called Zimbabwe, we would welcome them. There is no argument about that. There would not be a visceral fear campaign. That is what this Prime Minister has let loose. He has got a political advantage in the short term; he won the election. But there is no doubt his standing and the standing of our country, in our region and in the world, have been seriously damaged in the long term. The present position is unsustainable; it has to change.

I look forward to the debate in the Labor Party, and to getting a more suitable and more appropriate policy to deal with the issue of asylum seekers. It is not a mass problem we have, but it is a problem. We want to make sure that no-one arrives here illegally but, remember, most of the illegal immigrants in this country are from Great Britain and are people who have overstayed their visas. Every year 60,000 people overstay their visas. They are here illegally in this country but, because the biggest number of them are from Great Britain, you do not find people screaming and shouting about it. You do not find the Prime Minister conducting a fear campaign that we are about to be swamped by people coming illegally from Great Britain or anywhere else in Europe. They are Europeans. They are white. They are like us and they are more acceptable. It is harder to beat up a fear campaign against people from Great Britain than it is against people who have brown skin, a different religion and who come from a different part of Asia.

This is why I think the Prime Minister’s campaign was despicable. In the short term
he won a great election victory which he is able to crow about, but he has done Australia’s international standing long-term damage. The policy will have to change. I look forward to being part of it within the Labor Party, either in this place or in the broader community, until we get a decent policy on asylum seekers of which we can all be proud and which shows that Australia is still an open country—not for illegal people, but for people who are genuine refugees.

Sitting suspended from 1.40 p.m. to 2.00 p.m.

QUESTIONS WITHOUT NOTICE

Defence Signals Directorate

Senator FAULKNER (2.00 p.m.)—My question is to Senator Hill, the Minister for Defence. Minister, I refer to your press release yesterday relating to the activities of the Defence Signals Directorate during the Tampa crisis. In particular, I refer to your assurances that neither the communications of the Maritime Union of Australia nor of the International Transport Federation were targeted by DSD and that:

... DSD did not provide any reporting to the Government on communications from the MUA or the ITF.

Can the minister assure the Senate that DSD neither collected nor reported on communications involving Australian organisations or citizens, as opposed to communications originating from those organisations or citizens?

Senator HILL—I am a bit puzzled by the question, so I will remind the honourable senator of exactly what I said yesterday. As Senator Faulkner knows, the usual response in these matters is to say, ‘I can neither confirm nor deny’, but we did think that yesterday’s reporting was so extraordinary—and in particular I referred to the potential damage to public confidence caused by those inaccurate reports—that it was necessary to lay a few facts on the table. What I said was that the director had confirmed that neither the communications of the Maritime Union of Australia nor of the International Transport Federation were targeted by DSD. More specifically, the director has advised that DSD did not provide any reporting to the government on communications from the MUA or the ITF. The director has also categorically ruled out the allegations that transcripts of comments by the MUA and the ITF were provided to the government, as alleged in the newspaper articles.

Senator FAULKNER—Madam President, I ask a supplementary question. Minister, given that you made that statement public, could you please answer the question I have directed to you, because you have not addressed it. That is, did DSD collect or report on—not target—communications involving Australians? That is the issue. I ask you: can you assure the Senate that DSD neither collected nor reported on communications involving Australian organisations or citizens? If you are unable to provide that assurance to the Senate, will you seek that assurance from the director of DSD and report back to the Senate on the matters that I have raised?

Senator HILL—As Senator Faulkner knows, DSD is concerned with foreign intelligence, and it had to operate within what were then the rules—because we are talking about the rules as they existed at the time of these particular matters. I suspect that Senator Faulkner or certainly some on his side know what those rules are. The assurance that I have been given is that—

Senator Robert Ray—They’ve just been put down in legislation. Everyone knows you legislated last year on them.

Senator HILL—No, the old rules, Senator Ray. I am talking about the old rules, and the copy I have seen was 1994, and so they clearly applied at the time of the last government and were then updated in 1998, with cabinet approval. As I understand it, they are not published rules, but DSD had to operate within them, and that is part of the safeguard and the security apparatus that exists to ensure that there is not abuse. And DSD, I am assured, with one small exception, operated within those rules.

Economy: Government Policy

Senator CALVERT (2.05 p.m.)—The first question from this side for the year is to the Leader of the Government in the Senate, naturally, Senator Hill. Would the minister
inform the Senate how the government intends to fulfil its mandate from the Australian public to continue its impressive record of responsible economic management?

Senator HILL—This is the subject matter that the opposition does not want to hear about. It was their failure to recognise and respond to economic questions that largely cost them the last election. The coalition government is one that has delivered. It has delivered tax cuts, budget surpluses and responsible economic management in a time of economic instability and global downturn. The Australian economy grew by a strong 1.1 per cent in the September quarter of 2001 and by 2.5 per cent in the year to that quarter—faster than the major OECD economies. Furthermore, Australian economic growth in 2002 is forecast to outperform most other industrialised countries. The Economist poll, published this month, forecasts Australia will be the fastest growing industrialised economy in 2002 of the 15 OECD economies in the survey, including the United States, Japan and many European countries. The Dun and Bradstreet survey and the National Australia Bank survey, both published this month, reported that there is a growing optimism in the Australian business community and that Australian businesses have continued to show a great deal of resilience, given the events of 11 September and the weakening global economy. Indeed the National Australia Bank stated that business confidence was now at a seven-year high.

Interest rates continue to be at the lowest levels in three decades—under the coalition government a saving of over $300 per month in interest to the average home owning family. We have created some 840,000 new jobs since we came into government—that is, 400 jobs per day. Exports are predicted to hit a record high of $90.5 billion in the 2001-02 year. This has been described by some commentators as a golden era for commodities. Housing finance and building approvals were, as we know, at very high levels—up by 15 per cent and 30 per cent respectively—over the year to December 2001. This is due to historically low interest rates and the extension of the overwhelmingly successful First Home Owners Scheme.

The coalition will continue to exercise sound economic management for the benefit of Australia and Australian families. Contrast this to the Labor Party, the Australian people recognised the record of the Labor Party—a legacy that could only be described as shameful. There were tax increases when it promised tax cuts, interest at a high of 17 per cent, unemployment reaching a high of 10.9 per cent, a $10.3 billion black hole deficit, $96 billion of government debt run up between 1990 and 1996, an average inflation rate—

Senator Cook—This is rubbish.

Senator HILL—Senator Cook, you are down there these days. They had an average inflation rate of 5.2 per cent—a terrible legacy. It was that contrast between sound economic performance that has benefited all Australians and that terrible record which was the primary reason Australians returned the Howard government so overwhelmingly at the last election.

Defence Signals Directorate

Senator CHRIS EVANS (2.09 p.m.)—My question is also directed to Senator Hill, the Minister for Defence. Why has the minister limited his request to the Inspector-General of Intelligence and Security to review his own records from the period of the Tampa crisis? Given that it is the role of the inspector-general to ensure DSD and other intelligence agencies operate within the laws and guidelines which they are subject to, why has the minister not requested the inspector-general to thoroughly investigate the allegations that DSD has intercepted communications involving Australian organisations and citizens and that the intelligence thus gained was used by the government to formulate its political response to the Tampa crisis?

Senator HILL—I can advise the Senate that Mr Blick has responded to my request that he review the records. The point is that it is Mr Blick’s responsibility to supervise, in the public interest, this intelligence gathering body, which he does. He has decided that it is appropriate to conduct an inquiry under the IGIS Act, which will begin immediately. The inquiry will deal with the following: DSD’s intelligence collection activities dur-
ing the period, so far as they may be relevant to the allegations that have been made; the authority for such activities; whether such activities were in accordance with the rules on Sigint and Australian persons applicable at the time; DSD’s reporting during the period so far as it may be relevant to the allegations that have been made; the authority for such reporting; the distribution of reports; whether such reporting was in accordance with the rules; and any other relevant matters arising in the course of the inquiry. I expect that his findings, when reported, will be made public.

Senator CHRIS EVANS—Madam President, I ask a supplementary question. I thank the minister for his answer. It was not clear from that answer whether the Inspector-General is now conducting a wider inquiry than that requested by the minister. It appears to be much broader than the instructions from the minister. Could the minister provide information as to on what basis the inspector-general has taken that decision? Is that in response to complaints from members of the public or is that his own initiative? Could the minister also clarify for me just exactly what reporting will be provided to the parliament and to the Australian public?

Senator HILL—He indicates that, in addition to the request that he has received from the government, he had received a written complaint under the Inspector-General of Intelligence and Security Act. He also noted the fact that there were various motions being moved in the Senate. As I recall his legislation, if he receives a complaint he is obliged to investigate it and to provide the complainant with his conclusions. Obviously, they are made public to that extent. If they are going to be made public to an individual then it would be my view that they should be made properly public, and we will ensure that that occurs.

Pensions and Benefits: Social Security

Senator KNOWLES (2.12 p.m.)—My question is directed to Senator Vanstone, Minister for Family and Community Services. Will the minister please inform the Senate of recent initiatives that the government has taken to ensure that social security payments are actually directed to those most in need? What is the government’s record on detecting those who cheat the system?

Senator VANSTONE—I thank Senator Knowles for the question. She has had a longstanding interest in social security matters in her 17 years in parliament—she is now in her 18th year. This government is committed to ensuring that social security payments are targeted to those most in need. We want to ensure that the social security system remains affordable and sustainable. With 6 million clients, we understand that if every one of them has just $4 a week extra that amounts to $24 million. We simply cannot afford for people to have more than they are entitled to and we certainly cannot afford to have unentitled people claiming benefits.

From 1 January 2002, assets and income held in private trusts and private companies are included in assessments for social security purposes. This has produced some interesting results. A single home owner who was receiving the maximum rate aged pension actually controlled a discretionary family trust with assets worth over $350,000. You will be pleased to know that that person is no longer receiving the aged pension. Another case of a single man getting a part-rate parenting payment had control of a company that had a net profit in that year of $47,000. You will be pleased to know that he is no longer getting the part-rate parenting payment. Our commitment to ensuring the dollars go to only the needy is also illustrated by other work on compliance.

Take the example of a 52-year-old female who simply did not notify Centrelink of the death of her mother-in-law for some seven years, collected her mother-in-law’s payment and banked it. There is a total debt of $71,000. She was convicted and sentenced on 22 November last year to 18 months in jail—and I understand she will spend at least nine of them in there. Then there is the 43-year-old man on a disability benefit who, because of a tip-off from one of the customers, got dobbed in. He was actually running a kebab shop—on a disability benefit and he was running a kebab shop. So we will be saving money because his disability support payments, Madam President, you will not be surprised to know, have been cancelled.
Equally, a tip-off from a customer was received that there was a gentleman working as a cement renderer: a 56-year-old male, again on the disability support benefit. I understand there is a wide range of disabilities, but it is hard to imagine someone who needs a disability benefit working as a cement renderer. Surveillance was used, and that person’s payments have been cancelled. We now move on to another case of a 31-year-old male in Victoria who was collecting the Newstart allowance—the equivalent of the old unemployment benefit. We had a tip-off, again, that he was operating a carwash business. So what does surveillance show? It shows him opening the carwash, working the carwash, instructing everybody else how to use the carwash—and collecting the benefit. He was convicted and fined, and he was ordered to repay all of those moneys to Centrelink.

Australia is a very generous country. We have a broad-based and very generous welfare system. But taxpayers expect the money to go to the needy and not the greedy. Tip-offs from the public increased by 31 per cent last financial year. The message is there: somebody knows that you are cheating; they might get angry with you one day, pick up the phone and dial 137 230 and dob you in—and every other Australian will congratulate them for doing so.

**Defence Signals Directorate**

**Senator CHRIS EVANS** (2.16 p.m.)—My question is directed to Senator Hill, the Minister for Defence. Did the then Minister for Defence, Peter Reith, or the government issue any request or requests to DSD in relation to its interception of communications to and from the MV *Tampa*? If so, did that request or those requests authorise DSD to collect communications involving Australian organisations or citizens?

**Senator HILL**—I must say that I am somewhat confused because, at the end of the last parliamentary sitting, I understood that the Labor Party supported border protection; I understood that the Labor Party supported the action that the Australian government took in relation to the *Tampa* when it breached Australian borders.
Party—to provide performance that matches rhetoric. So, instead of just saying when it suits you politically, ‘We support border control,’ we will actually deliver the better outcomes.

Senator CHRIS EVANS—Madam President, I ask a supplementary question. The minister’s understanding of the Labor position is right: we did support proper border protection. But the question, Minister, is: have you acted lawfully; has the government acted within the rules? Your own press release yesterday indicated at least one breach that you admitted to yesterday. It is a question of whether the law has been breached or political manipulation has occurred. The question I asked that you did not answer was whether the then Minister for Defence, Peter Reith, or the government issued any requests to DSD in relation to its interception of communications to or from the MV *Tampa*. Could you answer that question, please? If so, did that request or those requests authorise DSD to collect communications involving Australian organisations or citizens? They are perfectly appropriate questions that you did not answer when first given the opportunity to do so.

The PRESIDENT—Senator Evans, when directing a question or supplementary question, it should be addressed through the chair, not across the chamber to the minister.

Senator HILL—The honourable senator does not appreciate that the principal safeguard that has been put in place to ensure that there is not abuse is the office of the Inspector-General. The Inspector-General has a legislative basis. He reports to the parliament. His charter is set out. As I understand it, he does monthly surveys. He can assure the parliament that, in fact, any intelligence that has been targeted or gathered is within the law; that is his job.

Senator Conroy interjecting—

The PRESIDENT—Senator Conroy, it is not your place to be shouting like that.

Senator HILL—I have already said, as far as this government is concerned, it would always operate within the law—always. In relation to the Inspector-General, he gives the Australian public extra protection. When the new intelligence committee is set up in relation to administrative and financial matters, it will give the public greater confidence as well.

The PRESIDENT—Senator Conroy, I have drawn your attention to the standing orders several times already. You are being disorderly.

Defence Signals Directorate

Senator GREIG (2.22 p.m.)—My question is also to the Minister for Defence, Senator Hill, and relates to his press release dated 13 February, today. I ask the minister to reflect on paragraph 2 in his press release, which reads:

The director—

that is, the director of the DSD—

has advised me that he has reviewed all intelligence reports relating to the issue of border protection in the relevant period. The relevant period is stated as being 29 August to 10 September 2001. Minister, given that the MV *Tampa* appeared in Australian waters some three days before the 29th—that is, on the 26th—why were those three days not considered relevant? Was it possible that phone tapping may have occurred on the 26th, 27th and 28th of that month, which may have involved the MUA or the ITF? If so, why did the minister not clarify that in his statement?

Senator HILL—I chose the first of those dates because I understood that to be the date that the MV *Tampa* breached Australian borders. But, to put the mind of the honourable senator at rest, I have asked the director if he would check his records further back, and he has now confirmed to me that he has done so—as far back as 1 August. As far back as that date, the statement that I made based on his advice to me is equally valid.

Senator GREIG—Madam President, I have a supplementary question. I ask the minister for clarity; there is some conflicting speculation on this. Did the phone tapping which occurred in relation to the *Tampa* begin before or after Australian SAS troops boarded the ship?
Senator HILL—There has never been any acknowledgment that there was phone tapping in relation to the *Tampa*, so that question is inappropriate.

Defence Signals Directorate

Senator FAULKNER (2.24 p.m.)—My question is directed to Senator Hill in his capacity both as minister representing the Prime Minister and as Minister for Defence. Minister, can you confirm that it has been a longstanding practice not to comment on security and intelligence operational matters, because of the risk of jeopardising Australia’s national interest in making any such statement? I think you said something to this effect earlier in question time in answer to a question I asked. Given the minister’s statement last night on the DSD interception of MV *Tampa* communications, will it be standard practice for the federal government to give statements on security and intelligence operational matters, or will statements such as this be made only when a minister believes that it is in the political interests of the government to do so? Can you now clarify what the situation is in relation to these statements?

Senator HILL—That is typical of Senator Faulkner’s questions. If we had not ruled out this matter in relation to the unions, what would be being said today? We know what would be being said. The ALP is the political arm of the union movement, and you would be saying what you said yesterday, and that basically is that we were seeking information for political benefit. That is why it was ruled out, and that is why, in the statement, we said:

In the light, however, of the potential damage to public confidence caused by this morning’s inaccurate reports of a few facts, those facts need to be laid on the table.

The general practice will remain. In this exceptional circumstance it was decided on a whole of government basis to vary it.

Senator FAULKNER—Madam President, I have a supplementary question. Did the minister authorise the Minister for Employment and Workplace Relations, Mr Abbott, to speak publicly on this issue yesterday because it was an exceptional circumstance? Could I ask whether Minister Abbott was fully briefed by the Department of Defence on this issue before he spoke out? Will it continue to be the practice of the Minister for Defence to allow other ministers to speak out on matters within your own portfolio responsibilities?

Senator HILL—You are struggling for questions on the first day, I would say. What I heard Mr Abbot say was that this is a government committed to protecting our borders. In saying that, he was absolutely right.

Howard Government: Population Policy

Senator HARRADINE (2.27 p.m.)—My question is directed to Senator Hill, the minister representing the Prime Minister. Has the government adopted a population policy which addresses the challenges posed by Australia’s rapidly ageing population? Isn’t it a fact that, from the year 2008—only six years from now—the 65-plus age category will take over from the 45 to 65 age group as the fastest growing category in Australia? Doesn’t this have serious implications for current social, economic, health, immigration, taxation and family policies and programs? In particular, what is the government doing to address the major cause of Australia’s ageing population—the continuing decline of Australia’s birth rate and of the total fertility rate since falling below replacement level in 1975? (Time expired)

Senator HILL—This is obviously an important issue and basically I believe that Senator Harradine is correct. The age profile of Australia is changing. We are an ageing community in a relatively young nation and a relatively young economy, and that is obviously of concern. The government, as Senator Harradine would be aware, has conducted extensive research towards policy development in this area. I remind him of the information paper, ‘Low Fertility’, by the Department of Family and Community Services, which looked at data on fertility and the causes of fertility decline. I remind him of the research associated with the development of the national strategy for an ageing Australia, a framework to address the economic and social impact of population ageing across the government, business and community sectors. I remind him, also, of the Access Economics report ‘Population, ageing and the
economy’, launched by the former Minister for Aged Care, and Professor Peter McDonald’s research on the impact of immigration on the ageing of Australia’s population.

What I am a little surprised about in Senator Harradine’s question, however, is that there did not seem to be a recognition of the actions that the government has been taking. I think we can fairly say we are the most family friendly government there has been. There has been a bias in our taxation policies, there has been a bias in other policies, towards support of families and in particular families with young children; and, as Senator Harradine knows, there have also been specific taxation and other policy initiatives to support spouses who decide to remain at home rather than go into the work force. But despite that bias in favour of families it is still the case, for a range of social and economic and other reasons, that the trend is continuing. What that means is that the government must not rest on its laurels. It must continue to develop policy based on good research and advice. That is why the research effort has been so extensive: to ensure that we continue within our budgets and within our economic program as a whole to support parents that are having children and the cost to parents during, particularly, the years in which those children are young. That remains our bias. We do not apologise for that. We think it is in the national interest for the very reasons, in part, that Senator Harradine has outlined in his question and also in part because we think it contributes to a healthy society.

Criminal Code Amendment (Espionage and Related Offences) Legislation

Senator LUDWIG (2.31 p.m.)—My question without notice is to Senator Ellison representing the Attorney-General. When does the government intend to reintroduce the Criminal Code Amendment (Espionage and Related Offences) Bill 2001? Has the government reconsidered the legislation in the light of widespread concern that it would have the effect of increasing penalties for Public Service whistleblowers and for those who receive information from them? If not, why not?

Senator ELLISON—I understand the bill will be introduced shortly. I do not have the date at hand. But I can say this bill has been misunderstood widely. In fact, it is a bill which does not seek to change the law as such but simply the form in which it is expressed. The Attorney-General has put out a statement in relation to what this bill purports to do. It does not seek to gag the press. It does not seek to stop whistleblowing. It goes to the national security of this country. As I say, there has been widespread misunderstanding of the nature of this bill. It does not seek to change the law, and that has been stated by the Attorney-General. It merely seeks to change the form in which it has been expressed. That is it in a nutshell.

Senator LUDWIG—Madam President, I ask a supplementary question. The minister has indicated to you, Madam President, that it is likely that the bill will be introduced shortly. Is it the intention of the government to introduce the bill during the current parliamentary sitting? If the government is of the view that there is a problem out there of widespread concern, can the government indicate that it will be introduced in the current parliamentary sittings, with the appropriate explanatory material?

Senator ELLISON—This has been afforded priority by the Attorney-General and the government. It goes to the national security of the country. I will refer this to the Attorney-General and see where that bill is at the moment in relation to its introduction and advise Senator Ludwig accordingly.

Fisheries: Border Protection

Senator SCULLION (2.34 p.m.)—My question is to the Minister for Forestry and Conservation, Senator Ian Macdonald. Will the minister outline recent measures to maintain the sovereignty of Australia’s waters and protect the integrity of our fisheries? Is the minister aware of any alternative policies?

Senator IAN MACDONALD—It is indeed an honour for me to receive a first question from our distinguished new senator, Senator Scullion. Congratulations, Senator Scullion, on your very fine first speech earlier this morning. For those who do not
know, Senator Scullion had a distinguished term as the Chairman of the Australian Seafood Industry Council. Accordingly, I am well aware that Senator Scullion would be very interested in matters of our resource security.

Perhaps I could start by answering the second part of the question first. That was about whether I am aware of any other alternative policies. Like 18 million other Australians, I am not aware of any alternative policies to the Howard government’s commitment to strong borders. I have certainly read a number of opinions from various members of the Labor Party. Many of them seem to be contradictory, so neither I nor any other Australian seems to know what they stand for. But I live in hope that on the matter of border security and territorial and resource security we will get bipartisan support from the Labor Party.

I am also very proud to announce that on 5 and 7 February this year the Royal Australian Navy and officers of the Australian Fisheries Management Authority apprehended two Russian flagged fishing vessels, the Lena and the Volga, suspected of illegally fishing within the Australian economic zone off Heard and McDonald Islands. I particularly congratulate the officers, men and women of the Royal Australian Navy and of the two ships, Canberra and Westralia, who braved five-metre waves, 35-knot winds and temperatures below five degrees on this particular mission. Their success in quite appalling conditions is a testament to their courage, professionalism and commitment to duty. I do congratulate them. I also congratulate Senator Hill, the Minister for Defence, who was decisive in his decisions on this particular commitment. The successful completion of the operation is, as well, a demonstration of the whole of government action involving the Australian defence forces, the Australian Fisheries Management Authority and also the Australian Antarctic Division. It also demonstrates a commitment by the Howard government to rigorous protection of Australian sovereignty and a commitment to the Commission for the Conservation of Antarctic Marine Living Resources to maintain sustainable stocks of a scarce fish species. It also demonstrates that we are prepared to look after our domestic fishing laws and are helping those who are licensed to fish for this unique species.

The boats being apprehended will arrive in Fremantle midway through next week, and AFMA and the DPP will continue investigations. It is estimated that the Lena and Volga have around 200 tonnes of alleged illegal catch of patagonian toothfish, and that is nearly 10 per cent of the total legal catch for this fish in Australian waters. The estimated landed value of the suspected illegal catch is $2.5 million. There are very severe penalties: forfeiture of the ships, a $550,000 fine for each offence if found guilty and individuals can be sent to jail. What this all demonstrates is that the Howard government is determined to protect our sovereignty, to protect our resources and to protect our border security.

**Insurance: Health Funds**

**Senator McLUCAS** (2.38 p.m.)—My question is to Senator Patterson, the Minister for Health and Ageing. Can the minister confirm recent reports that 34 of Australia’s 44 health funds will be seeking premium increases, with effect from 1 April this year? Is there extra funding to pay for the government’s 30 per cent share of the soon to be approved increases? If so, how much has been put aside? If not, where will the money come from?

**Senator PATTERSON**—The government is committed to keeping private health insurance affordable. I have recently stated that this government is committed to retaining a 30 per cent rebate on hospital ancillary items so that 8 million Australians can exercise choice in having their health needs met—unlike under Labor when the health funds were bleeding and the then Senator Richardson said that they were unsustainable and threatening public health as well.

As in previous years, health funds have submitted for government consideration information about proposed premium increases. This is done at about the same time each year, and I will be taking into account both financial and public interest considerations in accordance with the legislation. As the government has made clear, any propos-
als for premium increases that look particularly high will be scrutinised very carefully. I will seek the views of my colleagues on a range of public interest matters and, accordingly, am confident that all the relevant information will be properly considered before I make any decision. I expect to be in a position to advise the outcome of this process in March. Proposed increases are due to be implemented from 1 April. I am not prepared to comment at this time on any media speculation about the increases being sought by particular funds.

The last significant rise in premium levels across the industry was five per cent in 1999. The average premium increase across the industry in the last two years has been 1.8 per cent in 2000 and 0.01 per cent in 2001. In that time, funds have experienced increases in membership, costs and claims. Funds report that they are paying out more benefits than they were in the last financial year. They report a greater than expected increase in claiming levels in both the number of services and prices of services, pressure from hospital providers for higher payments and a drop in investment income. Evidence of factors such as these is required as part of the application for a premium increase.

Opposition senators interjecting—

The PRESIDENT—Order! Interjections of the kind that are occurring are disorderly.

Senator PATTERSON—Senator McLucas has not been here long enough to realise that not everything you read in the press is the truth. What I said was totally misrepresented. I did not indicate in any way that we would be looking at ancillaries under the rebate. I think Senator McLucas needs to be very careful in thinking that everything she reads in the press is the truth.

Immigration: Woomera Detention Centre

Senator BARTLETT (2.42 p.m.)—My question is to the Minister representing the Minister for Immigration and Multicultural and Indigenous Affairs. Can the minister confirm that Minister Ruddock requested South Australian Family and Youth Services to investigate allegations that were made both by the minister and by South Australian Liberal Minister Dean Brown that adults had forcibly sewn up the lips of children inside the Woomera Detention Centre? Is it the case that Family and Youth Services has conducted that investigation into the allegations and provided a report to the minister? Is it the case that that report concludes that no evidence at all has been found to substantiate these allegations? Will the minister now release the report publicly to ensure that the Australian people can be informed of the facts?

Senator ELLISON—By way of background to Senator Bartlett’s question, I can advise the Senate that there is a memorandum of understanding between the South Australian government and the Department of Immigration and Multicultural and Indigenous Affairs in relation to the situation at Woomera, whereby the Department of Human Services, particularly Family and Community Services of South Australia, maintains a monitoring role in relation to the federal government’s 30 per cent rebate? What would be the effect on the health insurance rebate to average Australian families if the minister were to win the argument within the government that, for example, dental and optometry benefits should no longer be covered by the rebate? Or can the minister no longer float such a proposal, given the immediate carpeting she received from the Prime Minister when she mentioned it the first time around?

Senator PATTERSON—Senator McLucas has not been here long enough to realise that not everything you read in the press is the truth. What I said was totally misrepresented. I did not indicate in any way that we would be looking at ancillaries under the rebate. I think Senator McLucas needs to be very careful in thinking that everything she reads in the press is the truth.
welfare, particularly of children, in that centre.

In accordance with that MOU, I understand that a matter was raised in relation to this incident of children’s lips being sewn together. I can advise that the Minister for Immigration and Multicultural and Indigenous Affairs was advised by the South Australian welfare authorities that they had concerns that adults, specifically parents, were sewing their children’s lips together at Woomera. An assessment of the situation was undertaken by the South Australian department in accordance with the MOU that I have mentioned, and the minister was subsequently advised by the South Australian department that there was no evidence to either confirm or deny these concerns. Senator Bartlett has asked for a copy of the report. My advice is that the communication to the minister for immigration was in the form of an advice from the South Australian department.

Senator BARTLETT—Madam President, I ask a supplementary question. I thank the minister for that answer. Can the minister confirm that it is also the case that the recent report, which was also provided to the minister and which was produced by the Human Rights Commissioner after many days of direct investigations inside Woomera, concluded that there was no evidence at all to support the minister’s allegation that adults were forcibly sewing children’s lips together? Will the minister and the government now apologise for making such false and defamatory allegations against the detainees in light of the fact that no evidence exists to substantiate them?

Senator ELLISON—As I stated earlier, as I understand it, the concerns that were expressed came from the South Australian department, and I certainly reject any allegation that the Minister for Immigration and Multicultural and Indigenous Affairs, Mr Ruddock, made any false or defamatory remarks or allegations. On the advice that I have, as a result of this MOU the South Australian authorities raised this matter and carried out an investigation. As to the result of that, I have already answered the question.

Superannuation: Investment Rules

Senator SHERRY (2.46 p.m.)—My question is to Senator Coonan, Minister for Revenue and Assistant Treasurer. In light of the devastating impact on the pension fund savings of employees in the American firm Enron, is the minister concerned about the in-house investment rules for corporate superannuation funds in Australia? Isn’t it true that corporate superannuation funds in Australia are currently permitted to partly invest in their own businesses, meaning that, if the business goes broke, at least some of the retirement nest eggs of its workers are also under threat?

Senator COONAN—Thank you, Senator Sherry. In Australia only a very small proportion of funds are allowed to invest in their own businesses. It raises, of course, the issue of the safety of superannuation. The legislation in Australia does not allow extensive investment by super funds in their own businesses.

Senator Watson—The five per cent rule.

Senator COONAN—Senator Watson is coaching me from behind about the five per cent rule. Senator Sherry, the issue that is raised by your question is that you appear to have absolutely no policy position on superannuation at all. After the election you said that you were going to start with a blank piece of paper. After 5½ years I would have thought that those sitting opposite, particularly Senator Sherry—

Senator Sherry interjecting—

The PRESIDENT—Order!

