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SITTING DAYS—2002

<table>
<thead>
<tr>
<th>Month</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>February</td>
<td>12, 13, 14</td>
</tr>
<tr>
<td>March</td>
<td>11, 12, 13, 14, 19, 20, 21</td>
</tr>
<tr>
<td>May</td>
<td>14, 15, 16</td>
</tr>
<tr>
<td>June</td>
<td>17, 18, 19, 20, 24, 25, 26, 27</td>
</tr>
<tr>
<td>August</td>
<td>19, 20, 21, 22, 26, 27, 28, 29</td>
</tr>
<tr>
<td>September</td>
<td>16, 17, 18, 19, 23, 24, 25, 26</td>
</tr>
<tr>
<td>October</td>
<td>14, 15, 16, 17, 21, 22, 23, 24</td>
</tr>
<tr>
<td>November</td>
<td>11, 12, 13, 14, 18, 19, 20, 21</td>
</tr>
<tr>
<td>December</td>
<td>2, 3, 4, 5, 9, 10, 11, 12</td>
</tr>
</tbody>
</table>

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| PERTH     | 585 AM  |
| HOBART    | 729 AM  |
| DARWIN    | 102.5 FM |
SENATE CONTENTS

WEDNESDAY, 15 MAY

Taxation Laws Amendment (Baby Bonus) Bill 2002—
Consideration of House of Representatives Message....................... 1521
Business—
  Rearrangement............................................................................. 1528
  Governor-General’s Speech......................................................... 1528
Matters of Public Interest—
  Her Majesty Queen Elizabeth The Queen Mother........................ 1554
  Republic...................................................................................... 1554
  Republic...................................................................................... 1556
  Arts: Film Classification............................................................ 1556
  Native Title Legislation.............................................................. 1560
  Allen, Mr John.......................................................................... 1565
  United Nations: Special Session on Children.............................. 1565
  Health: Pharmaceutical Benefits Scheme.................................... 1568
Questions Without Notice—
  Budget: Deficit.......................................................................... 1570
  Budget: Defence......................................................................... 1571
  Budget: Contingency Reserve..................................................... 1572
Questions Without Notice—
  Budget: Disability Services....................................................... 1573
  Budget: Pharmaceutical Benefits Scheme.................................... 1574
  Budget: Disability Services....................................................... 1576
  Budget: Deficit.......................................................................... 1577
  Taxation: Mass Marketed Schemes.............................................. 1578
  Budget: Revenue....................................................................... 1579
  Budget: Health Care................................................................... 1580
  Budget: Disability Services....................................................... 1581
  Health: Program Funding.......................................................... 1582
Questions Without Notice: Take Note of Answers—
  Budget....................................................................................... 1584
Questions Without Notice: Additional Answers—
  Immigration: Detention Centres................................................ 1583
Notifications—
  Presentation................................................................................ 1590
Committees—
  Selection of Bills Committee—Report......................................... 1591
Committees—
  Postponement.......................................................................... 1592
Committees—
  A Certain Maritime Incident Committee—Extension of Time........ 1593
Dalai Lama...................................................................................... 1593
Australian Broadcasting Corporation (Scrutiny of Board Appointments) 
  Amendment Bill 2002—
    First Reading........................................................................... 1593
    Second Reading......................................................................... 1593
Committees—
  Finance and Public Administration Legislation Committee—Meeting... 1597
  Legal and Constitutional Legislation Committee—Extension of Time... 1597
  Scrutiny of Bills Committee—Report............................................. 1597
Budget—
  Consideration by Legislation Committees—Additional Information..... 1597
Committees—
  Public Works Committee—Report ................................................................. 1598
  Treaties Committee—Reports ....................................................................... 1599
Ministerial Statements—
  East Timor .................................................................................................. 1606
Committees—
  Membership .................................................................................................. 1606
  ASIO, ASIS and DSD Committee—Extension of Time ................................. 1607
Commonwealth Electoral Amendment Bill (No. 1) 2002—
  First Reading ............................................................................................... 1607
  Second Reading ........................................................................................... 1607
Family Law Amendment (Child Protection Convention) Bill 2002—
  Report of Legal and Constitutional Legislation Committee .......................... 1607
Workplace Relations Amendment (Fair Termination) Bill 2002,
  Workplace Relations Amendment (Genuine Bargaining) Bill 2002,
  Workplace Relations Amendment (Prohibition of Compulsory Union Fees) Bill
  2002,
  Workplace Relations Amendment (Secret Ballots for Protected Action)
  Bill 2002 and
  Workplace Relations Amendment (Fair Dismissal) Bill 2002—
    Report of Employment, Workplace Relations and Education Legislation
    Committee ................................................................................................. 1608
Electoral and Referendum Regulations 2001 (No. 1)—
  Motion for Disallowance........................................................................... 1608
Notices—
  Presentation .................................................................................................. 1630
Committees—
  Privileges Committee—Reference ................................................................ 1631
Notices—
  Presentation .................................................................................................. 1631
Parliamentary Language .................................................................................. 1631
Adjournment—
  Harris, Mr Bernie ...................................................................................... 1632
  Keele, Mr Peter ........................................................................................... 1632
  Brown, Mr Terry .......................................................................................... 1632
  Hamilton, Dr Clive: Speech to the National Left Seminar ............................. 1633
  Agriculture: Meat Industry ........................................................................ 1635
  Afghanistan ................................................................................................. 1637
  Gallipoli ........................................................................................................ 1639
Documents—
  Tabling ........................................................................................................ 1640
  Indexed Lists of Files .................................................................................... 1640
Questions on Notice—
  Tasmania: Regional Forest Agreement—(Question No. 4) ......................... 1641
  Transport: Heavy Vehicles—(Question No. 39) ......................................... 1641
  Environment: Maralinga Rehabilitation Project—(Question No. 56) ............ 1642
  Superannuation: Same Sex Couples—(Question No. 78) ......................... 1642
  Transport: Heavy Vehicles—(Question No. 81) ......................................... 1643
  Health and Ageing Portfolio: Contracts—(Question No. 92) ................. 1644
  Health and Ageing Portfolio: Contracts—(Question No. 94) .................... 1644
<table>
<thead>
<tr>
<th>Topic</th>
<th>Question No.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Health and Ageing Portfolio: Contracts</td>
<td>(Question No. 96)</td>
<td>1645</td>
</tr>
<tr>
<td>Health and Ageing Portfolio: Contracts</td>
<td>(Question No. 98)</td>
<td>1646</td>
</tr>
<tr>
<td>Health and Ageing Portfolio: Contracts</td>
<td>(Question No. 100)</td>
<td>1647</td>
</tr>
<tr>
<td>Indonesia: Aurora Gold</td>
<td>(Question No. 116)</td>
<td>1647</td>
</tr>
<tr>
<td>Indonesia: Aurora Gold</td>
<td>(Question No. 117)</td>
<td>1648</td>
</tr>
<tr>
<td>Indonesia: Aurora Gold</td>
<td>(Question No. 118)</td>
<td>1648</td>
</tr>
<tr>
<td>Indonesia: Aurora Gold</td>
<td>(Question No. 119)</td>
<td>1649</td>
</tr>
<tr>
<td>Indonesia: Aurora Gold</td>
<td>(Question No. 120)</td>
<td>1649</td>
</tr>
<tr>
<td>Indonesia: Aurora Gold</td>
<td>(Question No. 121)</td>
<td>1649</td>
</tr>
<tr>
<td>Indonesia: Aurora Gold</td>
<td>(Question No. 122)</td>
<td>1650</td>
</tr>
<tr>
<td>Indonesia: Aurora Gold</td>
<td>(Question No. 123)</td>
<td>1650</td>
</tr>
<tr>
<td>Indonesia: Aurora Gold</td>
<td>(Question No. 124)</td>
<td>1651</td>
</tr>
<tr>
<td>Indonesia: Aurora Gold</td>
<td>(Question No. 125)</td>
<td>1651</td>
</tr>
<tr>
<td>Indonesia: Aurora Gold</td>
<td>(Question No. 126)</td>
<td>1651</td>
</tr>
<tr>
<td>Indonesia: Aurora Gold</td>
<td>(Question No. 127)</td>
<td>1652</td>
</tr>
<tr>
<td>Indonesia: Aurora Gold</td>
<td>(Question No. 128)</td>
<td>1652</td>
</tr>
<tr>
<td>Indonesia: Aurora Gold</td>
<td>(Question No. 129)</td>
<td>1652</td>
</tr>
<tr>
<td>Best, Dr Jack</td>
<td>(Question No. 157)</td>
<td>1653</td>
</tr>
<tr>
<td>Telstra: Kurungal Aboriginal Council</td>
<td>(Question No. 166)</td>
<td>1653</td>
</tr>
<tr>
<td>Science: Research and Development</td>
<td>(Question No. 168)</td>
<td>1654</td>
</tr>
<tr>
<td>Health: Psychiatric Services</td>
<td>(Question No. 170)</td>
<td>1655</td>
</tr>
<tr>
<td>Australian Medical Association: Dr Wooldridge</td>
<td>(Question No. 179)</td>
<td>1656</td>
</tr>
<tr>
<td>Fisheries: Bycatch Action Plans</td>
<td>(Question No. 189)</td>
<td>1657</td>
</tr>
<tr>
<td>Agriculture, Fisheries and Forestry Portfolio: Industry Advisory Bodies</td>
<td>(Question No. 197)</td>
<td>1659</td>
</tr>
<tr>
<td>Australia Post: Postage Stamps</td>
<td>(Question No. 203)</td>
<td>1668</td>
</tr>
<tr>
<td>Defence: Recruitment</td>
<td>(Question No. 205)</td>
<td>1668</td>
</tr>
<tr>
<td>Environment: Stuart Oil Shale Project</td>
<td>(Question No. 210)</td>
<td>1675</td>
</tr>
<tr>
<td>Customs: Import Duty</td>
<td>(Question No. 216)</td>
<td>1676</td>
</tr>
<tr>
<td>Environment Australia: Contracts</td>
<td>(Question No. 220)</td>
<td>1677</td>
</tr>
<tr>
<td>Antarctica: Larsen B Ice Shelf</td>
<td>(Question No. 224)</td>
<td>1677</td>
</tr>
<tr>
<td>Trade: Genetically Modified Food</td>
<td>(Question No. 227)</td>
<td>1678</td>
</tr>
<tr>
<td>Environment: Native Vegetation</td>
<td>(Question No. 229)</td>
<td>1678</td>
</tr>
<tr>
<td>Tasmania: Meander Dam</td>
<td>(Question No. 231)</td>
<td>1679</td>
</tr>
<tr>
<td>Science: Primates</td>
<td>(Question No. 232)</td>
<td>1680</td>
</tr>
<tr>
<td>Health: Chronic Fatigue Syndrome</td>
<td>(Question No. 233)</td>
<td>1681</td>
</tr>
<tr>
<td>Forestry: Regional Forest Agreements</td>
<td>(Question No. 235)</td>
<td>1683</td>
</tr>
<tr>
<td>Forestry: Management</td>
<td>(Question No. 239)</td>
<td>1683</td>
</tr>
<tr>
<td>Tourism: Holiday Rebate Scheme</td>
<td>(Question No. 244)</td>
<td>1684</td>
</tr>
<tr>
<td>Kennedy Electorate: Program Funding</td>
<td>(Question No. 249)</td>
<td>1685</td>
</tr>
<tr>
<td>Kennedy Electorate: Program Funding</td>
<td>(Question No. 250)</td>
<td>1686</td>
</tr>
<tr>
<td>Kennedy Electorate: Program Funding</td>
<td>(Question No. 261)</td>
<td>1686</td>
</tr>
</tbody>
</table>
Wednesday, 15 May 2002

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

TAXATION LAWS AMENDMENT (BABY BONUS) BILL 2002

Consideration of House of Representatives Message

Consideration resumed from 14 May.

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

That the committee not insist on its amendment to which the House of Representatives has disagreed.

Senator LUDWIG (Queensland) (9.31 a.m.)—The opposition has read the outline of the circumstances surrounding the House of Representatives returning to this chamber the Taxation Laws Amendment (Baby Bonus) Bill 2002. What happened in respect of this legislation deserves an explanation from the opposition. The last period of the Senate sitting was quite compressed. Obviously, from our perspective, the government has not allowed sufficient sitting days and it has not provided sufficient time for the legislative program to be dealt with in an orderly, effective and efficient manner. It is a matter for the government.

There was a need for a number of bills to go through the Senate during the last sitting period and the Taxation Laws Amendment (Baby Bonus) Bill was one of those. The Senate was cooperative, Labor was cooperative, in recognising the number of bills that had to be passed during our sitting period. Labor looked at how it could ensure that there was proper scrutiny of legislation so that those bills would pass during the last sitting period as we were then going to go off to a seven-week break. That seven-week break—which was unusual from our perspective—meant we would not be back until now to look at that legislation.

Effectively, what happened was that the list of bills that was to be scrutinised was prepared, time was allotted and the parties involved progressed through the legislation. We sat late, we had extended sittings and Labor cooperated. I think the point needs to be made that Labor cooperated quite fulsomely with the debate to ensure that the bills were effectively scrutinised and that these issues were dealt with in an appropriate and proper manner—although we did make the point then that it was necessary to ensure that the government allowed sufficient time.

We have said consistently that the government’s organising of the sitting pattern has been somewhat lacking. The Taxation Laws Amendment (Baby Bonus) Bill is one of these instances that you would not want to happen. It appears that, in the rush to ensure that the legislative program was completed, the baby bonus was one of those that was just on the outer edge of the table and slipped off. Unfortunately, the government should have provided time for legislation that did need to pass during the last parliament; however, it did not.

Labor thought at the time, quite rightly, that with proper scrutiny we could look at the Democrat amendment quite seriously. Upon better reflection, when it came back, we were not going to delay the passage of the bill; we were then not going to support the amendment. We expected all that to happen during the last sitting period. However, it did not. For a range of reasons, the program did not allow that to occur. Given that situation, Labor is not going to now reopen the debate. There was an agreement to ensure this legislation passed last time. There was clearly cooperation from all sides, including the Democrats and the Greens, to ensure that the legislative program was completed in an appropriate and effective manner. But this one did not quite make it through, not because of anyone’s particular fault or anxiety; it was one of those things that just simply happened.

It is worth taking the opportunity during this committee stage to reiterate Labor’s position in respect of the baby bonus so it leaves people in no doubt about what our position is. It is time to say again, as was mentioned during the second reading debate and put forcibly by Labor, that it is a regressive piece of legislation. It pays five times as much to the highest income category as to
the lowest. It is capped at $2,500 for the highest income earner and $500 for the minimum income earner. So it clearly favours high-income earners; it does not favour low-income earners. It is not well directed, it is not well-targeted, and in our view it does not provide the best solution. It is a solution, but clearly not the best.

This legislation is proposed to provide a tax offset for mothers following the birth of their first child. The offset will allow mothers to claim back the tax paid on their income in the year prior to the birth of the first child. Surprisingly, the payment is calculated on the woman’s loss of income and, as I have said, the greater the loss of income the greater the benefit that would result. This bill is clearly complex. It is quite difficult, considering the convoluted piece of legislative drafting that has been undertaken, to ensure this effect comes to pass. However, we do believe that it will be difficult for parents to understand. We expect and call on the government to ensure that they do make sure that they simplify the recipient and the benefit stage and that they do ensure that they provide clear guidelines and clear advice. The government do have the ability to ensure that those mothers who are in need of this payment can access it, can access it easily and complete the relevant paper warfare in an understanding and sympathetic way and that they do not get miserable about it.

Perhaps one of the issues is the injustice that this legislation might sometimes provide. It is compounded because, with the lack of clarity, it appears—and I am sure Senator Campbell can confirm this—to be limited to the first child only. If you are trying to address the birth rate, if you are trying to assist mothers over a longer period, then because it is directed to the first child only it does not provide for and encourage second and third children. It does not provide a continuation of the benefit. It does not provide assistance to those in need straightforward. What it does is pay you at the end in a lump sum. Right after the birth of the first child—perhaps it is better called the ‘child event’ because there may be an adoption or other circumstance; not that I can think of too many, other than adoption and birth—the payment is calculated but paid a lot further down the track. So, although people actually need the money, it is not provided—it is a lump sum payment which is paid possibly as far as 12 months away from the birth of the child event. The legislation is directed at how the costs of the new child event can be met. They cannot at that point; it is some time down the track.

It also has, in my view, the potential to cause unintended consequences. It is limited, as I have said, to the first child and people may take the legislative bill at its face value and delay their decision to have children to a later time. The money will persuade them to delay having children earlier on in their married life.

As I have said, from Labor’s perspective the legislation is regressive. We made these comments during the second reading stage. We do believe it is ineffective in meeting some of its stated objectives, and it is contradictory. The potential beneficiaries may be those in the higher income bracket rather than the targeted lower income bracket, as Labor would expect. The offset being principally available to higher income earners is, in our view, not the most appropriate way to proceed.

As I have said, we did last time provide much of the debate. What I have done is try to summarise the debate because it has been disjointed. All of these points were made during the second reading stage of the bill and during the last committee stage of the bill. I think it is just necessary to ensure that Labor is not acquiescing to what is happening now. We gave an in-principle agreement last time to deal with the legislative program. We dealt with the legislative program last time. Through what can only be described as a miscommunication, this bill was not finalised during the last sitting period. It has now come back on to be dealt with. It will be dealt with. Under the agreement we had last time, we said we would allow passage. We also indicated that we would make the point about the legislative program and we would make the point about the bill itself and then allow the matter to proceed.

Senator MURRAY (Western Australia) (9.42 a.m.)—The Taxation Laws Amendment
(Baby Bonus) Bill 2002 should be with us today for us to insist that this amendment be passed, and I will commence by saying that the Australian Democrats will insist that this amendment be passed. Let us start by recappping what the amendment says:

1. The Minister must cause a review of the operation of this Schedule to be undertaken jointly by the Departments of Employment and Workplace Relations and the Treasury.

2. The review is to conduct an assessment of the operation of the first child tax offset (baby bonus) with particular reference to the:
   a. benefits derived from the payments; and
   b. analysis of the benefits by income, gender, household structure and other relevant indicators.

3. A report of the review conducted in accordance with this item must be tabled in both Houses of the Parliament before the expiration of the 2005 financial year.