Senator COONAN—A blank piece of paper is hardly the sort of policy the opposition would have taken to an election with the
expectation of achieving anything. Even after such a resounding defeat, Senator Sherry still does not appear to have any policy on superannuation, whether it be a major amendment to the surcharge or an amendment to the five per cent rule. You said that you were going to start with a blank piece of paper. Even on prudential matters you appear to have absolutely no idea. It ill behoves Senator Sherry to be worrying about what is happening with Australian funds as far as investing in their own companies is concerned because, as Senator Sherry would well know, the safety of superannuation in this country is amongst the world’s best, and there is no reason to be worried about an Enron-type collapse in Australia.

Senator SHERRY—Madam President, I ask a supplementary question. The minister appears to display no concern about this issue whatsoever. Is she aware that employees of the failed retail firm Harris Scarfe who had their savings in the Harris Scarfe superannuation fund were advised that the earnings on their retirement savings were a negative 3.7 per cent in part because the fund owned Harris Scarfe shares? Does this show that there is still a considerable risk in the existing five per cent limit on in-house investment? In light of the Enron and Harris Scarfe experience, what action does the minister propose to take about this risk?

Senator COONAN—As Senator Sherry would know, the Harris Scarfe matter together with a number of other matters is being investigated by ASIC. Those investigations are proceeding and the results are not yet to hand. It is not appropriate that, during this investigation, there be any further comment in relation to this matter.

Airports and Aviation: Security

Senator MASON (2.51 p.m.)—My question is to the Minister for Justice and Customs, Senator Ellison. Will the minister provide the Senate with an update on recent counter-terrorist initiatives to improve airport and aviation security?

Opposition senators interjecting—

Senator ELLISON—This is a very important question and I am surprised the opposition does not want to listen, because it is of great concern to all Australians in view of those tragic events of 11 September last year. Prior to the election the Howard government gave a broad and strong commitment to introducing measures to counter terrorist threats in Australia, and in particular to protect Australian citizens. As a result of that we have seen the Cormann report, which deals with increasing counter-terrorist measures, and the Prime Minister’s announcement in relation to a leaders summit, hopefully to take place in April this year, whereby we will look at tackling terrorist threats, national security and transnational crime.

Senator Mason has asked in particular about airport security and aviation security. Part of the commitment of the Howard government was to introduce an air security officer program by the end of last year, and we did just that, with the first group of air security officers flying domestically in Australia on 31 December last year. By the end of this year we hope to have 111 air security officers flying in Australia’s skies. This will bring an assurance to the travelling public in Australia, both to Australian air travellers and to those tourists who come to Australia, that we have measures in place to counter any terrorist threat. What we have are people who are thoroughly trained psychologically and in every other respect in dealing with extreme circumstances which hopefully will not arise but nonetheless we have to be prepared for. We have in place a program which has now attracted interest from other countries, such as Canada. I must say that the cooperation we have received from the United States authorities in this regard is greatly appreciated.

I also announced recently a first response counter-terrorist measure which we have introduced at Australia’s airports. This will involve 179 specially trained Commonwealth uniformed protective security officers being installed at airports such as Sydney, Melbourne, Adelaide, Perth, Canberra, Darwin, Hobart, Cairns, Brisbane, Coolangatta and Alice Springs. Importantly, this brings to the same standard as Melbourne and Sydney
those other airports I have mentioned, those other capital city airports and of course those regional airports at Cairns, Coolangatta and Alice Springs, bringing them up to that counter-terrorism first response so that we have that protection in place and again giving assurance to air travellers in Australia that they have this protection that unfortunately is needed in the environment that we are facing.

I acknowledge the cooperation the government has received from the airline industry, particularly Qantas, and the assistance they have given us in training the air security officers. I also want to touch on the $10 million investment by Qantas in increasing security measures in relation to its responsibilities at airports around the country. In fact, the decision by Qantas to invest $10 million on new passenger screening equipment will provide 39 new X-ray machines, 69 walk-through metal detectors and explosive trace detection equipment.

Today there was the handing over of six Customs dogs, the first of 30, to the United States government. These dogs will also be used in antiterrorist measures in the United States. The breeding program we have in Customs in Australia is world-class and one which I believe is evidence of our further commitment to combating any further threat of terrorism in this country.

Taxation: Pay-As-You-Go Instalments

Senator CONROY (2.55 p.m.)—My question is to Senator Coonan, the Minister for Revenue and Assistant Treasurer. Can the minister provide costings of exactly how many small and medium sized business taxpayers were overcharged by the ATO in their recent bungle with pay-as-you-go instalments? Can the minister also provide costing on how much of taxpayers’ money will be spent on correcting this blunder? How is it that this kind of costly mistake could have occurred on the new minister’s watch?

Senator Hill—This sounds more like a question on notice.

Senator CONROY—It is a very important issue.

Senator COONAN—Thank you, Senator Conroy, for this question. I am advised that it was a calculation for the GDP adjustment factor for PAYG quarterly instalment taxpayers for the 2000-01 financial year, and as a result of the error the ATO advised taxpayers of inflated quarterly instalment amounts. In fact, the amounts involved were so small, you will probably be disappointed to hear, Senator Conroy, that 90 per cent of those impacted will receive compensation of less than $10. However, the commissioner has advised me that it is important that people should not be out of pocket, and so the total compensation payable will be in the order of $2.1 million. The compensation will be funded from operating costs.

The compensation payment is not assessable income, and in developing an approach to correct this error the ATO has worked with the ombudsman, tax practitioners, small business people and individuals. The method to address this is that the ATO will write to everyone affected or their tax agents to let them know what happened, what it means for them and how they will receive their compensation. The ATO will provide special support to tax agents, and tax agents with large numbers of clients will be personally contacted for help and assistance. So it is pretty small beer.

Senator CONROY—Madam President, I ask a supplementary question. I did actually ask how many companies were affected, but is the minister also able to provide costing on the amount of money that small to medium sized business will have to spend understanding the new consolidations regime when industry groups have said that most of these businesses will not take up the option to consolidate? If not, why has this government not learnt anything from its past mistakes about assuming that tax compliance is a no-cost task for small and medium sized Australian businesses—

Senator Watson interjecting—

Senator CONROY—when the government wants to implement changes to make things easier for the big end of town?

Senator Watson—Does that come within the realm of a supplementary question or an entirely new question? Perhaps he should
make it clear whether he was referring to taxpayers or companies.

Senator Faulkner—Madam President, I am taking a point of order. My point of order is that Senator Watson did not; he just stood up and said ‘I ask a question’ and then launched into some diatribe about a very good supplementary question of Senator Conroy’s. But it is not competent for Senator Watson to be given the call under those circumstances. It is competent for him to take a point of order; he did not do that and he should not have been recognised.

The President—I would need to check the transcript. There was too much noise in the vicinity for me to be certain what Senator Watson said initially. If he were seeking to ask a question, it would be out of order. If he were seeking to raise a point of order, that would be a different matter.

Senator Watson—if there is any doubt about what I said, I first raised a point of order. The point of order was that the supplementary was a new question, and it needed a clarification as to whether he was referring to a company or to a taxpayer.

The President—Firstly, I would need to know whether Senator Coonan heard the supplementary question. It was hard to hear at the time. If there was anything within it that she wanted to comment on, I would allow her to do so.

Senator COONAN—Thank you, Madam President. Through you, Madam President, I must say, Senator Conroy, you seem to be using up—

The President—Senator, you should address your answer to the chair, not to the chamber.

Opposition senators interjecting—

The President—Senators on my left are behaving in an unruly fashion, which is inconsistent with the standing orders.

Senator COONAN—Through you, Madam President, I must say that Senator Conroy appears to be using up all his questions awfully quickly because he seems to have got onto a completely different point. His question shows that he does not understand compliance, and he certainly does not understand the importance to small business of the consolidations regime that I released a few days ago. Far from being only for big business, the consolidations regime will also assist small business because the grouping rules will be abolished and any small businesses that are wholly owned businesses, wholly owned corporations, will benefit from the consolidations regime. Business will benefit from tax savings in the order of $1 billion over the next three years. (Time expired)

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

QUESTIONs WITHOUT NOTICE:
TAKE NOTE OF ANSWERS
Defence Signals Directorate

Senator FAULKNER (New South Wales—Leader of the Opposition in the Senate) (3.02 p.m.)—I move:

That the Senate take note of the answers given by the Minister for Defence (Senator Hill) to questions without notice asked today relating to the interception of communications by the Defence Signals Directorate and the MV Tampa.

The statement that was issued by Senator Hill last night on the involvement of the Defence Signals Directorate in eavesdropping on the Tampa has raised many more questions than it answered. As a result of Senate question time today, a number of very significant issues also now remain unanswered. What we asked Senator Hill in question time today was whether the then Minister for Defence, Mr Reith, or the government issued any request to DSD in relation to its interception of communications to and from the MV Tampa. On two occasions, direct questions from Senator Evans were not answered; Senator Hill was not willing to provide that assurance to this chamber today.
So what we have is a situation where Senator Hill’s statement of last night, compounded by his lack of information and failure to answer questions today, reinforces what today’s *Australian* editorial has properly described as the ‘culture of secrecy’ which is flourishing under the Howard government. Senator Hill has deliberately set out to avoid the central question in relation to this issue: whether intelligence organisations intercepted communications between the *Tampa* and Australian organisations or citizens and whether any intelligence gained from those intercepts was provided to the government and used by the government for political purposes. That is the crucial question, and that has not been answered by Senator Hill in question time today.

We do not know whether communications between the MUA—who are Australian citizens, members of our community—and the ITF were collected. A lot of answers are required on these issues, and we have a situation where the Leader of the Government in the Senate, the Minister for Defence in this country, is covering up on the political abuse of Australia’s intelligence services. No opposition can accept that, no parliament can accept that, and I do not believe it will be accepted by the Australian people.

We believe that due process should be brought to bear on this incident and that the veil of secrecy must be lifted. We are pleased that the Inspector-General of Intelligence and Security has decided that he will report more fully on this matter. He appears to have done it of his own accord—that is what the minister has told us in question time today—as a result of public and parliamentary pressure. We are pleased that that has occurred. In relation to that report, a full report should be provided by the Inspector-General to the parliamentary joint committee on ASIO, ASIS and DSD, going to operational matters. And as much as possible, certainly all the conclusions of the Inspector General’s report and whatever other details can be revealed publicly without prejudice to national security, must be tabled in this parliament and made public for the benefit of all Australians. This is a matter which requires thorough investigation. The carefully worded excuses—(Time expired)

Senator FERGUSON (South Australia) (3.07 p.m.)—It has certainly has been a very long and hard three or four months for the opposition. Having failed to get over their pathetic effort at the last federal election, and desperately trying to find a reason to build up another head of steam, we hear Senator Faulkner launching into a tirade against Senator Hill. Senator Hill has appropriately answered the questions that needed to be answered for the Australian public. He has very appropriately and very quickly answered those questions about issues that have been aired publicly in the media and in the newspapers.

Senator Hill has reassured the Australian people. Senator Faulkner and Senator Evans would never be reassured by any answers in this place, because they would be desperately trying to find some issue on which to rebuild some sort of credibility for an Australian Labor Party that has been completely walloped in an election once again.

Senator Faulkner and Senator Evans know that there is a longstanding tradition that the government does not comment on security and intelligence matters. But because this issue has been raised in the media, because of the seriousness of the allegations, and because the allegations have the potential to undermine public confidence, Senator Hill has quickly sought to reassure the Australian people and the members of the opposition of the situation as it stands. That is why Senator Hill has chosen to inform the Australian people of exactly what is happening: because of public comment and media speculation.

The Defence Signals Directorate have advised Senator Hill, as Minister for Defence, that they are confident that there has been one exception to strict compliance with the rules. What more could the opposition expect from the Minister for Defence, on a matter which is not normally commented on publicly, than for the minister to inform them and the Australian people that the DSD have advised the minister that they are totally confident that there has been, with one exception, strict compliance with the rules. An inadvertent error was brought to the attention
of the DSD by the Inspector-General of Intelligence and Security, who found it during his regular check of the operations. The matter was brought to the attention of the Minister for Defence, and the minister has replied quite adequately to the issue that has been raised publicly in the media and again here today by the opposition.

Furthermore, the DSD have also advised Senator Hill that neither communications to the Maritime Union of Australia nor communications to the International Transport Federation were targeted. The minister has given these assurances, and the DSD did not provide any report to the government on communications from the MUA or the ITF, nor did it provide any transcripts of comments that were made by the MUA or the ITF.

Can I once more reassure the people here in this chamber that Senator Hill has only departed from the longstanding tradition of not commenting on intelligence matters in order to reassure the Australian people and this Senate that there was only one breach, and he has done it because of the potential for public confidence to be undermined. We have all seen what has been written in the media over the past couple of days and the public speculation that is taking place because the issue was raised in the media. Senator Hill has sought to defuse that issue and the potential undermining of public confidence by issuing the advice that he has received from DSD that there has been strict compliance with the rules. There has been only one exception, and that exception was an inadvertent error which was brought to the attention of the DSD by the Inspector-General of Intelligence and Security during a regular check. Senator Evans quite rightly raised the issue, but it is wrong to suggest that the question was not answered when Senator Hill has provided all the information that it is proper to divulge. Senator Evans would be well aware, in his new role, that intelligence and security matters have to be handled very carefully, and the minister has done that in his role as Minister for Defence.

(Time expired)

Senator CHRIS EVANS (Western Australia) (3.12 p.m.)—I think today’s question time and the minister’s responses have been quite informative—a bit like his press release yesterday, which was as important for what it did not say as for what it did say. A careful reading of the Minister for Defence’s press release yesterday raises a whole range of questions.

The minister is very careful in his choice of words and avoids the three key issues—as I would expect Senator Hill to be careful, not only because of the portfolio but because of his vast experience in these issues. But one of the things that is most clear is that the Minister for Defence’s press release does not deal with three of the key issues. There is no mention of what directives or requests were made by the government to DSD in relation to the MV *Tampa*, there is no mention of what use was made of the information gathered by DSD in terms of the accusations being made in the political response of the government, and there is no mention of whether or not DSD has been used to spy on Australian citizens.

There is some reference to the MUA and the ITF—a very carefully chosen reference which does not cover all communications involving those organisations—but the key issues are not the MUA or the ITF. The key issues are whether or not DSD has been used for political purposes; whether or not Australian citizens have been spied on by one of their own defence organisations; and what the information that DSD may have gathered, either within their charter or outside their charter, has been used for and who that information has been distributed to. Those are the key issues. They are not in the Minister for Defence’s defence of the government’s position as released yesterday, and they were not referred to today by the minister.

Today the minister was quite helpful in providing information about the Inspector-General’s inquiry. But that is an inquiry that he is determined to take on his own initiative—a much broader inquiry, it seems, than that which was requested by the minister, and I am pleased to hear that. I want to have a look at those terms of reference that he set himself. Clearly that would be a useful thing. Labor has argued from the start that the in-
The inspector-general’s role is the key role and we want him to have a proper investigation into these concerns.

The minister was far less fulsome when he was asked the key political questions about what directives former minister Peter Reith gave to DSD and what directions were given concerning gathering information on Australian citizens, which is largely prohibited under the legislation but which is allowed in certain very specific instances. On those questions the minister was silent. In fact, he went on a great deal with border protection rhetoric et cetera—dodging the question. For anyone who did not see it, I urge them to have a look at the tape. It was classic—I don’t want to deal with this. I don’t want to answer the question, so I will talk about some broader public issue and accuse the Labor Party of treasonous behaviour and lack of loyalty to the defence of Australia and I’ll dodge the issue. He did not deal with the issues that I put to him very directly, which were: what was the role of Peter Reith, the then Minister for Defence; what directives did he give; what directives did the government give to DSD in relation to collecting information concerning the *Tampa* and in relation to Australian citizens; and what did they do with that information?

None of those questions has been commented on and we have no better information about those issues.

I think it is important that we concentrate on the fact that the DSD is required to get specific approval from the minister to do any monitoring of telecommunications involving Australian citizens. There are protections for Australian citizens, and those protections can only be overcome with the specific approval of the minister. In a letter dated 16 March 1999 to Channel 9’s *Sunday* program, the then Director of the DSD, Martin Brady, made that very clear. He said, when talking about the rules that govern their operations in relation to Australian persons:

>The Rules do provide mechanisms to permit DSD to monitor and report foreign communications involving Australians in some special carefully-defined circumstances such as the commission of a serious criminal offence; a threat to the life or safety of an Australian; or where an Australian is acting as the agent of a foreign power. Specific approval is required for all such collection and reporting.

The question is: was specific approval given? What political directives were given to DSD to allow them to collect information on Australian citizens? In his statement, the Minister for Defence has not denied that information was collected on Australian citizens—he has not denied it at all. He has been careful in his choice of words. *(Time expired)*

**Senator SANDY MACDONALD** *(New South Wales)* *(3.17 p.m.)*—The Defence Signals Directorate, DSD, has to operate within the law. It operates under laws drawn up in 1994, when the Australian Labor Party were in government, and since updated. The Director of DSD has confirmed that, with one exception, he is confident that there has been strict compliance with the rules in the matters related to this border protection occurrence. Further, the Inspector-General of Intelligence and Security, who is charged with overseeing the DSD, will conduct a further inquiry to look at this inadvertent error. The law has been adhered to at all times, with this one inadvertent breach. The DSD has been properly used, and all the intelligence services have been used appropriately in this occurrence of border protection.

Every year thousands of DSD intercepts are made, and clearly you might find some intercepts which might be inadvertent. I understand that, in question time today, the Prime Minister offered the Leader of the Opposition the opportunity to be briefed confidentially on the inadvertent breaches of the thousands of intercepts over the years. The government did not need to be told by DSD what was in the nation’s interest in connection with this issue and there was no targeting of the unions. In his statement yesterday, Senator Hill said:

>The Director has confirmed that neither the communications of the Maritime Union of Australia (MUA) nor of the International Transport Federation (ITF) was targeted by the DSD.

More specifically, the Director has advised that DSD did not provide any reporting to the Government on communications from the MUA or the ITF.

If the ALP are preoccupied with these inadvertent breaches, they should go back to the
time when they were in government. We use the intelligence services as any responsible government might in Australia’s interests, and we certainly did in this incident of border protection.

There is a longstanding tradition that governments do not comment on intelligence matters but, in a beat-up like this, we have to make it clear that DSD’s collection and reporting activities are conducted in accordance with Australian law and a set of long-established rules to protect the privacy of Australians. As I said, these rules go back to a time when there was a Labor government. DSD’s performance in relation to these rules is subject to the scrutiny of the Inspector-General of Intelligence and Security, who provides an annual report to parliament and, in this case, is making a special report at the request of Minister Hill. The DSD have advised the Minister for Defence that they are confident that, with one exception, there has been strict compliance with the rules. As I said, that exception was an inadvertent error, and inadvertent errors have a long tradition in situations where you are making thousands of intercepts a year. The DSD have advised the minister that neither the communications of the Maritime Union of Australia nor the communications of the International Transport Federation were targeted.

This government has increased the accountability of Australia’s foreign intelligence collection agencies by enacting last year, before we went to the election, the Intelligence Services Act. The act spells out the functions and responsibilities of DSD and ASIS and establishes a parliamentary joint committee to oversee the agencies’ expenditure and administration. The legislation strikes the right balance between transparency and the essential need for security. The government makes no apologies for using its intelligence capability to protect our borders. It does so in a way that does not undermine the privacy of Australians and in accordance with the law. The Labor Party are intent on diminishing that capacity and, in so doing, weakening Australia’s security.

Senator HOGG (Queensland)  (3.22 p.m.)—I have listened to Senator Sandy Macdonald and Senator Ferguson on this issue, and there have been undertakings that the law has been adhered to at all times. While that is refreshing indeed, there is no guarantee that that is the case because, on the admission of the Minister for Defence today, the matter has been referred to the Inspector-General of Intelligence and Security, who is conducting an inquiry. While there is an admission that there was one breach at this stage, one does not know the full extent of what the Inspector-General’s inquiries will reveal.

No-one is asking that people start commenting on intelligence matters, but this raises the issue as to whether or not DSD was receiving information which could be classified and properly labelled as intelligence issues or whether they were issues relating to the privacy of citizens or organisations in this country. That is the issue that needs to be cleared up. As has been conceded here today, what really is at stake is, firstly, the integrity of the then minister and whether there was any impropriety on his part in seeking to use the resources of DSD in a way in which those resources are not meant to be used—that is, against citizens of this country—or, secondly, whether there was any impropriety on the part of DSD in abiding by its own charter. They are the key issues.

If DSD were gathering information—obviously, there would be information which is not just intelligence on other countries—that was not about a serious criminal offence committed by an Australian, a threat to the life and safety of Australian citizens or an Australian citizen acting for a foreign power, then clearly it is not an intelligence matter. If in turn they have passed that on to the minister or the government of the day, then their powers have been abused. This has not yet been put to the test because, as the minister admitted, we have not yet seen the outcome of the inquiry that has been requested from the Inspector-General. There is a fundamental issue here as to whether we are dealing with intelligence matters or non-intelligence issues. In this day and age, people are very concerned about the eavesdropping that takes place. One should not, under any circumstances, believe that it is the old, crude phone
tapping, because I do not think that has been implied or even referred to so far in this debate.

In his statement, the minister said—and it has been said here today—that the Director of the Defence Signals Directorate has confirmed that neither the communications of the Maritime Union of Australia nor of the International Transport Federation were targeted by the DSD. The fact that they were not targeted does not mean that there was not eavesdropping of some form on either of those organisations or on other citizens of Australia. It is not simply the fact that it is either the Maritime Union of Australia or the International Transport Federation that is the important issue here; it is whether or not they were targeted. It could well be that there might not have been targeting. There may well have been interception of private citizens’ discussions and those discussions have inadvertently been reported.

The statement of the minister does not dispel that and does not give the confidence that should necessarily be there in this issue. We concede that we are not seeking information on genuine intelligence issues, but the minister in no way today has denied or dispelled as a myth the idea that that information could not have been gathered on private citizens—whether it be deliberately, inadvertently or completely in error—and have been used in a political way against citizens of this nation. That, of course, is completely abhorrent to the nature of people in this country. We are a democratic, free country and people rely on the good faith of government and organisations such as the DSD to maintain that freedom and the faith we have in it. (Time expired)

Senator GREIG (Western Australia) (3.27 p.m.)—I join in taking note of answers given to what is really a variety of questions today in relation to DSD and the Tampa phone tapping incident, if you want to call it that. I am disturbed—as I think are many Australians—not so much by what the minister is saying but by what he is not saying. I think his answers today leave many people with a sense of discomfort. When I asked the minister precisely when the phone tapping began, he answered, in effect, ‘We neither confirm nor deny.’

I can understand any government or person in public office quarantining information. I understand the difference between being open and haemorrhaging. What I do not understand and where the minister has left people feeling dissatisfied in his answer is: on what basis and for what possible reason was the government or one of its agencies listening to a Norwegian ship carrying some 438 supposed refugees? I understand that the government is couching listening in—whatever term you like, phone tapping, intelligence surveillance or monitoring of this situation—as being due to a potential threat to national security. I do not see from anything that I have heard or read that the question of a relatively small bunch of refugees on a Norwegian ship can be regarded in any way as a threat to national security.

It is very important to remember that the critical political environment, the white-hot environment of terrorism, as we understand it now, did not begin until September 11. That was some days after the Tampa sailed into our waters and onto the front pages of our newspapers. I have some difficulty accepting that there can be any connection between the government’s response to the Tampa and, in more recent days, the way in which some people have phrased the arguments to defend the government’s position towards it and those refugees as somehow being connected to terrorism. The two issues that we are confronting here today—or perhaps not—are: did the tapping take place, and we have no clear answer on that; and, if so, for what purpose?

But I think another thing that has been missed thus far in this debate is a point which relates to whistleblowing. Senator Ludwig raised it when he asked his question about the proposed espionage bill. The government has acknowledged that that bill will take a little longer to be introduced than was first planned, partly because of what the minister says is misinformation about the bill. Madam Deputy President, I am sure you would be conscious that there was considerable uproar about the prospect of this bill imposing penalties on people who either re-
lease or receive information that the government regards as being of national interest or as a matter of national security. I would argue that, if that bill were to pass in its current form, whoever leaked that information to the press and also the press themselves who reported it would be subject to the very harsh penalties in that bill. So we have a classic example of considerable public interest in this topic both here in the parliament and outside in the community—that is, the topic of whether or not phone tapping took place on the *Tampa*—and yet I understand that this was initiated from the fourth estate. It came from the press and not from the opposition or the crossbenches, as is sometimes the case. I believe this is a classic example of why the bill to which Senator Ludwig referred today is flawed.

Senator Sandy Macdonald said that this matter was purely a beat-up. I think the Australian community is generally sophisticated enough to sense the difference between a beat-up and a cover-up, and I think the question that the minister has not yet satisfactorily answered is which it is in this instance. The minister’s announcement that a full report will be made in which the director will involve himself is a good step, and I applaud that. But what is missing from any full report is something perhaps more important: it is what my leader, Senator Stott Despoja, advocated when she argued that there ought to be an inquiry not just into the *Tampa* incident per se but into whether legislation, regulations and guidelines that relate to the DSD’s activities are adequate to guard against, firstly, improper actions by the DSD and, secondly, the improper use of the DSD by the government. That information should also be fully reported to the Senate as part of a more holistic approach and not simply confined to research into the current issue. *(Time expired)*

Question agreed to.

**PERSONAL EXPLANATIONS**

**Senator FAULKNER** (New South Wales—Leader of the Opposition in the Senate) *(3.32 p.m.)*—I seek leave to make a personal explanation as I claim to have been misrepresented.

Leave granted.

**Senator FAULKNER**—I would like to refer to an article that appeared in the *Courier-Mail* newspaper on Tuesday of this week, entitled, ‘Besieged Somlyay claims bribe bid.’ I would like to quote four paragraphs of that article and then set the record straight. Part of that article says this:

Mr Somlyay was a member of the Joint Standing Committee on Electoral Matters which in 2000-2001 held public hearings into electoral fraud.

A transcript of the committee’s Townsville hearing on January 29 last year, confirms that Labor committee member John Faulkner had obliquely referred to Mr Somlyay’s enrolment issue.

Mr Somlyay said he had a private conversation about his family enrolments with Senator Faulkner during a break in the hearing.

He said Senator Faulkner had accepted his version of events and said he would not pursue the issue because it had been leaked to him (Faulkner) from Liberal Party sources.

In an interview with the *Courier-Mail* on Sunday Senator Faulkner attacked Mr Somlyay’s enrolments but later withdrew his comments when he recalled this private conversation.

That is what the article in the newspaper said, but this is the truth: all comments in the *Courier-Mail* newspaper on that and preceding days about matters relating to Mr Somlyay were made by a spokesman of mine and not in a direct interview with me. No-one could jump to that conclusion from reading this article. At first request to respond to a *Sunday Mail* article on 10 February, journalist Brendan O’Malley was told by my spokesman that neither I nor the spokesman had seen the article and that the spokesman could only speak generally. Mr O’Malley was formally provided with the following lines which I would like to read into the *Hansard* for the record:

Mr Somlyay is a member of the Joint Standing Committee on Electoral Matters. He has a good knowledge of the electoral laws. Given the issues raised by the *Sunday Mail*, Mr Somlyay should clarify details, including who witnessed the enrolment forms for his family. These current allegations have been raised for internal Liberal political purposes.
Those are the quotes that were given on my behalf by my spokesman to the *Courier-Mail*. It then transpired that Mr Somlyay, as he is absolutely entitled to, had some contact with the journalist, and I think he indicated, as he is absolutely entitled to do, that I had discussed this matter with him at a Joint Standing Committee on Electoral Matters meeting. All of that did occur. As a result of that, because Mr Somlyay had indicated to a journalist that I had had a private discussion with him—I had, and I have no problem with Mr Somlyay saying that; it is true, I had had a private conversation with him—I asked my spokesman to change my comment. The thing was this: I was not going to say that I had had a private discussion with Mr Somlyay. I never talk about the content of private discussions I have with anyone, be they in the Labor Party, be they in the Liberal Party or be they Callithumpian, and I do not even say that I have had those discussions. That is the way it works, and everyone in this chamber—on both sides—knows that I do not make public the content of private discussions.

After Mr Somlyay had indicated that I had had a private conversation with him—something he is entitled to do and with which I have no problem—I did ask my spokesman to change my comment, because it had become public that there was a private conversation. I asked my spokesman to change my comment to this—this is my formal comment:

Mr Somlyay raised the matter in a private discussion during a committee hearing, and I accepted his explanation at face value.

That was my comment. Another journalist, Chris Griffith who wrote the article, ‘*Besieged Somlyay claims bribe bid,*’ rang on Monday and asked for a comment regarding this matter. He was provided with the same comment as the previous journalist had been on Sunday:

Mr Somlyay raised the matter in a private discussion during a committee hearing, and I accepted his explanation at face value.

The truth of this matter is: I did have a private discussion with Mr Somlyay. I would not normally say that in the parliament but because Mr Somlyay has seen fit—again I have no problem with this—to say that to a journalist, and it is an accurate statement on his part, and to make that public, I saw fit to change the comment I made otherwise my previous comment may have appeared disingenuous or in some way covering up. I wanted to be very frank with all the people concerned, and I was. All my statements were absolutely frank, absolutely accurate, absolutely proper.

It is true that I had a private discussion with Mr Somlyay. It is true that I did accept his explanation at face value. The rest of the issue is for others and not for me. I stress: I did not do an interview with the *Courier Mail* on Sunday. I did not attack Mr Somlyay’s enrolments though my spokesman did provide the comments in precisely the terms I have outlined to the Senate. One paragraph in the article states:

In interview with the *Courier Mail* on Sunday Senator Faulkner attacked Mr Somlyay’s enrolments but later withdrew his comments when he recalled this private conversation.

That reflects poorly on me, in the circumstances, when I have had no direct contact with these journalists and when the truth of the matter is as I have outlined to the Senate. On these occasions—and I do not do it often—I think it is best to correct the public record at the earliest available opportunity.

NEW SOUTH WALES: BUSHFIRES

Senator HILL (South Australia—Minister for Defence) (3.39 p.m.)—I seek leave to move a motion in relation to the recent bushfires in New South Wales. I understand the wording has been agreed by all political parties in this place and by all independent senators. If so, it is one of those rare occasions when the whole of the Senate is of one mind.

The DEPUTY PRESIDENT—Is leave granted?

Senator Harris—I am not refusing leave, but I point out that I have not seen the document.

The DEPUTY PRESIDENT—If you have not refused leave, leave is granted.

Senator HILL—The note I have copies it to Senator Harris. I will take a chance and say that Senator Harris supports this as well.
Certainly all other senators support this. I move:

That the Senate—

(a) extends its sympathies to those Australians who suffered personal losses during the Christmas 2001 bushfires that raged across New South Wales;

(b) acknowledges the tireless commitment of the thousands of individuals from rural and metropolitan fire brigades, emergency and rescue services, ambulance services, the defence force, police, welfare groups, government agencies, councils and businesses from across the country who were involved in fighting these fires;

(c) expresses its enduring gratitude and admiration to these Australians, many of whom were volunteers, for their efforts and sacrifices and, in particular, acknowledges the bravery of those who risked their lives in fighting the fires; and

(d) recognises that the way that the community heroically pulled together in a time of crisis truly demonstrates the strength of the Australian spirit.

Question agreed to.

PETITIONS

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

Taxation: Goods and Services
To the Honourable the President and Members of the Senate in Parliament assembled:
The petition of residents of the nation of Australia draws to the attention of the Senate that:
1. Majority of electors in the 1998 federal election were not in favour of the GST
2. Alternative taxation regimes were not properly considered.

Your petitioners humbly ask the Senate to repeal the GST legislation and to instigate an inquiry to thoroughly investigate alternative taxation regimes.

by Senator Reid (from 23 citizens).

Exports: Trade in Live Animals
To the Honourable President and Members of the Senate in Parliament assembled
The Petition of the undersigned oppose the resumption of the live animal export market. We believe carrying live animals on long journeys prior to slaughter is a cruel, unnecessary and unhealthy practice. A carcass-only export meat trade is preferable and would create abattoir employment in Australia. The Coalition government, the Australian Live Exporters’ Council, Livecorp, the Sheepmeat Council of Australia and Meat and Livestock Australia want to supply Saudi Arabia alone with up to one million sheep a year.

Your petitioners ask that the Senate oppose the resumption of the live animal export market. The Government will be monitoring six trial shipments to determine whether the live sheep trade could be opened up. The first trial shipments of 60,000 live sheep left Australia for Saudi Arabia in January 2000.

by Senator Bartlett (from 22 citizens).

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 Mark Bishop (from 15 citizens).

Immigration: Refugees and Asylum Seekers
To the honourable the President and members of the Senate assembled in Federal Parliament:
The petition of the undersigned draws the attention of the Senate to our concerns about Australia’s treatment of refugees and asylum seekers.

We are concerned about human rights violations in Australian detention centres, as identified by the Human Rights and Equal Opportunity Commission (HREOC), the US Department of State and the International Secretariat of Amnesty International. The HREOC report found that human rights are being violated due to the conditions of detention; restricted access to services; the practice and effects of long-term detention and restricted access to judicial review.

Your petitioners therefore request the Senate to:
Comply with international human rights agreements and cease the practice of detaining refugee children;
Offer an independent review of the decision to detain an asylum seeker, in accordance with international law;
Implement an alternative detention model that offers open detention and community release for those asylum claimants whose identity and circumstances have been established;
Ensure that the assessment of asylum-seekers identity and circumstances is completed within 90 days of their detention.

by Senator Brown (from 1,491 citizens).

Australian National Flag
To the Honourable the President and the Members of the Senate in Parliament assembled
The Petition of the undersigned respectfully showeth that:
1. We the undersigned wish to signify our strong opposition to any change in the design or colour of the Australian national flag.
2. We believe that the current flag has served Australia well and will continue to do so in the future and represents a true manifestation of the nation’s history.
And your petitioners, as in duty bound, will ever pray.

by Senator Kemp (from 23 citizens).

Immigration: Asylum Seekers
To the Honourable the President and the Members of the Senate in Parliament assembled:
Whereas the 1998 Synod of the Anglican Diocese of Melbourne carried without dissent the following Motion:
That this Synod regrets the Government’s adoption of procedures for certain people seeking political asylum in Australia which exclude them from all public income support while withholding permission to work, thereby creating a group of beggars dependent on the Churches and charities for food and the necessities of life;
and calls upon the Federal government to review such procedures immediately and remove all practices which are manifestly inhumane and in some cases in contravention of our national obligations as a signatory of the UN Covenant on Civil and Political Rights.
We, therefore, the individual, undersigned attendees and members of St Dunstan’s Anglican Church, Camberwell, Victoria 3124, petition the Senate in support of the abovementioned motion.

And we, as in duty bound will every pray.

by Senator Kemp (from 56 citizens).

Republic: Plebiscite
To the Honourable the President and the Members of the Senate in Parliament assembled:
This petition of certain citizens of Australia draws to the attention of the Senate the growing desire for Australia to become a republic.
Your petitioners therefore request that the Senate conduct a plebiscite asking the Australian people if Australia should become a republic with an Australian citizen as Head of State in place of the Queen.

by Senator McKiernan (from 16 citizens).

Petitions received.

NOTICES
Presentation

Senator Conroy to move on the next day of sitting:
That the Senate—
(a) expresses its concern about the significant increase in public liability insurance premiums and the effect it is having on the viability of many small businesses and community and sporting organisations;
(b) condemns the Government for its inaction; and
(c) urges the Minister to propose a solution to this pressing issue, as quickly as possible, not just look at the problem.

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

Senator Allison to move on the next day of sitting:
That the Senate—
(a) notes that:
(i) Victorian school principals are struggling to fill teaching vacancies for the 2002 school year,
(ii) Victoria has a shortage of mathematics, science, information technology, languages other than
English, accounting and woodwork teachers, and

(iii) schools in regional areas and country towns experience the greatest difficulty filling teacher vacancies; and

(b) urges the Government to do more to increase the number of available teachers by improving conditions and incentives for teachers, particularly in rural areas, and by increasing university places and funding for teacher education.

Senator Harris to move on the next day of sitting:

(1) That a select committee, to be known as the Select Committee on the Lindeberg Grievance, be appointed to inquire into and report, by 30 June 2002, on the following matters:

(a) whether any false or misleading evidence was given to the Select Committee on Public Interest Whistleblowing, the Select Committee on Unresolved Whistleblower Cases or the Committee of Privileges in respect of its 63rd and 71st reports;

(b) whether any contempt was committed in that regard, having regard to previous inquiries by Senate committees relating to the shredding of the Heiner documents, the fresh material that has subsequently been revealed by the Dutney Memorandum, and Exhibits 20 and 31 tabled at the Forde Commission of Inquiry into the Abuse of Children in Queensland Institutions, and any other relevant evidence; and

(c) whether this matter should be taken into account in framing the proposed legislation on whistleblower protection recommended by the Select Committee on Public Interest Whistleblowing.

(2) That the committee consist of 7 senators, 2 nominated by the Leader of the Government in the Senate, 2 nominated by the Leader of the Opposition in the Senate, 1 nominated by the Leader of the Australian Democrats, 1 nominated by the One Nation Party and 1 nominated by the Australian Greens or Senator Harradine.

(3) That the committee may proceed to the dispatch of business notwithstanding that not all members have been duly nominated and appointed and notwithstanding any vacancy.

(4) That:

(a) the chair of the committee be elected by and from the members of the committee;

(b) in the absence of agreement on the selection of a chair, duly notified to the President, the allocation of the chair be determined by the Senate;

(c) the deputy chair of the committee be elected by and from the members of the committee immediately after the election of the chair;

(d) the deputy chair act as chair when there is no chair or the chair is not present at a meeting; and

(e) in the event of the votes on any question before the committee being equally divided, the chair, or deputy chair when acting as chair, have a casting vote.

(5) That the quorum of the committee be a majority of the members of the committee.

(6) That the committee and any subcommittee have power to send for and examine persons and documents, to move from place to place, to sit in public or in private, notwithstanding any prorogation of the Parliament or dissolution of the House of Representatives, and have leave to report from time to time its proceedings and the evidence taken, and such interim recommendations as it may deem fit.

(7) That the committee have power to appoint subcommittees consisting of 3 or more of its members and to refer to any such subcommittee any of the matters which the committee is empowered to consider, and that the quorum of the subcommittee be a majority of the members appointed to the subcommittee.

(8) That the committee be provided with all necessary staff, facilities and resources and be empowered to appoint investigative staff and persons, including senior counsel, with specialist knowledge for the purposes of the committee, with the approval of the President.
(9) That the committee have access to, and have power to make use of, the evidence and records of the Select Committee on Public Interest Whistleblowing, the Select Committee on Unresolved Whistleblower Cases and the Committee of Privileges in respect of its 63rd and 71st reports.

(10) That the committee be empowered to print from day to day such documents and evidence as may be ordered by it, and a daily Hansard be published of such proceedings as take place in public.

Senator Brown to move on the next day of sitting:

That the Senate—

(a) notes the death in custody of Aboriginal Australian Douglas Bruce Scott in Darwin on 5 July 1985;

(b) expresses its regret and condolences to his widow, Mrs Letty Scott, and their family;

(c) notes that Mrs Scott considers inquiries into her husband’s death to have been flawed and inadequate, and that this matter is currently the subject of litigation; and

(d) calls on the Government to work with Mrs Scott to open a fresh investigation into Mr Scott’s death, through which all the evidence can be considered.

The DEPUTY PRESIDENT—I draw the attention of the chamber to the standing order relating to the handling of notices of motion.

Senator BROWN (Tasmania) (3.44 p.m.)—If there is an infringement of standing orders, I would like—

The DEPUTY PRESIDENT—No, I am just drawing that to your attention. Would you like to proceed, please?

Senator BROWN—I am within standing orders and am well aware of them, thank you, Deputy President. I give notice that, on 12 March, I shall move:


BUSINESS

Rearrangement

Senator IAN CAMPBELL (Western Australia—Manager of Government Business in the Senate) (3.45 p.m.)—by leave—I move:

(1) That consideration of government documents not be proceeded with today.

(2) That valedictory statements relating to Senators Gibson and Newman may be made from 5 pm to 7.20 pm today

(3) That in making valedictory statements, a senator shall not speak for more than 10 minutes.

Question agreed to.

NOTICES

Postponement

Items of business were postponed as follows:

Business of the Senate notice of motion no. 1 standing in the name of Senator Bartlett for today, relating to the reference of matters to the Rural and Regional Affairs and Transport References Committee, postponed till 14 February 2002.

General business notice of motion no. 1 standing in the name of the Leader of the Australian Democrats (Senator Stott Despoja) for today, relating to a request to the Inspector-General of Intelligence and Security to investigate certain actions in relation to the MV Tampa, postponed till 14 February 2002.

General business notice of motion no. 3 standing in the name of Senator Bourne for today, relating to the forthcoming presidential election in Zimbabwe, postponed till 14 February 2002.

General business notice of motion no. 2 standing in the name of Senator Allison for today, relating to the establishment of a select committee on superannuation, postponed till 14 February 2002.

General business notice of motion no. 5 standing in the name of Senator Ridgeway for today, relating to the non-incorporation of Indigenous protocols in the procedures

General business notice of motion no. 10 standing in the name of Senator Murphy for today, relating to the establishment of a select committee on forestry and plantation matters, postponed till 11 March 2002.

**LEAVE OF ABSENCE**

**Senator CALVERT** (Tasmania) (3.46 p.m.)—I move:

That leave of absence be granted to Senator Crane for the period 12 February to 14 February 2002, on account of ill health.

Question agreed to.

**Senator MACKAY** (Tasmania) (3.46 p.m.)—by leave—I move:

That leave of absence be granted to Senator Bishop for the period 12 February to 14 February 2002, on account of parliamentary business overseas.

Question agreed to.

**BUSINESS**

**Consideration of Legislation**

**Senator BOURNE** (New South Wales) (3.47 p.m.)—I move:

(1) That so much of standing orders be suspended as would prevent this resolution having effect.

(2) That the following bills be restored to the Notice Paper and that consideration of each of the bills be resumed at the stage reached in the last session of the Parliament:

- ABC Amendment (Online and Multichannelling Services) Bill 2001
- Anti-Genocide Bill 1999
- Australian Broadcasting Corporation Amendment Bill 1999
- Charter of Political Honesty Bill 2000
- Constitution Alteration (Appropriations for the Ordinary Annual Services of the Government) 2001
- Constitution Alteration (Electors’ Initiative, Fixed Term Parliaments and Qualification of Members) 2000
- Corporate Code of Conduct Bill 2000
- Electoral Amendment (Political Honesty) Bill 2000
- Freedom of Information Amendment (Open Government) Bill 2000
- Parliamentary Approval of Treaties Bill 1995 [1998]
- Public Interest Disclosure Bill 2001
- Reconciliation Bill 2001

Question agreed to.

**Eluay, Mr Theys**

**Senator BROWN** (Tasmania) (3.48 p.m.)—I move:

That the Senate—

(a) expresses its grave concern of the death of West Papuan leader, Theys Eluay; and

(b) calls on the Australian Government to request that the Indonesian Government conduct a full and independent inquiry into Mr Eluay’s death.

The Senate divided. [3.52 p.m.]

(The President—Senator the Hon. Margaret Reid)

Ayes…………… 37  
Noes…………… 30  
Majority……… 7  

**AYES**

- Allison, L.F.  
- Bartlett, A.J.J.  
- Bolkus, N.  
- Bourne, V.W.  
- Brown, B.J.  
- Buckland, G.  
- Campbell, G.  
- Carr, K.J.  
- Cherry, J.C.  
- Collins, J.M.A.  
- Cook, P.F.S.  
- Cooney, B.C.  
- Crossin, P.M.  
- Crowley, R.A.  
- Denman, K.J.  
- Faulkner, J.P.  
- Forshaw, M.G.  
- Gibbs, B.  
- Greig, B.  
- Harris, L.  
- Hogg, J.J.  
- Hutchins, S.P.  
- Lees, M.H.  
- Ludwig, J.W.  
- Lundy, K.A.  
- Mackay, S.M. * 
- McKiernan, J.P.  
- McLucas, J.E.  
- Murphy, S.M.  
- Murray, A.J.M.  
- O’Brien, K.W.K.  
- Ray, R.F.  
- Ridgeway, A.D.  
- Schacht, C.C.  
- Sherry, N.J.  
- Stott Despoja, N.  
- West, S.M.  

**NOES**

- Abetz, E.  
- Alston, R.K.R.  
- Boswell, R.L.D.  
- Brandis, G.H.
Question agreed to.

COMMITTEES

A Certain Maritime Incident Committee Establishment

Senator Faulkner (New South Wales—Leader of the Opposition in the Senate) (3.56 p.m.)—I ask that general business notice of motion No. 8, standing in my name, relating to the establishment of a select committee on a certain maritime incident, be taken as a formal motion.

The President—Is there any objection to this motion being taken as formal?

Senator Brown (Tasmania) (3.56 p.m.)—You will note that I have a contingent motion amending this motion:

That so much of the standing orders be suspended as would prevent Senator Brown moving a motion to provide that Senator Faulkner’s motion be amended by adding:

(1) (d) how information from the Defence Signals Directorate was conveyed to and used by the Government during and since the Tampa crisis.

Senator Faulkner—I am sorry; I was distracted, Senator Brown. But I think I understand what your intention is. Do you mean to do that without debate?

Senator Brown—Moving the amendment, yes.

Senator Faulkner—Does the government have a view on this?

The President—Shall we defer it until tomorrow?

Senator Faulkner—No, but I am happy to defer it until a slightly later hour this day, if that assists. Can I defer it until the next break in business?

The President—Is there leave of the Senate to defer this matter and deal with it at an agreed time today?

Senator Faulkner—I seek leave to have this matter dealt with at 4.30 p.m. Leave granted.

DOCUMENTS

Response to President’s Report

Senator Hill (South Australia—Leader of the Government in the Senate) (3.59 p.m.)—I present the government’s response to the President’s Report of 28 June 2001 on outstanding government responses to parliamentary committee reports and I seek leave to incorporate the document in Hansard.

Leave granted.

The document read as follows—

GOVERNMENT RESPONSES TO PARLIAMENTARY COMMITTEE REPORTS RESPONSE TO THE SCHEDULE TABLED BY THE PRESIDENT OF THE SENATE ON 28 JUNE 2001

Circulated by the Leader of the Government in the Senate

Senator the Hon Robert Hill

13 February 2002

AUSTRALIAN SECURITY INTELLIGENCE ORGANISATION (Joint)

The Nature, Scope and Appropriateness of ASIO’s public reporting activities

The response was presented on 5 October 2001 and tabled on 12 February 2002.

COMMUNITY AFFAIRS REFERENCES

Report on Proposals for Changes to the Welfare System

The response was tabled on 23 August 2001. Healing our Hospitals: Report on Public Hospital Funding

The response was presented on 28 September 2001 and tabled on 12 February 2002.
CORPORATIONS AND SECURITIES (Joint Statutory)
Shadow Ledgers and the Provision of Bank Statements to Customers
The response was tabled on 23 August 2001.
Report on Fees on Electronic and Telephone Banking
The response is being finalised and is expected to be tabled in the near future.
Report on Aspects of the Regulation of Proprietary Companies
The report is being considered and a response is expected to be tabled shortly.

ECONOMICS REFERENCES
Report on the Operation of the Australian Taxation Office
The report is being considered and a response will be provided as soon as possible.
Report on the Provisions of the Fair Prices and Better Access for All (Petroleum) Bill 1999 and the Practice of Multi-site Franchising by Oil Companies
The response is being finalised and is expected to be tabled shortly.

ENVIRONMENT, COMMUNICATIONS, INFORMATION TECHNOLOGY AND THE ARTS REFERENCES
The response to the report has been considered in the context of the Environment Protection and Biodiversity Conservation Act 1999. The response is being finalised and is expected to be tabled shortly.
Inquiry into Gulf St Vincent
The response is being finalised and is expected to be tabled shortly.
The Heat is On: Australia’s Greenhouse Future
The response was tabled on 23 August 2001.

FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES
Artillery Barracks, Fremantle—Inquiry into the Disposal of Defence Property—Interim Report
The report was only an Interim Report in the context of the broader inquiry into the disposal of Defence properties. The final report on the disposal of Defence properties was tabled on 27 September 2001, and the Government response is currently being prepared.
INFORMATION TECHNOLOGIES (Select)
Netbet: A Review of On-line Gambling in Australia
The Interactive Gambling (Moratorium) Bill 2000 and the Interactive Gambling Bill 2001 have been debated in the Senate. During the debate the Government responded to all of the recommendations in the report. The Government will not be providing a separate formal response to these reports.
In the Public Interest: Monitoring Australia’s Media
The Government will consider this report together with the common issues raised in certain content recommendations of the Productivity Commission’s Report on Broadcasting and the Australian Broadcasting Authority’s Final Report on its Commercial Radio Inquiry. It is anticipated that the Government will respond to the issues raised in these reports in the context of its response to the ABA’s Commercial Radio Report. The Government is currently considering a range of options suggested in the context of the ABA’s Commercial Radio Report.
Cookie Monsters? Privacy in the Information Society
The response is expected to be tabled in the 2002 Autumn sittings.

LEGAL AND CONSTITUTIONAL REFERENCES
Inquiry into the Commonwealth’s Actions in Relation to Ryker (Faulkner) v The Commonwealth and Flint
The response is under consideration and is expected to be tabled in due course.
Inquiry into Sexuality Discrimination
The Government response to the report is still under consideration.
Inquiry into the Australian Legal Aid System (3rd report)
The response is expected to be tabled early in the 2002 Autumn sittings.
Inquiry into the Human Rights (Mandatory Sentencing of Juvenile Offenders) Bill 1999
The Government expects to table its response in the 2002 Autumn sittings.

Humanity Diminished: The Crime of Genocide—Inquiry into the Anti-Genocide Bill 1999
The response is under consideration and is expected to be tabled in due course.

MIGRATION (Joint)
Not the Hilton—Immigration Detention Centres: Inspection Report
The response to the report will be finalised for tabling as soon as possible.

Review of the Migration Legislation Amendment Bill (No. 2) 2000
The response was tabled on 9 August 2001.

NATIONAL CRIME AUTHORITY (Joint Statutory)
National Crime Authority Legislation Amendment Bill 2000 [2001]
The Government addressed the comments of the Committee during the debate on the Bill, which was passed by the Senate on 8 August 2001 and the House of Representatives on 24 September 2001. The National Crime Authority Legislation Amendment Act 2001 commenced on 12 October 2001.

NATIVE TITLE AND THE ABORIGINAL AND TORRES STRAIT ISLANDER LAND FUND (Joint Statutory)
CERD and the Native Title Amendment Act 1998
The response was presented on 8 October 2001 and tabled on 12 February 2002.

PUBLIC ACCOUNTS AND AUDIT (Joint Statutory)
The response is expected to be tabled by the 2002 Spring sittings.

Contract Management in the Australian Public Service (Report No. 379)
The response is expected to be tabled during the 2002 Autumn sittings.

RURAL AND REGIONAL AFFAIRS AND TRANSPORT REFERENCE
An Appropriate Level of Protection? The Importation of Salmon Products: A Case Study of the Administration of Australian Quarantine
and the Impact of International Trade Arrangements
The response is being considered and is expected to be tabled during the 2002 Autumn sittings.

Administration of the Civil Aviation Safety Authority: Matters related to ARCAS Airways
The response is expected to be tabled shortly.

RURAL AND REGIONAL AFFAIRS AND TRANSPORT REFERENCES
Report on the Development of the Brisbane Airport Corporation’s Master Plan for the Future Construction of a Western Parallel Runway
The response is expected to be tabled as soon as possible.

Air Safety and Cabin Air Quality in the BAe146 Aircraft
The response is expected to be tabled shortly.

SCRUTINY OF BILLS (Senate Standing)
The response is expected to be tabled no later than the 2002 Winter sittings.

SUPERANNUATION AND FINANCIAL SERVICES (Senate Select)
The Bill was passed by the House of Representatives with amendments on 24 May 2001 and by the Senate on 18 June 2001 and, as a result, the Family Law Legislation Amendment (Superannuation) Act 2001 received Royal Assent on 28 June 2001. Most of the recommendations of the Senate Standing Committee were implemented by amendments moved to the Bill in the House of Representatives, or by the making of the Family Law (Superannuation) Regulations 2001 (SR 201, No.303) on 6 October 2001 and the Superannuation Industry (Supervision) Amendment Regulations 2001 (No.3) (SR 2001, No 353) on 20 December 2001.

The Opportunities and Constraints for Australia to Become a Centre for the Provision of Global Financial Services
The response is being finalised and is expected to be tabled in the near future.

TREATIES (Joint)
Treaties Tabled on 18 March 1997 and 13 May 1997 (8th report)
The response was tabled on 9 August 2001.
Agreement with Kasakstan, Treaties Tabled on 30 September 1997 and 21 October 1997 (11th report)
The response was tabled on 9 August 2001.

UN Convention on the Rights of the Child (17th report)
The response is expected to be tabled during the 2002 Autumn sittings.

GOVERNOR-GENERAL’S SPEECH
Debate resumed.

Senator LEES (South Australia) (4.00 p.m.)—Yesterday, in opening the 40th Parliament, the Governor-General talked about the need for ‘immediate action to tackle salinity and water quality problems’. I want to address these two issues specifically as they relate to my home state of South Australia. As you look at some of the information and evidence, you see that the very survival of communities and regions depends on how we manage our water resources and in particular how we can prevent the spread of salinity in all its forms. The vision of South Australia as a productive, environmentally friendly and environmentally sustainable state, a creative state, can be realised only if it and the Commonwealth look after the most precious resource, and that is water.

We have to reduce our reliance on the Murray, reduce the amount of water that we are taking out of that river system. I would argue at least 20 per cent more water must be allowed to flow down the river and out to sea. The condition of the Murray-Darling Basin is critical, not just as far as South Australia is concerned but as far as the nation is concerned. I think more and more Australians are very well aware of the crisis facing the Murray. Waters have been over-allocated by various state governments. The condition of the Murray and the lower Darling rivers in many places is now in a state that could best be described as highly degraded. The cleared land is frequently becoming salinised and biodiversity is declining significantly in many areas. The quality of wetlands in particular is constantly being reduced. The riparian vegetation along the entire river is generally in a poor state.

As I said, there is simply not enough water being allowed to flow down the river. As we see regularly in reports, particularly in the Advertiser, the mouth is shut more and more frequently. The River Murray is also getting saltier. Dryland salinity caused by land clearing and rising water tables is a time bomb, and that time bomb is ticking. It is expected that around 30 per cent of the cultivated land in the basin will be salt affected. Half our woodland birds will disappear. It seems that Adelaide’s water supply is by no means safe. It has been suggested that 10 per cent to perhaps 25 per cent of the time Adelaide will not have potable water.

What is going wrong? Why can’t we, as a society, a community, that now well understands what the problems are, get our act together in such a way that we could have some confidence in the future of this river system? The Commonwealth government is obviously very much involved through a variety of programs, but what it is actually doing, I would argue, is less than admirable on a number of points. Today, with limited time, I want to look quickly at the 1995 COAG water reform process which created the water rights system, set up and basically enabled the trading in water. I would argue that this is seriously flawed in many ways. Not only did the Commonwealth fail to ensure that the states used that early payment under competition policy actually on the river to better manage water resources but that cash actually disappeared off into state coffers rather than helping to compensate those that needed to look at water management issues.

As I move around South Australia discussing the issue of water resources with farmers and other key stakeholders, it is abundantly clear that we cannot wait any longer for action to be undertaken. It is abundantly understood. One of the problems in South Australia is, I found, that two, three, four and in one case five different depart-
ments are involved in the decision making process, all passing the buck backwards and forwards between one another with very few results finally finding their way into practical reality. Despite all the problems we are facing, things could get worse thanks to climate change. That will make it more and more difficult for us to repair the landscape. By 2050 it is expected climate change will cause reductions in the flow of many rivers in the basin. Obviously, with less rainfall in winter and greater rates of evaporation, we will be facing significant problems. Indeed, we are looking probably at a 12 to 35 per cent reduction in the mean flow into the basin. If we just look at one isolated example, the Macquarie Marshes near Dubbo in New South Wales, already we see there significant decline. Some 40 per cent loss of wetland vegetation has already occurred. That brings with it a decreasing number of birds, turtles, frogs et cetera.

While there are many more problems facing the Murray River—and I will be discussing these over the coming months in this place—decline of health of the Murray is not the only critical water issue facing South Australia. The availability of drinkable water and water for stock is even more critical, I will argue, on the Eyre Peninsula. Historically the Eyre Peninsula has relied on water supplies drawn from its underground basins. This has been supplemented by the limited amount of water available from the Todd River system, particularly the Todd Reservoir. The region’s population has been assured, year after year, that water supplies are adequate and indeed that water is plentiful. This has been despite much evidence to the contrary. The official response has been, ‘Don’t worry; all is well.’

This evidence, in particular, was coming from farmers who, instead of going down a couple of metres for water, were going down 10, 20, 30 or 40 metres to actually reach water. Evidence was also coming from locals, particularly those who had been several generations in the district, just talking anecdotally about swamps that have dried up. But, no, they were told: ‘Don’t worry; all we need is one good rain and the underground reservoirs will recharge and everything will be fine. There is plenty of water.’

However, information has now come into the public realm that shows very clearly that, for many years, officials have known—those people monitoring the water tables knew that the basins were facing major problems. In fact, it seems that, even at ministerial level, the knowledge was available. The state bureaucracy certainly had this information. I seek leave to table—and I have discussed this with whips and also with Independent senators in this place—some details of ground water assessments on the Eyre Peninsula.

Leave granted.

Senator LEES—Most, if not nearly all, of the water supplying Port Lincoln and beyond, up the peninsula, now comes from the Uley South Basin. As we look through these charts that detail the various basins on the peninsula, we see why. It is basically because most of the other basins have collapsed. The water table is even falling in one basin in the centre of the Lower Eyre Peninsula, and there is now no water actually being drawn out. So as we come to Uley South Basin, which is a lens adjacent to the coast to the south and west of Port Lincoln, we see now that some 8,000 megalitres a year of the 9,000-odd megalitres used on the peninsula is all coming from this one basin. But you can also see, as you look at the graphs on the chart, that this has fallen enormously since monitoring began in this basin in the 1960s and that water tables have indeed got to the point where there is a real risk of seawater intrusion.

As we go through and look at the Lincoln Basin, the other basin where a little water, but very little, is taken out, we see that it is literally within inches of seawater. It is actually sitting on salt water. From those to whom I spoke while visiting the peninsula, it seems that this is the only basin that has been reasonably well used and monitored because they knew that the salt water was so close. As you go through the other basins, you can see clearly that Polda North and Polda lenses have been shut down. As we look at the last remaining significant underground area on the peninsula that is able to be used, we look
at the possible incursion by the Southern Ocean. It is known that it is linked, because in years gone by fresh water used to flow out of the basin and you could walk along the sands and walk through it. There is not very much space left in terms of the amount of water being pulled out of that basin before the reverse could easily occur. As has happened further north, you can have intrusion of seawater into that last remaining source.