That amendment says that we recognise that this is a controversial scheme. We have just heard from the duty opposition spokesperson their criticisms of it. Their criticisms of the bill are valid. They might not be as strong or as comprehensive as we might want them to be and as we have stated in the debate, but their criticisms are valid. This is good policy in the sense that it attends to family support for births, but it is bad policy in the way in which it is constructed—singularly bad policy. It is skewed and distorted to benefit the wealthy mothers in our society, not the poor mothers in our society, and it cannot be put any clearer than that. The opposition in their remarks on this bill remind me of their remarks during the schools debate. Intense passion, great speeches and really vehement points were made about a policy which was designed to benefit rich schools, and then they just rolled over and voted for it.

It is quite extraordinary. I think this amendment is quite innocuous. It recognises, surely, that the expenditure of taxpayer monies in an area which is accepted by the crossbenches as being both contentious and, even if you want to be kind, designed in a way which we do not agree with should be subject to review—that is, after three years and a cost-benefit analysis. Frankly, I am a bit offended by the language of the House of Representatives reasons for disagreeing to the Senate amendment because it says in the first paragraph:

This adds nothing to the policy intent behind the Baby Bonus, but instead adds to the complexity of its administration.

Of course it adds nothing to the policy intent. The purpose of it is to review the policy, not to affect or adjust the policy—although we would have liked to. Secondly, they say it ‘adds to the complexity of its administration’. Are you going to tell me that the departments and the government are not going to assess whether this has a proper cost-benefit virtue attached to it? Really the purpose of parliament is to ensure that moneys are properly spent and the purpose of government is to account to parliament. We in the Senate are not, thankfully, the house of the executive—and it is entirely proper that we should insist on it. What else offends me about this message? It says:

The Labor Party’s support for this amendment is contrary to an agreement with the Government that the proposed Democrat amendments would not be agreed to.

I have heard an awful lot from the Labor Party over time about deals. Usually they put a phrase in front of it—dirty deals, I think, is their favourite way of stating it. I do not mind if you come to an agreement with the government over what approach you want to take, but the House should not be saying in a message to the Senate, ‘By the way, there is a deal, and you should subscribe to it.’ It is offensive. If you want to tell me in this house that you have a deal with the government, I do not find that offensive; but the House in its proper constitutional framework should not be using that language. I think it is disgraceful. The reasons talk about a ‘communication breakdown in the opposition’. I do not think there was a breakdown; the opposition passed a perfectly reasonable amendment. The opposition is entitled now to make a decision as to whether it insists or not. If you decide not to, I think that is weak, ineffectual and inadequate, but it is your decision; you are entitled to make that decision.

From the perspective of the government, fancy rejecting an amendment which asks for a review of a policy which is going to spend
$510 million. Fancy that! What is the matter with you! It does not affect the policy intent one bit, it does not affect your ability to deliver your promise to your constituency; it affects nothing else but an issue of accountability. That is what this amendment is about. All the other amendments you can argue over in terms of not fulfilling the government’s needs, but this is about accountability. I say to the Labor Party: often you do a good job on accountability; in this case you are doing a terrible job. You should be up there shouting out, ‘Yes, we do want you to tell us how this money is to be spent and whether the benefits are genuinely accrued.’ I will tell you why the government does not want this done: because any objective, independent analysis of this policy is bound to turn up the fact that it will benefit rich mums and will prejudice poor mums. It is good policy to look after families and look after people who are having children—that is a good policy and we support it 100 per cent—but your mechanism is poor. As you know, we advocate and prefer a maternity leave mechanism. But, even if you were to take this baby bonus route, to do it in a way which gives potentially five times the benefit to a rich mum as opposed to a poor mum seems to me very odd and very unfair.

In summary, how do I feel about this? Firstly, I think that the House should take note that the language by which it addresses Senate amendments needs to pay attention to propriety. Secondly, I do not think that deals between any party need to be expressed in this manner. I do not have a problem with you having a deal or an agreement; that is not an issue providing that it is a public matter. I think that the Labor Party really need to distinguish between issues on which they are going to insist—issues which affect policy and the way in which the matter will be delivered—and issues of accountability. I would hope that in future you would be far stronger on the accountability area. You have done some wonderful things in accountability debates in this Senate since I have been here, but this is not one of your finest hours.

Senator LUDWIG (Queensland) (9.51 a.m.)—I just cannot let that go unanswered. Perhaps my explanation may not have been of the greatest clarity; but, notwithstanding what is written there, there was a period where we needed to ensure that there was effective consideration of bills. To that extent, if you want to call that an agreement, there was an agreement that there was a need to finish the legislative program. There was not an agreement as to what was going to happen to this bill. There was a view that it should proceed, but we are not going to insist now on that amendment, and that is of our choosing. We do not think the amendment will add to the legislation.

We have made our comments in relation to the bill, and we have made them quite clearly. We made them during the second reading debate the last time the Senate addressed this legislation. I then summarised those so that the Senate was in no doubt about our view in respect of the legislation. In the final analysis, Labor have decided not to insist on that amendment, and we have now expressed that view. We would have expressed that view during the last sitting; however, due to the miscommunication, the process was not completed. That is the point we would have got to at the last sitting. We have got to it now, albeit with a seven-week delay. We are not going to change that position because the opportunity might present itself to do so.

Senator STOTT DESPOJA (South Australia—Leader of the Australian Democrats) (9.53 a.m.)—Firstly, I rise to support the comments of Senator Murray in relation to the amendment that the Labor Party is no longer supporting. It is a good amendment, for all the reasons outlined in the previous debate and again put on the record today. In fact, in the last debate I heard members of the opposition commend the concept of a review. Now, for some reason—and I am not sure if it is to do with an agreement or a breakdown in communication or because the House of Representatives sends a message with such frank and inappropriate wording—the Labor Party is not going to pursue this amendment, yet the Labor Party and many other quite reputable and legitimate groups in our community, including organisations such as ACOSS, have identified that the
baby bonus is an ill-targeted, ill-thought-out scheme.

It is regressive, as Senator Ludwig has said. However, amendments moved by the Australian Democrats during the debate on the legislation would have made it more progressive, alleviated some of the worst aspects of the legislation and built on the commendable aspects to which Senator Murray referred. We did not receive support from the opposition for those amendments. However, we did get support for the notion of a review after three years. As Senator Murray said, a review after three years is not intended to add to or change the policy intent behind the baby bonus—and that is why I find the language in this message from the House in relation to the Senate amendment equally extraordinary—but it does give us the opportunity to examine how money is being spent and the complexities of the scheme.

In relation to money being spent, as people have identified even in recent days—even last night the Australian Labor Party was talking about the baby bonus and the amount of money being spent on that scheme—it is the single biggest financial outlay as a consequence of election promises made by the government at the last federal election. Around its third year of operation, as Senator Murray has said, the scheme will cost $510 million. Over the next four, five or six years it will be an extraordinarily expensive scheme, so wouldn’t we want to get it right?

As Senator Murray said, we believe very strongly in a paid maternity leave scheme, and to that end the Australian Democrats are disappointed by the failure of the government to move in that direction. Despite the fact that 75 per cent of Australians believe it is time, despite the fact that they have at least five options to pursue through the Sex Discrimination Commissioner’s report—Pru Goward’s excellent work in the last couple of months—and despite community urging and even business support, the government did not decide to pursue paid maternity leave in last night’s budget.

The Australian Democrats will table a private member’s bill on this issue, and I will be giving notice of that today. I hope that the Australian Labor Party, who have made some positive signs about paid maternity leave, will consider that legislation on its merits. We are the only political party to put forward a fully costed scheme, and for that reason we again hope that the government will see the light and act on this issue. The government have chosen an ill-targeted scheme that is going to cost a lot of taxpayers’ dollars and one that is regressive. There is no question that, if you are a woman on the basic minimum wage, you will receive at least five times less money than of a woman on a high income—a woman, say, on $50,000, who will be eligible for around $12,500 if she takes five years off. The Democrats find that extraordinarily regressive.

As I said, we tried to amend that during the last debate, but we did not receive support. All those people from the Labor Party who are telling us today that this is a regressive scheme did not take the opportunity to fix it up. In fact, they supported the legislation. So, quite frankly, I find it extraordinary to hear a lot of criticisms about the legislative timetable. While we share some of those criticisms, we could have postponed this debate if the opposition had decided that that was appropriate. Instead, we have legislation that has been passed and a good amendment that was agreed to now about to fail. So there will be no review of this scheme, the single biggest spending measure in the last round of election promises. The scheme does not assist those women in our community who are poor but, after last night’s efforts, I am not surprised that it is the poorer in our community who are being picked on.

The Democrats express our disappointment that an amendment that would have added value to this debate, that would have ensured that there was some accountability for the administration of the scheme and the administration of taxpayers’ dollars, is not going ahead. I will also add, on behalf of the Australian Democrats, our criticism of the House of Representatives’ reasons for disagreeing to the Senate amendment. I think the terminology in this message, certainly the expression that relates to a communication breakdown, or the broken promise from the
Labor Party, is something that Senator Ludwig quite rightly should take offence to and perhaps take up with the government. There is no other reason in this House of Representatives message that actually provides any rationale for the defeat of this particular amendment. Once again I call on the Labor Party to reconsider their position.

Senator HARRADINE (Tasmania) (9.59 a.m.)—As everyone knows, over the 26 years that I have been here, I have been fighting for a fair go for families, and I support any measure that advances this goal, including the current matter of the Taxation Laws Amendment (Baby Bonus) Bill 2002 that is before us. I warned of a situation where, unless we supported families, this country would see a rapid decline in the fertility rate, and that has happened. Everyone now acknowledges the real problem that Australia faces of an ageing population. I believe that the parliament and the government have the responsibility to act justly when it comes to families, to recognise that families are the fundamental group unit of society and that a functioning family does not need the assistance of the state. You might say, ‘Oh, the baby bonus is assistance from the state.’ In my view, it is just for those families to expect such assistance.

I am proud to say that 80 per cent of the children in my family are now taxpayers. They are paying your salary and mine—whether they feel happy about that, I do not know. Yes, we should act justly, and the government has acted. The question as to whether it is equitable is one that we should consider. There are two notable features of the arrangements that have been made by the government—that is, payments will be made regardless of the combined income of the family, and higher amounts will be paid to higher income earners. It is the latter part that is of concern to me. An analysis of the measure reveals that approximately one-third of the female work force earns $20,000 per year or less and so will be eligible only for the minimum payment of $500 per year, whilst approximately 50 per cent of the female work force earns $26,000 or less, at which rate of earnings they would be eligible for a maximum of $800 per year. It is also revealed that only approximately five per cent of the female work force would be eligible for the maximum rate of $2,500 a year.

I am not going to reargue the case; I know you, Madam Chair Knowles, will rule me out of order if I do. We are dealing with a message from the House of Representatives. The House of Representatives has returned to the Senate a bill for an act to amend the laws relating to taxation related purposes and has acquainted the Senate that the House has disagreed to the amendment made by the Senate. It is entitled to do so, but then it sets out its reasons in the annexed schedule and I feel that those reasons are inadequate. It may be that the minister will explain that they are not necessary. But we are dealing with an amendment that I supported, which said:

(1) The Minister must cause a review of the operation of this Schedule to be undertaken jointly by the Departments of Employment and Workplace Relations and the Treasury.

(2) The review is to conduct an assessment of the operation of the first child tax offset (baby bonus) with particular reference to:

(a) benefits derived from the payments; and

(b) analysis of the benefits by income, gender, household structure and other relevant indicators.

(3) A report of the review conducted in accordance with this item must be tabled in both Houses of the Parliament before the expiration of the 2005 financial year.

The significant point about this amendment is that it was not a sunset clause; it was merely asking what would, I believe, normally be done anyhow. All of this fuss and bother might be resolved when the minister gets up to speak. He might say, ‘There was no real reason for that amendment; of course we will undertake such an examination in the course of time.’ That naturally would take place within the Department of Employment and Workplace Relations, and I am sure that it will take place in the Treasury; there is no doubt about that. The question is: will we know the outcome? The minister might say, ‘The estimates committees will consider it and you will no doubt ask that question’—and you can be assured the questions will be
asked. We may be arguing for nothing, really, here. I would like an assurance from the minister that a review along these lines will be undertaken, that no doubt the normal course of events will take place and that we are entitled to ask at subsequent estimates for information thereon. In any case, I can see that the government does not want this measure held up. I certainly would be satisfied if the minister indicated that there was going to be that sort of examination or review done within the department and that we could ask questions of departmental officers in the estimates committee.

Senator HARRIS (Queensland) (10.07 a.m.)—I rise to speak briefly to the House of Representatives message. Much has been said in this chamber this morning about the disparity between the benefits those on lower incomes would receive and the higher benefits those who are on higher incomes would receive on an annual basis if they stayed out of the work force for five years. The issue that has not been raised is the fact that only approximately five per cent of women may be eligible for the $2,500 per annum—Senator Harradine did touch on that. There is also the aspect that mothers on lower incomes will be more inclined to stay with their families because they can access the additional $500 minimum per annum. There will be a natural incentive for the mothers who are on higher incomes to get back into the work force. My reason for that analogy is that, for the person on the average wage of approximately $27,000, receiving between $500 and $800 may be an incentive to choose to stay with their family, but for the person who is on between, say, for argument’s sake, $60,000 and $100,000, the incentive is definitely to get back into the work force.

I believe that the government has actually struck a balance across the spectrum that will end up supporting more mothers on lower incomes than on higher incomes to stay at home. I look forward to comment from the minister relating to the government’s intention with regard to the assessment of the scheme.

Senator KEMP (Victoria—Minister for the Arts and Sport) (10.10 a.m.)—I see that I am being called on to make a statement, and that is why I rushed down to the chamber—so that I could have the opportunity to do that.

Senator Forshaw—When all else fails!

Senator KEMP—I do not know why you are not on the front bench, Senator; I simply do not know why.

Senator West—We don’t know why you are.

Senator KEMP—The first point I make is that this was an election commitment, and this is something we are very proud to deliver. It was very popular with the public, and we have a clear mandate to do this. I know that you, Senator West, above all, are very anxious for the government to keep its promises. This is a clear commitment which we gave to the public, and we are delivering on that commitment. Of course, all matters that are before governments are reviewed as appropriate. I have no doubt that the usual processes, which you explained so well in your remarks, Senator, would be carried out by Treasury. These are internal matters to government. If senators are not happy with information that is forthcoming, ministers, as you again explained so well, are subject to cross-examination at estimates. You are particularly good at that, Senator, and I am sure that, if you feel that these matters are not proceeding as you wish, you will have the chance to raise these questions at estimates.

I think I have been able to give you the assurances that you were seeking, Senator. I hope you feel that is the case. This is a great measure. It is a measure that did capture the attention of the public during the election campaign. It is a measure we have a mandate for, but of course we recognise that senators have always got the right to ask questions. I think I am one who has always given particular emphasis to comprehensive and detailed answers in this chamber and at Senate estimates, but if I fail to satisfy you and you do not receive comprehensive and detailed answers in this chamber, I am sure I will be subject to cross-examination by Senator Harradine and you at Senate estimates.

Senator HARRADINE (Tasmania) (10.12 a.m.)—I do confirm that Senator Rod
Kemp is forthcoming with information when it is politely requested. I do not see myself as being in the position of cross-examining anybody in estimates committees. I find that the more mildly you ask the questions, the more information you seem to get.

Question put:

That the committee not insist on its amend-
ment to which the House of Representatives has disagreed.

The Senate divided. [10.17 a.m.]

(The Deputy President—Senator S.M. West)

Ayes……………. 48
Noes……………. 8
Majority………. 40

AYES
Alston, R.K.R. Barnett, G.
Boswell, R.L.D. Brandis, G.H.
Buckland, G. Calvert, P.H.
Campbell, G. Carr, K.J.
Chapman, H.G.P. Colbeck, R.
Collins, J.M.A. Cooney, B.C.
Crane, A.W. Crossin, P.M.
Crowley, R.A. Denman, K.J.
Eggleston, A. Ferguson, A.B.
Ferris, J.M. * Forshaw, M.G.
Gibbs, B. Harradine, B.
Harris, L. Herron, J.J.
Hogg, J.J. Hutchins, S.P.
Kemp, C.R. Knowles, S.C.
Lightfoot, P.R. Ludwig, J.W.
Lundy, K.A. Macdonald, J.A.L.
Mackay, S.M. Mason, B.J.
McGauran, J.J. McKiernan, J.P.
McLucas, J.E. Murphy, S.M.
Ray, R.F. Reid, M.E.
Schacht, C.C. Scullion, N.G.
Sherry, N.J. Tchen, T.
Tierney, J.W. Vanstone, A.E.
Watson, J.O.W. West, S.M.

NOES
Bartlett, A.J.J. Bourne, V.W. *
Brown, B.J. Greig, B.
Lees, M.H. Murray, A.J.M.
Ridgeway, A.D. Stott Despoja, N.

* denotes teller

Question agreed to.
Resolution reported; report adopted.

BUSINESS
Rearrangement

Senator KEMP (Victoria—Minister for the Arts and Sport) (10.22 a.m.)—I move:

That intervening business be postponed till after consideration of government business order of the day No. 11 (Governor-General’s opening speech: address-in-reply).

Question agreed to.

GOVERNOR-GENERAL’S SPEECH

Debate resumed from 12 March, on motion by Senator Gibson:

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.

upon which Senator Stott Despoja had moved by way of amendment:

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 FORSHAW (New South Wales) (10.23 a.m.)—What a disgraceful situation we have now found ourselves in. The legislation listed on the Senate Notice Paper to be debated today—that is, the security legislation—cannot be brought on by this government because they are in total disarray. This government said this legislation had the highest priority. Not long after those terrible, tragic events on September 11 this government said that it would seek to introduce, as a matter of priority and urgency, legislation to deal with the increased threat of terrorism around the world and the potential effects in Australia as a result of that situation. It is now May 2002, some eight months later, and this government is still in disarray over its own legislation. What have they done? They have decided to interrupt the business today
to bring on the address-in-reply debate to the Governor-General’s speech. This was last before the Senate on 12 March this year.

This government won an election on 10 November last year but in the seven months since then has only brought the parliament together to sit for a total of 14 days. There are a large number of issues affecting the lives of people in Australia. There are major problems in the health sector, the education sector and the business sector with the collapse of major corporations such as HIH and Ansett. This government does not want this parliament to meet to debate those important issues. This parliament has sat for 14 days in seven months. What is the reason for this? This government has no agenda for the future. It has no concept of responsibility to the parliament and the people of Australia to deal with the important issues that affect this country.