The Todd Reservoir is highly saline and nearly empty. This is noted on the second page of the paper I have just tabled. It shows you clearly what is happening to the Todd. Water for human consumption can get up to around 1,500 parts per million of salt and then it is undrinkable. For stock, you can take that up to around 3,000, although they will probably not like it very much. The Todd Reservoir has recently recorded levels as high as 6,000 parts per million. Obviously, this is unusable without considerable dilution.

We draw from all of this that the Eyre Peninsula is suffering from both extremely low levels of water and increased salinity. This is not just affecting the lower part of the Eyre Peninsula, because this is the source for the entire peninsula. As you move up the peninsula and talk to people at Lock, they tell horrendous stories of what the water is doing to polypipe, let alone to the fittings on farmers’ drinking tanks. If you talk to people about the level of chlorine that now has to be put into this water, they will tell you that it is enough to bleach clothes in the wash. So we see that the entire peninsula is in a state of literal trepidation as to where their water supply is going to come from.

Unfortunately, one of the first announcements by the new Premier of South Australia, Mr Kerin, was a plan to extend the pipeline further. It already goes north and turns out to the west to service Ceduna—by which time, I am told, often the water is barely drinkable. Mr Kerin has now announced an extension into Streaky Bay because that lens has collapsed. The water at Streaky Bay now is so saline that it is unusable. We still do not have publicly available the alternatives that were looked at for Streaky Bay. I know that one of them was desalination, but we cannot get the information as to why this was discarded. For those who do have a chance to look at these charts later, you can see what has happened in the Robinson lens, which supplies Streaky Bay. As I said, it is down to sea level. We can see that, for years, the details have been hidden from the community. We can now see, with this extension of the pipeline, even greater pressure put on what is an extremely limited water supply.

I must commend two local Eyre Peninsula people, John Hyde and Sally Tonkin, for their efforts in collecting the information and, indeed, for John Hyde’s years of work in trying to get people to talk to him about the water shortages. Now they are finally putting together the documentation and amassing the evidence needed to get greater community involvement. If we cannot get the results through the political process, then the community really needs to get active. I think those ongoing efforts will be given additional impetus now that we have yet more pressure on this particular pipeline. There are more and more individuals becoming involved in the process of finding a solution.

One of the most concerning problems with the paper that I have tabled is the fact that this was not supposed to be publicly available. This is a document that people came upon by accident, having been told for years that not only was this evidence not available but this type of documentation and summary was not available. What we need now is a complete water audit of the entire peninsula, looking at the average rainfall, all forms of water storage, the recharge rates on the various basins and demand. Demand is one of the areas I want to quickly dwell on in my last few minutes.

As John Hyde says, we have to look at extraction rates. He stresses that we are simply not replenishing stock and not seeing the rainfall keep up with what is being taken out. Local authorities on the Eyre Peninsula have promoted diversification into farming practices, such as vines, that take a lot more water than, for example, traditional grazing of sheep, or a crop of wheat. The local catchment management board is now left—largely underfunded, I stress—with the job of look-
ing at this dwindling supply, looking at the crisis that the peninsula is in and somehow making recommendations to government about ongoing management and basic research.

I commend here the mayor of Port Lincoln, Peter Davis. At a recent public meeting he gave some commitments relating to the funding of this water catchment management board. Indeed, the recommendation is that the levy the council puts on properties be doubled so at least they can do some basic research into alternatives and into water management practices on Eyre Peninsula.

While the Port Lincoln City Council has been setting a good example—it is well aware that it needs to set the standard and conserve water itself—I cannot, unfortunately, say the same thing of the Lower Eyre Peninsula District Council. It seems to have done little, if anything, to reduce pressure on the water available. It has allowed vineyards to be established. In one case, I saw the vineyard set up without council approval and then, after the fact, it went to the council and it signed on the dotted line. This has led to further development. I have seen a large housing development where the white posts are in and the roads are in, and there is still no application to the council. Again, they just expect the council to tick it off at the end of the day. It has to stop. We simply cannot keep increasing the pressure while the resource dwindles to little, if anything.

I now want to go through some of the suggestions as to what can be done at this time with resources already so limited. It is obvious that more is being taken out than the rate of recharge, and this is unsustainable. Some have suggested that we just increase the length of piping coming from the Murray. It already goes around to Port Augusta-Whyalla; just add on to that, they say, and pump out of the Murray. I hope that no-one will ever seriously consider that suggestion. Another one is a large plastic sheeting process, which sounds a bit strange when you first think of it—huge areas of plastic sheeting all running into a collection basin—but this is already being done in both Western Australia and western New South Wales, quite successfully. Research so far suggests that it may work down around the Todd. Another suggestion is to simply draw a line in the sand and then say, ‘Absolutely no more development until such time as we have the catchment management board’s recommendations,’ and I believe that this is an essential part of the solution.

Many people talk of water conservation measures, and yes, again, the council, industry and others are already doing this. I have met with some people in the seafood processing industry who have already considerably reduced their water consumption, and yes, this is part of the solution. But a major source of clean, potable water is urgently needed. Time is of the essence. I would recommend that what I was hearing up and down and across the peninsula is seriously considered, and this is the salt water desalination plant. The most logical place for this is at Elliston, with its new 50 wind generators, which will be pumping power into the grid during the day. It is well possible that at night that can be used to boost the desalination plant. We certainly should not be seeing coal or fossil fuels being used to produce the desalinated water. Elliston would require, however, about 30 kilometres of new piping out into the Polda Basin. One of the basins is completely dried up. If there were any excess supply of water it could simply be used to recharge the aquifer, and the rest could be pumped back out into the system.

I must emphasise here that desalination technology is not an oddity; it is indeed internationally well accepted and has been used since the 1980s and has been quite common since the 1990s. We are already using it in South Australia on Kangaroo Island. The crisis is now so urgent that Eyre Peninsula as well as the Murray has to be given a much higher priority on people’s lists. We must consider differently how we manage water in this very brown country of ours. I say again that the availability of information such as this must be a right, not a lucky occurrence. We need to know what our resources are, and we need resources in other forms to manage them properly. We must start thinking differently. I am calling again for the Commonwealth to take the leadership role not just in solving the problems of the
Murray-Darling Basin but also in sorting out increasingly critical problems in my home state of South Australia, particularly in the entire Eyre Peninsula.

Debate (on motion by Senator Hill) adjourned.

COMMITTEES
A Certain Maritime Incident Committee Establishment
Senator FAULKNER (New South Wales—Leader of the Opposition in the Senate) (4.21 p.m.)—by leave—I move:

(1) That a select committee, to be known as the Select Committee on a Certain Maritime Incident, be appointed to inquire into and report by 16 May 2002 on the following matters:

(a) the so-called ‘children overboard’ incident, where an Indonesian vessel was intercepted by HMAS Adelaide within Australian waters reportedly 120 nautical miles off Christmas Island, on or about 6 October 2001;

(b) issues directly associated with that incident, including:

(i) the role of Commonwealth agencies and personnel in the incident, including the Australian Defence Force, Customs, Coastwatch and the Australian Maritime Safety Authority,

(ii) the flow of information about the incident to the Federal Government, both at the time of the incident and subsequently,

(iii) Federal Government control of, and use of, information about the incident, including written and oral reports, photographs, videotapes and other images, and

(iv) the role of Federal Government departments and agencies in reporting on the incident, including the Navy, the Defence Organisation, the Department of Immigration and Multicultural Affairs, the Department of the Prime Minister and Cabinet, and the Office of National Assessments; and

(c) in respect of the agreements between the Australian Government and the Governments of Nauru and Papua New Guinea regarding the detention within those countries of persons intercepted while travelling to Australia, publicly known as the ‘Pacific Solution’:

(i) the nature of negotiations leading to those agreements,

(ii) the nature of the agreements reached,

(iii) the operation of those arrangements, and

(iv) the current and projected cost of those arrangements.

(2) That the committee consist of 7 senators, 3 nominated by the Leader of the Government in the Senate, 3 nominated by the Leader of the Opposition in the Senate, and 1 nominated by minority groups and independent senators.

(3) That the committee may proceed to the dispatch of business notwithstanding that not all members have been duly nominated and appointed and notwithstanding any vacancy.

(4) That the chair of the committee be elected by the committee from the members nominated by the Leader of the Opposition in the Senate.

(5) That the deputy chair of the committee be elected by the committee from the members nominated by the Leader of the Government in the Senate.

(6) That the deputy chair act as chair when there is no chair or the chair is not present at a meeting.

(7) That, in the event of the votes on any question before the committee being equally divided, the chair, or deputy chair when acting as chair, have a casting vote.

(8) That the committee and any subcommittee have power to send for and examine persons and documents, to move from place to place, to sit in public or in private, notwithstanding any prorogation of the Parliament or dissolution of the House of Representatives, and have leave to report from time to time its proceedings and the evidence taken and such interim recommendations as it may deem fit.

(9) That the committee have power to appoint subcommittees consisting of 3 or more of its members and to refer to any such subcommittee any of the matters
which the committee is empowered to consider.

(10) That the committee be provided with all necessary staff, facilities and resources and be empowered to appoint persons with specialist knowledge for the purposes of the committee with the approval of the President.

(11) That the committee be empowered to print from day to day such documents and evidence as may be ordered by it, and a daily *Hansard* be published of such proceedings as take place in public.

The opposition has moved this motion to establish a committee on what generally has been known as the ‘children overboard incident’ that occurred during the federal election campaign. I thank the Senate clerks for helpfully removing the tabloid colloquialism and renaming the event ‘a certain maritime incident’, which is perhaps more appropriate—but, if not more appropriate, certainly more senatorial.

Today’s tabling by the Prime Minister of the internal PM&C report *Investigation into advice provided to ministers on “SIEV 4”* really does reinforce the need for a full parliamentary inquiry to scrutinise this matter. It does not get Mr Howard, and it does not get the government, off the hook on this issue. This report reveals an appalling lack of process and wide knowledge that what was being said publicly by ministers was wrong, and it points very strongly to a serious cover-up by certain ministerial advisers and ministers. It is inconceivable that Mr Howard did not know that what was being said publicly was just plain wrong. Look at page vii of this report. Let me just quickly quote from it:

In the light of continuing media attention, PM&C contacted Defence Strategic Command seeking evidence to confirm the initial advice and asking for a chronology of events. A chronology was provided to PM&C at around noon on 10 October, carrying the footnote “There is no indication that children were thrown overboard. It is possible that this did occur in conjunction with other SUNCs jumping overboard”.

I interpolate here that a SUNC is a suspected unlawful noncitizen. The report continues: PM&C did not pursue the issue further once the photographs were released to the media on the afternoon of 10 October because the issue appeared to have been clarified.

The issue appeared to have been clarified? What an extraordinary statement to make. This matter can be properly and thoroughly examined only by a public Senate inquiry, and the resolution that I move today enables that particular inquiry to take place. I must say that we have had a very tangled web woven on this issue. There is no doubt that the Howard government deceived the Australian people on this issue, and what the opposition says is that it is time to unravel the web. It is time that we cleared up the various versions of events that have come from ministers, from departments and from agencies to find out what happened and how it was done.

I think the report which was tabled today in the House of Representatives by Mr Howard—the political tactic is to get all of the bad news out on the first day that there is a full parliamentary sitting; it is an age-old tactic that Senator Hill knows well—has generated many more questions than it answers. It is important that many of the people who were interviewed for this Prime Minister and Cabinet report alone—not to mention all of the other reports that have been undertaken, including one in Senator Hill’s own department—who were interviewed for this report by an officer of the Department of Prime Minister and Cabinet, are interviewed by a parliamentary committee where all those who come before the committee are bound by rules on providing evidence within that forum.

There is no doubt that this report indicates that Mr Reith, and Mr Reith’s staff, knew within 24 hours of his statements that elements of his original statement about children overboard were wrong. There is absolutely no doubt. Look at page ix under the heading, ‘Key findings regarding correction of misunderstanding about the photographs’:

By 1100 on 11 October 2001, Mr Reith and a number of his senior advisers had been informed that the photographs released the previous day did not depict children in the water after having been thrown overboard on 7 October.

I have only had the most cursory opportunity—I have been stuck in this chamber...
since two o’clock today—to read some aspects of this Investigation into advice provided to ministers on “SIEV 4” report, but there are an amazing number of questions that just this report alone raises. I know that today in the House of Representatives Mr Howard really used every trick in the book to avoid answering the direct question, ‘When did you know?’ When was the Prime Minister told?

Mr Howard was pressed on this but he was either unwilling or unable to name the date. He refused to tell the parliament when he knew. No Australian appreciates being misled by their government; in fact, Australians hate being lied to—particularly by people, governments and those of us in public life and in parliament, in whom they invest their trust. This behaviour in relation to this incident is, in the view of the opposition, the antithesis of proper, transparent democratic process. Using incumbency and using the reputation of our defence forces and intelligence agencies to create a grossly inaccurate perception of events that are very emotional in their nature, and to do that for political purposes, is about as low as a government can go. That is why we want to explore this issue and see how far the Howard government sank on this particular matter.

We had discussions with minor party senators, the Australian Democrats, and the Independent senators, and after those discussions the opposition agreed to extend the terms of reference that I had originally proposed for this inquiry and examine the cost and processes behind Mr Howard’s so-called ‘Pacific Solution’. Of course, since the New Year there have been media reports of vast blow-outs in the budget covering the establishment and maintenance of offshore detention centres; we think it is appropriate that this be examined and we have accommodated the Australian Democrats, particularly, who put those views to us, and I know that they are supported by other senators in the chamber.

Before I complete my comments, because I know time is short on this, I want to very briefly address one of the amendments that will come forward in the name of Senator Brown relating to extending the inquiry into the Tampa-DSD matters which were a matter of questioning in question time today. I do understand the motivation of Senator Brown in this; I think these are proper questions to ask. But we believe that the select committee is the wrong forum in which to pursue questions about the activities of the Defence Signals Directorate and other intelligence organisations in relation to the Tampa incident.

We do welcome the fact that the Inspector-General of Intelligence and Security has decided that he will examine all matters pertaining to the interception and processing of communication between the Tampa and others. He must examine how this material was processed, who received the information and how it was used. He must do all that. But also—and I know Senator Brown would want to do this—we have to look at what the outcome of the inspector-general’s inquiries might be. Under the new security legislation that was passed by this parliament last year, it is, in the view of the opposition, appropriate not to overturn the processes that were agreed. I think without dissent, by both chambers of this parliament. We believe that Mr Blick’s report should be presented to the parliamentary joint committee on ASIO, ASIS and DSD. I might say that by ‘report’ I mean ‘unexpurgated report’—a full report going to those issues that can be dealt with if necessary by that committee out of the public arena.

Having said that—and I made this very clear earlier today in this chamber—all those elements of the report should be made publicly available. All those elements which do not compromise national security must be provided fully and publicly on this important issue. Accepting that Senator Brown’s motivation here to investigate what appears to be yet another abuse of process is proper, we will not support the amendment on the basis that the investigation in the first instance, as it should be, is being pursued by the Inspector-General of Intelligence and Security.

I urge the Senate to support this motion on the establishment of the select committee, especially in light of the new information that we know from the documents that have been tabled in the House of Representatives
today. Further ramifications are revealed in this document Investigation into advice provided to ministers on “SIEV 4” that has been released by Mr Howard. These matters will not go away. It is a high priority for the Senate to deal with them, and we believe that the approach that the opposition has taken in consultation with minor party and Independent senators is the appropriate course of action. I commend the opposition’s motion to the Senate.

Senator Hill (South Australia—Leader of the Government in the Senate) (4.33 p.m.)—This is a political stunt. The Australian Labor Party and the Australian Democrats have come together again, as they so often do—it is really hard to find division between them these days—to set up a committee to achieve a certain outcome, and the outcome is obviously designed to be criticism of the government. As Senator Faulkner knows, that is generally what happens. It also happens on the first day of a sitting and they are doing it again today. Illustration that this is just a political hatchet job I think can be found clearly when you look at the terms of reference and you find that the chair of the committee under these terms that have been drawn up in collusion between the Labor Party and the Democrats must be a member of the Australian Labor Party. This committee has to be run by a nominee of Senator Faulkner. The reason for that is obviously that it is designed to achieve a political outcome rather than a real determination of the facts and something that might be useful to the Australian people.

There was a time, I might say, when select committees were automatically chaired by the government side. It was believed that that was a reasonable thing. Then we went through a phase when on occasions an Independent senator was appointed chairman to give a little more objectivity, for obvious reasons. It has now gone one step further, and the whole Senate select committee process now has really lost its substance and purpose and has simply become another political tool. The end result of that is that it is a waste of time and money and it does not achieve anything worthwhile in terms of Senate process at all. We are going through that farce again today. It has been predetermined. It is a great disappointment to me that the Australian Democrats do not appear to be learning their lesson: if they are to be a third party they have got to show some objectivity and independence from the Australian Labor Party. They have not done it here and it is a long time since they in fact did that.

Senator Ludwig—That’s not true.

Senator Hill—You can defend the Democrats if you like, Senator. They will appreciate that. On the issue of the children overboard, the government has come clean and provided the parliament with the results of a substantial inquiry into that event—an inquiry that was ordered by the Prime Minister, I might say, because the Prime Minister is of the view that this matter should be on the public record. That has been done and so the public are now well informed in that regard, so there is little point in going through that process at all.

From the Labor Party’s perspective, this is really about camouflaging their state of policy confusion on the matter of border protection. This is all about the issue of border protection: what is necessary to protect Australia’s borders and what you do in relation to those who breach the borders. As we know, detention in Australia was actually introduced by the Labor Party, but they are now running 100 miles an hour in the opposite direction because they are split. The members of the frontbench say they are ashamed of the existing policy, and the current leadership of the Australian Labor Party is not prepared to require discipline from them, so they have divided. It is very embarrassing and awkward.

Then you have the issue of border protection itself: do they support the government’s position on border protection or not? In the election, they said they did; now that they are back in opposition, they really do not want to acknowledge that because, again, half the party say they are opposed to it. What the Australian government says is that we will protect the borders. Those who engage in criminal conspiracy—in other words, those who engage people smugglers to breach our borders to behave illegally—will be returned to where they came from. In some circum-
stances, those who breach the borders will be sent to a third country where they will be processed rather than being allowed to take advantage of Australia, which has been seen as a soft touch.

Yes, it has been a firm response. It has been a fair and humane response and it is actually working. Perhaps that is what is frustrating the Labor Party more than anything. It is a response that the Australian people appreciate, and it is working. In contrast, the ALP is all over the shop—it does not know what its policy ought to be; it is divided between the left and right. I do not know whether Senator Faulkner is with his Left colleague Carmen Lawrence from Western Australia or whether he is with Mr Crean on this particular issue, and I am sure he would not be prepared to get up and tell us that.

Senator Faulkner—With the Labor Party.

Senator HILL—Where is Carmen Lawrence? Isn’t she on your frontbench? Anyway, to cover this disarray, the Senate is to be subjected to what is clearly going to be a useless, time-consuming and expensive public inquiry that is unlikely to contribute anything useful at all. We will be opposed to this. In relation to Senator Brown’s amendment, he wants to add another matter which is the subject of examination by the Inspector-General of Intelligence and Security. The inspector-general should carry out his task; the office is designed that way to give public confidence. There is no need to include that as a term of reference, and we will be opposed to that.

In relation to Senator Murphy’s proposal to include an extra Independent senator, we will support it—for what it is worth—because anything that is going to throw a small spanner into this happy harmony between the Australian Democrats and the Australian Labor Party is something we think might be worth while. We wish Senator Murphy well; this will actually be a test of his independence. Maybe, if this amendment happens to get up, we should move that Senator Murphy be the chair of this committee, but I bet the Labor Party would not like that because there could be just a touch of objectivity within that, which is the last thing the Australian Labor Party wants to see on this issue.

It is a matter of regret to me, on the first day back, that there is no sign that, after six years in opposition, the Labor Party has learnt its lessons. It just wants to engage in political stunts. It wants to cover up its internal disarray and its policy vacuum and, in doing so, it is going to cost a number of senators a lot of time and, what is more important, the public a lot of money.

Senator BROWN (Tasmania) (4.41 p.m.)—I support the motion because there is a prima facie case that the government, including the Prime Minister, was involved in a deception of the Australian people over the videotapes purporting to show children being thrown in the water in the run-up to an election. When, at the critical period when people are deciding who should be in government in a democracy, you have senior members of cabinet—and, indeed, the Prime Minister by implication—involved in deceiving the Australian public, then it warrants the most serious investigation, the discovery of the facts and the revelation of exactly what happened and who was responsible. The buck stops with the Prime Minister. I repeat: the buck stops with the Prime Minister. It is very important that the matter be independently and thoroughly investigated.

I will add that, at the time of the incident, I made it clear that I had serious doubts about those reports. The opposition ought to have moved at that time to demand an inquiry into the matter but they have left it until much later and, indeed, now we are getting an inquiry. We now have vigorous public debate as to whether there has been eavesdropping on Australian citizens in the matter of communications with the *Tampa* during the huge international controversy over the asylum seekers aboard, who were picked up by the *Tampa* in August last year, and the consequent events. This matter is also extraordinarily serious, and that is why I move an amendment:

At end of paragraph (1), add:

(d) how information from the Defence Signals Directorate was conveyed to and used by the Government during and since the *Tampa* crisis.
The opposition has indicated that it is satisfied, so far, that the matter be left in the hands of the inspector-general. I am not. I would expect that, when that report is available, a Senate inquiry would have the inspector-general come before it to be questioned and that, as Senator Faulkner just indicated, the report in full would be released to the public. It is very important that the inspector-general be there to explain how his inquiry has proceeded and that the Senate, the parliament and the people of Australia are able to assess for themselves the thoroughness of that inquiry and what matters may not have been undertaken during its course. I am concerned that, once again, the opposition is allowing the government to set the agenda here and with the efflux of time—they hope—to have the matter taken off the agenda or dealt with in a way which is not fully public and which allows people who were involved at the time, but who may have moved away, to be able to fudge the evidence when the time comes. That does not satisfy me.

The opposition should be supporting this amendment. The inspector-general will undertake his inquiry and that information must come forward, but it should then be subject to the scrutiny of a parliamentary committee such as this one. Indeed—and I have made this public—that information should be subject to a fully independent judicial inquiry which may subpoena evidence and go into matters which are of national security which cannot be canvassed in public but can be canvassed in camera by a properly appointed judicial inquiry.

There can be no more serious matter than when a government or its agencies spy on innocent citizens of the country. There can be no more serious matter than when a government would be involved in using information against citizens of the country for political purposes, let alone commercial purposes or any other matters that are not to do with national security. I noticed the words being used in this debate—for example, that messages from the international labour body concerned were not targeted by those intercepting the signals. All the calls going to the Tampa were targeted. The word ‘targeted’ there is being used to lead people to believe that only certain calls were being listened to. The way in which this encryption service works is that all calls are targeted and through a computer mechanism certain calls are downloaded, investigated and analysed. We need to be clear about that: all calls were being targeted at that time.

We now have the Minister for Defence saying that there has been a minor misdemeanour, but he is not saying what that misdemeanour was. I say to the government: if it is a minor matter, why don’t you say so? The government is making a mistake by not revealing what the nature of this so-called minor matter was. It would take a lot of heat out of the debate at the moment and a lot of concern out of the public domain if the government were to come clean and tell us what that minor infraction of the rules was that was committed during the heat of an election campaign and which, by implication, advantaged the government or somebody else to the disadvantage of an Australian citizen. How can it be that a minor matter is still subject to cover-up and secrecy? This is a breach of the rules which this parliament has set, which this parliament expects to be carried through and which this parliament should now be investigating. That is why this amendment is important.

The Labor Party is making a mistake by not supporting this Green amendment for a parliamentary investigation into the DSD’s activity vis-a-vis the government during the election campaign, and having it now. The Labor Party is making a mistake by now backing off from this alternative. The Labor Party is making a mistake by saying that it will accept Prime Minister Howard saying, ‘Let’s leave it to the inspector-general.’ He is no doubt an honourable man but this is a political matter now and the buck stops with the Prime Minister. And it will only stop there properly if you have a strong and vigorous opposition taking it up to the Prime Minister. Now is the time to have a Senate inquiry into this matter. Is the public going to be satisfied by a report from the inspector-general which has large pieces marked ‘not for publication’, which is dealt with by a standing committee which is not empowered
to look after the public interest in this matter? I doubt it. So I ask the opposition to reconsider this important amendment and to support it, instead of backing down at the moment when an inquiry should be put forward.

Senator MURPHY (Tasmania) (4.49 p.m.)—I foreshadow that I intend to move a motion that seeks to amend paragraph (2) of Senator Faulkner’s motion.

Senator BARTLETT (Queensland) (4.50 p.m.)—The Democrats are very pleased that this motion has been moved by Senator Faulkner to establish this inquiry and appreciate very much the cooperation that the Labor Party has shown in taking on board some of the suggestions of the Democrats. The Democrats believe that there are broader aspects of the government’s refugee policy that have changed so dramatically in the last six months that they need to be examined further, and the inclusion of some aspects of the Pacific solution by Labor will allow us to go some way towards that. But I still believe that there is much more that needs to be done to get to the truth and facts behind the government’s policy and how it is operating. However, we will certainly pursue that during estimates next week and see what can come out there and revisit at a later time the potential for a broader inquiry.

In the short term, the inclusion in this motion of a component enabling the committee to examine the nature of the agreements between Australia, Nauru and Papua New Guinea will provide us with a good opportunity to examine the many unanswered questions about that aspect of the government’s policy, as well as the core issue of the maritime incident itself—the children overboard incident. This is also an area where there are many questions that need answering. It is a perfect example of this government’s whole approach to the very difficult and complex issue of refugee policy, and examining broader aspects to do with Nauru and PNG will show up much more the government’s disingenuousness, obfuscation and deliberate misleading of the people about what they are actually doing.

The facts have to come out, not just in terms of the public being aware but in terms of the broader aspect of the level of deliberate dishonesty that this government will engage in, particularly on this issue. They know it is an election winner. The only reason they are still on the government benches is their exploitation of this issue, and they exploited it without any concern for the facts, the truth or the cost of the damage to the country. I think a trend is starting to emerge now. People are becoming more aware: they are aware that there was clear misleading of the Australian people by the minister and the Prime Minister—a range of ministers—about what happened in relation to this incident. That is why this inquiry is so important.

We have seen the extraordinary revelations yesterday in relation to the Department of Defence tapping telephones and the government’s cover-up in relation to that. It shows again the lengths the government will go to. We have had the issue I raised in question time today of allegations made to convince the Australian people that adults were, basically, forcibly sewing children’s lips together—all allegations that have subsequently been extensively investigated and found to be completely false. I think there is a pretty clear pattern emerging here. On anything to do with immigration or refugees, whether it is tapping telephone calls to the Tamil or whether it is misleading the Australian people about the activities of refugees and asylum seekers themselves, this government cannot be trusted. The statements they make about this area cannot be trusted. In such a circumstance, where, we now know, the form is there, the record is clear. Because the government know that it has been so politically valuable for them, in this area of policy they obviously will do whatever it takes, including deceiving the Australian people, to try and maximise that electoral advantage. At least in this policy area, I think the Senate—and more and more the Australian public—are now realising that you simply cannot take the government at their word. That being the case, we have to examine the facts ourselves. We have to make sure that we can be informed in an accurate way about what is happening and about the policy so the Australian people can
get the facts instead of distortions and misinformation from the government. This is a very valuable inquiry.

Senator Hill, for some reason, seemed to think that it was a terrible thing for the Democrats to actually cooperate with the Labor Party. I am not sure if that attitude would be replicated when we cooperate with the government, which we obviously do plenty of times. I know it is just cheap political rhetoric from Senator Hill but, nonetheless, it is pretty obviously a hollow claim. Indeed, it is very rare, I would think, for Labor and the Democrats to have reached a common view on anything to do with immigration and refugee policy. In the last six months we have been very much out on our own, so this is a rarity, if anything, and, in that sense, we welcome it. And as illustration of the temporary nature of such cooperation, the so-called cosy relationship between Labor and the Democrats will be rent asunder because we will be supporting Senator Murphy’s amendment when he moves it and I understand the Labor Party will not. For the information of Senator Hill, who may wish to note this comment, I have had no discussions with the Labor Party about the chair of the committee. I am quite open to discussion with all members of the committee about what the best option might be. That is something that would be worth examining. If Senator Hill wants to move away from fairly fatuous political rhetoric and get down to trying to be constructive, we will happily examine that. The Democrats will be supporting this motion.

I should put on the record that we will not be supporting Senator Brown’s amendment. We have motions on the notice paper already in terms of requesting the Inspector-General of Intelligence and Security to investigate and report to parliament, and that is going to be undertaken. I saw Senator Brown himself on the television news—it is always good to see him on the media, putting forward his wisdom—saying we need an independent inquiry into this issue. I agree, and think it is going to happen with the Inspector-General of Intelligence and Security. A Senate inquiry, while it is very useful, is not independent. That is not to say I would rule it out, but I think it would be best to see what the Inspector-General of Intelligence and Security produces first. That may well then lead to another inquiry similar to this one, where we have to examine again exactly how low the government went in terms of their level of deceit of the Australian people. But I think that is something for later, rather than for now.

Question negatived.

Senator MURPHY (Tasmania) (4.58 p.m.)—I move: Omit paragraph (2), substitute:
(2) that the committee consist of 8 senators, 3 nominated by the Leader of the Government in the Senate, 3 nominated by the Leader of the Opposition in the Senate, 1 nominated by the Australian Democrats, and 1 nominated by independent senators.

Question agreed to.

Senator FAULKNER (New South Wales—Leader of the Opposition in the Senate) (4.58 p.m.)—Normally, the opposition would consider dividing on this. It is clear from the voices that this particular amendment has been carried on the voices. We might have divided, but given the hour of day we will not on this occasion. I just record the opposition’s position in the negative.

Question put:
That the motion (Senator Faulkner’s), as amended, be agreed to.

The Senate divided. [5.03 p.m.]
(The President—Senator the Hon. Margaret Reid)

Ayes: 35
Noes: 32
Majority: 3

AYES
Allison, L.F. Bartlett, A.J.J.
Bourne, V.W. Brown, B.J.
Buckland, G. Campbell, G.
Carr, K.J. Cherry, J.C.
Collins, J.M.A. Cook, P.F.S.
Cooney, B.C. Crossin, P.M.
Crowley, R.A. Denman, K.J.
Evans, C.V. Faulkner, J.P.
Forshaw, M.G. Gibbs, B.
Greig, B. Hogg, I.J.
Senator HILL (South Australia—Minister for Defence) (5.08 p.m.)—This is an opportunity for us to say a few words about two colleagues, one of whom has just retired from the Senate and one of whom is about to retire. Jocelyn Newman recently retired and Brian Gibson, as he mentioned in moving the address-in-reply today, will have retired before we meet again in this chamber. This is an opportunity for us to recognise with appreciation what they have contributed to the Senate and to public life in Australia.

Jocelyn Newman and I have worked together in this place for a considerable period of time. She came in 1986, from a strong professional background. Actually it is a very varied background, as not only a lawyer but a business woman—and, somebody told me, a pea and potato farmer. That could only happen in Tasmania, of course. She was a strong community worker and, I think she would like to say, a soldier’s wife, a mother and a whole lot of other things that enabled her to have a great breadth of experience and talent to bring to this place. That was quickly recognised in the shadow ministry. She was, at various times, shadow minister for veterans affairs, which was an area she greatly loved; defence, science and personnel; the aged; status of women—another area where she had a great commitment; family; health; and defence. She is obviously somebody who was recognised early for her talents and was given significant responsibility in opposition.

When you look at her early contributions in the Senate, you see the strong values that she brought to this place and the causes that she was going to fight for during the years she was here. I remember in her first speech she talked about her commitment to our federal system of justice, to education, to family life and to social security, but in particular she talked about responsibility. If there are two words that, in my experience of Jocelyn over a long time, encapsulate her attitude and her contribution, they are ‘responsibility’ and ‘duty.’ She saw that she had a major responsibility as a Tasmanian senator, as a shadow minister and, later on, as a minister, but she also saw that she had a duty to the Australian people that she was performing in this place.

She and her husband were, I think, the first example of a husband and wife who served in a ministry in the Commonwealth. Her late husband was, of course, a minister in the Fraser government—

Senator Faulkner—Joseph and Enid Lyons.
Senator Abetz—Another good Tasmanian example.

Senator HILL—It comes with Tasmania. It took a long time for there to be another example. But it was a succession with the Lyonses, whereas this was a little more difficult to achieve—if I can put it delicately, with no disrespect to the Lyons family.

She mentioned what she sees as her highlights, and I think they are worth putting on the record at this time. They do not surprise me at all. They are: firmly placing welfare reform on the agenda and delivering a directional statement that made clear the government’s intentions on reform of the social security system; the establishment of Centrelink, the most significant reform of public sector administration in the history of the Commonwealth; and restoration of public confidence in the administration of Australia’s social security system. She did all three, and that enormous achievement would be enough for her to be recognised as a very significant contributor to public life and public reform in this country. Jocelyn has, of course, not had it easy, with bouts of serious ill health and also the death of her late husband while she was serving in a ministry. But, in typical Jocelyn style, she battled on, performed her duty and continued to be an excellent contributor to the government.

I also want to mention other areas of interest to Jocelyn. I mentioned defence. Like all Tasmanians, she has a particular interest in rural and regional affairs and is also very involved in and committed to the education of gifted and talented children, something which I think is often neglected in this country. I mentioned her passionate interest in women’s issues. I remind honourable senators that Jocelyn was a founding member of the women’s shelters in Hobart and Launceston. She was also an early member, if not a founding member, of the Women’s Electoral Lobby. Outside of her political world and her family, gardening was, and remains, a great interest of hers. She was a member of the Federal Executive of the Australian Garden History Society. Her inspiration has been her family and the sense of duty that she shared with her husband, through service life and the commitment of that form of service. This has all contributed to the career of a politician who I believe has made a very significant contribution to this Senate, to Australian government and to public life in this country.

Apart from all those things, she has been a good friend of mine and a good supporter. Within the party, within the Senate and within cabinet, we have had a few battles in which we have found ourselves on the same side and, more often than not, we have won in the end. I think it has probably been her help that has enabled that to be achieved. I wish Jocelyn all the best in her retirement—she deserves it. In my view, her retirement will be a significant loss to the Liberal Party, to this Senate and to Australian public life.

Brian Gibson has not been with us for as long. What do they say about Brian? People have said, ‘He’s a nice bloke. You couldn’t find a more principled man.’ Somebody once said to me, ‘Brian Gibson is far too good for politics—far too good to be a politician,’ and I sometimes think there was an ounce of truth in that. Brian came to us with a strong academic background, with a degree in science, in forestry, an arts degree from Melbourne University, and having studied management at Harvard Business School. He had worked within Australia and internationally. I do not think everyone knows that he worked with the United Nations. As I understand, he studied management at the Harvard Business School in Switzerland and then worked with the United Nations in Jamaica. He is indeed a worldly person.

In the areas of forestry and agricultural matters, which were really his professional strengths when he came here, there is nobody with a better knowledge in this parliament than Brian. He has been recognised for his contributions to the forest industry. In 1988 he was appointed a Member of the Order of Australia for service to the forestry industry when, as President of the National Association of Forest Industry, he was prominent in forestry matters in Tasmania. His business career included being Managing Director of Australian Newsprint Mills, Chair of the Hydro-Electric Commission of Tasmania and Councillor of the Australian
Institute of Company Directors. (Extension of time granted)

His contribution, apart from being a really decent fellow whom you could rely on at all times to give you sound and fearless advice, has been predominantly in the business and financial accountability areas. We will all remember his contribution to the new tax system and his contribution to enhancing the audit capabilities of the parliament. He served for a while as the Parliamentary Secretary to the Treasurer, and did that ably, I might say. I would have to say, putting it in its most mild form, that he was a touch unlucky in the circumstances that ended that when he was certainly on the rise within his parliamentary career.

I wish Brian a long, happy and enjoyable retirement and I want to be recorded as particularly appreciating the contribution that he has made to my party, to this Senate and to public life in Australia.

Senator Faulkner (New South Wales—Leader of the Opposition in the Senate) (5.19 p.m.)—I associate the opposition formally with these valedictories to former Senator Jocelyn Newman and Senator Brian Gibson. Of course, it is always very different when you find yourself on the other side of the chamber from those you pay tribute to. The nature of the relationships across the chamber are different and interaction across the chamber inevitably is different. My main contact, in fact, with Jocelyn Newman came when she was Minister for Social Security and I was the shadow minister for social security. She was a formidable politician and a formidable political opponent.

I suppose if you compared Joseph and Enid Lyons to Jocelyn and Kevin Newman, you really would make the point that the key difference between Enid Lyons and Jocelyn Newman is that Jocelyn Newman had very serious and senior political responsibilities in this parliament for a very long period of time, particularly in relation to her ministerial responsibilities. The other thing that stands out in my mind when we are reminded about these extraordinary political partnerships, where husbands and wives serve on the executive council, is that we had a condolence motion here for Kevin Newman at the time his widow was serving in this parliament. It was an extraordinary thing to participate in. Of course, just yesterday we farewelled three former ministers, but I think it makes a very great difference if you have a situation where the surviving partner is a member of the chamber when condolences are made. I am sure that is something that senators do not forget. We certainly wish Jocelyn Newman well in her retirement and hope she has a very enjoyable and fulfilling time.

Brian, best wishes to you in your future. You are doing what all politicians should want to do—that is, retire from parliament at a time of your own choosing. That is something that is very important, as so many of us can attest to. You had only a short time on the front bench and I have no doubt that the circumstances that surrounded that caused you not inconsiderable pain. It was an extraordinarily difficult situation which you handled in a very dignified way. Again, you are not the only politician who has faced that situation, as we know, but you handled it in a way that brought great credit to you.

When people speak in valedictory debates, often a senator’s committee service is mentioned. I tend not to touch on that; sometimes it is mentioned, I suspect, because senators cannot think of other things to say. But in relation to Brian Gibson, I do want to say something quite genuinely. Brian Gibson was one of the best chairs of a parliamentary committee I have seen. He was a very good chair of an estimates committee basically because he understood politics—that was the difference. He understood the nature of the process and worked well within it. I recall that Senator Mason, who took over your responsibilities as chairman of the Finance and Public Administration Legislation Committee—

Senator Patterson—That’s a challenge!

Senator Faulkner—We do our best, Senator Patterson. We are here to serve. Senator Gibson understood the nature of the process and worked well within it. I recall that Senator Mason, who took over your responsibilities as chairman of the Finance and Public Administration Legislation Commit-
tee, said, ‘Is there any way we can proceed that will make this thing run smoothly?’ I said, ‘The best advice I can give you is to talk to Brian Gibson because he really does know how the show works.’ It is always a worry when your political opponents say these sorts of things. It is best to say them on a senator’s retirement because people might be misunderstood. In this case, the way Brian Gibson handled his responsibilities as chairman of an estimates committees meant that he minimised the political impact of what the opposition might have done during hearings of legislation committees. That was his role, and he understood that. He did it very effectively indeed. Brian, we wish you and your family very well in the future and hope you enjoy a very productive time outside this chamber. We are all terribly jealous.

Senator ALSTON (Victoria—Minister for Communications, Information Technology and the Arts) (5.27 p.m.)—It is a great pleasure to speak in honour of former Senator Newman and Senator Gibson. Jocelyn Newman sat next to me for a period of years in this chamber since we have been in government, having come into the Senate only a matter of months before me. In many ways, there have been some interesting parallels. I have been in a position to make judgments about both Jocelyn’s political ability and her character traits. I heard Senator Faulkner graciously say that she was a formidable opponent. You could almost say that from our side as well. If you were a member of the Expenditure Review Committee and had the temerity to oppose a certain proposition, then Jocelyn was a very vigorous, determined and dogged opponent.

Jocelyn was absolutely determined to give her all in aid of a cause in which she believed. Having accepted responsibilities at the highest level, she was very persistent in pursuing those causes, as she should have been and as those she represented would have expected. That is the characteristic I most recall about Jocelyn, and I do so with great fondness because in many ways she broke a lot of moulds. Many people are just lawyers, people can be just small business people; she was both. You can be interested in politics and you can be interested in policy; she was interested in both. She had a fervent commitment to women’s issues but she was also passionately interested in a number of other issues, defence being the love of her life, just as her late husband was. Again, in that sense, she broke the mould because it was not either/or. Time and again in cabinet she would remind us in no uncertain terms that we had to be very conscious of what we were doing and the impact that it would have on the majority of the community—and very timely admonitions they were.

Through all the time she was here, she was a person of great integrity and principle. She certainly believed in a large number of causes. She was very conscious of her public responsibilities. I think she saw it as a great honour, which it is, to be able to serve. Not all are able to serve at the highest levels, and she certainly made a very marked contribution at every stage. Certainly in cabinet she had a unique status. The responsibility she had, first in the social welfare portfolio and subsequently in the Family and Community Services portfolio, was truly awesome, and it was one she carried out very impressively. Getting on top of the detail can sometimes be numbing, and yet every slip is a minefield—I thought she negotiated that area remarkably well.

What I would say about Jocelyn is that she was really ‘firm but fair’, and you cannot ask for much more than that. She had a determination which marked her out from most, but she was also very concerned to ensure that she was doing the right thing at all times by all constituents, and by colleagues and others. I will remember her fondly. She has departed from this place, and I very much hope that she will enjoy her retirement years. She remains, of course, absolutely committed to her family: she will have many happy distractions on that front, but I know she will find many other things to do to ensure that her active mind is fully utilised. So I pay great tribute to Jocelyn as someone of tremendous physical and political courage who has been one of the Liberal Party’s great contributors.

Senator Brian Gibson came in here a little after me, but in many ways Brian is also
unique. It is very difficult to persuade people in business to come into politics: they might come in here if they think that they will earn more money or that they have run out of options or if they somehow think that it is just something you might move on to late in life, but Brian was one of those very unusual characters who had an outstandingly successful business career at very high levels. To run ANM, as he did for a number of years, brought him in contact with media proprietors and the like, and they are not to be trifled with, as we know. Then to be Chairman of the Hydro-Electric Corporation in Tasmania is probably about as high as you can get. That is public service royalty! The future of Tasmania can often turn on decisions made by the HEC. I would say that you only get to that level if you are very highly regarded. So, before Brian came here he had pretty much the perfect credentials, and certainly on our side of politics we not only rejoice when we have people like Brian Gibson, we also often bemoan the fact that we do not have more people of that calibre.

I think what Brian did was to bring a skill set to a whole range of issues that really did add value to the parliamentary process. It is one of the great tragedies that Brian was cut down in the prime of his political career. That is part and parcel of the vicissitudes of politics. But the area in which he was a parliamentary secretary was one in which he was uniquely well qualified. I know even after he left that job, he continued to remain passionately interested in a whole range of business and financial issues where he would know things instinctively that most of us would never have come across. He would have to tell me and others just what was going on in the real world. It is really a demonstration of how absolutely invaluable it is to have had that first-hand experience. If you are a good lawyer, you can read your brief. We know that. That will take you a fair way, but there is no substitute for that hands-on experience.

Senator Boswell—I’ve been telling you that for years.

Senator ALSTON—My friend down here has been giving me regular lectures about how it is all very well to be a flash city lawyer but you have to have the hands-on experience. Senator Boswell was able to make his fortune many years ago and to come on and faithfully serve his country since that time, but I think he would acknowledge that Brian Gibson had skills and experience that are very rarely found in federal politics. As a result, I think he will be well remembered for having made a very valuable contribution.

I might just say in passing that I think he also has a great deal to contribute in the future, because the combination of that practical business success with success at very high levels in politics is unique. I suppose as we all get older we are more attracted to this proposition, but there is absolutely no reason why someone of Brian’s age and level of fitness—I used to come across him running around the block in Kingston—should not be able to turn each of those attributes into very important assets for the business community. I very much hope that he will be in a position to continue not only to enjoy a retirement of sorts but also to add value to the community, as he has for so many years, as his recognition in the Order of Australia clearly acknowledges.

I have very much enjoyed our friendship. I was delighted to be able to go down to Tasmania to join in a farewell for Brian. I did that because I have a particular affection and regard for Brian, and not just as a very decent and civilised human being. There are a few of those around, I suppose, although not all that many; nonetheless, Brian has a lot more going for him than that. That is why it was with a great deal of sadness that I saw him cut down in the prime of his political career. I have always seen him as someone who really does have a lot to offer.

So, Brian, all the best for the future and thank you for all you have done. You have been a great supporter of our side of politics, as has Jocelyn, of course. You are two people of very real stature who have served both your state and your country very well indeed.

Senator BOSWELL (Queensland—Leader of the National Party of Australia in the Senate and Parliamentary Secretary to the Minister for Transport and Regional Services) (5.36 p.m.)—Today Tasmania loses
two of its finest. It is going to be Tasmania’s loss. Senator Gibson and former Senator Newman have both been very strong fighters for the smallest state, Tasmania; I think Tasmania is going to miss their representations and contributions, particularly those made in cabinet.

Jocelyn Newman came into the Senate after me, but I shared the front bench with her for some time. I got to know her very well and I found her to be an absolutely delightful lady. We sat together on the front bench for two years. She is a solicitor, a barrister and a great achiever. She achieved well for her state. I ran into her coming back from Tasmania the other day and we got talking about retirement. She told me then that she would be retiring to Canberra where she would spend a lot of her time with her family. Some of her grandchildren live in Canberra. I think another son of hers lives in Queensland. Living on the mainland will mean she is certainly closer to her family.

In the valedictory today we take the opportunity of wishing her a very happy retirement. It was a sad occasion when we had the condolence for her husband. I know through personal experience how much she would have gone through on that occasion. I hope she has a very long and happy retirement and that she can spend some time with those beautiful little girls that we used to see every year on her Christmas cards. She is so proud of them. Yesterday we saw some of them at the opening of parliament. Let me say to Jocelyn, ‘Good luck and have a very happy retirement.’

My friend Brian Gibson and I came from opposite ends of town. Brian came from the big end of town and I came from the small end of town. I always thought that Brian’s contributions on economics were a little on the dry side. He set the standard on the dry side. Today he listed his achievements in the Senate which were numerous. I suppose he was like a duck which is all calm on the surface but swimming like mad underneath. You achieved a lot and you put that on the record today. Your views on the economy and your contributions to the Senate and the committee system are on the record. The dignity with which you exited the front bench will go down as one of the highlights of your career. A lesser person could have said, ‘That is enough. I have had a gut full. You can go and do it itself now.’ But you did not; you knuckled down and made a considerable contribution. Some of the things that have happened in Tasmania, such as the subsidies that go into the island, would make Jack McEwen blush.

Senator Gibson—That is good for holidays

Senator BOSWELL—It is good for holidays. I think you would have been straining your dry credentials to explain some of the subsidies that go into that island, Senator. But good luck to you. You are someone who I have associated with in the corridors. You have always been a great, friendly person. I wish you and your wife a long and happy retirement. I hope you can get down to the channel in Tasmania, go around that beautiful little island and have a great time.

Senator PATTERSON (Victoria—Minister for Health and Ageing) (5.41 p.m.)—In her own inimitable way Jocelyn Newman departed the Senate with dignity and distinction. I was fortunate that Madam President had the capacity to sit me next to Jocelyn Newman in Old Parliament House when I was a new senator. As you would have predicted, she took me under her wing and mentored and advised me. What better mentor could a tyro senator have had than Jocelyn Newman. Not only was she my mentor but she has been a great role model and, more importantly, a very good friend.

Jocelyn Newman has trodden the political stage, and her performance in that role has been first class. She did so without being tempted by the lure of publicity—communicating with the public where necessary but working quietly and very effectively without the need for personal accolades. She is a real role model for many women who come into this place.

She came into the Senate in 1986 and in her maiden speech paid tribute to her husband, Kevin. There are few Australian couples who have given so much to Australia through their public service. Kevin served
Australia first as an Army officer, including active service in Malaya and Vietnam, and then spent eight years as a federal minister before having to resign owing to ill health. While he was in the Army Jocelyn reared two children and experienced the ups and downs of being an Army wife. This experience made her a tireless advocate on issues affecting defence personnel and their families, an issue that she pursued throughout her parliamentary career. She practised as a family lawyer, founded two women’s shelters, was a farmer and ran a number of different small businesses.

When she came into parliament she brought with her, as many of us on this side do, a wealth of experience in a broad range of areas. This experience formed much of what she sought to do as a senator. As has been mentioned today, she said in her maiden speech that only two other women had followed their husbands into federal parliament. It is, as Senator Faulkner mentioned, very rare. She had not been in the Senate long when she was appointed as a shadow minister. From there she went from strength to strength. It would be remiss of me not to mention the challenges she faced during this time.

We all remember the very tough test she faced when confronted with breast cancer. I will never forget the press conference she called to say she was stepping down from the shadow ministry in order to have treatment. It was a sign of the respect in which she was held in the press gallery that there was hardly a dry eye among the normally tough operators behind those microphones and cameras. As if one challenge was not enough, it was not long before she had to face the second challenge of cancer and very drastic treatment which left her with side effects that could have been enough to lead most to think that the demands of public life were too much and it would be better to bow out. Anyone who knows Jocelyn Newman would know that this was not an option for her and, with her typical grit and determination, we saw her overcome both those challenges and resume a position in the shadow ministry and then be appointed a cabinet minister in 1996.

The support and advice that Kevin was able to give her as a cabinet minister was invaluable. We would often look up into the gallery during question time and see him watching her with great pride—and I think sometimes, most probably, trepidation. It was of course a terrible blow to her when Kevin died on 17 June 1999. He had been ill for some time, but he never complained. I still remember fondly my visits to their home in Tasmania and his typical activity of providing visitors—me in particular—with a glass of hot Milo, and so he became known to me as my Milo man. I know that his death dealt Jocelyn a dreadful blow.

The toll of public life can sometimes be almost too great to bear, and surely this must have been one of the times that Jocelyn thought that toll was too great. She had gone to England to negotiate a reciprocal social security agreement with Great Britain. Kevin’s condition worsened while she was away, and so she cut short her trip and returned home. His funeral was held at the chapel at Duntroon. It was a wonderful tribute to the wonderful life of a man who had a distinguished military and parliamentary life and who was a wonderful family man.

A lesser mortal would have packed it in—but not Jocelyn. Again, with the great courage and determination that we had come to expect of her, she faced up to the responsibilities of her ministerial office, despite the profound personal loss that she had experienced. As a minister, she served in a number of portfolios: Minister for Social Security, Minister for Family and Community Services and Minister Assisting the Prime Minister for the Status of Women. Time does not permit me to speak about her various achievements in those portfolios; I just want to mention a few.

She tackled the issue of social security fraud and overpayment and was able to save an enormous amount of money in that first year. I would stand to be corrected, but I think it was something like $47 million a week, a huge saving in ensuring that only those people who were eligible for social security received it. I visited social security offices with her. You could see the look of amazement on the faces of some of those
officers at the desk when she would walk up to them and say, ‘If you were a minister, what would you do?’ People would make suggestions and I saw Jocelyn Newman follow those through, taking advice from the people at the coalface.

I opened a Centrelink office for her. Previously, social security offices had looked like something out of the gulag—grey paint, security locks everywhere—and there were a huge number of instances of people kicking in social security windows and of threatening the staff. Jocelyn believed that the clients ought to be treated in an appropriate way. She opened up the offices, introduced a process of appointments for clients and had security taken away. There was a lot of concern, obviously, from officers at the time. I went to visit the office in Dandenong; I think it was the first to have such changes made. Obviously, there was a totally different atmosphere there, and the incident rate went down as well. Jocelyn had a view that people ought to be treated appropriately and that they would behave in the way in which they were treated. Her faith in people was supported by the response she got from the clients of social security.

Senator Newman also fought hard—and, as Senator Alston has indicated, I am sure she fought very hard in cabinet—to bring in a carers payment for the carers of profoundly disabled children. This would be an example of why it is important to have women in cabinet, because I am sure that the view held previously was that you looked after children until they were 16 and it really did not matter what situation they were in. She fought very hard to ensure that people who have profoundly disabled children receive support.

She initiated and undertook the planning for the foundations of our welfare reform program—a major pathway forward for our social security system committed to finding the right balance between incentives, obligations and assistance. The ongoing reforms entitled Australians Working Together will see more people able to achieve independence and more families with jobs and assist people in becoming self-reliant and contribute to family life. I could go on, but time does not permit me to.

Her legacy as a senator and a minister has been enormous. She will be missed in this place, and I wish her well in her ‘retirement’—a misnomer, I am sure, as she already has some projects in train. I am sure that the children of Cambodia who are suffering from craniofacial birth defects will benefit from her efforts—and woe betide any minister or NGO who ignores her lobbying. She has already lobbied me, I have to say, when I was Parliamentary Secretary to the Minister for Foreign Affairs.

I thank Jocelyn for the role model she has been to other women and, on a personal note, I thank her for her friendship and advice. I know that her son, her daughter, her extended family and her granddaughters will be glad to have their mother and grandmother back with them and to have more of her time and attention—and I thank them for lending her to us for so long. She said in her maiden speech:

... the example which my husband set of service to his electorate, his State and his country will be always before me. I hope I can one day claim the love and respect which his constituents came to hold for him.

All I can say is: Jocelyn, you can.

Senator Gibson’s announcement caught me a bit short and I am not as prepared. I did not realise that you had had a farewell already, Senator Gibson. I have not known Senator Gibson for as long as I have known Senator Newman. I have not sat next to him. I think one thing we can say is that Senator Gibson has shown us that you do not have to be a bullyboy, you do not have to shout across the chamber; that you can express your point of view very clearly without the tactics that some of us resort to in this place. Senator Conroy is nodding. The best thing that Senator Conroy could do is to take a leaf out of Senator Gibson’s book. If he were to behave like Senator Gibson, one day we might see him rise up and even move to be Leader of the Opposition.

The ACTING DEPUTY PRESIDENT (Senator Hogg)—Order! You should not be reflecting on honourable senators.
great deal. He came, as Senator Alston has said, with a huge background in business, and he used that to best effect. He dealt with the issue of his demise as a parliamentary secretary with great dignity. We have a lot to thank him for. We wish him and his wife well in their retirement—but I am sure, like Jocelyn Newman’s, it will be a very active retirement. Congratulations, Brian; I will miss you enormously.

Senator STOTT DESPOJA (South Australia—Leader of the Australian Democrats) (5.51 p.m.)—On behalf of the Australian Democrats, I too would like to wish both Jocelyn Newman, former senator, and Senator Brian Gibson well in their retirement. Senator Gibson—as I think Senator Patterson has said particularly well—you are clearly held in high esteem by all parties in this chamber. Certainly I echo the sentiments expressed this afternoon by Senator Faulkner, particularly in relation to your committee work—and I say that not because we do not have other things to say about you but because my colleague Senator Andrew Murray wishes to say a few words about you on behalf of the Democrats. I am going to restrict my remarks this afternoon to the Democrats’ tribute to Jocelyn Newman.

As has been mentioned in this place, Jocelyn Newman gave many years of service to this parliament and, of course, to the people of Australia, in addition to her responsibilities as a senator for Tasmania. As has been remarked upon, together with her husband, Senator Newman and the Newman family have made quite a significant, in fact perhaps an exceptional, contribution to political life in Australia over many years.

Jocelyn Newman was a senator for 14 years, and I think everyone here would agree that that is a long period of time to shoulder the kind of workload she took on. I commend her and congratulate her on behalf of our party for her service, her commitment and for her resilience. She ably represented the people of her state, but we recognise that she did a lot more: she took on large portfolio responsibilities and played a key role on the national stage over many years.

She took up her role in this place in 1986 and set out her main goals at that time. I do acknowledge that she argued those goals very consistently over the period of time that followed. I want to reflect on one of her comments in her first speech—and I know Senator Patterson made reference to her first speech—which was to look after those who could not look after themselves. That is how she put it. But she also counselled against large government expenditures. She referred back to Dame Enid Lyons and her first speech—something like 43 years earlier—in which Dame Enid also spoke to these themes. Senator Newman really did take up the torch of Dame Enid Lyons and subsequently dedicated herself to spending many years reshaping Australia’s social security system. Like Senator Faulkner, I have to acknowledge that my party did not always agree with some of the proposals put forward by Senator Newman on behalf of the government—not always the direction or the nature of those changes—but we do not doubt either her consistency or her commitment, or even, as has been remarked upon, the fact that she was a formidable opponent on occasions.

There is no doubt, however, that she worked extremely hard and with great dedication and sincerity. Her responsibilities as a minister over a five-year period in the Howard government were large—in fact, accounting at times for up to about 40 per cent of the federal government’s budget—so I was glad to hear Senator Alston acknowledging publicly that she might have been a formidable opponent in relation to the ERC. That is good to hear. She also assisted the Prime Minister in relation to the status of women. My colleagues acknowledge that she stood firmly on the issue of the continuation of Medicare funding for abortions. On the issue of government support for women’s organisations, some of her decisions were certainly not uncontroversial. I am sure many women, not only in this place but more generally, acknowledged her contribution as, at times, the sole female member of a cabinet. I cannot imagine how difficult that may have been on occasions but it was certainly an extraordinary achievement. We want to get more women there.
Senator Newman’s experience in the family law area and in her own community work in relation to women’s shelters, something that Senator Patterson has remarked upon as well, meant that she knew—I have no doubt that she understood—the essential importance of those services for women and their children. The Democrats do recognise the work that Senator Newman did in encouraging Australian businesses to open up their workplaces and their premises to people who have disabilities. She was also integral in establishing the Prime Minister’s Gold Medal Access Awards, which honour large and small businesses that have recognised that it does make good business to cater for the almost one in five Australians with physical, intellectual or other disabilities. This program was not about commercial gain, charity or corporate philanthropy; it recognised that businesses benefit from taking an inclusive approach to people with disabilities, as employees and customers. That is certainly going to be a legacy of Senator Newman. We hope that her work will be continued on and that even better changes can be introduced.

I also acknowledge that Senator Newman was committed to the Partnerships Against Domestic Violence program. Again, we trust that the government will continue to support and extend Senator Newman’s support of this program and her efforts on behalf of all women, including the women and their children who have recently arrived on these shores, many of whom have experienced severe trauma. Her work in that area is acknowledged.

It has been said here today—and I know that it has been said many times—that Jocelyn Newman could be tough. The Tasmanian Mercury called her one of the toughest MPs in parliament. I suspect that she had to be. She managed her huge workload alongside, as has been pointed out, some significant health issues and family responsibilities, and she did endure the loss of her husband. Throughout that, we note that she remained steadfastly committed to public life and her constituents not only in Tasmania but throughout Australia.

In my case, one of my first memories of Senator Newman was not as a senator in this place but as a staffer walking past her office when she had that rather controversial poster. I wanted to check that I had the wording of it right, and I found in the files that in 1992 the Herald Sun reported that, on one occasion, she was asked by Parliament House authorities to remove that particular poster from her office window. You may remember that it was a woman with a smoking pistol under the caption ‘So many men; so few bullets’. But no doubt Jocelyn Newman found many more effective, and clearly less lethal, ways to deal with some of her parliamentary colleagues and did so successfully for many years. Senator Patterson has outlined some of the work that she will continue to do, so I have no doubt that she will continue her advocacy for important causes in the coming years. On behalf of my party, I wish her and her family well.

Senator ELLISON (Western Australia—Minister for Justice and Customs) (5.58 p.m.)—Today the Senate marks the departure of two senators—both from Tasmania, coincidentally—who have made a formidable contribution not only to the Senate and parliament of this country but also to their state and to Australia.