Bringing on this debate today gives me the opportunity, in my few remaining minutes, to finish the speech I started on 12 March. On that occasion, I drew attention to parts of the Governor-General’s speech, written for him, of course, by the government, which touched upon some of these key issues. I drew attention on the last occasion to the government’s claims that they had established a thriving business sector in Australia. We know that that is far from the case.

The Governor-General’s speech also referred to families. This government claimed credit for its policies to assist Australian families. We had a budget delivered last night and there was absolutely nothing new in it for families. What did they announce? They reannounced the baby bonus. There was nothing new in that budget last night to assist Australian families. What we know is that Australian families are going to come under increasing financial pressure over the course of the next 12 months and beyond, firstly, because of rising interest rates and, secondly, because of the increases in costs that this government announced in the budget such as for pharmaceutical products that they may have to purchase on prescription.

This government, through the Governor-General’s speech, also referred to health care. What have we seen in health care? We had a promise before the election that health fund premiums would not rise. What has happened since the election? Health fund premiums have gone up in some cases by as much as 20 per cent. Not only have health fund premiums gone up under this government but in many cases people in health funds are finding that the refunds they are getting from their health funds are declining. This is a government that has spent billions of dollars on subsidies to the private health insurance industry but still allows them to put up their premiums by up to 20 per cent.

In the Governor-General’s speech there was also a reference to welfare reform. We know what welfare reform now means to this government. It was what was announced in the budget last night—an attack on disabled people in this country. They are the ones who are going to have to pay for the increases in the budget directed to the areas of defence and security. The final area I will refer to which was mentioned in the Governor-General’s speech was ‘Flexibility and reward in the workplace’. That was the government’s title for that section of the Governor-General’s speech. What does that actually mean? It means that this government will continue with its agenda of attacking and trying to undermine workers’ rights. 

(End)

Senator McKIERNAN (Western Australia) (10.29 a.m.)—I am grateful that the government is in such a mess in its legislative program that we are not debating the issues of—

Senator Kemp—We’re over this side, Jim, and you’re over there, mate.

Senator McKIERNAN—We know it; there is no need to rub it in. But you are in a mess with your legislation. The major legislation that is on the books which has the community talking is the antiterrorist legislation. It is being talked about. It has been reviewed by the Senate Legal and Constitutional Legislation Committee, which under extreme pressure rushed in a report which was presented to one of the acting deputy presidents some weeks ago in order to prepare for the debate that was supposed to happen yesterday. The government is still not
ready to bring on that debate. It is a shambles of a government, as the budget last evening was a shambles.

The shambles that the government is in allows me the opportunity to enter into another debate which is causing me concern, like the debate around the antiterrorism legislation, with the exaggerations that have taken place on that. I also want to enter into the debate on the mandatory detention of unlawful arrivals in this country, about which a number of lies and deceit have been spread, not only in recent times but over quite an extended period—and they continue to be spread. Not only is this a public debate; it is also a private debate within the Australian Labor Party. Because I have been a participant in that debate within the party—and indeed within the community—I have also borne the brunt of some quite nasty letters and emails that have been directed to me because I have extended a view.

This shambles of a government in this legislative program provides me with the opportunity to yet again put some detail on the table, to surprise some people and actually put on the table some facts and figures and details regarding the numbers of people who are held in Australia’s detention centres. I have found, to my astonishment, that at 8 February this year—in DIMIA administered detention centres, centres other than the offshore centres, there were 2,268 people in detention. Of that figure, 509 persons had not even applied for a protection visa. Many of those people would not have an entitlement to protection in this country or would not have a case to be granted asylum status. Many of them would be overstayers in the commu-
nity. Indeed, some people would be of my former nationality, Irish, who had come in on a holiday visa, or perhaps a student visa or something like that, had overstayed their visa, had been picked up in the community and had not applied for a protection visa. Some 509 people who were in detention at 8 February had not even entered into the asylum stream.

I will not go through all of the figures, but they are detailed in my paper. There were 301 people who had had both the primary and the review application rejected but had proceeded on to the courts. There were 411 people held in detention at that time, 8 February, who had exhausted all avenues of protection visa applications, which included primary application, review of that through the Refugee Review Tribunal, and, in many cases, through both the Federal Court and the High Court systems, or who had not made any application at all.

All in all, those figures mean that, of the persons in immigration detention in Australia at 8 February this year, some 66 per cent, or two-thirds, had not applied for protection or had had their applications for protection in this country rejected on one or more occasions. I find those figures quite astonishing. This disproves the theory that is purported by some in our community that anyone who is in immigration detention is, in fact, a refugee. At that particular time two-thirds of the people had exhausted their avenues—if, indeed, they had applied to come in.

One of the very disturbing aspects of the debate has been a call, including from some people within my own party, to end offshore or overseas processing of applications for protection in this country. That call had been endorsed by individuals—some of whom have actually served in this parliament—and had been put out publicly by the Australian Labor Party. These people had purported to be acting in the interests of refugees, when in actual fact they were acting in completely the opposite direction and acting against the interests of refugees. Refugees come in many shapes and forms, but many of them who make application for protection in this country have relatives living in Australia who act as their sponsors. At 31 January this year there were some 44,086 applications in the pipeline to enter Australia under the offshore refugee program. Many of those people had been sponsored to come in by relatives in this country. Indeed, my electorate office in Western Australia is acting on behalf of a number of those sponsors. People talk about the refugee situation and say that there is no queue. It certainly seems to me that 44,086 is a queue.

It is important to compare that to the situation of those who have arrived in this country unlawfully and are in immigration detention in Australia. The people who arrive here unlawfully and are detained are given priority treatment in the processing of their visa applications. Their applications are treated first—over and above those persons who make application offshore and are being sponsored by relatives in this country. We found that those people who are making application from overseas to come to this country face not only a very long queue of some 44,000 but also an enormous delay in the actual processing times. If someone makes an application through the Australian embassy in Cairo, it takes 31 weeks until finalisation of that application—and these figures are for 70 per cent of the caseload, not 100 per cent—for Nairobi, it is 58 weeks or over a year from application to finalisation; 73 weeks for the embassy in Belgrade; 83 weeks from application to finalisation at the embassy in Ankara; and 103 weeks, almost two years, from application to finalisation in Islamabad. We know about this in my office because we have constituents in most of those places I have mentioned.

I am pleased to say that at least one of the state organisations from within the Australian Labor Party has dropped the demand to end offshore processing. But, when I raised the issue at a meeting in Perth, regrettably some people sought to shout me down at that meeting. But I was not surprised. I felt that I was going along to a meeting of the Australian Labor Party to discuss the development of a policy for the Australian Labor Party and I was disgusted and appalled to find that there were present at that meeting members of other political parties who have their own very strong policies in this regard. Their
policy is an open door migration program—an open door for illegals.

Senator Boswell—Anyone who arrives; anyone who can get here.

Senator McKIERNAN—Anyone who can get here by whatever means. Even a proposal that came from the floor at that meeting that there ought to be some mention of condemning people-smugglers was shouted down on the floor of this meeting. We are going through very dangerous times in terms of the development of policy. So it is incumbent upon me as a representative and as a migrant to this wonderful country to do whatever I possibly can to seek to preserve the Australian migration program. When I came to this country some 33 years ago, some 200,000 people came here lawfully under that program. The program announced last week by the Minister for Immigration and Multicultural and Indigenous Affairs has halved that figure, though it is an increase on previous years. It is going to be 105,000 in the next few years, and we are maintaining a refugee and humanitarian program.

Australia has constantly made the proud boast of compassion for those who are in need, often quoting the fact that, of the six million persons who have arrived in this country since the Second World War, some 10 per cent, or over 600,000, have come in under the refugee and humanitarian program. It is a proud boast. It is a boast that ought to be repeated again and again. But in many cases what people fail to mention when they are quoting those figures of 10 per cent or 600,000 is that those people who have come in over the years under the refugee and humanitarian program have generally come in through the legal stream—that is, they have gone through due process and the waiting times. I would suggest that, in the vast majority of cases, the people who have been able to benefit from entry into Australia under the refugee and humanitarian program did not have the money to pay the exorbitant rates that people-smugglers are charging. In a number of cases, the people-smugglers raise a debt against the individuals when they arrive here or in other parts of the world. Although I have not shown the document to anyone in the chamber, I seek leave to table the document, so that what I have written can be seen by one and all now that there has been some publicity regarding it.

Leave granted.

Senator McKIERNAN—I thank the Senate. I want to make some concluding remarks with regard to a contribution I made last evening, as I made that under some time constraints. I referred to my recent visit to my birthplace, Ireland, and the fact that I had been received by a number of the leaders of that country, including the President and the Taoiseach—the Prime Minister—Mr Bertie Ahern. I had meant to say in my concluding remarks, but the clock beat me, that the Irish government and the parliament will go to the polls on Friday this week after the longest reign of a government in the Republic of Ireland, led by Mr Bertie Ahern. He was a member of the first ever parliamentary delegation from the Republic of Ireland to Australia some 15 years ago. He is the current Taoiseach, he is leading that government, and I would like to give my best wishes to him and to his party for the election that will be held on Friday this week.

It is currently a coalition government. The polls are predicting that there is a chance that the Fianna Fail party will win in its own right. I am not close enough to the action to add my thoughts or to put money on the result—one would not do that with the election system in Ireland, which is rather like the electoral system that we have for the Australian Senate—but there are a number of colleagues and friends who represent a number of the political parties in Ireland to whom I would give the very best wishes to continue in their political careers. It would be a joy to me personally and to my wife, Jackie, if indeed Mr Bertie Ahern was returned as Taoiseach of the Republic of Ireland in the elections on Friday this week.

Senator BOSWELL (Queensland—Leader of the National Party of Australia in the Senate and Parliamentary Secretary to the Minister for Transport and Regional Services) (10.47 a.m.)—I have to make a speech now that may sound strange in parts, but I ask senators to listen closely because what I have found out is a challenge to us all. I believe the Senate is the place for such a
speech, as it is intimately connected with our business and the forums we provide for issues of importance for the Australian people. The scrutiny by this chamber and careful analysis by the media of issues before the parliament are hallmarks of our democracy. If one group stands to benefit from a piece of legislation, particularly in terms of money, then that group is subject to many probity checks. We must call on those strengths on a very important issue that will shortly come before every parliament in Australia.

The debate on embryo cell research has invoked strong emotions for and against. The scientists, the ethicists and the religious have all made their cases. It will be ultimately up to the legislators to decide what will or will not be done. I call for the same levels of scrutiny by the Senate and the media on this issue as have been shown on other issues in our political history. This is a most significant one. It deals with the key to life itself, and what could warrant analysis more than that? We must bring our famous Australian cynicism into play. We must look beyond the white coats and collars, and that is our job as legislators. The Andrews committee on cloning in its report devoted three sentences to funding cell research. That is understandable, because it was the parliament’s first opportunity to come to grips with the complex ethical and scientific principles involved. But the fact remains that there has been no public discussion on the money side of embryo research, and we ignore that at our peril.

Imagine debating a bill that could make a select group millionaires but not identifying who those people might be or ascertaining whether it is just that they should so profit. Imagine if the potential millionaires were the primary source of information on the issue and no-one knew of their vested interest. We must not let the promise of miracles blind us to our duties as legislators to scrutinise, to check and to know as much as possible about the stakeholders in this issue. I have yet to see any comprehensive analysis of the private and public funding available to embryo research companies. I have not seen any estimates of potential returns, except a guesstimate yesterday from BresaGen CEO, John Smeaton, that embryo research will become a multibillion dollar business.

What is the relationship between embryo research companies and the state governments? Who owns the intellectual copyrights or patents? What are the values of the outcomes of this research to pharmaceutical companies? All we have been told so far is that embryo research is about some struggling, noble scientists who want to help sick people, yet it is so much more than that. We cannot be naive; we have to be well informed. I have searched public records, which I hope will lead others to take an interest in the activities and financial characteristics of companies involved in embryo research. The market structure of embryo cell research and its funding are an intricate maze of domestic and overseas private, charity and public organisations. It would be a daunting task to regulate embryo research if there were no clear picture of who is doing what with whose money.

The South Australian government recently announced that they will provide finance for a new $8.9 million facility for biotech company BresaGen in Adelaide. But that is not broken down either. Other state governments have also poured millions into biotechnology, especially Victoria and Queensland, which are in a race to snatch overseas investment. Science writer Allon Lee reported that:

Both BresaGen and the Monash group are forging links with overseas consortiums. In August, ES Cell International announced that a consortium of Australian and Singapore investors would provide $17 million to Monash to develop its ES cell research. BresaGen also moved to expand its base by acquiring US-based biotechnology company, CytoGenesis.

As Kate Cregan, a research fellow in politics at Monash University says:

How different is biotech-fever from gold-fever or dot.com fever? We now have a biotechnology index, a new NASDAQ. And one of the new territories ripe for excavation, commodification and consumption, is us. If we uncritically accept biotechnology, under the guise of supporting the creation and proliferation of knowledge, or allow our governments to defer ethical debate indefinitely, we invite the patenting and commercialisation of ourselves.
In my brief look at the publicly available material, I have been surprised at what I have not found in terms of hard data on funding. Some of what I have come across, however, is curious to say the least. I welcome others to follow the same road and see whether or not they agree.

Australia is a world leader in embryonic cell research. There are two main groups: BresaGen, based in South Australia, and ES Cell International, which is a partnership between ES Cell Australia and a Singapore venture capital company. The ES Cell companies are based in Melbourne and are the backers of the notable Alan Trounson, the chief spokesperson advocating embryonic cell research in Australia and, naturally, a director of ES Cell Australia. Both these companies have qualified for big injections of funds from the US National Institute of Health. These grants will enable the increase of embryonic cell production for distribution around the world. The process of commercialisation will be greatly enhanced by these grants. The ES Cell International website reveals:

ES Cell International is the exclusive worldwide licensee of intellectual property covering hES cells and techniques for culturing these cells into certain cell lineages jointly owned by these four research organisations.

ES Cell International will own the outcomes of any research.

ES Cell International has also entered into significant material transfer agreements with academic and commercial groups in North America, Europe and Australasia, for the provision of hES cells in return for access to any resultant IP emerging from their use.

Ultimately ES Cell International aims to be the world-leading provider of products and technologies derived from hES cells.

In effect, ES Cell International makes the embryonic cells available for free so long as the researchers who use them come in and talk to ES Cell if they discover anything. So Alan Trounson and his shareholders have a kind of first option on discovery, the patents and their commercialisation.

ES Cell International even has its own intellectual property manager who looks after their growing patent portfolio, as they put it. Their chief scientific officer, Dr Alan Coleman, was recruited to take the company into the next stage of commercialisation because of experience with other companies that he steered towards public listing on the London Stock Exchange. His career also involved work with the Rosslyn Institute, cloning Dolly the sheep.

The General Manager of ES Cell International, Robert Klupacs, told the Andrews committee about their business plan, and he said:

If we own the intellectual property over the genes that can turn an embryonic stem cell or even an adult stem cell, from the phenotype into something else, and I can licence that perhaps non-exclusively, to everyone in the world, that is fantastic. Maybe I keep it for myself and then I have got a monopoly that I can say is worth x amount in value. That is the real driver for me. Obviously downstream, when I get to that point, drug development and therapeutic development is fairly routine but expensive and risky. But if you own the intellectual property at least you trade that and that will have a value.

After a question from the chair, Mr Klupacs elaborated:

Ultimately in this game you place a lot of bets and you hope your bets come home.

This is a world of high finance, patents, trades and deals where monopolies on human genes are traded like football hero cards, only the stakes are much higher.

ES Cell Australia has millions of paid-up shares. Publicly available ASIC records show that the directors and shareholders include the who’s who of the Richmond Football Club. That is a curious discovery. Former Richmond player and current AFL Players’ Association president Brendon Gale is a shareholder, as is Michael Gale and the captain of the Richmond Tigers, Wayne Campbell. Then there is one of the former directors of both the Richmond Football Club and the cricket club, Terrence Grigg. There is the current director Peter Welsh. They have also recruited Ray King, director of the St Kilda Football Club. Grigg and King are fellow directors of ES Cell Australia and the former president and director of the Richmond Ti-
gers, Leon Daphne, is another shareholder. We know that football is big business, but we did not know that that business included embryo cell research. Who wants to be a millionaire? Obviously a few Richmond Tigers do. There is nothing wrong with that. Everyone is free to invest where they want, but how is it that no-one has ever looked behind the public face of these corporations? Do the shareholders themselves even know? Perhaps the Tigers have finally come up with the ultimate weapon to enable them to win a premiership—to clone their best players and breed a dream gene team.

Another investor is a venture capital company currently in the process of being struck off. Its name is Australian Mezzanine Investments. Senators may recall that this company was involved with the Victorian Imaging Group. One of its directors is Joe Skrzynski who, among other things, is chairman of the Sydney Opera House Trust. Maybe they want to find a cure for the phantom of the opera.

Medibank Private director Ron Meikle has turned up as another shareholder in ES Cell Australia. Marian Wilkinson reported in the *Sydney Morning Herald* on 13 March 2000:

Dr Meikle’s Victorian Imaging group ordered two more scanners, now subject to HIC inquiry, before the 1998 Budget. This was shortly after he and his colleagues sold a huge chunk of their business in a deal with one of Australia’s top venture capitalists, Mr Joe Skrzynski.

Mr Skrzynski and his long time partner, Mr Bill Ferris, former chairman of Austrade, run the highflying Mezzanine Investments.

We must now open our eyes to the real nature of what is going on. There is big money at stake and we must know who is who in the zoo. Professor Trounson calls one of his other commercial ventures Copyrat Pty Ltd—something to do with rats and cloning. ASIC records show it has 40 million ordinary shares and 20 million preference shares. Another of his companies is called IngenKO. The ‘KO’ refers to mice with genes that have been knocked out for certain characteristics. ‘Ingen’, the first part of the company name, is the same as the company used in the fictional blockbuster *Jurassic Park*, where they bred dinosaurs from DNA.

Strangely, there is another island off the southern coast of west Java, in Indonesia, called Tinjil Island. It has won awards for its orang-utan conservation program. The other side of its activities, however, involves the farming of macaque monkeys for research. The Bogor Agricultural University in Indonesia runs a primate program in association with international interests. A Washington-Indonesian group is working with the US naval medical research unit in Jakarta on primate genomics. The man who runs the Bogor primate program on Tinjil is Dr Dondin Sajuthi. He is a director of a company called Maccine Pty Ltd. Their web site describes Maccine Pty Ltd as:

A recent spin-off from Monash University, one of Australia’s leading medical research institutions. It is headquartered in Melbourne, Australia (the hub of medical research and biotechnology in Australia) and it also operates facilities in Indonesia. Leveraging its origin at Monash, Maccine is also marrying state-of-the-art embryology and nuclear transfer cloning techniques with its CRO function to develop and supply the best possible models for its clients.

Our unique collaboration with the Bogor Agricultural University primate research facility is aimed at improving knowledge regarding the preservation of primates and the use and the development of medicines to treat human diseases. Consultants from Monash will bring their world-leading embryology technologies to Maccine’s international R&D program so we can produce genetically identical macaque monkeys. These genetically identical animals will be used in our contract research activities and made available for direct supply to research institutions.

It is not hard to conjure up a picture in your mind of a remote jungle island where men in white coats clone monkeys for military research. It sounds like a movie—and yet it is real. Professor Trounson is a shareholder and a director in the identical monkey company, Maccine Pty Ltd. He also sits on Maccine’s scientific advisory panel. The Monash Institute of Reproduction and Development has stored on ice the skin samples of dogs and horses in anticipation of cloning technology for pet owners. Senior research fellow Ian Gunn was quoted in the *Australian* on 8 May as seeing no ethical problem with pet cloning. He said:
Who are we to say you can’t do it even if you want to invest that money.

Their approach is: if you have the money and the technology you can do whatever you want. All this comes at a time when the creator of Dolly the cloned sheep, Ian Wilmut, has just published findings that every cloned animal in the world is genetically and physically defective.

The members of this Senate are called on to be legislative pioneers in biotechnology. It is crucial that we are as informed as possible. We are moving in the current of history. The Senate’s duty, as always, is not to be dragged along with it or overthrown by it but to control and direct it toward the salvation, not the shipwreck, of our citizens.

It somehow seems fitting to end with a quote from a character in the movie Jurassic Park. He is talking about the company, Ingen—the same name used by Professor Trounson for one of his corporate ventures. He says:

Genetic power’s the most awesome force the planet has ever seen, but you wield it like a kid that has found his dad’s gun. Before you even knew what you had, you patented it and packaged it and slapped it on a plastic lunch box and now you’re selling it.

Senator GIBBS (Queensland) (11.05 a.m.)—I would like to take the opportunity today to speak about Australia and the choice of futures that face us as a nation. Australia is a great country, it always has been, and I strongly believe it always will be. We have achieved much in the way of science, technology, academia, humanitarianism and the arts. We have produced sporting and cultural legends.

I have every confidence that we will continue to do so, but it seems evident to me that Australia is becoming a different country from what it has been in the past. It has been a slow change. It has not happened overnight. It has not happened in the blink of an eye. It has not happened under just one political party. It has been a gradual change. It has been one that has snuck up on us, often propelled by events outside of our control. Some of that was reflected in last night’s budget—a budget that, despite the government’s spin, was not a budget about the future; it was a budget about the past. Change is inevitable but, while we accept the inevitability of change, we should not accept that change must happen blindly. We can guide change. We can channel it. We can do our best to ensure the country does not become something we do not want it to become just because we have given up trying.

For all of these reasons, it is important for Australia to think about its future. To suggest that we could control our destiny completely on our own would be naive. Australia will always be a citizen of the world. That, however, does not mean we should shirk the responsibility of facing world events as a nation that has thought through its place in that world, a nation that knows what it wants its future to be. To sit back idly as parliamentarians or indeed citizens and let our nation become something we do not want it to become would be a crime. I would encourage every Australian to think about the sort of society they would like to live in. We need to consider now what sort of country we want Australia to be in a year’s time, in five years time and in 10 years time. We need to consider now what sort of a country we want Australia to be in the future, because now is when that country is created. We are building tomorrow today. We cannot afford to sit back and say our social problems can wait to be fixed. We cannot afford to sit back and believe that if we only wait a few more years there will be some magical solution to the issues that dog us. We need to be active now in thinking about how we might solve these problems.

In saying that, I would like to discuss some of the things that have happened recently in Australia that are already impacting on us. Australia is being changed by recent events. It is also being changed by continuing problems that are not being adequately addressed by government. These are issues that I think will play an important role in deciding what sort of nation we become. Some may agree with me when I say they are defining issues. Some may agree with the strategies I suggest for tackling these problems. That is all well and good. I am glad we might be able to reach some agreement. Even if others do not believe that the issues I
speak of are defining ones or that the strategies I suggest will have any impact on the problems, I encourage them to take an active role in thinking about Australia’s future. What matters is that people actively think about the sort of nation they want to live in—think about it, talk about it, write about it, discuss it and debate it. Not every favoured solution will be the same. Many will be at odds with each other. But, hopefully, by recognising these problems and by discussing them we might come at the very least to some sort of consciousness about the country we live in.

There are two issues I would like to use the opportunity today to discuss. The first is the issue of asylum seekers. Throughout its long history, Australia has seen new arrivals land upon its shores. They arrived at different times, in different numbers and for different reasons. But arrive they did. In the past few years we have seen that process continue with a number of asylum seekers arriving on our shores seeking refuge. It is not a problem distinct to our nation. If you look elsewhere in the world, you will see dozens of other countries that are beset by refugees. Many of these countries are much less developed than Australia. Many of them are faced not with a few hundred refugees at a time, as we are, but with tens of thousands.

The situation unnerved many Australians. I can understand the public being frightened by the circumstances. I can understand them being concerned about the security and safety of our nation. I can understand them reacting at first in a manner that they may later question. It is a natural reaction. That does not mean, however, that our initial feelings should be the ones we use to judge an issue in the long term. Australia has always been a compassionate nation. We have always been a nation that played our part in helping out. Australia prides itself on being the fair-go nation. We pride ourselves on being free, easygoing and giving everyone an equal chance. We like to think of ourselves as a friendly country that welcomes all. Unfortunately, I do not think all of our actions last year reflected that ethos. Indeed, some worked actively against it.

A few months ago, Labor endorsed a framework for a detailed long-term solution to the issue of asylum seekers. It is a solution that we see as being strong on protecting our borders but compassionate on humanitarian concerns. We believe that some form of mandatory detention is needed to enable us to establish the identity, security and health of asylum seekers. It also reduces the risk of some asylum seekers absconding. In saying that we need to keep mandatory detention, it is important to recognise that there is more than one form of mandatory detention. In its policy review, Labor is considering possible variations to the current detention model, including the nature and duration of detention.

In more concrete terms, Labor caucus also endorsed a series of significant measures. We believe the government should be put back in control of the detention centres, with the Australian Protective Service replacing the ACM security firm. Woomera should be mothballed, as recommended by the government’s own independent detention centre advisory group, and detainees moved to other existing facilities. Media access to detention centres should be permitted with appropriate protocols. The recently announced Afghani resettlement allowance should be extended to Afghans on temporary protection visas and to other ethnic groups to facilitate their return home.

I really do not want to get bogged down here today in detailed policy issues. That is not my goal. I would much prefer to focus on the effects of the policy on the future of Australia. Issues of policy implementation are important. They should be considered and debated at length. But it is also important to look at how our reaction to these situations may shape our future. I believe the government’s handling of the situation was harsh. Instead of leading the nation in trying to reach a reasoned, compassionate and principled solution to the problem, the government opted for a political solution. They opted to take the solution that best suited their interests three months out from a federal election.

We could debate that strategy for days, and it is quite tempting to do so, especially
considering its success in helping win the government the 10 November election. I could spend days debating it, but I will not. I would like to challenge all Australians to think about our treatment of asylum seekers and what we as a nation are doing to them. Do we want to be seen as a nation that is mean spirited, one that treats some of the most unfortunate people in the world as a political football? Do we really want to be seen as a nation that locks up women and children in mandatory detention for an extended period of time? I would like to think not. I would like to see the people of Australia be given a chance to consider the issues in an environment that is not controlled by political rhetoric. Already the situation is affecting our reputation overseas. Earlier this year the outgoing European Union mission head Aneurin Hughes said that the issues of immigration and asylum seekers were the biggest Australian story in Europe since the Tampa stand-off last year. He said, ‘I think it is doing a huge amount of damage in Europe.’ The importance of this goes back to the point I began on. Australia is becoming a different place. Is every aspect of that change something we want to embrace? Does that change speak of Australia being the sort of place we may not wish it to be? I think to some extent it does. I think we need to consider the implications of our current actions.

For the same reasons, I would like to speak today about poverty in our society. If asked, most people would be quick to say that they could recognise poverty if they saw it. Everyone is familiar with the images of the homeless man sleeping out in the open, exposed to the weather. People are familiar with images of children who come home to empty fridges and empty cupboards. Few people choose to be poor. Few people choose to be unemployed. Few people choose to have their children go without three solid meals a day. Few people choose to be homeless. Few people choose any of these things, but still poverty afflicts us. The facts and figures speak for themselves. A report by the Smith Family, based on data released by the National Centre for Social and Economic Modelling, said that the number of families with two adults and two children who were having to survive on as little as $416 per week was rising. In the year 2000, 12.3 per cent of adults and 14.9 per cent of children lived on or below the poverty line. The figure for children was up 0.6 of a per cent from 1990. The figure for Australians overall was up from 11 per cent in 1990 to 13 per cent in 2000.

Last year Australia’s 1.7 million low-paid award workers received a lower pay rise than any other group of employees in the country. A study by the ACTU showed that, while the average increase for award workers last year was 2.5 per cent, average weekly earnings rose by 4.6 per cent. It probably comes as no surprise that senior managers received the highest percentage increase in base rates of pay, averaging five per cent. The ACTU data showed that half of the 1.7 million employees on award wages earned less than $13 an hour. That equates to less than $500 a week. The recent pay rise for low-paid workers has gone part of the way to addressing that problem. It is not acceptable in a country like Australia to have more than one in 10 people living below the poverty line. We must do better. We must try harder to address the causes of poverty and the problems it creates. While the numbers do give a broad picture of the problem, there are a lot of indicators of the problem that go much further beyond statistics.

There are numerous personal stories I could cite that demonstrate the problems of poverty in Australia, but there is one I would like to focus on as an example of the more insidious and often hidden aspects of poverty in Australia. Recently a primary school in Ipswich faced the problem of possibly losing one of its teachers because it was four students short of the quota needed to maintain the extra position. Of course it would be wonderful if every state government could afford to fund education to an extent that reduced the staff-student ratio. Education should be a priority, but given the fact that all governments are constrained as to the amount they can spend on education they obviously must establish some system of determining how teachers are allocated to schools. The system used in Queensland involves the number of students in the second week of school being used to allocate teach-
ers. Unfortunately, the cost of schooling—even state schooling—is becoming prohibitive. Some parents are avoiding sending their children to school in the first couple of weeks because they cannot afford to buy a uniform, they cannot afford to buy textbooks or they cannot afford to buy shoes. It is a terrible situation when children cannot attend school because their parents cannot afford to send them. There are many solutions to this problem—and I am sure many schools are open to examining solutions to those problems—but it speaks of a wider problem. It is but one example of the pervasiveness of poverty in Australian society; there are many others.

I believe poverty is one of the major issues that will shape a future Australia. Our country has always had a low tolerance for poverty—not the poor themselves but the fact that some people must suffer poverty. It would be a travesty if the general populace came to accept a growing level of poverty. We must do our best to stop the spread of poverty amongst less well-off Australians. We must do our best to ensure that the institutions that are important to everyday Australians, but especially to the less well-off, are not eroded. Australia has done a worthy job of ensuring a free public health system and a free education system in the past. It is up to us to ensure both of these fine institutions continue to flourish well into the future.

I was pleased to hear in the Governor-General’s speech a commitment by this government to pursue prosperity in which all citizens may share. I welcome that commitment. I hope the government will approach it wholeheartedly. I hope the government will not fill their promises with hollow words. The treatment of asylum seekers and poverty are only two issues that may influence the future direction of our nation. They are not the only ones. New issues will arise. Other issues will take centre stage to occupy the public consciousness from time to time, but I would like to challenge all Australians to keep these two issues foremost in their minds.

I would like to challenge all Australians to think actively about the sort of nation they want to live in, the sort of nation they want their children to live in. It is impossible for the future of Australia to be totally in our control. There will always be instances where events outside our borders and outside our control impact on the way we live. That cannot be helped. We cannot control that. However, we can control whether we take an active interest in thinking about the sort of nation we want to be. If we do not start taking a more active role, we risk turning into a pale shadow of other countries. We risk losing much of our character and some of our cultural distinctiveness. We risk becoming a nation that does not offer a fair go, a nation that no longer stands up for the less well-to-do. That is not a loss we should suffer without a fight.

Senator Boswell—Mr Acting Deputy President, prior to the last speech I wanted to table some documents. I have shown these documents to both sides of the chamber, and they have agreed. I now seek leave to table the documents.

The ACTING DEPUTY PRESIDENT (Senator Forshaw)—Is leave granted?

Leave not granted.

The ACTING DEPUTY PRESIDENT—Senator Boswell, it appears that at this point leave is not able to be granted. I will come back to the issue after Senator Barnett’s speech.

Senator BARNETT (Tasmania) (11.25 a.m.)—The Bass Strait Passenger Equalisation Scheme has been boosted in last night’s budget by some 52 per cent, or $9.1 million, to $26.6 million. It is a massive increase. It is going to provide huge benefits for Tasmania, and when it is coupled with the Freight Equalisation Scheme it amounts to $97.6 million a year for passenger vehicle and freight subsidies on Bass Strait. It should be remembered that only a few years ago, before the passenger vehicle measure, the grand total under Labor was only about $40 million. This is actually well over double the amount that was provided under the federal Labor government.

From 1 September this year, the old seasonally based passenger vehicle rebate, which ranged between $100 and $150, will be replaced with a flat $150 each way for
vehicles. That is a very good measure—a generous one and an important one. As well, in a new initiative that was announced just last night, there will be a $300 rebate for motorhomes and caravans each way across Bass Strait. This measure is aimed at the growing number of retirees who are increasingly relying on extended motoring holidays. Eligible drivers with a disability who cannot travel by sea will have access to the reduced passenger vehicle fare by flying across Bass Strait and shipping their vehicle. According to Deputy Prime Minister John Anderson’s office, the number of passenger vehicles shipped across Bass Strait since 1996 has more than doubled, from 63,000 vehicles in 1995-96 to 127,000 vehicles in 2000-01. Again, these are benefits that flow from the Howard government’s policies in this regard.

I am very pleased that the federal government has decided to leave both the passenger vehicle and the freight equalisation schemes uncapped and demand driven. That is the good news. It is very good news because, as demand increases, the support and the subsidies follow and ensure a good outcome for tourism and business and the community in general in Tasmania. The schemes will grow in outlays, along with the expected increase in Bass Strait freight and tourist activity caused by the new monohull ferries. So we are doing our bit in spades to make the new ferries a success. The $71 million a year in the Tasmanian Freight Equalisation Scheme benefits about 1,450 shippers, ranging from small businesses to large companies, and it covers such products as confectionery, frozen vegetables and newsprint.

In addition, under last night’s initiative, there are several other initiatives that I would like to refer to: firstly, $100,000 in funding for the creation of an environmental and town planning degree through the University of Tasmania, including two scholarships worth $10,000 each; secondly, $1 million in funding on a dollar-for-dollar basis with the Waratah-Wynyard Council to assist in the development of a new sewerage system for Sisters Beach and Boat Harbour; and, thirdly, $50,000 in funding to help Mentor Resources maintain the delivery of their award-winning services to Tasmanian small businesses. I would like to pay specific tribute here to Tony Bromage, who leads Mentor Resources, and his board for the work that they do in supporting and assisting small business and ensuring that jobs grow in Tasmania. I know Tony and his team, and they do an excellent job. I congratulate them.

In addition, there is $2.5 million towards the upgrade of the busy and often dangerous Arthur Highway. Another exciting election initiative of the federal Liberal government to be funded is the $1.5 million Tasmanian regional tourism infrastructure package. There are three separate projects which will be funded this coming financial year and which will add significantly to Tasmania’s range of tourist attractions. The first is the Burnie Rail project. The Howard government has allocated $125,000 to develop the dining car, which seats 45 people and will travel the rail line in the evening. The second project is the Kingston Pier project, which the federal Liberal government is supporting by providing $250,000 of the $350,000 required for the project. In this regard, I would like to pay special tribute to honourable senator Eric Abetz for the work he has done in ensuring the delivering of this initiative by the Howard government. This is a project of great importance to the community and local service clubs and will encourage tourists to visit the Kingborough and Huon municipalities. I know full well that honourable senator Paul Calvert has played an important role in ensuring that those initiatives have been delivered, together with Senator Eric Abetz and the other Tasmanian Liberal senators. Congratulations. The third project will see up to $95,000 provided to the Ringarooma Community Cultural and Heritage Association, which is seeking to restore the former Ringarooma Anglican Church and use it as a community and heritage centre.

Senator Ludwig—Where?

Senator BARNETT—It is in north-east Tasmania, a vitally important part of the state. The funding is on a dollar-for-dollar basis with the local community and Dorset Council to meet the $190,000 cost of the projects. Projects that will be funded in this financial year, 2001-02, are the Mersey River
Foreshore Upgrade and the very important Low Head Tourism Precinct. I have talked to members of the George Town Council with regard to this project. They are excited; they are looking forward to the project. It will be a boost to tourism in the area of Low Head, and they are very thankful for the support that has been provided.

In addition to these announcements, Tasmania will also benefit from several new budget measures, including Tasmanian small businesses and job seekers benefiting from the new financial incentives to take on apprentices, especially in the information technology field. Employers will be given a $750 incentive payment at the beginning of an apprenticeship for high school students, a $750 bonus for keeping them on after they complete year 12 and a $1,100 incentive for information technology apprentices. In addition, we are going to have safer airports, safer skies and new safety measures all round. Tasmania will benefit from the continuing low interest rates made possible by paying off Labor’s debt of $61 billion.

With regard to World Heritage, the state Labor government have been whingeing this morning in the Tasmanian media. Yes, there has been a reduction in specific payments for World Heritage management from $5 million to $4.3 million, but they have not acknowledged and taken into account the option for further funding under the Natural Heritage Trust. Unlike past years, the state government must not miss this opportunity to apply for that further funding to ensure that it is provided. In addition, it should be noted that, in terms of total payments from the federal government to the Tasmanian government this year, there will be an extra $21 million. That should be noted and acknowledged. There has been a lot of whingeing and carrying on by the state Labor government in Tasmania about the GST-induced recession.