Firstly, I will refer to Jocelyn Newman. I will keep my remarks brief so that others can have an opportunity to comment. In talking about Jocelyn Newman I think of a steel hand in a velvet glove. I hope she does not take exception to that. Jocelyn Newman, both as senator for Tasmania and as a minister of great note in her portfolio, exhibited great strength and argued whatever cause it was with great force but nonetheless with grace and style. I think that makes her quite memorable. I will add another dimension to that. On a day I spent campaigning with her in the recent election in Scottsdale in Tasmania I saw another side to Jocelyn Newman: not only senator for Tasmania and as a minister in her portfolio, exhibited great strength and argued whatever cause it was with great force but nonetheless with grace and style. I think that makes her quite memorable. I will add another dimension to that. On a day I spent campaigning with her in the recent election in Scottsdale in Tasmania I saw another side to Jocelyn Newman: not only senator for Tasmania and minister of great note but a formidable campaigner.

There were a number of highlights during Jocelyn’s time as Minister for Family and Community Services. Briefly, they include the establishment of Centrelink, the restoration of public confidence in the administra-
tion of the social security system and the placing of welfare reform on the agenda and setting the way to a completely different approach to welfare reform in this country. I think for that she will be remembered and remembered well. Jocelyn and her late husband Kevin were a remarkable partnership. They made history by the fact that Kevin was a former cabinet minister in the Fraser government and Jocelyn a cabinet minister in the Howard government. I do not think there had ever before in this country been a husband and wife team of that sort. I wish Jocelyn well in her retirement. I know how fond she is of her grandchildren and I hope that it will afford her an opportunity to see more of those grandchildren whom she loves dearly. From my own personal association with Jocelyn I have learnt a lot and I want to acknowledge the great job that Jocelyn Newman has done as a senator in this chamber.

The other senator that we farewell is Brian Gibson, who came in in the class of 1993, of which I too was a member. There is an expression ‘all form and no substance’. With Brian Gibson it is a question of a great deal of substance. We soon saw that when Brian brought to the Senate and to the coalition his experience in hydro-electrics, forestry and business. This was exhibited during his time as Parliamentary Secretary to the Treasurer. I think it was a great shame that Brian was not able to contribute further in relation to Treasury and finance and business matters in the executive arm of government. I think we would have seen a great contribution from Brian in that role. I also want to acknowledge that there is always a partnership in these things. I know it only too well in my own life. I want to acknowledge Pauline, Brian’s wife, who is in the chamber today. You really cannot do these things alone.

One thing which I thought was quite a daunting task which Brian undertook was the chairmanship of the tax reform task force. I remember the travelling around and the consultation that went on during those times. Looking back, 1997 and 1998 seem years ago, but it was so important for the tax reform of this government to put that in place and to get that squared away. That was a great tribute to Brian’s skills, not only in his knowledge of the subject matter but in the way he dealt with people. That was a credit to you, Brian. We are going to sorely miss you and the talents and experience that you brought. You still have a great deal to offer this country. Hopefully this is not just a question of you retiring and doing nothing. I cannot imagine you doing that, though. I think we will be seeing you making a great contribution to Australia in other roles. Caroline and I both wish you and Pauline all the best in life after politics.

Senator HARRADINE (Tasmania) (6.04 p.m.)—I, too, would like to join colleagues in this valedictory to two Tasmanian senators. As has been said, Jocelyn Newman had an enormous workload. She also suffered a personal run in health and the death of Kevin. I knew Kevin pretty well. He was elected in 1975. I take this opportunity of wishing Jocelyn all the best in her retirement.

Brian Gibson and I have known each other for a few years—before politics as well, in the trade union movement and when you were at ANM and in the HEC. I have had enormous respect for you over that period of time, for your integrity and your no-nonsense affability, and the way that you were able to get things done. I know it must have hurt you to say what you did today at the beginning of your speech in the address in reply. It had to be said. I know whatever you do in future you will certainly have Tasmania up there in the forefront of what you do for the benefit of the people of our state. It needed to be said: we do have a crisis and we have got to meet that.

In regard to your staff, I might just mention that Sandra Bowden came over to your staff from Shirley Walters. It was always a great thing to go to your office. There she was, the face of what you would like to present. One would feel a welcoming, glowing acceptance on entering the office.

I do wish you well. I know you will have things to do and I am sure that Pauline will have plenty of things for you to do in your retirement. Please accept my sincere congratulations on what you have achieved in your time in the Senate and the behind-the-scenes work that you have done. That is the
way to get things done, as you know. You have contributed greatly to setting the standards that are necessary in business and commerce in this country. Australian business is the better for what you have done. The Senate, unfortunately, will be the loser by your retirement. I wish you all the best.

Senator ABETZ (Tasmania—Special Minister of State) (6.08 p.m.)—This evening we farewell two Tasmanian Liberal senators and pay tribute to the great contribution that they have made to Senator Calvert’s and my home state of Tasmania and to the nation. The Hon. Jocelyn Newman has a wealth of qualities which she freely contributed to our nation. To coin a phrase: she was a woman for all seasons. In her early days, she was Miss University. I understand that was at Melbourne University. She was a wife, mother, lawyer, women’s shelter pioneer, farmer, tourist operator, senator, shadow minister and, of course, cabinet minister. Her qualities were manifold. They were strength, resilience, vision, energy and a sense of humour, together with a determination that was usually delivered with a withering frown and a few words. And, yes, I was a recipient of those frowns from time to time—of course, always well deserved.

It has been a privilege to observe all those qualities and work with this truly remarkable woman. I am sure she would not mind my also saying that she is a remarkable lady. She has advanced the cause of women in public life considerably. She treasured her role as wife, mother and grandmother, as witnessed by the Christmas cards that she sent out. She would speak from time to time of her role as an Army wife when husband Kevin was away and times were uncertain. But she always revelled in that role of being mother and wife and combined it superbly with her public life. She saw no conflict and she combined the roles very admirably.

The Newman team of Kevin and Jocelyn made a great contribution. They were nearly a tag team. Shortly after Kevin Newman retired from the House of Representatives representing the seat of Bass, Jocelyn Newman became Senator Newman representing Tasmania. It is interesting to note that, when Kevin Newman was a member and minister of the newly formed Fraser Liberal government, Tasmania benefited from the Tasmanian Freight Equalisation Scheme, a scheme that has done a lot for employment in my home state. When Senator Newman became a cabinet minister when the Howard government was elected, we got the Bass Strait Passenger Vehicle Equalisation Scheme, which has also done a lot for employment in my home state of Tasmania. Together, they basically devoted a quarter of a century to public life in this country. They supported each other and they made a great contribution. Others have mentioned Senator Newman’s contribution to welfare reform. I note it and agree with the comments that my colleagues have made in that regard. Jocelyn Newman will be sorely missed by all of us.

Let me turn to my colleague for a few more days, Senator the Hon. Brian Gibson. How do you describe him? Talented, considered and understated. He is a classic case of sacrifice to be of service to the nation. So often we hear in the popular media that those of us who try to make a contribution in this place do it for the purpose of feathering our own nests. Senator Gibson made a sacrifice. I am sure that his wife Pauline, whom I recognise in the gallery, would acknowledge that he made a sacrifice personally—of which she undoubtedly bore some brunt—but also financially. There is no doubt that Senator Gibson could have continued in the private sector, commanding a lot greater income than he received as a senator, but he made the sacrifice willingly because he wanted to make a contribution to this nation.

As has been commented on by others, he was highly regarded by the business community. Brian championed industry and business needs, not because of some belief in the selfish pursuit of wealth but because of the social benefits that could be derived from sound businesses delivering employment and economic benefits to the community at large. Most people would not know of Senator Gibson’s involvement with St Vincent de Paul and that he helped those in need in the city of Hobart by handing out soup and food at Louis’s food van in the evenings. He has an undoubted business talent combined greatly with that willingness to go out and
serve the community in the way that St Vincent de Paul does so well.

Senator Gibson’s other areas of expertise were—when I say ‘were’ I apologise; still are and, I am sure, will remain—forestry, resource management, manufacturing, corporate law reform and tax reform. They are all areas in which he made substantial contributions while in this chamber. Others have already mentioned, and I simply wish to note, the very important role he played as chairman of the tax reform task force, which was so well chaired and which helped deliver so many of the benefits that we as a nation now enjoy under the new tax system. I think it would have been very pleasing for Senator Gibson to see not only the new tax system implemented but also the government that introduced it being re-elected while a very negative scare campaign was run against it.

Senator Gibson was a very talented parliamentary secretary whose short tenure, unfortunately, reminds us of the vagaries of politics. What happened to Senator Gibson was not deserved and, unfortunately, is those sorts of events that dissuade a lot of good people from entering politics. I remember the incident, and I recalled that I made some comments at the time. I know that it is bad form to quote yourself, but I said it at the time and I still mean it now, some 5½ years later:

If you have a set of guidelines that my friend and colleague Senator Brian Gibson falls foul of, you have to ask the question: are the guidelines right? I do not know a more honourable person than Senator Brian Gibson. I felt the sadness of his announcement yesterday very personally. I am delighted that the Prime Minister (Mr Howard) has announced a review of those guidelines, which have led to the ridiculous situation where a man who has done nothing dishonest, who does not have a single ounce of mean spirit in his body, finds himself in the position of having to resign.

The nation of Australia is, in fact, the poorer for that quite silly pursuit of Senator Gibson in relation to those matters. Nevertheless, Senator Gibson made a fantastic contribution during that term as parliamentary secretary, as a chair of committees in this place and through his general contributions.

I trust that Senator Gibson’s talents will still be available to Tasmania and Australia, to public life and, indeed, to the Liberal Party. Senator Gibson’s address-in-reply speech, like all his speeches, was yet again considered and measured, and highlighted some very real policy issues that need addressing.

The Hon. Jocelyn Newman and Senator the Hon. Brian Gibson leave this place and public life with the warm affection of their colleagues, the Liberal Party, and the Tasmanian and Australian people. I trust that they will enjoy their deserved retirement, but I expect them both to pop up again in service to this nation. On a personal note, Michelle and I wish them both good health and enjoyment of their lovely families. God bless.  

(Time expired)

Senator CAL VERT (Tasmania) (6.18 p.m.)—It is certainly a sad day for Tasmania when I have to stand here and say farewell to two fine Tasmanian senators. To do credit to them in 10 minutes is not quite fair, but I suppose when one looks back on what has been said today one can see that there has been a fair summation already of the expertise of both of them. So I will be as brief as I can.

It does not seem like 13 years that I have been working with Jocelyn Newman as a colleague. As has been said, Jocelyn was a woman of many talents, and arguably the most senior Tasmanian politician of all time—having had control at one stage of 40 per cent of the Australian Commonwealth budget. That gives some idea of the workload that she had, and the reforms that she made. References made to her work by people on the other side tonight are a fair indication of how respected Jocelyn Newman was. I remember her reflecting to me about farming. She said, ‘Don’t talk to me about farming; I used to go out there feeding my pigs in my gumboots.’ That same person could be hobnobbing with leaders around the world and putting Australia’s point of view just shows the wide breadth of talent and ability that Jocelyn had.

As I said earlier, it is a sad loss. My first memories of Jocelyn are from 1987 when I was first drafted into the Liberal Party as No. 5 on the Senate ticket and we were travelling around Tasmania in a bus. I was very humble
to be with people like Brian Archer, John Watson, Shirley Walters and Jocelyn Newman. I got to drive the bus. Of course, Brian Archer and John Watson got to sit down the back, and Shirley Walters and Jocelyn Newman got to argue about who sat up the front. I have to say that Jocelyn usually won. I remember one day driving through Launceston when Shirley said, ‘Go left at the next turn,’ and Jocelyn said, ‘Go right at the next turn,’ so I went straight ahead and they both tackled me and said, ‘What did you do that for?’ I said, ‘When you make up your minds about which way we are going to go, we’ll continue our journey.’ That was my first glimpse of what strong politicians, particularly on the female side, we had in Tasmania. I do not think my view on that has changed since then. Shirley Walters, in her own way, was quite tough as well. They had one driving force and it was this: whatever we did had to be for Tasmania. In later years, Jocelyn was a champion not only for Tasmania but also for women and for good government in Australia. There is no doubt that there has never been a finer cabinet minister from Tasmania than Jocelyn Newman.

I understand that in her retirement Jocelyn is here in Canberra, busily tackling her garden. Two loves of her life are her garden and her grandchildren. I am pleased to see that she is retired in Canberra with both of those. She has gone from cracking down on welfare cheats to cracking down on weeds in her garden, and I wish her well in that respect. I am sure she will do that with just as much vigour and enthusiasm as she did when she was in the very senior position she held.

I think we all know what a great team she and Kevin were and what they did for Tasmania. They will be legends in the Liberal Party for their support of that party and for what they have done for Tasmania. I do not really think that we can put into words how much the loss of Jocelyn is going to be. I wish her well. I am sure that we will see a lot more of Jocelyn one way or another and I hope everything goes well.

As far as my good friend Brian Gibson goes, I think I knew Pauline before I knew Brian because Pauline used to ride a horse next door and I got to know her when she was trotting past on her horse. I did not know Brian from a bar of soap. I was sitting on the plane one day coming to Canberra and he introduced himself to me. Little did I know that what he was doing was bleeding me to find out what all this Senate business was about because he had made up his mind that that was where he wanted to come—and he did. I think we heard this morning, from what Brian said, just what a practical businessman he was. He knows exactly what should be done and where we should be going. Given both the quotes he made this morning from the ACIL report and from Alan Wood in the Australian—this is really only a dream—if we could put Brian with half a dozen decent businessmen in charge of Tasmania for a couple of years without any obstruction from some of these minority groups around the place, I am sure we would find that the balance sheet for Tasmania would improve very quickly over the next two or three years, because that is the sort of calibre of businessman he is. We have already talked about his forestry background and the fact that for his work in that area he was awarded an AM. Being the chief executive of ANM for nine years—

Senator Harradine—OA, isn’t it?

Senator CALVERT—I have got here Order of Australia, yes, or AM. A member of the Order of Australia, to be perfectly correct. Looking at Brian’s first speech in this place, he said: Being responsible for managing a manufacturing company is a good position from which to observe and understand the Australian economy

Brian certainly did that, and he certainly brought that expertise into this place. The significance of his victory was not lost on the leadership and we know that he was given charge of the ANTS package and all that went with it. I recall seeing Brian’s latest piece of work, the final report on mass marketed tax schemes that he has just completed. I know how hard you worked on that, Brian. I just hope that the government takes that on board and uses it as it should be used.

One Senate insider—I heard this from the Leader of the Opposition here today—described Brian as one of the Senate’s finest committee chairs. A senior staff...
his style as even-handed. He is not a shouter or screamer; he is quiet and yet very effective. We have heard those things said today. The 660-odd submissions you had on the ANTS package must have been quite horrific, Brian. I think it was only your cool head and commonsense that prevailed. Riding shotgun over that coalition tax reform system was a great effort and helped us out considerably.

Another commentator in this place said that often the love of golf has provided fertile ground for cross-party relationships and Brian has a fine touch in building up the necessary groundwork using common interests. From personal experience, I can tell you that when Brian retires one thing he could possibly do is take up being a professional golf coach because his golfing ability in recent weeks has been quite good. In fact, I expect to see his handicap reducing very quickly over the next few months.

Another colleague recently said that Brian Gibson often jokes that he is trying to make a decent senator out of Stephen Conroy. We might hear about that a bit later on.

I think one of the biggest losers in Tasmania with Brian’s retirement will be the business community. Your relationship with the business community in Hobart and all round Tasmania, your fundraising efforts for the party and just being there are things that will be very difficult to replace. Your views are shared by like colleagues on the Modest Members, and you are quite a significant contributor to that group.

Time is running short but, on behalf of Jill and myself, I voice our best wishes. I have already said a dozen times what great friends you have become. We will see a lot more of you and I will be able to tell you what is happening in this place. A senator who may be speaking later today said:

It is trite to say that every senator brings something to the Senate, but Brian Gibson brought qualities and abilities and a background which is not shared by many. In my view, his loss will be noticeable and will reduce the quality of the forums that he operated in.

That colleague might be talking later in the debate. That is a fair indication of just what your colleagues in this place think of you, Brian. (Time expired)

**The Acting Deputy President (Senator Knowles)—** Before I call Senator Conroy, I acknowledge in the gallery former senator Warwick Parer and welcome you back among your friends.

**Senator Conroy (Victoria) (6.28 p.m.)—** I thank Senator Calvert for indulging me this afternoon. I have known Brian for about six years and, much to Brian’s horror, he discovered that not only do we share many private interests but also public policy interests. Brian found that I turned up on all the committees he was on. It was both an honour and a pleasure to serve with Brian. He has been a true gentleman—he always conducted himself with decency, honour and integrity. As has been noted, you served in the executive, and you should be proud of that, Brian. Much that you started off you were not there to sign off, but you should be proud that they bear your mark and Australia is the better for much of it.

Politics is rarely fair and often cruel, and your resignation was Australia’s loss. Brian and I served on many committees together. The GST committee has drawn some comment from both you and some of your colleagues. You did make some reflection on some members of those committees, and it is a tragedy that you have broken with many of the qualities we have described by talking about former Senator O’Chee like that in his absence. We also shared the inquiry on mass marketed schemes and I am proud of the fact that I signed off on your report, Senator Gibson.

Many of you know Brian in the role of a friend and in all the ways I have described. I, unfortunately, knew him occasionally in another way. Some of the highlights of our committee work together were when he closed down meetings in which I was speaking. He gagged me on a number of occasions. He even expunged *Hansard* of my contributions at one stage. And just in case you think that was as far as Brian was prepared to go, he even struck me, not once but twice, in the Senate estimates committee. But I forgive him for all of that.
Brian and I share a number of private pursuits as well. I look forward to the opportunity to share a slope at Mt Buller or hopefully, as we both would wish, in Whistler or in some of those Canadian resorts. And I hope some day we can share a round of golf—one of my other passions. To both Brian and Pauline, from Paula and me: we will miss you.

Senator FERGUSON (South Australia) (6.31 p.m.)—My contribution will be somewhat brief, because much has been said and I do not think it needs to be repeated ad nauseam. I am also very pleased to be following Senator Conroy, because Senator Gibson and I followed him for months and months on the GST committee, and if it was not for Senator Gibson I do not think I would have stayed sane. It was very appropriate that Senator Conroy should express those comments just prior to my speaking.

Senator Calvert said it is a sad day for Tasmania that we have lost two senators, and we are speaking about two senators on this occasion. In fact, it is more than a loss for Tasmania, because it is a loss particularly for the Liberal Party and also for this whole chamber. I did not know Senator Newman as well as I have known Senator Gibson, but all the time that I have been here I have known the contributions that both she and her husband, Kevin, made to the Liberal Party and to the parliament, both serving as ministers and both representing Tasmania in a way that they could be proud of. I know that Tasmanians were proud of the way the Newmans represented Tasmania to their very fullest ability.

I am very sorry that Jocelyn is not here today; I think she may be around the place somewhere but she is not in the chamber. Senator Newman can be very proud of her contribution to this chamber. Certainly we in the Liberal Party owe her a great debt of gratitude because of the work that she did, initially as the only woman member of the first Howard cabinet. She was someone who made a significant contribution. I want to place on record my appreciation of what Senator Newman did for this chamber, for this parliament, for this government and for the Liberal Party as a whole.

I want to turn now to my good friend and colleague Senator Gibson. I notice someone said ‘Senator Gibson AM’. I have to tell you I do not know much about the a.m., because Brian gets up far earlier than I do and runs for miles, but I did know him extensively in the p.m., which was after lunch! Senator Gibson has been one of my great friends in this parliament. I served with him on a number of committees. Back when Brian first came here, we were involved in economics and he eventually took over the economics committee that I chaired for some five or six years. Indeed, through all the last years that we were in opposition prior to coming into government, the concentration was on economics and tax reform.

I remember Senator Gibson’s tax task force, which I happened to be on because I was chair of the economics committee, and those 660 submissions, the people we met and the way that we actually shaped what was to become the policy. I know that if we had been able to get through parliament all of the things Brian would have liked to have had in the ANTS package, we would have had a much better system than we have now, because Brian worked on it extensively and every time he made a decision relating to taxation he did it with everybody’s interests in mind. It was never what was best for a certain section of the community; Brian always looked at things in a fair way. The recommendations that came out of that tax task force resulted from nine or 10 months of concentrated effort. Then, once we won the election, we were part of the GST inquiry, which meant another 10 months, and we went all over Australia on that committee.

I think Brian’s lasting legacy to this place is the outstanding work that he put in to the economic status of the nation, to taxation reform, to the context with business. He was a dynamic parliamentary secretary, always wanting to change things for the better, always trying to improve the system we had, to make it better, to make it easier for business, to make it more fair and equitable. That was his sole aim. I think that probably tells us about the nature of Brian Gibson, who came to this place after a lifetime in business. He came here with the experience of knowing
that one had to take some hard knocks during life. Life’s experience makes people better senators—I am quite sure of that. Brian, I think I am right in saying you were 55 or 56 when you came to this place?

Senator Gibson—Yes.

Senator FERGUSON—He had a whole career and lifetime behind him before he entered the Senate, and I think that experience showed in every single decision he made while he was here and in the way he tried to influence us within the party. I am quite sure that Brian will never be recorded by historians or the media as someone who made this outstanding contribution to the parliament, because he will not be remembered for his speeches or startling comments. All he ever did was work hard and try and make sure that everything he did was improving this place and the way that Australians can live. There are not many people who come to this chamber with only those objects in mind. Certainly Senator Gibson did.

He has been a great friend, and I am sure he will remain a great friend. I have enjoyed his company. I know this will not be the last time we see him; we just will not see him quite so regularly, which means I will not lose to him quite so often at golf—it will save me quite a bit! Pauline is also a golf enthusiast, and it probably should be put on the Hansard record that she lopped four strokes off her handicap last week. That probably has not been in Hansard before. In the future, Pauline and Brian will have an enormous chance to enjoy their life together, something which the separation of parliamentary life does not allow people to do. Brian, both Anne and I wish you all the best in retirement. I am sure retirement for you will be very busy. We look forward to seeing you many times in the future. May your future be a happy one.

Senator EGGLESTON (Western Australia) (6.37 p.m.)—I would like to make a few brief remarks about Brian Gibson and Jocelyn Newman. In the time I have been in the Senate, I have greatly admired both of them as people who carried out their roles as senators with considerable grace and dignity. They both are people who have worked extremely hard, and they both have made important contributions to the Senate. I consider it to be a great privilege to have been in the Senate at the same time as them and to have them as colleagues.

It has been said that Brian Gibson perhaps has had an unfulfilled Senate career to some degree. He came here with a very strong business background and certainly made an enormous contribution to the process of taxation reform, in a general way through the ANTS package and also through the business tax system. Those of us who believe that the taxation system needed to be reformed are very much indebted to you, Brian, and all over Australia you find people who are grateful that there was somebody like you who was able to bring clarity of thought to the issues and to understand what was needed to improve our taxation system.

I have known your brother-in-law, Bill Leaver, who was the president of the Kalgoorlie South division of the Liberal Party for some considerable time. Bill Leaver lived in Laverton, which is north-east of Kalgoorlie, out on the edge of the desert, and he now lives in South Perth. I must say that I was somewhat surprised to find, when he first mentioned it to me, that you were his brother-in-law, because it seems a long way from Laverton to Tasmania. Bill is a person who, like you, is a very strong supporter of the Liberal Party. Your wives are sisters, and Bill and you obviously do contribute very much in your own ways to the cause of the Liberal Party.

Jocelyn Newman is somebody who has always impressed me with the power of her intellect. Whenever I have engaged her, I have found her to be a very clear thinker, somebody who gets to the absolute core of a problem and deals with the heart of an issue. Jocelyn, along with Brian, brought considerable grace and dignity to her role as a senator, and she did an outstanding job as the Minister for Social Security, ensuring that social security benefits went only to those who really warranted them. She sought to simplify the system by making access more streamlined and by emphasising that people should get benefits according to what they could do rather than what they could not do.
Jocelyn’s great contribution has been to simplify and to reform our social security system.

I think both Brian and Jocelyn have left nobody in doubt that they have worked very hard for Tasmania and have had the interests of Tasmania at heart. I join my colleagues in wishing them both well in their retirement.

Senator CHAPMAN (South Australia) (6.41 p.m.)—I would like to join in this valedictory to my colleagues Senators Newman and Gibson and to say how sorry I am to be losing my colleague and friend Brian Gibson from this chamber. I am sorry both personally, because we have worked together on many issues and several committees, and, more importantly and more broadly, because I believe the Senate needs people within its ranks who can bring to its deliberations on issues and policies the life experience and particular expertise in business and economics that Senator Gibson has brought to this chamber. I certainly think the chamber is going to be poorer for your departure in that regard, Brian.

From the remarks that we have heard throughout this debate this afternoon, it is fair to say that Brian is certainly respected by all sides of this chamber. There is certainly no doubt about that. I am very privileged to have worked with him, most closely in my position as Chairman of the parliamentary Joint Statutory Committee on Corporations and Securities, on the Senate Economics Committee and also as a substitute on the Select Committee on a New Tax System. In each of those committees, Brian brought to bear his great knowledge and experience, to the benefit of the deliberations of those committees and, ultimately, to the people that he represents and to all Australians through the work of this Senate.

Some of the inquiries on which we have been involved together on the Senate Economics Committee include the inquiry into the replacement reactor at Lucas Heights, an inquiry into the Australian Tax Office, and the one on which Brian was recently the acting chair—the inquiry into mass marketed tax effective investment schemes. In each of those inquiries, as in many others, he brought to bear his great knowledge and plain commonsense to ensure that practical and effective recommendations came out of those and other inquiries that I have not mentioned.

As I said, my closest association with Senator Gibson has been in relation to the corporations and securities committee. Brian was deservedly appointed Parliamentary Secretary to the Treasurer with the election of the first Howard government in March 1996 and had responsibility for corporations and securities and the Australian Securities Commission in that role. Having been appointed chair of the corporations and securities committee, I worked closely with him in relation to the committee’s consideration of the very positive initiatives that Brian was putting forward to update, simplify and give a stronger economic focus—a more productive focus—to the Corporations Law.

There is no doubt that his expertise in that field was of great benefit to the government, and it was certainly a great loss to the government in October 1996 and, I believe, quite unfair when his resignation occurred over a perceived conflict of interest. The very fact of Senator Gibson’s resignation made it clear that the requirements laid down for ministers at that time in relation to their private interests were too stringent, and I think this was subsequently recognised in relation to other ministers. Sadly, it was too late to ensure that someone of Brian Gibson’s ability and capacity could remain in the ministry at that time. I believe it was a loss to the government that he resigned from that position.

However, as a consequence of his resignation, Senator Gibson became a member of the Joint Committee on Corporations and Securities and has certainly been of immeasurable assistance to me as chairman of the committee as we worked through the government’s very positive reform programs.

Senator Murray interjecting—

Senator CHAPMAN—Sorry, Senator Murray, I missed that interjection.

Senator Murray—I said he was a very rowdy member.

Senator CHAPMAN—Not at the meetings I was present at. He very assiduously and very quietly made worthwhile points and made an enormous contribution to the work.
of that committee. We have become very good, close friends, as have our wives, Sally and Pauline. We share similar economic and social philosophies and have had regular after-hours discussions, usually over a meal somewhere in Canberra, in relation to the government’s progress in creating a more competitive, market oriented and, hence, productive Australian economy to the benefit of all Australians while maintaining decent community standards.

I note that earlier in the day Senator Boswell remarked that Senator Gibson was a bit too much on the dry side for him. Well, Senator Gibson is certainly not too much on the dry side for me. We are very much on all fours with regard to our economic philosophies. I will certainly miss those occasions when we had those discussions as much as the formal contributions that he made through his expertise on the committee work that we shared. I believe that Senator Gibson could certainly have contributed to the good government of Australia for many years yet. But I am sure he, along with Pauline, will obtain fulfilment in his new life away from this place, and I wish him and Pauline all happiness in the future. As I think Senator Ferguson remarked, at least their golfing handicaps will benefit from their time away from this place.

I have known former Senator Jocelyn Newman much longer than I have known Senator Gibson. However, our respective policy interests and area of work in this place meant that I did not work as closely with Senator Newman as I have with Senator Gibson. I first knew Senator Newman as the wife of my then House of Representatives colleague in the late 1970s and early 1980s, the late Kevin Newman. I worked closely with Kevin when he was the first federal minister for youth affairs, among other portfolios that he held. He appointed me to chair a government members committee to assist him in this work and I came to know Jocelyn quite well at that time.

Those of us who were elected in 1975, including Kevin, instituted the so-called ‘oncers’ annual reunion dinner to celebrate our election and subsequent re-elections—which the Labor opposition at the time did not believe would occur after 1975—and Jocelyn regularly attended those reunion dinners with Kevin. Even after Kevin’s retirement and her subsequent election as a senator and then appointment as a minister, Jocelyn continued to come to those dinners with Kevin prior to his passing. Kevin’s death was a great loss to Jocelyn, but it certainly did not deter her from the massive task of social welfare reform which she undertook as the Minister for Social Security. I believe she achieved great success as a cabinet minister in the Howard government in her responsibility for that portfolio and the degree of reform that she was able to institute.

I believe her happy retirement has been well earned as a result of the service that she has given, particularly in that portfolio, over many years in this place. I wish her well and look forward to seeing her as Kevin’s representative at our periodic ‘oncers’ reunion dinners for many years to come. I wish both former Senator Newman and my good friend Brian Gibson all the best in their retirement from this place. I am sure that we will keep in touch and see each other from time to time.

Senator Watson (Tasmania) (6.49 p.m.)—Tonight I wish to support this valedictory and add my best wishes to my Tasmanian Senate colleagues and wish them both well in their lives after politics. In the case of my good friend Brian Gibson, sitting next to me, I have difficulty in categorising him as a politician—as a parliamentarian, surely, but Brian never quite fitted the description of a politician. This was mainly because Brian was a person who sought positive outcomes from all the parliamentary processes he was involved in. In the end, perhaps it was the slowness of those processes that hastened his decision to retire and to apply his immense business talents elsewhere. He never believed that a great deal could be achieved by attacking his parliamentary opponents on the front pages of the daily press or from seeking to be the centre of spectacular headlines. That is probably the reason that he is receiving such accolades tonight.
Brian came late to politics, being in his mid-50s when elected in 1993, but he brought with him an immense bank of experience, knowledge and wisdom from many years at the forefront of industry. Brian and I came from manufacturing backgrounds. His was forestry and newsprint and mine was textiles. He had been managing director of the prestigious Australian Newsprint Mills during the 1980s, the National President of the National Association of Forest Industry from 1987 to 1991 and Chair of the Hydro-Electric Commission of Tasmania from 1989 to 1993. These were positions where his abilities were valued and where he was able to contribute greatly to industry in Australia, particularly in Tasmania.

Brian Gibson continued to contribute at a high level in the Senate, where his committee work was really quite outstanding. Unfortunately his role as Parliamentary Secretary to the Treasurer was cut all too short. But Brian’s contribution, particularly in the area of economics, and especially his contribution to business tax reform, was quite outstanding. Brian is not the sort of person who seeks accolades or public praise, so I will not continue to list his achievements. Those who know Brian’s contribution readily acknowledge his value to this parliament and to its work. I wish him every happiness and satisfaction in his pursuits after his retirement from politics.

My other Tasmanian Senate colleague who has opted to retire from the Senate, Jocelyn Newman, shares Brian Gibson’s strengths of commitment to the task and an ability to bring about positive outcomes from parliamentary involvement. Jocelyn entered the Senate as the wife of distinguished former Liberal federal minister the late Kevin Newman, and quickly made a mark in her own right. Jocelyn’s strong representation of the interests of Tasmania and her standout period as Minister for Social Security stamped her contribution as a senator as unique.

Jocelyn also had a wide range of interests, including protection of our built heritage and a special goal to improve the level of services to women at risk. Even though she was slowed momentarily by ill health in the mid-1990s, Jocelyn provided a high level of leadership within the coalition and her strong, pragmatic approach, like Brian’s, will be missed. I know that Jocelyn has family interests which will fill more and more of her time in the future. I wish her happiness with her family and in her future pursuits.

The retirements of Brian Gibson and Jocelyn Newman will leave a large gap in the Tasmanian Senate team, but I take this opportunity of welcoming their replacements, Richard Colbeck, who has taken up his new job this week, and Guy Barnett, who will arrive in March. They both have big shoes to fill as they replace Senators Gibson and Newman. Once again, I say thank you to Brian Gibson and Jocelyn Newman for their outstanding contributions, especially in representing Tasmania here in Canberra. I wish them both very successful and happy futures after politics.
really was tragic, in a sense, for the government and for Senator Gibson. He was and is a man of integrity and honour. He did what he believed to be the right thing at that time. I cannot think of anything harder to do than choosing to resign, having only just come into government. It must have been incredibly hard and, at the time, he was showing the capacity to do a great job for the government. His loss was a great blow to the government, as will be his departure from the Senate at the end of next week.

Having served as Minister for Industry, Science and Resources for the last three years, I note particularly the loss that will occur as a result of the loss of Brian’s substantial business experience. For one reason or another, the Senate is full of lawyers, teachers, union officials and party hacks like me. There are not too many who come with real-world business experience. Brian brought that in buckets. It was unfortunate for us to lose that experience from the frontbench. Despite not being a member of the frontbench, he made an enormous contribution. Certainly, as Minister for Industry, Science and Resources during the last three years, I really did value your advice. I found it invaluable because of your great experience.

I mentioned that Senator Gibson shared with me membership of the class of ’93 and being a parliamentary secretary to the first government of the Howard era. There was one other matter that we shared in common. According to a former Labor leader in this place, one former Senator Gareth Evans, we look exactly alike. He seemed to think we were twins and had an extraordinary capacity to confuse Brian and me. If I asked a question from the other side, Gareth would look at Brian and answer the question and refer to Senator Gibson as ‘Senator Minchin’ and vice versa for the whole period we were sitting there, quite widely apart. Many of us did find Gareth a fairly confused fellow, but certainly in the case of Senator Gibson and me he was enormously confused. I can see some similarity, although I would have to say, Senator Gibson, that I was somewhat disturbed by this confusion which Gareth exhibited, given that I am 16½ years younger than you. But the life of a party hack is much tougher than business, so I look a lot older than you. We are certainly the same age according to Gareth Evans.

I really do want to congratulate you, Brian, on what you have contributed to both the Senate and the Liberal Party. I am sorry that your service to the government was not longer, but it was as a result of your great honour and integrity that you chose the course you did. I wish you in particular and Jocelyn Newman all the best for what I hope will be a rewarding and successful post-parliamentary life.

Senator KNOWLES (Western Australia) (6.59 p.m.)—I too wish to join my colleagues in this valedictory tribute to former Senator Jocelyn Newman and to Senator Brian Gibson. To say farewell to Senator Gibson is a real shame for all of us. I think it is a sad day for Senator Gibson’s colleagues, particularly for those of us on this side of the chamber but not exclusively those on this side of the chamber. It is also a sad day for the people of Australia.

As Senator Ferguson said, much of what you did was always geared to what was right and what was going to be the best outcome for the people of Australia—not the best outcome solely for the Liberal Party, even though you are such a staunch Liberal. You had and still have that global vision of what is best for the people. You also did what was best for Tasmanians so well. If Tasmanians can have representatives like you and Senator Newman, Tasmania can only keep going forward, instead of having the little lull it has had in the last few years. You have been an outstanding contributor, Senator Gibson, to the people, the party and the parliament. Your intellect has always been used constructively and not combatively, and I think that is also a feature of your distinguished career here in this place. You have, as I say, always sought to get that best result for the people, and that is where your intellect has been able to be used to such great effect.

You outlined today the many achievements and issues in which you have been involved since coming here in 1993. I am very pleased you did that, because I think that too many people might remember the
events of October 1996, as opposed to what you have done over a very long period. You have not been one to go out and be a media junkie. You have not sought recognition for all the work you have done, and yet there is so much where the people of Australia and your colleagues owe you a debt of gratitude.

There is one thing you will not be remembered for, and Senator Murray made an interjection a little earlier about this: I do not think you will ever go down in the history books as the rowdiest senator we ever produced in this parliament. You have been exceptionally quiet and exceptionally diligent in everything that you have done. But those things you outlined today are the things for which you should be remembered in this place, and not that sad day in October 1996. I recall saying to you and Pauline that night at dinner when we went with Jim and Jan Short, ‘It won’t be long, Brian: you will be back. Don’t worry, you will be back.’ Well, I am glad that you decided to step aside and go and do other things in your life, because that is obviously a decision that you have decided to make. Unfortunately, that decision has come ahead of that recall. I just wish that we had seen your ability as a minister fulfilled, because I think that would have been fantastic for all of us.

Your skill in helping steer Australia into the modern era with a new tax system is something for which you will be very long remembered, because it was not an easy task that was given to you but it was a task you performed with great aplomb. That will be remembered by the colleagues with whom you worked and also by the many beneficiaries out there in the public who will benefit from a new tax system that is competitive in the world.

When you took over from Shirley Walters, I thought, ‘Who would ever be game to do that?’ For those of you who do not know former Senator Shirley Walters, she was a tireless worker—probably a little noisier than Senator Gibson—in the Senate for many years, and she stood up for Tasmania through thick and thin. Well, Brian, you did it; you succeeded Shirley in the most admirable way, and you did it with distinction, even if you were a little quieter.

You and Pauline have been a wonderful team. Thank you, Pauline, for giving Brian to us for as long as you have, because he has made a great contribution as a team with you. I think back to all those months when you, Brian, were travelling around Australia, leaving home and leaving Pauline because you were doing a duty of work here. It has been a sheer delight to have you here. I hope we see you often. Good luck, and safe passage.

As for former Senator Jocelyn Newman, much has been said about her, and all of it is richly deserved. I do not particularly wish to repeat what others have said. However, I do wish to put on record my acknowledgement of her outstanding qualities not just as a senator and a minister but as a person, a friend, a wife, a mother and a grandmother. How many roles does one person fulfil? She has done an outstanding job in all of those. Her grandchildren, of course, are the love of her life, and she and one of my staff members, Sue Oldham, used to run a little competition for quite some time, to see who could produce more grandchildren more quickly. I do not know who won that race: it might be a tied score at the moment. But Jocelyn was always so excited to share in the achievements and happenings of her son and daughter and, of course, of the grandchildren.

But she did all that while ably managing her various jobs with equal passion and ability. When Jocelyn became Minister for Social Security, I was chairman of her legislation committee, and she made it crystal clear that she was there to make changes for the better. She was not going to have people dudding the system. She wanted to make it fair. She wanted to make sure that the social security system was going to be a real safety net instead of a hammock. She therefore ensured that the cheats were caught and that other things happened, such as the role of carers being acknowledged in the system, instead of their being taken for granted and exploited in many ways. But with almost the speed of lightning Australians started to see that fairer system evolving. That was due credit to Senator Newman, who had been given such a difficult task.
The other source of fascination was the way in which she did so much in a relatively short period of time. Contrary to the public perception of politicians, she often did all this very hard work at times of great personal stress and duress. I recall saying to her one day when Kevin was not particularly well, ‘Why don’t you just bail out and look after the pair of yourselves forever and ever? You have done so much in this place,’ and she turned to me with a tear in her eye, and she said, ‘Kevin and I have decided that there are just a few more things that I have to do to make this system fairer, and I am going to stick it out.’ Clearly, yet again, it was a joint decision between Jocelyn and Kevin. Congratulations, Jocelyn, on an outstanding career and an outstanding record in everything you have done. As has already been mentioned today, it is not as though she came in here just having fallen off the street. She had a very successful legal career, and she has been involved in many other aspects of charity work as well. To you, Jocelyn, godspeed, good luck, good health and a long retirement.

Senator MURRAY (Western Australia) (7.07 p.m.)—Senator Stott Despoja has spoken on behalf of the Democrats in the valedictory for former Senator Newman. I will add some brief remarks on a personal account. I wish her really well in her retirement. Not many people rise to one of the most senior ranks as a minister of the Crown. She has obviously had an astonishingly successful political career, with that as the pinnacle. On a personal front, I always found her very courteous, friendly and helpful to me. I wish her well.

I rise to speak in the valedictory for Senator Gibson not only on behalf of the Australian Democrats but also on my own account. So, Rowdy, what are we going to say about you? I personally found your friendship and my relationship with you extremely good. When I was talking to my colleagues earlier today about your departure I was reminded again of one of the sadnesses of this place—that is, that many senators actually do not get to know each other that well. If your committee work and interests take you off in a particular direction—in your case, business, economic and financial matters—then those involved in other sorts of committees do not have much interaction with you, apart from the normal courtesies across the chamber. It is probably true that a number of my colleagues do not know you as well as I do.

The other point I make in commencing my remarks is that I have had the good fortune to meet your wife, Pauline, several times. It is not always true, but sometimes you can judge a person somewhat by the quality of their spouse or partner, and, in your case, wife. You must be a pretty good chap because she struck me as a fine woman and a great support to you.

I guess when we look at our professional relationship, which is what we have, where you as a government senator are attempting to pursue the government agenda and flavouring it with your own particular style and I, on my side, am trying to interfere as much as I can and change your direction, we share a common interest and background. We share an understanding of economics and business. We share a pretty broad understanding of life, including in other countries. There is much that we share. In economic terms, however, we are quite distant. I heard you described as dry; sometimes you are bone dry. As everyone knows, not only am I wet but sometimes I am dripping wet.

Sometimes we had within the committee process, in the corridors and in other forums very interesting discourse from differing points of view, but we both understood each other extremely well. A quality which benefits the Senate is not just having a number of parties who can represent different policies and different points of views but having senators who can understand each other and debate an issue with some intellectual depth and some depth of experience. I must say as an opposition senator—and a well-regarded and highly ranked one I thought—I always found that, on a professional basis, my interactions with you on some extremely weighty matters, some extremely difficult, some extremely technical matters, very beneficial. You had an influence. It is no good just having an influence in your own party, it is important in these things to have an influence
on other parties. Your efforts were not necessarily wasted, let us put it that way.

The other thing that has been noted about you is that you are a courteous man. You are a man who debates and conducts himself in Senate matters with courtesy and deliberation. That is a characteristic which I would recommend to many more senators and members. It is your particular style. I think you receive credit for that personality trait and that makes you enjoyable. But, of course, being a bloke you also have to rate another bloke as a bloke. Brian understands the joy of a social occasion. He understands the meaning of good entertainment and good company. He understands the interests which make life more than politics and the intellect. He understands all sorts of matters which are as good for the bar, the lounge or the dining room as they are for the Senate chamber. I think your contribution to the Senate has been a strong and good one, much of it missed by both the public and senators because much of it was within committees. I count you as a friend and I wish you well.

Senator IAN MACDONALD (Queensland—Minister for Forestry and Conservation) (7.14 p.m.)—I always hesitate to speak in these sorts of debates because I know that the recipients feel at times a little embarrassed. I suspect by now, Senator Gibson, that you are very embarrassed and it is only your innate courtesy that keeps you here listening to these tributes. That is not to say that the tributes are not all genuine; I know that they are. However, they have been very well said and very well put together, and I am afraid that I do not have the wit or the skill to put such words together—suffice it for me to say that I agree with everything that has been said and I did want to rise to simply associate myself with this motion.

I notice that Senator Newman is absent, as I suspect you might like to be. I suspect that Senator Newman is somewhere in the building, waiting for the barbecue that is coming very shortly. She was able to absent herself, whereas you were not—and I look into the gallery and I see former Senator Parer there, and I think he did the same thing as well. So I do realise that it is difficult. But all of the very fine words that have been said were, I know, genuinely said by those who have said them. I simply want to say that I agree with all of them and wish to be associated with them. Senator Coonan wants to say a few words so I will not take up the time of the Senate too much longer.

There is just one point I want to make—and I hope this does not bring a discordant note to this very significant debate. That is that in Australia we have been very favoured by the contribution that Senator Newman has been able to make to public life, to government policy and to the way Australia is because of her ability, because of her skills, because of her compassion and because of her energy. Again I agree with everything that everyone has said about Jocelyn. We, as a country, have been extremely fortunate to have had the use of former Senator Newman’s talents, particularly in her role as a senior minister in this parliament. However, it really angers me that, through stupidity and the political process—and I could blame those opposite; I guess that they only do what they think they are paid to do—we have been deprived of the skills of someone like you, Brian. You had so much to offer to Australia in this parliament.

So many people say to me, ‘All the rest of you are drones; why don’t you get people in there of significance—people with experience, with backgrounds, with a record of contribution to the community?’ We had someone like that in you, Senator Gibson, and we had someone like that in Senator Newman. We were able to take advantage of Senator Newman’s skills, but yours were cut off. I cannot help but be critical of the Labor Party for pursuing what was a base political motive and nothing more—nothing more.

For that, Australia has been deprived of the even greater contribution you could have made as a minister in this government and the good things you would have done for Australia.

So, all the very best to you and Pauline. Pauline has been a great support. I know that Lesley wants to associate herself with the better of the remarks that I have made; she has grown to love both you and Pauline. I do not think you are retiring; I just think you are moving on. I must sit down to let Senator
Coonan rise, but all the very best to all of you.

**Senator COONEY (Victoria) (7.18 p.m.)**—I start by, first of all, acknowledging the great contribution that Senator Newman has made to parliament and to Australia and then by acknowledging Senator Gibson’s contribution and Pauline’s contribution. I think of you both together, and that point has been made. Senator Gibson, I think you are a person who has shown tremendous grace under pressure, and I have nothing but great admiration for you. I have a greater regard for business life now because of you. The only thing I do not regret about things, Brian, is that you never got equal time at St Josephs, and nor you should have! I say to you and Pauline: tremendous job. You have had a harsh time in lots of ways, but you have answered that with tremendous grace and you have been a great figure in this chamber.

**COMMITTEES**

**Membership**

_The PRESIDENT_—I have received letters from party leaders nominating senators to be members of various committees.

**Senator BOSWELL** (Queensland—Leader of the National Party of Australia in the Senate and Parliamentary Secretary to the Minister for Transport and Regional Services) (7.19 p.m.)—by leave—I move:

That senators be appointed to committees as follows:

**Appropriations and Staffing—Standing Committee**—

- Appointed: Senators Boswell, Bourne, Heffernan, Ian Macdonald, Ray and Schacht

**Community Affairs Legislation Committee**—

- Appointed: Senators Allison, Bishop, Denman, Herron, Knowles and Tchen

- Participating members:
  - Senator Harradine
  - Senator Lees for matters relating to the Health portfolio
  - Senator Cherry for matters relating to the Family and Community Services portfolio

**Community Affairs References Committee**—

- Appointed: Senators Crowley, Gibbs, Knowles, Lees, McLucas and Tchen

- Participating members:
  - Senators Bartlett and Harradine
  - Senator Cherry for matters relating to the Family and Community Services portfolio

**Economics Legislation Committee**—

- Appointed: Senators Brandis, Chapman, Collins, Murray, Schacht and Watson

- Participating members: Senators Harradine and Ridgeway

- Substitute member: Senator Allison to replace Senator Murray for matters relating to the Resources portfolio

**Economics References Committee**—

- Appointed: Senators Bolkus, Collins, Cook, Ridgeway

- Participating members: Senators Harradine and Murray

- Substitute member: Senator Allison to replace Senator Ridgeway for matters relating to the Resources portfolio

**Employment, Workplace Relations and Education Legislation Committee**—

- Appointed: Senators Brandis, George Campbell, Carr, Ferris, Stott Despoja and Tierney

- Participating member: Senator Harradine

- Substitute members:
  - Senator Murray to replace Senator Stott Despoja for matters relating to the Workplace Relations portfolio
  - Senator Lees to replace Senator Stott Despoja for matters relating to the Training portfolio
  - Senator Cherry to replace Senator Stott Despoja for matters relating to the Employment portfolio
  - Senator Allison to replace Senator Stott Despoja for matters relating to the Schools portfolio
Employment, Workplace Relations and Education References Committee—
Appointed: Senators Brandis, George Campbell, Carr, Crossin, Stott Despoja and Tierney
Participating member: Senator Harradine
Substitute members:
Senator Murray to replace Senator Stott Despoja for matters relating to the Workplace Relations portfolio
Senator Lees to replace Senator Stott Despoja for matters relating to the Training portfolio
Senator Cherry to replace Senator Stott Despoja for matters relating to the Employment portfolio
Senator Allison to replace Senator Stott Despoja for matters relating to the Schools portfolio

Environment, Communications, Information Technology and the Arts Legislation Committee—
Appointed: Senators Bartlett, Calvert, Eggleston, Lundy, Mackay and Tchen
Participating members:
Senators Harradine and Lees
Senators Allison and Bourne for matters relating to the Communications portfolio
Senator Stott Despoja for matters relating to the Information Technology portfolio
Senator Ridgeway for matters relating to the Arts portfolio
Substitute member: Senator Greig to replace Senator Bartlett for matters relating to the Information Technology portfolio

Finance and Public Administration Legislation Committee—
Appointed: Senators Brandis, Faulkner, Forshaw, Lightfoot, Mason and Murray
Participating members: Senators Harradine and Ridgeway

Environment, Communications, Information Technology and the Arts References Committee—
Appointed: Senators Allison, Lundy, Mackay, McLucas, Tchen and Tierney
Participating members:
Senators Harradine and Lees
Senators Bartlett for matters relating to the Environment portfolio
Senators Greig and Stott Despoja for matters relating to the Information Technology portfolio
Senator Ridgeway for matters relating to the Arts portfolio

Foreign Affairs, Defence and Trade Legislation Committee—
Appointed: Senators Bourne, Evans, Ferguson, Hogg, Sandy Macdonald and Payne
Participating member: Senator Harradine

Foreign Affairs, Defence and Trade References Committee—
Appointed: Senators Bourne, Hogg, Hutchins, Lightfoot, Sandy Macdonald and West
Participating member: Senator Harradine

House—Standing Committee—
Appointed: Senators Brandis, Calvert, Carr, Collins, Gibbs and Knowles

Legal and Constitutional Legislation Committee—
Appointed: Senators Cooney, Greig, McKiernan, Mason, Payne and Scullion
Participating members:
Senator Harradine
Senator Bartlett for matters relating to the Immigration and Multicultural Affairs portfolio
Substitute member: Senator Lees to replace Senator Greig for matters relating to the Indigenous Affairs portfolio
Legal and Constitutional References Committee—
Appointed: Senators Cooney, Greig, Ludwig and McKiernan
Participating members:
Senator Harradine
Senator Bartlett for matters relating to the Immigration and Multicultural Affairs portfolio
Substitute member: Senator Lees to replace Senator Greig for matters relating to the Indigenous Affairs portfolio

Library—Standing Committee—
Appointed: Senators Crowley, Mackay and Sherry

Privileges—Standing Committee—
Appointed: Senators Eggleston, Evans, Knowles, McGauran, Payne, Ray and Sherry

Procedure—Standing Committee—
Appointed: Senators Bourne, George Campbell, Ian Campbell, Eggleston, Ferguson, Ludwig and Ray

Publications—Standing Committee—
Appointed: Senators Bishop, Calvert, Chapman, Hutchins, Lightfoot, McLu- cas and McKiernan

Regulations and Ordinances—Standing Committee—
Appointed: Senators Bartlett, Buckland and Ludwig

Rural and Regional Affairs and Transport Legislation Committee—
Appointed: Senators Buckland, Cherry, Crane, Ferris, McGauran and O’Brien
Participating members:
Senator Harradine
Senator Bartlett for matters relating to animal welfare issues
Senator Greig for matters relating to the Fisheries and Transport portfolios

Rural and Regional Affairs and Transport References Committee—
Appointed: Senators Buckland, Crane, Ferris, Mackay, O’Brien and Ridgeway
Participating members:
Senator Harradine
Senator Bartlett for matters relating to animal welfare issues

Scrutiny of Bills—Standing Committee—
Appointed: Senators Cooney, Crane, Crossin, Ferris, Mason and Murray

Selection of Bills—Standing Committee—
Appointed: Senators Buckland, Ian Campbell, Crossin and Ferris

Senators’ Interests—Standing Committee—
Appointed: Senators Allison, Brandis, Bolkus, Collins, Denman, Forshaw, Herron and Lightfoot.

Question agreed to.

ADJOURNMENT

The PRESIDENT—Order! It being 7.20 p.m., I propose the question:
That the Senate do now adjourn.

New South Wales: Bushfires
Gibson, Senator Brian

Senator FORSHAW (New South Wales) (7.20 p.m.)—I am conscious that we are starting the adjournment and that there are other speakers who wish to continue making remarks regarding Senator Gibson’s decision to leave the Senate—and they are most de- served. I will endeavour to finish my re- marks on the issue I want to raise tonight as quickly as I can.

Tonight I want to make some comment regarding the recent bushfires that ravaged many parts of New South Wales over Christmas. I note that today the Senate and the House of Representatives passed, unani- mously, motions that acknowledged the con- tribution of thousands of Australians who were involved in the fight to prevent loss of life and property. We particularly acknowl- edged the efforts of firefighters, emergency and rescue services, members of various government services and agencies, as well as many thousands of volunteers, both indi- vidually and as members of organisations across so many communities. Tonight I want to record my own appreciation of the work done by all those thousands of Australians, particularly in the areas of the Sutherland shire and the Illawarra, where I live.
I was not directly affected by the fires, but members of my family living in Stanwell Park and Heathcote were. They were initially stranded in Stanwell Park on Christmas Day as the fires approached, and my father, who resides at the John Paul Retirement Village in Heathcote, was—along with all the other residents—evacuated. So we saw first hand the magnificent way in which a community pulled together to help those threatened and evacuated because of the fires. Local clubs, businesses, charities and service organisations provided emergency accommodation, food, clothing and other support for hundreds of people who were forced to leave their homes. In a number of cases, nursing homes and retirement villages were evacuated during the early hours of the morning of Boxing Day. This was no easy task, but it was achieved with efficiency and safety.

Tragically, unfortunately, some people were very seriously affected, losing their homes and possessions. I want to record my appreciation to both the federal government and the state government of New South Wales for acting quickly to assist those people to rebuild their homes and their lives.

Whilst today’s motion was carried unanimpously, it is unfortunate that some members of the Liberal and National parties have tried to make political capital out of these tragic circumstances. I refer to an article by Senator John Tierney in the Australian newspaper of Friday, 11 January. That article is entitled ‘Blame Bob Carr and greenies for the fire crisis, suggests John Tierney’. I will not quote extensively from the article, but Senator Tierney talks about the conflagration in New South Wales and that it was far more intense and extensive than it would have been in earlier times when more realistic policies had prevailed. He goes on to say:

New South Wales environmental policies in this area are doing more harm than good. The incineration of the Royal National Park twice in seven years is stark testimony to that. I happen to live very close to the Royal National Park, and I would remind Senator Tierney that, if he looked at the facts, he might recall a few salient points. Firstly, in 1994 the fires caused far greater property damage—and, indeed, a number of lives were lost—than occurred in the most recent fires at Christmas, even though the most recent fires were probably a greater threat in their intensity and geographical spread. Fortunately, on this occasion, unlike 1994, no lives were lost at all, though, unfortunately, one fire fighter suffered a heart attack during the crisis.

I do not want to apportion any blame for the 1994 fires but I remind Senator Tierney and the Senate that the Liberal-National Party coalition was in power in New South Wales in 1994, not the Labor Party. Obviously there has been much improvement since that time in our ability to combat large bushfires, and no doubt we will also learn from this latest crisis. We must keep improving our firefighting capability but it requires constructive debate, not political point scoring.

Secondly, Senator Tierney should note that a lot of the fires were deliberately lit, which explains why fires suddenly occurred in areas where they would not normally have been anticipated. No amount of back-burning, which he urges, can protect some areas when people deliberately start fires near homes, townships and communities. Thirdly, fires do not follow predictable courses. For instance, I recall that in 1994 houses were burnt in the Sydney suburbs of Bonnet Bay and Jannali. These are highly residential areas and those houses were in streets which were a very large distance from surrounding bushland.

On this most recent occasion, many homes in the Sutherland Shire and the Illawarra were saved because of the professionalism of our firefighters and the improved equipment, resources and training that has been provided since 1994. For instance, in Waterfall and Bundeena, both communities in the heart of the Royal National Park, not a single house was lost. So it is simplistic and spurious to claim that fires and the resultant damage could have been prevented simply by more burning off. But that is the usual cry of the Liberals and the National Party, and particularly Senator Tierney, who tried to make political capital out of other people’s misfortunes.
I also draw attention to criticism levelled at the New South Wales Rural Fire Service by Andrew Fraser, the National Party member for Coffs Harbour in the New South Wales parliament. What is interesting about Mr Andrew Fraser is that that same gentleman had to recently call upon the services of the New South Wales Rural Fire Service to put out fires which he had started on his own property. Without getting permission to do so, he started fires on his own property in an attempt to burn off. That fire got out of control, escaped into a local state forest and destroyed two hectares of land. It would have been a lot worse except for the efforts of the volunteer firefighters who rushed out to Mr Fraser’s own property to put out that fire.

Whilst I support strongly the motion that was moved today in the Senate, I note point 4 which indicated that the Senate recognises the way that the community heroically pulled together in a time of crisis, and that truly demonstrates the strength of the Australian spirit. Unfortunately, some of the comments and articles of Senator Tierney and Mr Andrew Fraser demonstrate all that is mean spirited about the coalition.

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I will finish by taking this opportunity to extend my best wishes to Senator Gibson. He is definitely not a mean spirited person. In fact, he is a very warm and open-hearted person. I have not had an opportunity to work with him much on committees, except on the Joint Committee of Public Accounts and Audit when I first came into the parliament. However, my wife and I enjoyed his company and that of his wife, Pauline, on a trip to Ireland. I know that Pauline and Brian will accept our best wishes—both mine and Jan’s—and I hope they have many long, happy years together out of the Senate in whatever endeavours Brian pursues.

The PRESIDENT—I understand there is an agreement between senators as to the time for the remaining speeches, so with the leave of the Senate we will set the clock accordingly.

Newman, Former Senator Jocelyn
Gibson, Senator Brian

Senator COONAN (New South Wales—Minister for Revenue and Assistant Treas-
her beloved husband, had the vision, the energy and the drive to push through reforms that focused on building the potential of every Australian, looking not at what people cannot do but what they were capable of, what they can do. It has revolutionised our thinking about welfare as a hand-up to the genuinely needy and not a hand-out.

I have been very honoured to serve as Jocelyn Newman’s representative for the status of women in New South Wales. Jocelyn was a pioneer, as indeed have been many of the more senior women members in parliament. She never kicked the ladder out behind her. She was always one who encouraged those who came after her. I must say that I am personally so proud of her achievements.

To Brian and Jocelyn: we will miss you because you took the time to mentor and advise those of us who were much younger in the sense of coming into parliament much after you. Your experience and your wisdom and your friendship were available to us all. We say au revoir but not goodbye to Brian and Jocelyn: two great Australians, two great Tasmanians, two great parliamentarians and two much loved and respected colleagues.