Senator Ludwig interjecting—

Senator Barnett—It has not happened. As a result of that, the budget figures in the papers actually put a lie to that proposition by the Bacon Labor government. We have that extra $14.2 million funding that is being provided this financial year, and that is very good news.

As a Launcestonian, the issue of wood heaters is important in our city, and the $2.1 million for the Launceston wood heater replacement program will promise significant benefits for those who live in the Tamar Valley. As a new resident to Launceston, this is very good news not only for my family but also for the entire community in Launceston and the Tamar Valley. The Natural Heritage Trust funded financial incentives scheme will encourage householders to switch to cleaner-burning heating appliances.

The rural communities will be delighted that the government has allocated $3.2 million to two major water infrastructure projects. We are providing $2.6 million towards the construction of the Meander Dam on a matching basis with Tasmania to meet the shortfall in private investment. That is subject to a feasibility study into the viability of the dam. That is now definitely on the way. I visited the dam a few weeks ago with some local identities in the local community and they are right behind the dam. The farmers, the small businesses and the retailers in the area are very much supportive of this initiative and are thankful for the promises that have been made. I would like to see cooperation between the state and federal government, the local community and the local government to get that dam under way. It will provide many benefits in terms of agriculture and business, and it will support the community 100 per cent.

I would now like to advise of some research undertaken with respect to Bass Strait as to whether it will be a level playing field and to advise on the figures that have been provided by the state government as opposed to those that have been provided by the federal government—windfall payments to Tasmania from GST revenue starting in just two years will add to the pampering of the TT-Line as a heavily subsidised shipping line; while we all celebrate the arrival of the two monohull ferries in September this year and fervently hope that they will be a resounding success, it is worth noting that they will be funded—and the subsequent risks on the Bass Strait passenger and freight market.

It is important that we know how they are funded. When you include the $176 million
the Bacon government has earmarked for a taxpayer contribution to the monohulls, then all up since 1984 both Australian and Tasmanian taxpayers have paid out at least $500 million to the TT-Line in today’s dollars terms, in either recurrent or capital subsidies—so much so that the TT-Line has never had to buy a passenger ferry outright using all its own money. Nor has it ever set aside adequate funds for new replacements. Why should it bother when we pay up every time? The Abel Tasm'an was a $27 million gift from the Hawke government in 1984. As well, $4 million was spent in crew quarters modifications to the ship, paid for by state taxpayers. In 1993, half the $150 million price tag of the Spirit of Tasm'ania was paid for with taxpayer borrowings. Now, $176 million of taxpayer funds has been earmarked for the monohulls. Since 1996, taxpayers have paid out about $90 million in subsidised passenger vehicle fares under the Howard government scheme. Of course, that is going to increase this coming financial year to nearly $100 million, if you include the freight equalisation scheme support as well.

State taxpayer contributions to the monohulls will be in the form of $44 million a year over the next four years. Midway through the four-year cycle, the new federal tax system, which the state Treasurer David Crean so strongly believes is a negative for Tasm'ania’s economy, will come to the rescue. GST windfall payments, over and above the routine annual federal funding of state coffers, will start in 2004, initially with an extra $14.3 million a year. Over the next four years, payments will ramp up to $73.3 million a year by the year 2007-08 or a cumulative $143.2 million over the four years, which is enough to cover 81.4 per cent of Dr Crean’s ferry borrowings. The GST in effect will save Dr Crean’s bacon in a big way. It will save the TT-Line from having to hike passenger fares further to recoup its share of the Greek ferry costs. It will also save Dr Crean from having to hike state taxes—after the state election, naturally—to help protect his bottom line from the impact of the ferry borrowings. Dr Crean would deny that extra state taxes would ever have to be called on, but the $44 million a year required for the taxpayer funded monohulls will eat up each year’s $40 million special dividend which Labor has been ripping out of Tasm'ania. This annual special dividend has underpinned each Labor budget since 1998. They have had a proclivity to rob Peter to pay Paul, in terms of the government business enterprises and drawing money out of those enterprises so that their budget bottom line is a positive rather than a negative.

In regard to Bass Strait transport, thanks to the GST windfall, state taxpayers will not be burdened for long with all the ferry debt. What are the consequences for Bass Strait from this ferry adventure? For a start, the TT-Line is so heavily subsidised that George Town can just about forget about a private operator filling the void left by the TT-Line. How could a private operator be expected to compete with another shipping line which relies on governments to fund half or all of its ships? Similarly, how can Brambles, Patrick and ANL compete fairly with the TT-Line on the freight market? Just last week I spent some time in George Town and met a number of small business people and local residents. They are very upset and concerned with respect to the decision that has been made. They are also specifically concerned by the lack of action and response from the state government to their plight. They have had the cat running from George Town to Melbourne for the last three years plus. That has now concluded, yet the state government has not taken into account their plight adequately—not only their plight but the plight of those in north-east Tasm'ania and down the east coast of Tasm'ania as well.

What will happen to the freight operators? The private freight operators will have a far greater freight capacity than the two monohulls, but there is still a risk that their viability will suffer while in competition with a shipping line which has just trebled its freight capacity to 25 per cent of the market and which has nowhere near the same capital overheads because of its taxpayer subsidies. The question is: what assistance will the state government offer any private operator looking to run a fast and frequent catamaran service from, say, George Town to Port Welshpool or Stony Point, as suggested by
the Premier? We are waiting for the response.

The state budget will be presented in a week or so. It will be interesting to see what, in that state budget, takes into account the plight and concerns of the people in George Town and the north-east. If the TT-Line and the state government are to deny any serious foray into the Bass Strait freight market, why is its capacity to lift increasing from 240 to 560 containers a week by September? Why will the truck capacity on the TT-Line increase from 35 to 244 trucks on the two ferries? What form of assistance will the state government offer the Tamar Valley and George Town to offset the loss of next summer’s Devil Cat service? We are keen to see these questions answered, hopefully in next week’s state budget for starters.

Finally, no matter what the Premier says to explain the decision, future generations will record that in 2002 we bought our ferries second-hand from Europe while our very own world-class shipbuilder struggled to stay in business. I pay tribute to those who work at Incat for persevering under this pressure and offer them support and encouragement. The state budget will be a telling point. It is important that the state government provides support and initiatives to the north and north-east of Tasmania in light of those communities having their guts pulled out of them as a result of the termination of the cat. I hope that adequate measures will be put in place in the state budget to take that into account. I have talked to the mayor and community representatives in George Town in the north and in the north-east. I know that they are particularly concerned and that there is a range of initiatives that they would like to see considered in the state budget. I will certainly be supporting every effort they make to ensure that there is a good outcome in that regard.

Finally, I would like to pay tribute to the government for its Intergenerational Report. It is good for government to be involved in long-term planning and long-term thinking. It is perhaps a little unusual in many respects. The *Australian* today provides a full-page overview of the ‘2042 Report’, as it is called. The article, headed ‘Future holds “massive deficit”’, states:

Massive increases in health and aged care spending, a declining birth rate and an increase in the proportion of aged Australians means government spending will begin to exceed revenue within 15 years, according to Peter Costello’s landmark *Intergenerational Report*.

Caring for our aged and older Australians is vitally important. *(Time expired)*

**Senator Boswell**—Prior to the last two speeches, I attempted to table some documents. I have now shown those documents to the government and to the opposition, and I seek leave to table those documents.

Leave granted.

**Senator BROWN** *(Tasmania)* *(11.46 a.m.)*—I want to express my dismay at the drift in Australia away from value politics towards a dollar-driven policy where, it seems, economic rationalism and the cold face of commerce, without the decency of humanitarian values, has become the ethos of the cockpit driving Australian affairs. We saw this reflected in the budget handed down last night, and we are seeing it in legislation entering the parliament—not just before the last election but particularly since the last election. The legislation sees the curbing of long-held human rights in Australia; it sees us dealing with countries such as China—at least the government of China, which routinely abuses human rights and turns a blind eye to it because commerce overrides all—and it sees the dereliction of a number of international treaties by the Australian government. The dereliction is in ignoring the terms of the treaties, whether they deal with indigenous people, with human rights, with the environment, or with our obligation to help people in need elsewhere around the world. In some cases, this country is in flagrant violation of those treaties. Before this government came to office, we had a very proud record of leading the world. In particular we ascribed to United Nations-fostered treaties which are the essence of the direction the world must take, because together we must abide by humanitarian and environmental agreements, not just by agreements which promote economic advantage.
If one can ever see an example, writ large, of the distressing way in which the world is going, it is in the news in the last 24 hours of the presidential signature in the United States being appended to a massive increase in agricultural subsidies. This comes close on the heels of protectionism of the steel industry, and affects not only farmers in this country but also farmers in many poorer countries around the world, who have no defence against that sort of latter-day imperialism.

Senator Murray—They used to be known as the Great Satan; now they are the Great Hypocrite.

Senator Brown—I appreciate your comment, Senator Murray. It is hypocrisy writ large, but it is hypocrisy which comes out of a failure to observe human and ecological values. That is why we Greens are in this parliament and in other parliaments around the country. There are many people in the community, particularly younger people, who do not believe that this is the right approach to take to secure a safer and more beautiful world for the next generation to grow up in.

It was with these things in mind that I visited, in the last two weeks, Colombia and Korea. I want to talk about those visits briefly. I went to Colombia because that country, while having the basis of a democratic system, is racked by violence. In particular it faces, and has for some decades now, insurgencies by the FARC guerillas— who began as leftist guerillas but whose leadership now, in its 70s, has some 17,000 to 30,000 members devoted to violence, drug running and kidnapping. In the last five years, half of the 15,000 kidnappings around the world have been in Colombia.

There is another organisation, called the ELN, which is currently having talks with the Colombian government under President Pastrana, and those talks are being mediated by Fidel Castro of Cuba. There are also right-wing paramilitary organisations—again closely linked to money coming from the drug cartels—which are cruelly coming from the other side, with the civilian populations caught in the middle. While I was in Colombia, and I know this made news in Australia, 108 people who were caught in the middle of this reckless violence were killed and some 100 more were injured in an attack by the FARC guerillas. That attack involved a 14-year-old boy who, assembled with dynamite, walked into a group of refugees near a church in a small country town in the north-west of the country.

I was also made aware of the terrible doings in Colombia by the kidnapping earlier this year of the candidate for the Verde Oxigeno—that translates as ‘green oxygen’—party for the presidency. I know the candidate, Ingrid Betancourt. She was at the world Greens conference here in Canberra last year and was one of the two speakers—the other being Wangarri Maathai from Kenya—who set the conference alight. She got a standing ovation and phenomenal applause from delegates from 80 countries around the world, because of her inherent bravery. She outlined how she had had death threats, how she had to send her children out of the country because they had also been threatened, and she talked about the extraordinary situation where 1,400 assassinations of political figures have taken place in that country in the last couple of years.

In February, after the breakdown of peace talks between President Pastrana and the FARC guerillas, the government bombarded the central southern city of San Vincente del Caguan. Many people from there rang Ingrid Betancourt to say, ‘We are being bombed, civilians are being killed—please come.’ She went to the nearby city of Florencia. It was agreed that a military helicopter would be provided to take her to the city because it had a Green dominated council and a Green mayor. However, the invitation was withdrawn the following day. President Pastrana, who had been assisted by Ingrid Betancourt to say, ‘We are being bombed, civilians are being killed—please come,’ went there by helicopter while she was denied use of it. Not the sort of person to be denied something, she then went by car with four companions, including her fellow candidate, Clara Rochas. They were stopped by the guerillas and in a minefield, literally, were abducted. Her whereabouts has been unknown since then.

In the meantime, a conservative woman senator in Colombia has been brought out of
guerilla hiding and executed in public. Senators here should hear this chilling news to know what it is like to be in a country like this. She was executed, shot through the head in public, for no other reason than it appears to demonstrate the capacity for savagery on both sides in this beautiful but awesomely violent country. Behind the violence is drug running, particularly to the United States. I am told that 35 tonnes goes out of the country by air every fortnight.

A very brave environmentalist by the name of Senor Angel Maria Munoz, who also comes from San Vincente del Caguan—the city that Ingrid Betancourt was trying to reach—told me in Bogota about the environmental problems associated with the drug running. The forests are being cut down to grow the cocaine crops and then being sprayed with pesticides. It is causing havoc in the poorer areas on the edge of the Amazonian forest where the guerillas have their stronghold.

I met with Ingrid Betancourt’s mother and sister, Clara Rochas’s mother and a great many citizens, including those representing Redepaz, the national network of initiatives for peace and against war. The coordinator of that organisation, Ana Teresa Bernal, is a most impressive woman. This is a non-government organisation fighting for peace. It is not just senators who face risks but if you are in a non-government organisation in Colombia you face the risk of abduction or death if one of the terrorist organisations do not like what you are saying.

Just before I arrived in Colombia, the leading candidate for the presidential election on 26 May—that is next week—Alvaro Uribe arrived in a town to foster his campaign, a bomb went off under his car, the tyres were blown out, the driver, knowing what he was doing, locked the doors so that the people could not get out of the car and he drove down the street on the rims of wheels away from the village square where people were assembled to hear the presidential candidate speak. Fortunately, he did that because had they got out of the car there would have been trouble because there were terrorists on the rooftops around who riddled the car with bullets as it was escaping. To take any part in public life in Colombia is to face assassination if not kidnapping.

It is something that we all have to be aware of. Earlier in the year I was in Nepal where similar events were occurring. Later I went to Korea, while not so violent, which is also a country with great problems in terms of political corruption at the highest levels. I thank the Australian ambassador to Venezuela, Mr John Woods, who came from Caracas to Bogota to assist with my visit. He was most helpful in that regard. So was the Australian consul in Bogota, Mr Christopher Bishop. Both of them were very helpful with interpreting, amongst other things, as I met with various people to try to work out not only what the situation is Colombia but also what, if anything, we in a much more peaceful and democratic country like Australia can do to help. I think raising the international profile helps.

I urge the Australian government to look at some way to intervene to raise the general level of safety and maybe the safety of those people who have been kidnapped in Colombia. Some 3,000 Colombian students are currently studying in Australia. There is great room for us to foster that further and to increase trade relations with Colombia. By securing growing international contacts we secure the safety of democracy in that country as well as the safety of the people who want to take part in it. Extraordinary courage is being shown by extraordinary people. I will continue to keep my links with those people involved in the movements towards peace and an end to terrorism in Colombia so that that magnificent country of 40 million people can develop the nation’s huge potential. I am not sure that simply pouring money and arms into the country is going to do anything but harm the situation. I caution the United States in particular that it has an obligation to do something at its end about the drug trade rather than simply pour arms and money into Colombia to end the drug trade, much of which corruptly goes into the hands of the wrong people.

Seoul, in Korea, is one of the most polluted great cities that I have been to—and I have been to Mexico City. But to be in a place where 85 per cent of the chemical
pollution is caused by cars—which have a higher environmental requirement in terms of exhausts than in Australia—and to be able to register in a city block the blue smog that is biting at your eyes, is a very sobering experience for those of us who recognise that pollution from the burning of fossil fuels is one of the great scourges of the 21st century.

In Seoul I met with a wide variety of environmental, local government and national government figures, including the minister for the environment. He was good enough to give me an audience on Monday, after I had spent two days at Saemangeum, which is 3½ hours fast train ride south of Seoul. I compliment the Koreans on their rail services. They say they are out of date but, to me, seeing trains always on time and travelling at 180 kilometres per hour through the countryside is a real joy. It points again to the need for Australia to catch up and to develop its rail and public transport systems not just to complement but to avoid the problems which come from individualised motorised traffic.

Saemangeum has been important to me for some time, and it should be important to all of us. These vast tidal flats on the central west coast of Korea, where the two big rivers come from the mountains to the sea, are the feeding grounds for huge numbers of Australian migratory birds. Margaret Blakers, from my office, was at Saemangeum as well. We were taken there by members of KFEM, one of the two major national Korean environmental organisations. While at Saemangeum, we were able to see these birds that had newly arrived from Australia. It was interesting to think that we had arrived on the concrete at Inchon Airport—built on an island north-west of Seoul—and were very pleased to have a nice landing. But, as far as the tens of thousands of other Australians—the bird life going to Korea—are concerned, finding the same landing, which is all that is available to them if the Saemangeum reclamation project goes ahead, means death. These birds have to feed on the intertidal zone. They land in the mud. They fish for shellfish, worms and crabs with their beaks. We could see all this as if it was at our feet, through the marvellous telescopes of our companions. The birds fatten up then for their trip further north to Siberia and the breeding grounds, from which they return to Australia in our next summer.

Let us be clear about this: the Saemangeum project is one of the great environmental disasters of the world in waiting. I was astonished by it. These tidal flats are huge: 40,000 hectares in extent. That is eight times the size of Sydney Harbour. They host millions of birds from Australia, Mongolia, Malaysia, New Zealand, China, Alaska and many other countries, crisscrossing on various migratory routes on their way around the world. In fact, the importance to wildlife of these breeding grounds is analogous to the Serengeti National Park in southern Africa and the great penguin and seal rookeries of the sub-Antarctic islands like our own Heard Island and Macquarie Island, now World Heritage. They are of global significance and should be World Heritage.

But since 1989 serial Korean governments have decided to reclaim the land instead. Claiming from what, I do not know. This is a euphemism for destruction. The proposal is for this 40,000 hectares of land that is covered by sea at high tide and is an extensive feeding ground for the birds at low tide to be covered by landfill. To do that, massive break walls are being built out from both sides of headlands—35 kilometres of break wall—creating an area which will be infilled. To fill in this vast area of sea at varying depths, over 100 mountains are being flattened, including one in a nearby national park, to provide the infill for later industrial parks and potential agricultural land—although they do not know what the agricultural land will be used for, because Korea has an oversupply of rice and the land is not earmarked for any particular agricultural pursuit. By the way, the fishing industry and the women from local villages who make a living collecting mussels and fish for sale will be eliminated as far as these wetlands are concerned.

This is a $2 billion project. Hyundai, which sells cars in Australia, is the major contractor. The project is a disaster for Australian birds. I thank the KFEM; Mr Choi Yul; Miss Kim Choony, who went with us, and her companion; the Green Party in Korea, which has just been established; and the
other people in Korea who hosted that visit. I will continue to be a very strong advocate. Australians should know about Sae-mangeum. I am disappointed that the government is not going to oppose it. If I have anything to do with it, every Australian will know about the impact—the deadly impact—this project is going to have on our migrating wildlife in the decades ahead. This project should be stopped.

Senator COLBECK (Tasmania) (12.06 p.m.)—I would like to congratulate the Treasurer, the Hon. Peter Costello, on a responsible budget delivered last night. He was prepared to take tough decisions in the national interest. The Howard government is meeting our election commitments. I would also like to acknowledge the efforts of my Tasmanian colleagues and the comments made by my colleague Senator Barnett in the chamber earlier in respect of the Tasmanian commitments presented in the budget last night.

In my electorate of Tasmania, the Bass Strait Passenger Equalisation Scheme has had a massive increase—52 per cent, or $9.1 million—to $26.6 million. As part of the increase and as a new initiative, the federal government will provide a $300 rebate for motorhomes and caravans each way across Bass Strait. This will assist a considerable number of older tourists travelling to Tasmania and assist Tasmanians travelling interstate, as has occurred each time there has been an enhancement in Bass Strait schemes. It will also open up new markets to Tasmania that were not previously available or were restricted because travelling across Bass Strait with a caravan or a motorhome was prohibitively expensive under previous regimes. Additionally, disabled drivers who cannot travel by sea will be able to access a reduced passenger vehicle fare using air transport across Bass Strait and shipping their vehicle separately. This again provides capacity to enhance tourism within Tasmania, one of the key market areas for the state’s economy. The Bass Strait Passenger Equalisation Scheme is uncapped. This is of enormous benefit to the people of Tasmania and will significantly increase the viability of the two new vessels the Tasmanian government has chosen to run on the Bass Strait run.

In the north-west of Tasmania, in my home town of Devonport, the Howard federal government has confirmed its election commitment of $100,000 for enhancement of the Mersey River foreshore. This project provides capacity for the Devonport triathlon—a world ranking triathlon and part of the national tour—to further enhance its reputation. It is ranked in the top two or three triathlons in the country and attracts elite athletes from all over the world on an annual basis and has been a significant boon in the tourism sector of the Tasmanian economy.

Further along the coast at Burnie, the Howard federal government will commit $125,000 to develop the Burnie light railcar dining project which seats 45 people and travels in the evenings. This project again further enhances the rail tourism market in Tasmania. In Devonport there is the Don River railway, which is a major tourism drawcard. The federal government has committed $20.45 million to the Atr railway project on the west coast. When this is completed it will be an icon project for Tasmania. Along with other tourism rail projects in the south of the state, it will start to create a critical mass for Tasmania with respect to attracting people in this very well recognised sector of the tourism market.

In an environmentally friendly initiative—and again delivering on a pre-election commitment—the Howard federal government will provide $3 million over a three-year period to develop sewerage schemes for the beautiful areas of Boat Harbour and Sisters Beach, a further example of the Howard government progressing practical environmental outcomes. Too often this government has not been recognised for the significant sums of money that have been put into environmental programs around the country. It is about time that that was more fully recognised. This project plays a very small part in that and again provides an opportunity for further growth in a very picturesque part of Tasmania both in tourism and in holiday venues.

In other areas of the state, the Low Head pilot station is funded with $500,000 of as-
sistance this financial year. The federal government has also committed $250,000 to the Kingston Pier and $95,000 to Ringarooma Church development. The Ringarooma Church development provides the opportunity for a small community in rural Tasmania to win back a property that had been sold off by the church in the state and to transform that into a community and tourism sector venture. It is another example of a small ticket item that goes a long way to assisting the residents in regional Tasmania and also enhancing the state’s potential to attract the considerable tourism dollar. Again, the Howard government is engaging with local communities to assist them to provide outcomes sought by that local community.

The Howard coalition government has been more generous than ever before. This reflects the special status the Tasmanian wilderness holds with Australians and the priority the Commonwealth puts on protecting it. The government’s long-term commitment to conserving World Heritage areas remains a high priority, having been allocated $4.3 million in this year’s budget. This clearly reflects the strong support offered by the Liberal government, as a second phase of the Natural Heritage Trust commences this financial year. The $4.3 million will allow a solid financial base and allow further management projects and strategies to commence at a regional level.

The Tasmanian government have the capacity to boost the amount available through applications to the Natural Heritage Trust for specific projects. I certainly hope that they take advantage of that opportunity, as they have been disappointingly slow in taking that up in some aspects in the recent past. It is significant to note that the Tasmanian wilderness has received nearly half of all Commonwealth funding for Australia’s 10 state-managed World Heritage areas. This budget clearly indicates the importance we place on continuing a strong commitment to the Tasmanian wilderness. We need to ensure that people can enjoy this unique natural phenomenon in a sustainable way.

For Tasmanian farmers and industries reliant on wheat imports, despite speculation from Labor senators that the Tasmanian Wheat Freight Scheme would be axed, the federal government has delivered on its election promise to provide funding for this initiative. Each year $1.2 million is provided in freight assistance to offset the cost of shipping across Bass Strait, and this is budgeted out to 2004-05.

In this budget the Tasmanian government gains approximately $14 million. This puts paid to the lie being pushed by Labor in Tasmania regarding the federal government’s treatment of that state. If Tasmanian Treasurer David Crean wants to talk of cuts to state programs, Tasmanians should look very firmly at him. States complain of tied grants and they want more discretionary income. In Tasmania’s case, we have given it to them. If they choose to spend less on individual programs, that is their concern. The Tasmanian Labor government cannot complain of cuts when in fact we have given them more. When combined with the growth in state revenue, it puts the Tasmanian government in a better position than ever. In the last five years, revenue in the state from public liability insurance alone has doubled. So the Tasmanian government are in a better position now to be able to assist Tasmanian businesses and employment generators to catch up with states like Victoria, who are our main competitors in business, and provide a tax regime that matches those states much more closely.

This is a responsible budget. It is an uncertain world, but Australia has a strong economy and a good future. Again, I congratulate Treasurer Peter Costello on the important decisions he has made and the sound budget he delivered last evening.

Senator HERRON (Queensland) (12.15 p.m.)—Between 31 March and 21 April this year, I visited Dublin, Copenhagen, Stockholm, Amsterdam and London to review illicit drug control and harm minimisation practices in each of those countries. By way of background, I have had an interest in this field for over 40 years and 10 years ago visited Amsterdam, which was then ahead of other countries in innovative approaches to managing addiction. I will confine my report to illicit drugs, although in every country...
visited a licit drug, alcohol, was by far a more major concern.

Senator George Campbell—Certainly in Dublin.

Senator HERRON—Particularly so. During the course of my investigation, I met with individuals and organisations—five in Dublin, eight in Copenhagen, three in Stockholm, 13 in Amsterdam and six in London. I seek leave to incorporate in Hansard a list of the names of the individuals and organisations that I visited.

Leave granted.

The document read as follows—

**DUBLIN**

- Mr Eoin Ryan: Minister for National Drugs Strategy, Department of Tourism, Sport and Recreation, Dublin.
- Mr Tim Dalton: Secretary General, Department of Justice, Equality and Law Reform, Dublin.
- Dr Stephen L. Rowe: Director, Rutland Centre, Dublin (A drug and alcohol rehabilitation centre).
- HE Mr Bob Halverson: Australian Ambassador to Ireland and the Holy See.
- Mr David Hammond: Deputy Head of Mission.

(I should also note that I spoke with two security guards at Bewley’s Tea Rooms in O’Connell Street, Dublin and enclosed with my report is a copy of an article in The Irish Times of 8 April, 2002.)

**COPENHAGEN**

- Inspector Troels Joergensen: Danish National Commission, Chief Narcotics Division.
- Deputy Inspector Nielsen: Danish National Commission.
- Arne Irminger Stevns: Deputy Police Commissioner.
- Mr Erik Merlung: Crown Prosecutors Office.
- Dr Preben Brandt: Chairman, Narkotika rade (Drug Council).
- Mr Keld Olsen: Director of Project Menneske (Rehabilitation).
- Mr Soren Blanke: Australian Embassy.
- HE Mr Malcolm Leader: Australian Ambassador to Denmark.

**STOCKHOLM**

- Ralf Lofstedt: Deputy Director, Division of Public Health Ministry of Health and Social Affairs.
- HE Mr Stephen Brady: Australian Ambassador to Sweden.
- Mr Andrew Barnes: Australian Embassy.

**AMSTERDAM**

- Ms Reinje van der Cingel: Quest for Quality.
- Mr Jan Walburg: Director, Jellinek Clinic.
- Mr Adu Binke: Kunststoop Rehabilitation Clinic Unit, Jellinek Clinic.
- Ms Elaine Lorsen: Fortress Restoration.
- Ms Suzette Pelswijk: Director, Methadone Bus Programme.
- Ms Jannicke Buur: Quest for Quality.
- Mr Ernst Buning: Coordinator, EuroMethwork and Director Quest for Quality.
- Mr Peter Blanken: Director, Dutch Heroin Experiment.
- Mr J Demming: Director General of International Affairs & Immigration.
- Mr L Erkelns: Head, Bureau of Drug Policy Coordination.
- HE Mr Peter Haslin: Australian Ambassador to the Netherlands.
- Ms Suzanne McCourt: Australian Embassy.

**LONDON**

- Ms Shereen Sadiq: Communities Criminal Section, Home Office.
- Mr Steve Tippell: Director, Young People Section, Home Office.
- Ms Rowena Young: Development Officer, Kaleidoscope, Kingston.
- Ms Sharon Carson: Addaction Rehabilitation, Brent.
- Mr Saidat Khan: Addaction Rehabilitation, Brent.
- Ms Gille Cotton: Project Manager, Tower Hamlets, Community Drug Team, East End, London.
Senator HERRON—My report is a summation of what I have learnt from meeting with those officials, and my commentary deals with illicit drugs from both ends of the spectrum—that is, law enforcement on the one hand and harm minimisation on the other. I accept sole responsibility for the content, as it is my interpretation of the facts presented to me. It is obviously not an in-depth analysis.

As a general observation, all countries visited were obviously concerned about heroin addiction, but the concern varied. In Ireland, for example, it was regarded as less of a problem than alcohol and, on the other hand, in Amsterdam intravenous heroin addiction was confined to an ageing cohort—most young heroin addicts smoked heroin. Two major events in recent years have affected the drug climate. The first is that Europe has become virtually a borderless society with the development of the European Union, the breakdown of communism, the burgeoning of tourism and the inability to control immigration. The second is the ease and lower cost of travel, particularly by young people. This was particularly evident in Amsterdam, where officials spoke of drug travel, and in Dublin, where officials spoke of ‘binge’ drink travel.

President Clinton, when he addressed the Australian parliament in 1996, said that organised crime was one of the four great threats to the world. From discussion, it would appear that not only is organised crime involved but also in some countries paramilitary movements are involved. I will refer to this when reporting on specific countries. Every country is acting to limit importation and every country is adopting harm minimisation and rehabilitation with little or no success.

First of all, Ireland launched a seven-year national drugs strategy in 2001. It is aimed at supply reduction, prevention, treatment and research. The strategy assigns responsibility and sets targets for the different departments and agencies involved. Drug action plans are established at the local level, and these include community drug teams and drug awareness programs. Alcohol is by far the greatest concern. Alcohol consumption per capita increased by 41 per cent in the last 10 years, and I will present an addendum to the report showing that. In addition to alcohol, other substances of misuse are cannabis, ecstasy, heroin, cocaine, amphetamines and solvents. The most commonly used illegal drug is cannabis, followed by ecstasy. Polydrug use was common, and an increase in violent behaviour was attributed to combining alcohol with other drugs. Of the heroin addicts, 85 per cent were hepatitis C positive. The use of ecstasy was on the increase.

While the Irish Republican Army aggressively campaigns against drug use in the areas under its control, it is believed that a subsidiary organisation is involved in selling drugs to fund weapons purchase. This combination of organised crime and terrorist groups gave an added dimension to the Irish problem.

Another unusual feature was the absence of public space for addicts to shoot up. Two security guards were stationed outside the largest tearooms in the main street of Dublin, Bewleys on O’Connell Terrace, to prevent drug addicts coming in. Of the clients receiving treatment for drug misuse, 85 per cent were in the Dublin area. It was acknowledged that statistics are unreliable, as they may not include private hospitals and clinics and include only those who volunteer for treatment. Of those who seek treatment, 70 per cent are male and one-third are in the 20 to 24 years age bracket. Over 70 per cent are unemployed. It was noted that there was an emerging trend in the use of cocaine. Surveys highlighted the level of initiation into injecting drug use in prisons, and it was estimated that nearly 50 per cent of prisoners had smoked heroin or injected drugs in the previous 12 months. As at December 2000, there were 5,032 patients in Ireland availing themselves of the methadone maintenance program. Heroin use remains almost exclusively a Dublin problem. It is believed that the heroin originates in Asia and comes through Turkey to the Netherlands and the UK before arriving in Ireland. Ecstasy is sourced from the Netherlands.

Of the countries I visited, Denmark seemed the least concerned. I had excellent briefings from a range of government offi-
cials and visited a rehabilitation centre. Denmark, with a population of 5.3 million, has nine major cities. The major issues were drug importation by illegal immigrants and the new government’s proposed attempt to move on Christiania, a no-go area where cannabis was sold openly and drug dealers traded. No government has succeeded since the first attempt in 1976. I was told that third-generation drug users were not rare there. I was also told that drugs came mainly from Turkey, through Palestinian immigrants, and were marketed through the Hells Angels and Bandidos motorcycle gangs. As in Sweden, it was alleged that the Palestinian Liberation Organisation was behind part of the drug trade. It was estimated that there were 1,000 serious criminals, and 80 per cent of them had come to the attention of authorities who had fully documented them—including with photographs. I viewed these on their computers.

There had been a recent rise in the use of designer drugs at nightclubs, but alcohol remained a serious problem. Plain clothed ‘rave police’ attended suspect venues and, if a young person was obviously under the influence of alcohol or drugs, they had the authority to take them to the local police station. They would then contact the immediate relatives—normally the parent or parents—and offer help with the rehabilitation. This consisted of counselling and following up over two years. Participation was voluntary.

My overriding impression was that Denmark was extremely well organised and parental and school education on alcohol and drugs was of a very high level. It was felt that addiction could only be overcome by abstinence with appropriate support and employment. The agency I visited claimed a 40 per cent success rate in overcoming addiction, but only 30 to 40 addicts at a time were attending. It was but the tip of the iceberg. Government authorities were particularly pleased with the fact that all agencies dealing with drugs were under the administrative control of one government ministry. They believed this to be unique. This included not only policing and prosecution but also prevention and harm minimisation.

I was particularly interested in visiting Sweden, as I understood there had been a change in attitude towards harm minimisation and control where there had previously been a more liberal approach similar to that of the Netherlands. Although Sweden has a population of 8.9 million and 10 times the surface area with greater decentralisation, I got the impression that official attitudes were similar to those in Denmark. Alcohol remained the main concern and ‘rave commandos’, as they were called, were also used. Police reported to social authorities anyone under 18 at rave parties. Harm minimisation practices were much the same. Blood alcohol over 0.02 per cent was illegal and fines for drug possession or drink driving were related to income.

Recent lack of political interest has led to a reduction in funding to agencies dealing with addiction. My understanding is that regional authorities are partly responsible for funding and this was regarded as inadequate. The Drugs Commission, in particular, wanted stronger leadership with the government playing a more active role. There was also concern about the fragmentation of responsibilities. Heroin was not considered to be a major problem and less than 50 per cent of prison inmates were incarcerated as a result of drug related crime. It was believed there was a 50 per cent reduction in the number of heroin addicts in the last 10 years, although there was a rise in the use of amphetamines. The use of methadone substitution was limited to 800 in total. Sweden has been at the forefront of drug control in Europe and by any measure it has been the most successful.

In 1992 I made an official visit to the Netherlands as part of a bilateral visit to the European Parliament and I was briefed by the agency responsible for drug policy, as well as attending a seminar conducted by officials. I also visited a clinic and observed a methadone bus. On this occasion I was on my own and this enabled me to speak with officials on a one-to-one basis. My overriding impression was that in Amsterdam the social fabric of the city had gone downhill since I was last there. While boasting of the liberalisation of cannabis control, people
spoke openly of drug travellers—that is, young people in particular—coming from Europe and the United Kingdom to purchase and smoke cannabis openly in coffee shops and retail shops, as well as to obtain other drugs.

There are 288 coffee shops and an estimated 600,000 cannabis users. It was not uncommon to see drug affected pedestrians in main streets, particularly on the weekend. Authorities felt drug importation was out of control and that organised crime was even attempting to overwhelm authorities. An example was given of 36 people on one aeroplane who had swallowed rubber balls containing cocaine. They were Dutch citizens from Suriname who had travelled to Turkey, arrived in Amsterdam and were to return to Suriname. Suriname is a former Dutch colony in South America, north of Brazil, between Guyana and French Guiana. It is also believed that drugs came from Curacao, a Dutch dependency in the Caribbean. It was also said to me by one official that Europe—particularly the Netherlands and Belgium—was to synthetic drugs as Columbia was to cocaine and Afghanistan was to heroin.

After writing the above I saw a report written in the Times of London by Roger Boyes on 7 May this year, just a few weeks ago. It said:

In truth, most Dutch voters were aware that foreigners’ benign image of their country was out of date. Too much has been going wrong. The police have been exposed as astonishingly tolerant of cocaine smugglers. Drug abuse is spreading in schools, making a nonsense of claims that semi-legal soft drug use in coffee shops stifles rather than encourages narcotics.

Then there is the collapse of services. Trains are running badly and motorways are jammed. Hospitals are understaffed, unemployment is low because sickness benefits keep one-fifth of the workforce out of the labour exchanges.

So my observation was more than reinforced by a report in the newspaper.

The Jellinek Clinic estimated that there were 25,000 drug addicts in the Netherlands, 10 per cent being classified as severe polydrug users. About two-thirds had some contact with officials. Major changes in heroin usage had occurred in recent years. Seventy per cent of heroin users smoked heroin—at a clinic the mechanism was demonstrated; a tablet, tin foil, lighter and rolled paper tube—and 30 per cent were intravenous users. Other estimates were as low as 15 per cent intravenous users. This was attributed to a cultural change brought about by Surinamese who had infiltrated the drug community. The Surinamese abhor intravenous injections of all kinds. In Amsterdam 50 per cent of the population under 18 are non-white. This had led to heroin addicts being of an older cohort—the ‘ageing 40s’—and it was stated that no younger people were taking up heroin as it was unfashionable. Instead, ecstasy, amphetamines and designer drug use was on the increase. Mobile amphetamine laboratories were a major concern.