Gibson, Senator Brian

Senator BRANDIS (Queensland) (7.32 p.m.)—Madam President, I wonder if I might take just a moment to add a few words of my own about Senator Brian Gibson. When I came to this place about 20 months ago, I was allocated a seat up here in the horseshoe beside Senator Gibson. In that time he has showed me many kindnesses and personal courtesies which I have very much appreciated. I would like to express my appreciation in this public fashion. Brian Gibson, as I came to know him sitting beside him in the next seat here, has demonstrated himself to be—and has obviously impressed those who have known him for much longer than I have—a man of great wisdom, a man of sound judgment, a man of exceptional personal decency and a man of tremendous courtesy. I noticed the gentleman whom I replaced in the Senate, the Hon. Warwick Parer, in the President’s gallery a little earlier in the evening. I know that Warwick, who is a great friend of Brian and Pauline Gibson, wishes to be associated with these remarks. From my own point of view and also on behalf of the Parer family, can I once again thank Brian Gibson for the many small but nevertheless deeply felt kindnesses he showed to me and wish him and his wife very well in the future.

Federal Parliament

Senator TCHEN (Victoria) (7.34 p.m.)—Yesterday was an important date marking the opening of the 40th Parliament. It was also, coincidentally, the first day of the lunar new year, of the Year of the Horse, a day of expression of goodwill and of celebration enjoyed in many various guises by over one-third of the world’s population. The 40th Parliament could not have been opened on a more auspicious day. Had I been a little more diligent in putting my name down for the adjournment debate list yesterday, I would have been able to use the occasion to offer timely congratulations to the many colleagues both here and in the other chamber for their success in the recent federal election. Fortunately, the celebration of the lunar new year occupies a period of 15 days, so it is not too late for me to do this today. Madam President, especially to you, welcome back to the head of this chamber.

Today is also Ash Wednesday. Ash Wednesday marks the beginning of Lent, which is a time of penitence in preparation for Easter. Ash Wednesday is celebrated by those who follow the Catholic tradition by attending church service and having their foreheads marked with a cross of ash as a mark of their humility and their affection for their fellow man. Originally this was a ritual to mark those who had committed crimes against their neighbours and who were seeking forgiveness. So it is an occasion to remind ourselves of the need for self-examination and for making changes to the errors of our ways. This makes the main theme of the speech yesterday in the other chamber of the new Leader of the Opposition, Mr Simon Crean—which was, according to Mr Mike Seccombe of the Sydney Morning Herald, to push for reform aimed at getting order back to this place—rather timely. However, Mr Seccombe apparently was rather sceptical, saying it is hard not to
be cynical about the prospect of meaningful changes, given Mr Crean’s own record of behaviour. But that is not the point. Mr Crean is to be commended for being self-examining and penitent. Better political behaviour is what the Australian electorate expects and is entitled to expect.

Shortly after the election in November last year, I received an email from a constituent, one of several who consistently offered unsolicited but valuable, and valued, opinions to me—and no doubt to other politicians whose email addresses they could lay their hands on as well. Instead of berating me for various shortcoming this time, this gentleman—for I assume from his name he is a male—congratulated me, or us, for an open and clean election campaign by all political parties. I was a little taken aback by this, so I asked him by return email whether he was aware of the type of campaign the Democrats and the Greens had waged. In reply, he said that he was not thinking about the Democrats and the Greens but that the Liberal and Labor parties had both behaved exceptionally well. While I have no argument with my correspondent’s approval of the Liberal campaign, the Labor Party should be embarrassed to accept this praise.

Let me refer senators to one particular example. In his concession speech, which was supposed to be a shining example of grace in defeat, the then Leader of the Opposition, Mr Kim Beazley, could not resist, even when being gracious, manufacturing a slanderous untruth about Australians who happened to disagree with his politics. When he thanked his campaign workers for their contributions, it was beyond him to think of a more appropriate accolade but to diminish the contributions that fellow Australians of different political persuasions had made to our cherished democratic process by lying. What was this lie? Mr Beazley said in his speech—which I printed from the ALP official website last Monday:

As I watched our political opponents pay their booth workers on a day like today and all you get paid is—

Senator Chris Evans—Madam President, I raise a point of order. I generally do not make points of order and interrupt senators, but I think if, as I took it, Senator Tchen is accusing Mr Beazley of lying that is an unparliamentary remark and he ought to be asked to withdraw it.

The PRESIDENT—I agree if that is the case. I was consulting with the Clerk as to whether or not it was accusing Mr Beazley of lying or accusing others of lying. I am not certain. If there was any suggestion that Mr Beazley was being accused of lying, that must be withdrawn.

Senator TCHEN—I withdraw at your instruction. However, Mr Beazley certainly made an untrue statement. He said:

As I watched our political opponents pay their booth workers on a day like today and all you get paid is psychic capital.

Let me set the record straight: no Liberal Party booth worker was paid a cent. No Liberal Party booth workers have ever been paid.

Senator Chris Evans—that is not true in WA.

Senator McLucas—it is not true in Queensland.

Senator TCHEN—the Liberal Party is a party of volunteers, of patriots, of ordinary Australians, and we are proud of it. Indeed, on behalf of the Labor Party, Mr Crean, the Leader of the Opposition, has much self-examination and penitence to do on this Ash Wednesday. However, I do not stand here to attack the Labor Party, because I think there is hope that there are members of the Labor Party in parliament today who are willing to lift their standards so that Australia will see a political contest in our parliament between two parties with high standards of political behaviour.

On the afternoon of the election, 10 November 2001, Mrs Andrea Buller, the wife of the Liberal candidate for the seat of Calwell in Victoria, passed away suddenly. She was 27. The memorial service for the devoted mother of two-year-old Tyler, the loving and supportive wife of Darren, the pillar of strength of the Werribee Assembly of God and the well-beloved friend and confidant of many was attended by well over 1,000 friends and relatives. Among them was Ms Maria Vamvakinou, the newly elected Labor
member for Calwell. If Ms Vanvakinou can maintain her decency and compassion, she will serve the people of Calwell well. If she can influence her colleagues with the same qualities, she will serve this parliament well. There is hope.

There are also some certainties. Yesterday in the other chamber 22 new members were sworn in. Without discourtesy to the other members, I wish to welcome particularly Mr Steven Ciobo, the member for Moncrieff; Mr Luke Hartsuyker, the member for Cowper; Ms Sophie Panapoulos, the member for Indi; and Mr Michael Johnson, the member for Ryan. These four people have one thing in common with Ms Vanvakinou in that they bring to this parliament names or backgrounds that have never before graced the membership roll. They also share another characteristic: they are all Liberal Party members.

When I had the honour to become a member of this Senate, I was also bringing a name to this place for the first time. At that time, I said to this chamber that I thought that was a demonstration of the success of Australia’s multicultural society in bringing diverse people together productively. I think, with the coming of these new members to the parliament, again we see an example of Australian multiculturalism, of building a community through diverse backgrounds, again bearing fruit. I am very happy for Australia in this regard.

In the remaining time, may I very quickly associate myself with all the remarks made about Senator Jocelyn Newman and Senator Brian Gibson. I have known them for a very short time but also much by reputation before I came into this parliament. I certainly believe they deserve all the nice things said about them. Senator Gibson is certainly a gentleman of the first degree. Although in the peculiarity of the English language women are called ladies, Senator Newman is not only a lady but also a gentlewoman.

Neuman, Former Senator Jocelyn
Gibson, Senator Brian

Senator COLBECK (Tasmania) (7.43 p.m.)—I might note, to start, that this is not intended as my maiden speech but as the speech of a president of the Tasmanian division of the Liberal Party who has worked with former Senator Newman and Senator Brian Gibson over the last two years in that capacity. That is the context in which I speak, and I shall keep my comments brief.

Former Senator Jocelyn Newman was, indeed, for the Tasmanian division of the Liberal Party, a very special lady who had a unique capacity to communicate, and I think that that was one of the things that made her such a prominent person within the Tasmanian political Liberal Party and the Australian political system. She rose to be one of the most significant federal political identities to come out of Tasmania, and ranks alongside Dame Enid Lyons, who was the first woman elected to the House of Representatives. It is also a mark of her way that she gave up her seat in order to give me the opportunity to participate in the opening of the parliament yesterday, and I thank her for that. I recognise that I have significant shoes to fill, and I note that I have already been given significant instruction from the former senator.

The Tasmanian division of the Liberal Party has been extremely fortunate to have someone of Senator Brian Gibson’s calibre and, as has been demonstrated through the speeches here this evening, integrity. He has made a significant contribution to the Liberal Party in Tasmania and has made a significant contribution to his state and his country through the parliament. I am proud to call him a friend. As State President of the Tasmanian division of the Liberal Party, it has been a great pleasure to work with both Senator Jocelyn Newman and Senator Brian Gibson, and I trust that they both enjoy a long and fulfilling retirement.

Newman, Former Senator Jocelyn
Gibson, Senator Brian

Senator MASON (Queensland) (7.46 p.m.)—On my first night here in the Senate I was taken to dinner by Senator Parer, as he then was, Senator Calvert and Senator Gibson and their respective wives. It was a marvellous night; I never expected to be included in such a group, but there was great warmth and generosity. It was the first time I
had had the chance to speak to Brian Gibson. I will miss Brian; he is a man of great courtesy. He is a gentleman of the old school and a man of gentle warmth. Just yesterday, I was walking along the corridor when I saw Brian and he ushered me in. He said, ‘Come in, Brett. What did you do over Christmas?’ I said, ‘I read a few books.’ He said, ‘You should have read this one. It’s about Woodrow Wyatt—who, Senator Evans, was once a Marxist but then reformed and became an informal adviser to Mrs Thatcher and, I understand, even Rupert Murdoch. Senator Gibson’s interests extend from business—he spoke today about accountancy and his contribution to changing accountability rules in this Senate—to new members of parliament. I will always thank him for that.

When I arrived, Senator Newman was a cabinet minister, a star in the firmament but one that I admired from afar. Senator Newman, like her husband before her, made a great contribution to this nation. Australia is a much better place for it. The Senate will miss both Senator Gibson and former Senator Newman, and I will miss them as well.

Senate adjourned at 7.48 p.m.

DOCUMENTS

Tabling

The following government documents were tabled:

Australian Broadcasting Authority—
Co-regulatory scheme for Internet content regulation—Report for the period 1 January to 30 June 2001.
Report for 2000-01.
Australian Postal Corporation (Australia Post)—
Equal employment opportunity program—Report for 2000-01.

Mid-year economic and fiscal outlook—2001-02—Statement by the Treasurer (Mr Costello) and the Minister for Finance and Administration (Mr Fahey), October 2001.
National Competition Council—Report for 2000-01.
Pooled Development Funds Registration Board—Report for 2000-01.
Telstra Corporation Limited—
Equal employment opportunity program—Report for 2000-01.
Report for 2000-01.

United Nations—International Covenant on Civil and Political Rights—Communications—
No. 978/2001—Outline.
No. 984/2001—Outline.
No. 1011/2001—Outline.
No. 1012/2001—Outline.
No. 1014/2001—Outline.
No. 1036/2001—Outline.

Tabling

The following documents were tabled by the Clerk:

Civil Aviation Act—Civil Aviation Regulations—Civil Aviation Orders—
Exemptions Nos CASA EX04/2002 and CASA EX05/2002.
Instrument No. CASA 32/02.
Cocos (Keeling) Islands Act—Utilities and Services Ordinance—Water and Sewerage Services Fees Determination No. 1 of 2001.
Veterans’ Entitlements Act—
QUESTIONS ON NOTICE

The following answers to questions were circulated:

**Communications: Contracts to Deloitte Touche Tohmatsu**

(Question No. 3877)

Senator Robert Ray asked the Minister for Communications, Information Technology and the Arts, upon notice, on 10 September 2001:

1. Was Deloitte Touche Tohmatsu awarded a contract under the Trials of Innovative Government Electronic Regional Services (TIGERS) Program to develop specifications for the creation of a web site to deliver integrated on-line government services for all tiers of government in Tasmania.

2. What was the selection process used to select Deloitte Touche Tohmatsu to develop the specifications document.

3. What was the total cost of the contract.

4. Subsequent to the development of the specifications by Deloitte Touche Tohmatsu, were consultants contracted to provide a quality assessment of the specifications.

5. What was the selection process used to select the consultants to provide the quality assessment of the specifications document created by Deloitte Touche Tohmatsu.

6. What was the total cost of the contract.

7. Did the quality assessment by the consultants raise any concerns about the specifications as they related to assessments of the cost, duration and technology to be used in the project.

8. If these concerns were raised, what were their specific details.

9. Why were the specifications not developed by staff working for the TIGERS program or the National Office for the Information Economy or the Office for Government Online.

10. Why were the specifications developed by Deloitte Touche Tohmatsu not quality assessed by staff working for the TIGERS program or the National Office for the Information Economy or the Office for Government Online.

Senator Alston—The answer to the honourable senator’s question is as follows:

1. Deloitte Touche Tohmatsu was awarded a contract by the Tasmanian Government to provide project costing, specification and planning for the development of an integrated, cross-jurisdictional prototype capable of delivering online transaction for 3 levels of government. The contract was between Deloitte Touche Tohmatsu and the Tasmanian Government. The funding for that work was approved by the TIGERS Steering Committee as the work met the TIGERS funding criteria.

2. The selection process was undertaken by the State Tasmanian Government.

3. The total cost of the contract was $55,000.

4. Yes. Two independent consultants were engaged to provide a quality assessment of the specifications. One provided an independent assessment of risks, quality and costing aspects of the information provided in the project brief. The other reviewed the project management aspects of the project brief.

5. The first consultant was selected on the basis of a tender process carried out in accordance with Commonwealth Government Procurement guidelines. The second consultant was used because TIGERS has an existing contractual arrangement with that consultancy firm to provide independent project management reviews during the life of the TIGERS program.

6. The first consultant cost $11,000. Work carried out by the second consultant has been covered under its existing contract.

7. Yes.

8. Both consultants advised that the project brief lacked detail, and the solution proposed which involved the development of a prototype was too large, complex and expensive. Given this, a high risk was assessed with proceeding to the development of the prototype.

9. In this case, the specifications were not developed by staff working for the TIGERS program because of the scope and the complexity of the work. Under these circumstances, the Tasmanian
Government in consultation with staff working for the TIGERS program developed the contract and the deliverable's identified in the contract. Deloitte Touche Tohmatsu was engaged to develop the specifications in accordance with the contractual requirements.

(10) In this case, additional expertise was required to provide advice on the viability of the solutions because of the scope, complexity and cost identified in the Deloitte Touche Tohmatsu report.

**Immigration: Mr Hussein Ali Hage Khalil Hammoud**

(Question No. 2)

Senator Brown asked the Minister representing the Minister for Citizenship and Multicultural Affairs, upon notice, on 29 November 2001:

(1) Does the department have in its possession a document provided by the Embassy of Lebanon that states that Mr Hussein Ali Hage Khalil Hammoud is a Lebanese national.

(2) Why has Mr Hammoud, born in Bnehran, Lebanon, on 5 February 1939, not had his Australian citizenship renounced in accordance with his formal declaration made to the department in 1988.

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

(1) Yes, the Department has in its possession a letter from the Embassy of Lebanon, dated 13 March 2001, stating that Mr Hussein Hammoud is a Lebanese national.

(2) The Department of Immigration and Multicultural and Indigenous Affairs has not registered Mr Hammoud’s “Declaration of Renunciation of Australian Citizenship” because he failed to comply with the requirements for renunciation as stated under section 18(1) of the Australian Citizenship Act 1948. Due to privacy considerations, I would prefer not to discuss in Parliament the personal particulars of the case.

Mr Hammoud is eligible to make an application to the Administrative Appeals Tribunal for a review of the decision. This should be done within 28 days of receiving notification of the decision to refuse.

**Defence: Indonesia**

(Question No. 3)

Senator Brown asked the Minister for Defence, upon notice, on 10 December 2001:

(1) What is the current nature of Australia’s military relationship with Indonesia.

(2) In the past few financial years, has Australia trained the Indonesian military (in country training and overseas training) or does it intend to train the TNI in the foreseeable future; if so: (a) where; (b) how many were trained at each military installation; and (c) what is the nature of the training or exchange.

(3) Are there any educational exchanges or other programs between the Australian and Indonesian military; if so: (a) where are they held; (b) how many Australian and Indonesian military personnel are participating; and (c) what is the nature of the exchanges.

(4) (a) Have any joint military exercises been conducted between Indonesia and Australia; and (b) are any planned in the foreseeable future.

(5) Does the Australian Government or any government contractor (such as ADI) sell or supply any equipment to the Indonesian military; if so: (a) which companies; (b) what exactly is supplied; (c) how much is supplied; (d) what is it used for; and (e) how much are these contracts worth.

(6) How much money is being spent on Australia’s military relationship with Indonesia.

(7) Given the TNI’s deplorable past and present human rights record: (a) what policies does the Australian Government have regarding training military personnel from countries with poor human rights records; and (b) what policies are in place for monitoring and holding accountable foreign military personnel trained in Australia once they return home.

Senator Hill—The answer to the honourable senator’s question is as follows:

(1) Australia and Indonesia have a Defence Cooperation (DC) Program, which has been in place for more than 25 years. Expenditure on DC this financial year is expected to be $4.58 million, cover-
ing professional development, study visits, non-combat training for the three Services and support for Indonesia Navy Nomad maritime surveillance operations. The Government’s White Paper, Defence 2000: Our Future Defence Force, notes that Australia’s fundamental interests and objectives in having a good defence relationship with Indonesia remain as important as ever. The White Paper notes that the Government is committed to working with the Indonesian Government to establish, over time, a new defence relationship that will serve our enduring shared strategic interests.

Throughout the East Timor crisis and beyond, Australia maintained defence relations with TNI. At no time was the relationship severed. Australia Defence Force (ADF) and TNI personnel remained in each other’s country throughout the crisis period.

In 2000/2001 there were a number of senior Defence visits to Indonesia, culminating in a visit by the Chief of the Defence Force on 26-28 September 2001.

The former Minister for Defence, the Hon Peter Reith, accompanied the Minister for Foreign Affairs and the Minister for Immigration and Multicultural Affairs, on a visit to Indonesia on 6-8 September 2001.

(2) Since September 1999, Defence has trained Indonesian Defence Force personnel in Australia and will continue to provide selected places on training courses in future years.

Information on training over the periods requested is tabled below for (2) (a), (b) and (c):

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<td>Defence Management Seminar</td>
<td>Canberra</td>
<td></td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td>Defence Cooperation Scholarships</td>
<td>Various locations, ADFA and other AS universities</td>
<td>12</td>
<td>12</td>
<td>12</td>
</tr>
<tr>
<td>Overseas Joint Warfare Course</td>
<td>Williamtown</td>
<td>4</td>
<td></td>
<td></td>
</tr>
<tr>
<td>ADF Peacekeeping Seminar</td>
<td>Williamtown</td>
<td>3</td>
<td>2</td>
<td>1</td>
</tr>
</tbody>
</table>
Wednesday, 13 February 2002

<table>
<thead>
<tr>
<th>Training/Course</th>
<th>Establishment</th>
<th>99-00</th>
<th>00-01</th>
<th>01-02</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maritime Air Surveillance</td>
<td>Williamtown</td>
<td>2</td>
<td>4</td>
<td>4</td>
</tr>
<tr>
<td>Defence Strategic and Defence Strategic Studies</td>
<td>Weston</td>
<td>3</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>Integrated Logistic Support Managers</td>
<td>Canberra/Bandiana</td>
<td>3</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>Methodology of English Language Teaching</td>
<td>Defence International Training Centre (DITC), Melbourne</td>
<td>5</td>
<td>5</td>
<td></td>
</tr>
<tr>
<td>English Development Teacher Course</td>
<td>DITC</td>
<td></td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>Australian Defence Force English Raters Course</td>
<td>DITC</td>
<td>3</td>
<td>4</td>
<td>3</td>
</tr>
<tr>
<td>Advanced Australian English Learning (prerequisite for scholarship program)</td>
<td>DITC</td>
<td>5</td>
<td>10</td>
<td>4</td>
</tr>
</tbody>
</table>

(3) Defence has an educational exchange program with the Indonesian Defence Force. In addition to the information provided in the table below - which answers (3) (a), (b) and (c) - the DC Scholarship Program for postgraduate study (mentioned in the table above) provides Indonesian military personnel with the opportunity to gain a postgraduate degree from an Australian university.

<table>
<thead>
<tr>
<th>Position</th>
<th>Location</th>
<th>Officer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Australian English Language Methods Officer x 1 (teaching staff)</td>
<td>Defence International Training Centre, Melbourne</td>
<td>Indonesian Lieutenant Colonel equivalent</td>
</tr>
<tr>
<td>Staff Officer x 1 (teaching staff)</td>
<td>Aerospace Centre, Canberra</td>
<td>Indonesian Colonel equivalent</td>
</tr>
<tr>
<td>Pusbasa Instructor x 1</td>
<td>Indonesia</td>
<td>Australian Major</td>
</tr>
<tr>
<td>Staff College Instructor x 1</td>
<td>Indonesia</td>
<td>Australian Wing Commander</td>
</tr>
<tr>
<td>Staff College students x 3 finish March 2002</td>
<td>Indonesia</td>
<td>Australian Major</td>
</tr>
<tr>
<td>Staff College students x 3 undertaking preparatory course</td>
<td>Indonesia</td>
<td>Australian Major equivalent</td>
</tr>
<tr>
<td>Navy Seaman Training x 1</td>
<td>Indonesia</td>
<td>Australian Lieutenant Colonel equivalent</td>
</tr>
</tbody>
</table>

(4) In financial year 1998/99, a number of combined military exercises were held between Australia and Indonesia. These exercises are listed below:

- **EX CASSOWARY 98-2 and 99-1** (maritime air surveillance);
- **3 PASSEXs** (harbour training and sea exercise programs);
- **EX SATRIA BHAKTI** (humanitarian assistance/disaster relief);
- **EX TRISETIA 98/99** (interoperability and combined exercise at tactical level);
- **ELANG AUSINDO 98** (bilateral air training activity);
- **RAJAWALI AUSINDO 98** (tactical air drop interoperability); and,
- **ALBATROS AUSINDO 98-4 and 99-5** (maritime air surveillance).

No combined military exercises have been held since 1998/99 and none are scheduled in the foreseeable future.

(5) Australia supplies assistance/equipment to the NOMAD maintenance team located in Surabaya, Indonesia. The NOMAD maintenance team, comprising three ADF technical personnel, assists the Indonesian Navy through the provision of training and general maintenance for their fleet of Australian-manufactured NOMAD maritime surveillance aircraft.

In financial year 2000/01, Defence gifted to TNI-AL surplus/written-off material, no longer suited to ADF requirements. The gifts were six instrument vertical speed indicators and one test facility kit, used for battery testing. All items are used in the TNI-AL NOMAD fleet.

Under the DC Program, Defence funds the NOMAD medium-term support package (MTSP) for the TNI-AL maritime surveillance aircraft. The MTSP was implemented in 2000/01, and provision for this package is included in the 2001/02 budget. The expected cost of the MTSP for 2001/02 is $440,000.
The DC budget annually provides a small consumables budget for the NOMAD maintenance team. This funding includes consumables that are restricted to small parts such as O rings, back up rings, twisters, sealing kits, screws, paint, clips, tools and other minor consumables that assist in keeping the NOMAD fleet operational. $10,000 is budgeted annually for NOMAD consumables.

Defence has also contracted Boeing to convert Australian Air Publications for NOMAD aircraft into the civilian format currently used for all other NOMAD aircraft. The expected cost of this conversion is $934,885.45, split over financial years 2000/01 and 2001/02.

Apart from this support for the NOMAD aircraft, the Australian Government has not supplied any defence or related equipment to the Indonesian Defence Force, either directly or through a government contractor, since June 1998.

(6) Under the DC budget, Defence has spent the following amounts on DC activities over the previous three financial years:

<table>
<thead>
<tr>
<th>Financial Year</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>2001-2002</td>
<td>$4.584 million</td>
</tr>
<tr>
<td>2000-2001</td>
<td>$3.355 million</td>
</tr>
<tr>
<td>1999-2000</td>
<td>$5.234 million</td>
</tr>
</tbody>
</table>

(7) (a) Defence assistance in the development of Indonesian Service personnel skills concentrates on non-combat training in areas such as senior officer development, peacekeeping, logistics, health and safety, maritime surveillance, aircraft engineering and maintenance and senior staff college exchanges.

Training provided to Indonesian Service personnel is aimed at developing a modern and professional Indonesian Defence Force with respect for the rule of law, and accountable and responsible codes of conduct that professionalism entails.

(b) The Australian Government cannot be held accountable for the activities of foreign nationals undertaken in their own countries or elsewhere. Activities of military personnel that contravene International Humanitarian or Human Rights Law are subject to the jurisdiction of their own national government and in the future may also be subject to the jurisdiction of the new International Criminal Court. It is always open to the United Nations Security Council to establish an ad hoc tribunal to deal with serious breaches of international criminal law.

Workplace Relations: Unfair Dismissals

(Question No. 5)

Senator Murray asked the Minister representing the Minister for Employment and Workplace Relations, upon notice, on 20 December 2001:

With reference to the answer to question on notice no.1005 (Senate Hansard, 4 March 1998, p. 421):

(1) Can the Minister provide a table for all unfair dismissal applications under federal and state law for the 2000-01 financial year, for all states and territories, showing federal, state and total amounts on a similar basis to (1) of the referenced question?

(2) Can the Minister provide a table for all small business unfair dismissal applications under federal and state law for the 2000-01 financial year, for all states and territories, showing federal, state and total amounts on a similar basis to (1) of the referenced question?

Senator Alston—The Minister for Employment and Workplace Relations has provided the following answer to the honourable senator’s question:

(1) The following table provides information on unfair dismissal applications lodged in Australian jurisdictions between 1 July 2000 and 30 June 2001:

<table>
<thead>
<tr>
<th>State / Territory</th>
<th>Applications lodged between 1 July 2000 and 30 June 2001</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Federal</td>
</tr>
<tr>
<td>New South Wales</td>
<td>1,648</td>
</tr>
<tr>
<td>Queensland</td>
<td>420</td>
</tr>
<tr>
<td>Western Australia²</td>
<td>398</td>
</tr>
<tr>
<td>South Australia</td>
<td>198</td>
</tr>
<tr>
<td>Tasmania</td>
<td>137</td>
</tr>
</tbody>
</table>
Applications lodged between 1 July 2000 and 30 June 2001

<table>
<thead>
<tr>
<th>State / Territory</th>
<th>Federal</th>
<th>State</th>
<th>Combined</th>
</tr>
</thead>
<tbody>
<tr>
<td>Victoria</td>
<td>4,781</td>
<td>n/a</td>
<td>4,781</td>
</tr>
<tr>
<td>Australian Capital Territory</td>
<td>250</td>
<td>n/a</td>
<td>250</td>
</tr>
<tr>
<td>Northern Territory</td>
<td>263</td>
<td>n/a</td>
<td>263</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>8,095</td>
<td>9,105</td>
<td><strong>17,200</strong></td>
</tr>
</tbody>
</table>

Notes

1. Federal and State figures are based on calendar months, and incorporate estimates and interpolations where original data are not available. Official and unofficial sources are used.

2. Western Australian State figures include both unfair dismissal applications and applications which combine claims of unfair dismissal and denial of contractual benefits.

3. There are no separate Territory unfair dismissal systems, and there has been no separate Victorian unfair dismissal system since 1996.

(2) The Australian Industrial Registry collects information on the number and percentage of unfair dismissal applications that involve employers with 15 or fewer employees. However, this information relates to unfair dismissal applications under the federal Workplace Relations Act 1996 only. As far as the Federal Government is aware, no State or Territory collects data on the size of respondents to unfair dismissal applications. Therefore, it is not possible to provide a table for all small business unfair dismissals under federal and state law for 2000-01 as requested.

The following table provides information on federal unfair dismissal applications, broken down by the State and Territory in which the federal application was lodged. Note that this information is incomplete, as employers provide the data voluntarily. Not all employers respond to the Registry's request for information on employer size - the total number of respondents who provided information on employer size is indicated in the table.

<table>
<thead>
<tr>
<th>Registry</th>
<th>Federal unfair dismissal applications lodged between 1 July 2000 and 30 June 2001</th>
<th>Total termination of employment applications lodged</th>
<th>Total employer responses received to Registry's request for information on employer size</th>
<th>Number of responses received from employers employing 15 or fewer employees</th>
<th>Employers employing 15 or fewer employees as % of total employer responses received</th>
</tr>
</thead>
<tbody>
<tr>
<td>New South Wales</td>
<td>1,648</td>
<td>359</td>
<td>97</td>
<td>27.0%</td>
<td>27.0%</td>
</tr>
<tr>
<td>Queensland</td>
<td>420</td>
<td>283</td>
<td>53</td>
<td>18.7%</td>
<td>18.7%</td>
</tr>
<tr>
<td>Western Australia</td>
<td>398</td>
<td>104</td>
<td>37</td>
<td>35.6%</td>
<td>35.6%</td>
</tr>
<tr>
<td>South Australia</td>
<td>198</td>
<td>104</td>
<td>14</td>
<td>13.5%</td>
<td>13.5%</td>
</tr>
<tr>
<td>Tasmania</td>
<td>137</td>
<td>84</td>
<td>23</td>
<td>27.4%</td>
<td>27.4%</td>
</tr>
<tr>
<td>Victoria</td>
<td>4,781</td>
<td>1,357</td>
<td>530</td>
<td>39.1%</td>
<td>39.1%</td>
</tr>
<tr>
<td>Australian Capital Territory</td>
<td>250</td>
<td>90</td>
<td>35</td>
<td>38.9%</td>
<td>38.9%</td>
</tr>
<tr>
<td>Northern Territory</td>
<td>263</td>
<td>145</td>
<td>50</td>
<td>34.5%</td>
<td>34.5%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>8,095</td>
<td>2,526</td>
<td>839</td>
<td>33.2%</td>
<td>33.2%</td>
</tr>
</tbody>
</table>