An attempt was made to rehabilitate addicts who desired it. Three booklets had been produced: one for patients, another for social workers and general practitioners, and a third with an overview. Three-quarters of those who sought treatment were on methadone maintenance. Drug courts were operating and addicts were given community service orders with a view to learning skills that would lead to employment. I visited two such projects: an arts group which marketed products such as postcards and paintings that could be leased or bought by businesses, and a greening fortresses group which was rehabilitating one of 42 fortresses built surrounding Amsterdam in the mid-1800s and which had been abandoned. Little had changed in the methadone buses, which had become referral centres as well as methadone distribution sites.

The Dutch heroin experiment at The Hague was comparing the outcome of serious heroin addicts given heroin to either inject or smoke plus methadone, and another group given methadone alone. There were 174 intravenous users and 375 smokers in the trial. The findings are yet to be published but I was given to understand the report will favour the continuation of the experiment.

Heroin is currently cheap in the Netherlands—25 Euro for one gram, which is enough for a user for one day. The program provides control at a cost of 15,000 Euro per
patient per year. There are six treatment units in the Netherlands. Drug policy was to be debated in the Dutch parliament on the day the parliament was dissolved, 16 April this year, prior to the election on 15 May. Currently, three ministries share responsibility: Justice, Health and the Interior, with the Ministry of Health, Welfare and Sport responsible for coordination.

The United Kingdom is in the third year of a 10-year strategy of harm minimisation. Between 250,000 and 300,000 of the population of 59.5 million are serious drug users. It is believed that one-third of the addicts were in some form of treatment, predominantly methadone substitution. One commentator stated:

No-one now believes the war on drugs. The government are quietly dropping their khaki slogans and downgrading the battle against cannabis. Even the right wing press denounce policies that waste millions and more importantly, could land their university educated children with criminal records. But there is no agreement on how the government should withdraw from the battlefield, or what the principles of a new approach should be.

The liberal mantras are more treatment, more education and more health care. But the hard truth is that the liberal remedies of choice have been scarcely more effective. Nine-tenths of all treatment fails; most addicts go through the revolving door of treatment and relapse for decades.

I have to report that my impressions support the author. I was also told that it was more than likely that cannabis use would be de-criminalised shortly. I visited two ‘addiction’ units. These are drug and alcohol self-referral service units: one in north-west London and the other in the East End. The former has a predominantly Irish population and, not surprisingly, excess alcohol consumption was the major concern. The latter has an almost exclusively Bangladeshi community which occupied the whole of the East End of London.

There was a huge problem with drug addiction and it was stated by one official that every teenager in the area was addicted or dealt in drugs, or both. In this area there was widespread unemployment and prostitution and a community failure to address the problems. In England as a whole, 65 per cent of arrestees tested positive for one or more illegal drugs and one-half of these were positive for opiates—heroin or cocaine, or both. One-third were polydrug users.

My overall impression of all countries visited was: (1) the volume of international drug travel makes it almost impossible to control the importation of drugs; (2) organised crime, especially ethnic networks, is very sophisticated and money laundering with offshore transfer continues unabated; (3) cultural considerations are probably the most important feature in limiting drug use and, given that the control of supply is impossible, the only answer is to reduce demand by cultural change in community attitudes; (4) drug addiction is a social problem closely associated with unemployment which, in turn, is related to lack of education and family breakdown; and (5) once addicted those affected can only hope to overcome their addiction if they have the will to do so. Substitution may help with harm minimisation, but it does not overcome addiction.

Finally, what are the lessons for Australia? I believe our approach of ‘tough on drugs’, even with the examples of failure in some communities, is the best available. It has been demonstrated that social change can occur as a result of education. For example, only 20 per cent of the population now smoke and, as a result of detection and punishment, alcohol related road deaths have fallen. These examples have led the world.

In this context, I believe there should be a greater emphasis on producing cultural change in the community whereby drug use is regarded as criminal activity which is not condoned. Our aim should be zero tolerance. Society has to send an unequivocal message to dealers and addicts alike. The only long-term solution is to totally reject illicit drug taking. Liberalisation has failed in all the countries visited, particularly in The Netherlands which has been at the forefront of experimentation. There is no safe level of illicit drug use. More money should be allocated to the national school drug education strategy and consideration should be given by state authorities to the concept of ‘rave police’ as developed in Denmark and Sweden, and resultant family involvement.
We have a unique historical, social, cultural, geographic, economic and political background, and we can succeed in a field where others have manifestly failed. No country in the world can claim success in the control of supply or demand, and it is reassuring to see at first-hand that we in Australia have adopted an approach which is best suited to our own geographical and population characteristics. The recent heroin drought is encouraging. I believe we can show the lead because of our uniqueness and there is the opportunity for us based on the failed experimentation of the last 30 years that has occurred in the rest of the world.

Question put:
That the amendment (Senator Stott Despoja’s) be agreed to.

The Senate divided. [12.39 p.m.]
(The President—Senator the Hon. Margaret Reid)

Ayes............ 36
Noes............ 32
Majority........ 4

AYES
Allison, L.F.
Bishop, T.M.
Bourne, V.W.
Buckland, G.
Cherry, J.C.
Conroy, S.M.
Cooney, B.C.
Crowley, R.A.
Faulkner, J.P.
Gibbs, B.
Hogg, J.J.
Lees, M.H.
Lundy, K.A.
McLucas, J.E.
Murray, A.J.M.
Ray, R.F.
Schacht, C.C.
Stott Despoja, N.

NOES
Abetz, E.
Barnett, G.
Brandis, G.H.
Colbeck, R.
Crane, A.W.
Ellison, C.M.
Ferris, J.M.
Herron, J.J.
Kemp, C.R.
Lightfoot, P.R.
Mason, B.J.
Minchin, N.H.
Payne, M.A.
Scullion, N.G.
Tierney, J.W.
Vanstone, A.E.

Heffernan, W.
Hill, R.M.
Knowles, S.C.
Macdonald, J.A.L.
McGauran, J.J.J.
*Patterson, K.C.
Reid, M.E.
Tchen, T.
Troeth, J.M.
Watson, J.O.W.

* denotes teller

Question agreed to.
The PRESIDENT—Order! The question now is that the motion for the address-in-reply, as amended, be agreed to.

Senator HARRADINE (Tasmania)
(12.43 p.m.)—I want to address myself to this motion. I understood that the address-in-reply would go until—

The PRESIDENT—Are you making a point of order, Senator?

Senator HARRADINE—No. I am speaking on the motion. I understood that the address-in-reply would be going until the lunch suspension. I happened to be at a meeting of Amnesty International when the division bells rang. I was not aware that this amendment would be put to the chamber at this time. I am concerned about that because obviously I have been involved in the inspections of detention centres and have been involved in this area of refugees and asylum seekers for quite a time. I would, had I been present, and I got to the door at the last second, have voted for the amendment.

Debate interrupted.

MATTERS OF PUBLIC INTEREST
The PRESIDENT—Order! It being 12.45 p.m., I call on matters of public interest.

Her Majesty Queen Elizabeth The Queen Mother

Republic

Senator VANSTONE (South Australia—Minister for Family and Community Services and Minister Assisting the Prime Min-
ister for the Status of Women) (12.45 p.m.)—
I want to speak briefly about the recent passing of the Queen Mother. I think it is appropriate that I do so since it is well known that I have very strong republican views—I think I was probably born a republican—and I hope not to pass on from this globe until I have seen Australia become a republic. I want to make it very clear that I am one republican—and I think there are many, many republicans, probably the majority—who hold that view quite unrelated to any personal views about the current monarchy or previous holders of that high office. Our constitutional arrangements are ours to deal with. The constitutional situation we find ourselves in is not a function of what the royal family have done in the past. It has nothing to do with the fact, as Mr Latham pointed out, that the Queen Mother may have never poured her own cup of tea or drawn her own curtains in the morning. This is irrelevant drivel. That has nothing to do with our constitutional arrangements. That is not why I want a republic. I have great respect for the monarchical system that we are under, for the people who hold that office and for the way in which they have conducted themselves in that office.

I feel very strongly that the republican cause will never be built by attacking the monarchy; it will be built only by strengthening Australia’s resolve to stand alone and be a republic. You cannot build your own strength by diminishing others. I think there is nothing to be gained for the republican cause by attacking the monarchy. So my views in relation to the republic are not about diminishing the monarchy but about building a stronger Australia. I have read a lot of things about the Queen Mother over the years. Maybe she did not draw her own curtains—who cares? Who here would not mind if someone drew their curtains of a morning? I am not going to hold that against someone. It is pretty clear that the king and his wife did not plan and did not expect to hold the position of king and queen and hold it in very difficult times. They stayed in the country when it would have been perfectly acceptable for the wife and children of the monarch, at least, to be taken to some other country. They stayed and did a pretty good job of convincing the British people that their leadership had not left them and that their monarch would stand with them during this very difficult time. That is, in one sense, the job of a head of state: to make it clear to the people that the monarch stands with them. I have read some of the debate in the United Kingdom about whether they spent more time at Windsor or at Buckingham Palace—who cares? The job was to convince the British people that their monarch was standing with them, and that job was much achieved. So it was a lifetime of contribution, of a sense of duty and of responsibility. I never met the Queen Mother, but I understand that she liked a gin and tonic and so do I, so perhaps we would have got on quite well—you never know.

Let me summarise three points. I think that she did do a great job. I am sorry that we do not have somewhere a statue of her. I think republicans should endorse that because you cannot build a better future by hiding your past. You will never achieve it. Those who want a republic should listen to these words: you will not achieve it by rubbing your past. If you really want to achieve a republic, do not rubblish your past but endorse it and build on it, move on from it. You can do that by recognising figures that were there in your past. I do not think much, incidentally, of the statue of the Queen—I mean no disrespect to the South Australian sculptor who did it. It is often referred to as the ‘Vegemite Queen’, for good reason: it looks like it was made out of Vegemite. I hope that if we have one of the Queen Mother we have a better one than that and we put it in a prominent place. Do not try—because we want to change our constitutional arrangements—to rubblish people who have had nothing to do with keeping our constitutional arrangements as they are. So I think she did a good job. I would like to see a recognition of her role—perhaps a statue would be the appropriate way to do it—and I would like to see the republican movement recognise that you do not move on successfully by rubbing your past. I would like them to recognise that our constitutional arrangements are nobody’s fault but our own; you cannot blame the monarchy that we are not a republic. So getting stuck into the
Queen Mother, Prince Charles or Her Majesty the Queen is a futile and wasted effort, and it is effort that could go into building a better Australia and building a republic.

**Republic**

**Arts: Film Classification**

**Senator SCHACHT (South Australia)**

(12.50 p.m.)—The major issue that I want to speak about is film censorship in Australia, but as a fellow republican of Senator Vanstone’s I just want to say that I agree with Senator Vanstone: the constitutional arrangements are for Australia to decide, nobody else. As I said last night during the adjournment debate, instead of giving an hour’s recognition in sympathy for the passing of the Queen Mother I would much rather have recognised the contribution of Ruth Cracknell to Australian society. The Queen Mother lived 100 years; she had a great, long life. But we should also recognise that when she was the Queen of England and of Australia—when her husband was the king—in the late 1930s she openly supported the policies of Neville Chamberlain about the appeasement of Germany. He opposed and was very reluctant to appoint Winston Churchill on 10 May as the new Prime Minister because of, firstly, his role in supporting Edward VIII in wanting to marry Wallis Simpson and, secondly, his role in opposing the policies of the Tory establishment about the appeasement of Germany. So there are balances in all of that. I do not know how long it is since the Queen Mother visited Australia, but it was many decades ago. However, I do agree with Senator Vanstone that we republicans have to change the Constitution in Australia and the monarchy should only be seen as citizens of another country.

The real issue I want to raise today, which I think is much more important, is the issue of film censorship in this country and the ludicrous situation that has evolved as a result of decisions taken by the Attorney-General and the arrangements this government has made to amend legislation in recent years over film and literature classification. This deals with the controversy about the banning of the film—I trust my French pronunciation is right—*Baise-Moi*. As I understand it, that translates into English as ‘Fuck Me’. I do not know whether the French designed this title to attract notoriety. That is not the issue. The real issue about this movie is how the government used the system to get this movie banned.

**Senator McGauran**—I raise a point of order, Mr Acting Deputy President. I would like to impose a little bit of censorship on Senator Schacht at this moment and get your ruling on the translation of the French that Senator Schacht just gave the chamber, whether it was in or out of order.

**The ACTING DEPUTY PRESIDENT (Senator Forshaw)**—Senator Schacht, I must say I actually did not hear you say it, which might sound amazing, but I was reading something at the time. I understand you did use a word which is regarded as disorderly. I would ask you to withdraw that word.

**Senator SCHACHT**—On the point of order: if it is out of order to say it in English, isn’t it out of order to say it in French?

**Senator Crowley**—One could say ‘Touche’, Senator.

**The ACTING DEPUTY PRESIDENT**—As I understand it, the French word that you used may be translated in other ways as well as in the way that you put it. But I still ask you to withdraw the word that you used.

**Senator SCHACHT**—Mr Acting Deputy President, this is not the real issue. But, on the point of order, it has been openly described in the newspapers of Australia, in the media, that this is the French translation. It has been openly used and the word has been used in the media. I do not want to make a point of this. I just said that this is the translation, and I am actually pointing out that it might have been used by the French producers to create some notoriety. If I now said that the translation is ‘F... Me’, is that in order?

**The ACTING DEPUTY PRESIDENT**—Senator, it is not a point of order that you have just raised. I have asked you to withdraw the word and I will ask you again to withdraw the word.

**Senator SCHACHT**—How can I describe the movie and an issue that has in-
volved decisions of this parliament on censorship rules when it is like George Orwell’s *Nineteen Eighty Four*, removing words that cannot be used that are part of this debate? Mr Acting Deputy President, if I withdraw, does that mean that the Hansard blanks out the word when I used it, or does it stay in and it is withdrawn? If that is the case, I would request you to ask the President for a ruling on this issue. I have not used the word as an adjective to denigrate any other member of parliament; I have used the word because that is the translation of the title of this movie into English, apparently, by all accounts—nobody has disputed that. How can you debate an issue where the word is used in the title of the movie which has been banned?

Senator Ellison—On the point of order, Mr Acting Deputy President, the premise of Senator Schacht’s case is that he has conveyed to the Senate an accurate translation of a French term. He relies on that. It is a French term that was used for the title of a movie. He bases his assertion on what he has seen in the press. I too have seen articles which have offered other interpretations than the one that Senator Schacht so definitively puts forward. There are other press reports which say that there is another interpretation capable of being taken. Can I say that that detracts from Senator Schacht’s assertion that this is the only interpretation or is the interpretation, because that seems to be the only basis on which he says he is entitled to translate the French in this way. I think that we have a situation here where the word used is considered disorderly. The other issue is whether this is an accurate interpretation. Having read reports in the press which offer other interpretations—

Senator SCHACHT—What are they?

Senator Ellison—Another one I have seen is ‘Kiss Me’. I will get the article. There were four that I saw in the article, one of which I will not repeat here. The mildest version was ‘Kiss Me’. But I submit to the Senate that there are other interpretations capable of being taken in relation to this, and that therefore takes away the argument that Senator Schacht relies on.

Senator McGauran—On the point of order, Mr Acting Deputy President: in your consideration of the request by Senator Schacht to take the matter back to the President, I would also like you to take back to the President that the word itself be expunged from the Hansard. While I am no prude, I do not excuse Senator Schacht’s French.

Senator SCHACHT—On the point of order, Mr Acting Deputy President: if I withdraw the word, I want a ruling now on what the Hansard is going to show. We are going to have the ludicrous situation where the word I have used is expunged from the Hansard and, therefore, you are going to seek a ruling from the President on a word that has been expunged from the transcript. How is the President going to make a ruling in context if the word has been expunged from the Hansard on this occasion? You are going to have to leave the word in so that the President can make a ruling. If she then makes a ruling, we can debate it at some stage. This is not the main issue I want to talk about, I have to say.

I accept that there are other interpretations, minister—‘kiss me’, and others I have heard around the place—but it is ludicrous to say that I can only use an interpretation that suits the standing orders or that does not offend the ears. As I say, Mr Acting Deputy President, you are in an invidious position. You have been advised by the clerks at the table that this word probably should not be used. I would not use this in any other circumstance than as a noun as part of the title of a movie that has been subject to banning in this country. I have to say, I do not see in any of the rules or any of the decisions of the Office of Film and Literature Classification the statement that they banned the film because of its name, and so I would ask you to rule about—

The ACTING DEPUTY PRESIDENT—Senator Schacht, could you stick to the point that you are making about the point of order and not debate the merits of the decision.

Senator SCHACHT—Will the transcript stand, at least until the President rules in a considered way on a number of the issues
that I have raised and that other senators have raised?

The ACTING DEPUTY PRESIDENT—Senator, I have asked you to withdraw the word as it is a word that has clearly been regarded as inappropriate for use in this chamber, and I still ask you to do that. In regard to the other comments that have been made on the issue of the point of order, I will refer to the President the issue that you and, indeed, Senator McGauran raised. I also point out that, as I understand it from Ogdens’s *Australian Senate Practice*, while suggestions have been made on occasions in the past that disorderly remarks be expunged from *Hansard*, that is not a step that has been taken in recent times. I would ask you to now withdraw the word. I will refer to the President the matters that you have raised, and we can get on with the debate.

Senator SCHACHT—In that case, with that ruling and guidance, Mr Acting Deputy President, which I think are very wise, I will withdraw, but I would just point out for the record that some years ago—

The ACTING DEPUTY PRESIDENT—Senator, I have asked you to withdraw, and you have withdrawn; it is not open to debate.

Senator SCHACHT—I have withdrawn.

In continuing my remarks now in the debate, I would point out that some years ago in a celebrated exchange between Senator Hill and Senator Gareth Evans, Gareth Evans used the word that I have used here as a noun in the title of a movie and, even though he withdrew it, the word stayed in the transcript. He has often claimed credit for being the first person to have that famous word recorded.

Senator McGauran—That wasn’t a noun; that was a verb.

Senator SCHACHT—It was not used in the way I have used it, that is very true. I want to now turn to the actual issue. The banning of this movie *Baise-Moi* has brought great discredit on Australia and on the issue of freedom of speech for adults in this country. I think it is extraordinary that after the classification board, by a vote of six to five, said this movie could be shown in Australia with a rating of R18+, the Attorney-General, of his own volition, apparently because some people complained to him—although we do not know who they were—referred it to the Classification Review Board. The Classification Review Board, after several weeks of the movie being shown in Australia and after some 50,000 Australians had apparently seen the movie, unanimously decided, by a vote of four to nil, to refuse the film any classification at all. The Classification Review Board gave an interpretation that the movie could not be given classification because, although consenting explicit sex can be shown as an X classification, any connection with violence, even in the context of the movie, means that the movie has to be banned. That has come about because of the ludicrous changes this government has made to the classification system in this country, very much under pressure from certain senators in the Liberal Party, including members of the Lyons Forum, I suspect, and also under pressure from Senator Harradine, who I am sure will not mind my mentioning him. He has been public on issues of censorship for a long time.

Who were the people who took the decision to ban the movie? I spoke to the Office of Film and Literature Classification today and they told me that the four members of the review board are Maureen Shelley, Jonathan O’Dea, Robert Harvey and Kathryn Smith. They have been appointed by the Attorney-General to be the Classification Review Board. Those four people decide what all other adults in Australia can and cannot see. I find that ridiculous. I also am interested to know how those people got appointed to the Classification Review Board. The structure the government now has in place is to seek nominations from state attorneys-general and the federal Attorney-General himself considers these, and then they appoint who they like to the board. As far as I can tell, there is no public transparency about appointment to the Classification Review Board.

The issue we have before us is a philosophical one really. Do we believe that adult Australians are mature enough to decide for themselves what they see and hear in cine-
mas or on videos, either in the privacy of their homes or in a cinema where there is restricted entrance—and if you have an R18+ movie, there are rules you have to comply with so that you have to be an adult to get in—or do we say that, despite that, there is a further system you have to go through whereby a government can interfere in that view?

Many of the 50,000 Australians who apparently went to see this movie before it was banned were interviewed by the media when they were coming out. Many were asked what they thought of it and most of them said that they found the movie unpleasant and that they did not like it or enjoy it, but almost overwhelmingly they said that it should not be banned. These are the people who saw it. Does this mean that the 50,000 people who saw it are perverts or that they are not decent Australians? Of course not; they are decent Australians. Some of the cinemas themselves said that they got no complaints at all from people who went in and saw the movie. There has been no evidence that, out of the 50,000, there have been mass numbers of people complaining to members of parliament. Again we have a government which has imposed a system on the Office of Film and Literature Classification that has taken us back 30 or 40 years to the good old days of Customs running around collecting things and putting adults in jail.

In policy terms, there are those of us who believe that adults should have the right, within reasonable rules, to see things and make their own choice. The interference of the state in this area is inappropriate, and I am surprised that the Liberal Party, who philosophically argue for individual freedom, argue the opposite on this issue. On this they argue that they—the Attorney-General and a couple of others—can decide for the rest of the community. If we are running a mature, adult society, let adult Australian citizens make up their own minds, on their own judgment.

The next thing I want to raise is the system of classification in Australia, which constitutionally is with the states. The states have agreed to pass over the power to the Commonwealth to establish the Office of Film and Literature Classification and to accept the classifications they make. I am pleased that Premier Carr has stated that he thinks this is an inappropriate banning. From the information I was given today, when the Classification Review Board bans a film they send a note to the Attorney-General’s department in each state and, apparently, to people called classification officers in the departments of all state attorneys-general, informing them the movie is banned. They then say it is up to those officers to inform the police so that they can enforce the ban—that means sending the police to stop the film being shown at cinemas. As a number of people have said in the media, they wish the police would go into suburbs and stop people from being burgled or threatened with violence, rather than wasting their time telling cinema owners, ‘You have got to stop showing this movie.’ It is true that states have this constitutional power. Therefore, I call on state premiers—all of them now Labor—to carry out what has been the policy of the Labor Party for over 30 years, established by our national conference. That is the policy that adults have the right to choose for themselves what they see, within reasonable guidelines. What this government has done does not constitute a reasonable guideline; it is interference in what adults can do.

I turn to what may happen in South Australia. Until the early 1980s we had an international film festival in South Australia. In 1981—I think it was 1981—the then Liberal Attorney-General, Mr Griffin, did not like one of the movies that was to be shown at the festival, which you had to join, paying a subscription fee to get in. He did not like it; so, despite its being classified and approved by the national body, he banned it. As a result, the film festival collapsed. The people running the festival said it was impossible to run an international film festival when an attorney-general may choose, because of his personal view, to ban a movie. That was the end of the Adelaide International Film Festival, which had been running successfully for 20-odd years.

In his policy speech for the Labor Party earlier this year, Mike Rann announced that, if elected, he would re-establish a quality
Adelaide international film festival as an adjunct to the Adelaide Festival of Arts. He is now faced with the fact that, if the artistic director chooses to show the movie Baise-Moi, it may be banned by others. You will never have international film directors, producers or exhibitors putting their movies into an international film festival anywhere in the world where the government or an attorney-general can decide to ban a movie because of political pressure. They are not going to be in it.

In South Australia, we have the even more bizarre position of Mrs Draper, the Liberal member for Makin. She conducted a demonstration outside the movie house in Adelaide that showed this movie. That is her right; that is free speech. I absolutely support the creation of a new Adelaide film festival, but I have to say to my colleague Mike Rann and the new Labor government that, if Trish Draper does not like a movie being shown, she will go to the federal Attorney-General and ask for it to be reviewed and banned. Trish Draper will become the de facto artistic director of Adelaide’s international film festival. Whatever merit Trish Draper has, I do not think being a film critic is one of them—or understanding film in any way. She is obsessed about other things.

Senator Boswell—She can win a marginal seat.

Senator SCHACHT—She can win a marginal seat. That may be her good luck. Let her win a marginal seat; that is no qualification for being the artistic film director for an international film festival. I have to say to Senator Boswell, before he gets too cheeky about this, that he should remember that large numbers of his supporters in rural Australia are subscribers for erotic, X-rated movies. I say that quite clearly; the evidence is overwhelming. People in rural Australia are major subscribers for non-violent, erotic, X-rated movies. That is their choice; I have no argument with it. Apart from the fact that they probably vote for the National Party, there is no evidence that in their lives they are degenerate or anything other than good citizens. But some National Party members want X-rated movies banned. Trish Draper, the honourable member for Makin, is one of those. She actually tried to get the movie Lolita banned. What an extraordinary performance. She said, ‘I haven’t seen it, but ban it.’ Someone asked, ‘Have you read Vladimir Nabokov’s book?’ ‘No, I haven’t, actually,’ she replied, and then a few weeks later she said, ‘I have started to read it.’ I reckon she would have got to page 2 and given up, because she would have found that it is not a dirty book but a psychological one. She would not have understood the psychology of it.

Senator McGauran—Mr Acting Deputy President, I rise on a point of order. That is a reflection on a member of the lower house. The insinuation against Mrs Draper was salacious—that she would not continue reading because the book simply would not interest her in that particular area. That is an underlying reflection which I ask be withdrawn.

Senator SCHACHT—Of course I withdraw it. I do not want to imply in any way that Mrs Draper is salacious or is intrigued by salacious material. Censorship is an issue for parliament, and I want it to be an issue for the Labor Party—for the eight state and territory premiers and for the leadership of the Labor Party here. This is an issue the Labor Party, led by Gough Whitlam and Don Dunstan, staked its position on 30 years ago; we should not change it. (Time expired)

Native Title Legislation

Senator HARRIS (Queensland) (1.15 p.m.)—I rise today to speak on a matter of public interest, and in doing so would like to convey to the chamber both that I am a member of the association that has prepared part of this matter and also that I have mining interests. The Commonwealth Native Title Act does not work, and the right to negotiate does not work, unless there is an incentive. If this incentive is a large compensation payout, or the possibility of a large payout, then there are no problems negotiating an agreement. As an example, I refer to the settlement of the Century Zinc payout. For the traditional small family miner in Queensland, a few hundred dollars is a lot of money. The Aboriginal native title claimants see this as not worth talking about. Therefore, as all that the small miners can afford to
pay is insufficient to attract the interests of the Aboriginal claimants, the process does not work. The small miner can negotiate forever and they will never get an outcome.

Section 29 of the Commonwealth Native Title Act does work. This is the section that sets out a process with set timelines that end with an arbitration decision. No-one is suggesting that an arbitrated decision is the answer; a negotiated agreement is the best outcome. The threat of an arbitrated decision creates an incentive to negotiate an agreement within a set timeframe. The fact that there has never been an arbitrated decision in Queensland verifies that it is not an arbitrator that solves the problem. It is in fact the threat of an arbitrated decision that creates the incentive for the parties to work out an agreement. The problem with section 29 is that it is activated at the discretion of the state government.

Senator McGauran—I raise a point of order, Mr Acting Deputy President. I bring to your attention the question of plagiarism. I have before me a speech—given to me by Senator Harris—by Ralph DeLacey, NQUMA president. I do not know where he delivered the speech, but it is a speech by him, which has not been attributed to him, that Senator Harris is reading word for word.

The ACTING DEPUTY PRESIDENT (Senator Forshaw)—Senator McGauran, there is no point of order.

Senator Harris—For Senator McGauran’s information: as I said earlier on, I am a member of that association, I participated in the preparation of this document and, yes, the document is attributed to—and, I believe, in the correct circumstances—the president of that association, Mr Ralph DeLacey. To continue, Mr Deputy President, the problem with section 29 is that it is activated at the discretion of the state government. The Queensland state government activated section 29s on 180 mining leases and mining claims on behalf of the small mining industry in 1998. The often referred to successful negotiation outcomes in Queensland were the result of those 180 section 29 actions. There are no other successful negotiated small mining outcomes in Queensland. Despite the success of section 29 and the constant demands of the mining industry, the Queensland state government has flatly refused to activate any more section 29 notices.

The Queensland state government has been convinced by the powerful Aboriginal lobby group that section 29 is not in the best interests of the Aboriginal people. This well-funded, well-organised Aboriginal movement in Queensland has developed a sham ILUA. This ILUA was developed by the Queensland Indigenous Working Group, who then convinced the Premier of Queensland to endorse it. This is not a negotiated agreement and had no industry involvement. I would like to emphasise that fact: the ILUA that is being put forward by the Queensland government has had no mining interest input whatsoever. This was cleverly promoted by the Queensland Indigenous Working Group as being only a model or framework that could be used by industry if they wanted to. However, this sham ILUA contained a one-sided promotion of all imaginable Aboriginal aspirations. This sham has been endorsed by the state, and promoted throughout the state, effectively setting the starting point for all future negotiations.

The Western Australian example is entirely different. The Western Australian miners have convinced the state government of the advantages of using section 29. Section 29 has been used constantly in Western Australia since 1998, with great success. The fact that there were a few arbitrated decisions in Western Australia again verifies that it is not the arbitrated decision that brings the result. Instead, it is the threat of going to arbitration if an agreement is not made within a set timeframe. The incentive to do it within the timeframe is that there are no monetary payments to an agreement that is an arbitrated decision. That creates the incentive for the parties to find a compromise quickly. Western Australia is generally making progress, and the Western Australian miners are moving forward with some confidence in the support of the government initiatives.

In Queensland, the miners are opposed to the current state endorsed action. This is verified by a meeting that was held in Brisbane on 12 December 2001. At this meeting, the representatives of all the mining groups
in Queensland met with the Minister for Natural Resources and Minister for Mines to protest the current government action. The only successful negotiated outcomes in Queensland are the result of the section 29s instigated in 1998. The Queensland state government is not making progress, and the mining industry is opposed to the current government plan.

The only success in Queensland is in the media hype that promotes a myth that there is some progress, and that is as false as the sham Queensland Indigenous Working Group ILUA. The mining industry in Queensland supported the development of the Queensland alternative state provisions on mining as allowed under section 43 of the Commonwealth Native Title Act. Again, this process allows a proponent instigated procedure that has set time lines for outcomes which, if not met, will result in an arbitrated decision—the arbitrator in this case being the Queensland Land and Resources Tribunal.

Once again, the Queensland state government caved in to Aboriginal pressure and passed the law but held the backlog of the mining tenures out of that process. This backlog was held by legislation to be released at the discretion of the state. The Queensland miners had a law—not a good law, but a law that would work—but they could not use it. Only new applications made after 18 September 2000 were proponent instigated. In desperation several miners surrendered applications that they had in the backlog and reapplied to bring them forward to where the alternative state process could be commenced.

The Queensland alternative state processes were found to be invalid and without legal effect on 8 February 2002. The mining industry has now lost confidence in the Queensland alternative state process. The Commonwealth government must make amendments to the Commonwealth Native Title Act to allow a workable process. The current process does not work.

I have an exhaustive list of processes that the association has followed but I will skip over those and conclude by saying that the small mining industry is not asking to be subsidised. This is a proud traditional industry that has survived a century and a half of booms and busts, rises and falls, feas and famines, and will survive on its own. All that the small miners want is a fair go—nothing more and nothing less. The small mining industry should never be tangled up in this right to negotiate process. The traditional small miners of Queensland are still working areas that have been mined for over 150 years and any impact on native title has effectively long gone. To negotiate about the effects of today’s proposed mining activity is nonsense. The traditional working class family small miners should not be forced to create income streams for the native title claimant groups. If compensation is to be paid then the Commonwealth government must pay it; family small miners should not be forced to negotiate forever in circles that only create wealthy lawyers.

I will move on, for the Senate’s benefit, to list the process that our association has gone through, starting on 23 December 1996 with the Wik decision. Following that, on 26 December 1996, the grant of mining tenures was frozen. None has been issued, other than those 180 negotiated through section 29, since 1996. On 30 September 1998, amendments to the Commonwealth Native Title Act brought in the ILUA process. On 19 December 1998, section 29 notifications for the 180 mining leases and claims were advertised state wide in North Queensland. On 19 March 1999, the right to negotiate commenced on those leases. In June 1999, the right to negotiate broke down. On 20 July 1999, national native title mediation commenced on those leases. In June 1999, the right to negotiate broke down. On 20 July 1999, national native title mediation commenced. In October 1999 the national native title mediation broke down. I want to stress that we were following the process. We went through more than 18 months of negotiation on these leases. We then went to the National Native Title Tribunal to get an arbitrated decision and even the arbitration broke down.

On 11 February 2000, agreement was reached that arbitration would be adjourned until 3 April 2000 to allow negotiation to be completed, with the provision that the right to negotiate was irrevocably tied to ILUAs for all small mining tenements over all areas of interest within the North Queensland Land Council area. Those negotiations were with
13 different traditional owner groups and they were progressing really well.

On 31 March, arbitration was adjourned until 5 June, as the task was not achieved in the time set out. On 28 May 2000, final agreement was reached between the miners, the state and all of the traditional owners. On 31 May, arbitration was adjourned until 30 June to allow the finalisation of the remaining seven ILUAs that did not have the area boundaries defined. On 25 June, four ILUAs were signed by the Aboriginal groups and certified by the North Queensland Land Council and the arbitration was again adjourned, until 25 July.

In July, the right to negotiate agreements signed by the Western Yalanji native title claimants were cancelled out of the arbitration action. The signing of these right to negotiate agreements were tied to an irrevocable agreement by all the parties in a meeting attended by the North Queensland Land Council, Native Title Tribunal, Queensland Native Title Services and the North Queensland Miners Association. This agreement was that all the parties would use their best endeavours to finalise all the remaining ILUAs and lodge them with the National Native Title Tribunal within six weeks. I emphasise that that was in 2000. These have still not been settled.

In September 2000, there were new personnel in the North Queensland Land Council, and a statement was circulated that they could get a better deal for the Aboriginal groups in the ILUAs. On 18 September 2000, Queensland alternative state provisions on native title on mining commenced and the backlog was still held to be released at the discretion of the state.

In November 2000 NQMA gave an undertaking to the North Queensland Land Council to encourage small miners not to use the alternative state provisions, as processing of that would bog down the system. In return the North Queensland Land Council gave assurance that the ILUA finalisation would be expedited. In January 2001 the North Queensland Land Council stalled the process despite the best endeavours of the National Native Title Tribunal and the increased state funding and assistance. I seek leave to incorporate the remainder of my speech in Hansard. (Time expired)

The ACTING DEPUTY PRESIDENT (Senator Knowles)—Is there any objection to the incorporation?

Senator Buckland—Madam Acting Deputy President, the list goes on for over two pages, and I think it is a bit extensive. I think the speech should have been better tailored to suit the requirements here today.

Senator Boswell—I ask the Opposition Whip to reconsider that. I do not think it is really up to the Opposition Whip to tell people how they can write their speeches and how many pages they should write. It has never been taken into consideration before. If someone wants to table a speech, it has generally been accepted as long as there is nothing political in that speech attacking either the Labor, Liberal or National parties. The point I would make is that that speech should be acknowledged. I have no objections as long as Senator Harris acknowledges the speech was written by the chairman of the small miners—I do not have the gentleman’s name. I have no hesitation about letting it through. I do think Senator Buckland should reconsider his position; the speech is only two pages. It is not a political speech and it is not attacking anyone; it is really putting a statement down on behalf of other people. I would ask Senator Buckland whether he could reconsider his position.

Senator Buckland—I do not usually take the advice of Senator Boswell, but on this occasion I will.

The ACTING DEPUTY PRESIDENT—Thank you. Leave is granted and the matter will be incorporated.

The document read as follows—

- Feb 2001 NQLC seeking to make changes to ILUA’s
- March 2001 State decides to redraft ILUA, no substance changes only drafting changes
- 23 May 2001 two ILUA’s Wakerman and Bar-Barrum signed by all parties including Premier of Queensland Peter Beattie and lodged with NNTT for registration
- May 2001 ILUAs renegotiated to meet requirements of NQLC. Solemn undertaking made by NQLC and governing committee
that they are now happy and ILUAs will be finalized promptly

- June 2001 Further agreement signed by Tagalaka Native Title claimant Group making total of 5 agreements signed by claimant groups and two of these signed by State and lodged with NNTT for registration

- August 2001 “ILUA” developed by Queensland Indigenous Working Group endorsed by Premier of Queensland. This is not a negotiated agreement and had no industry involvement whatsoever. This was cleverly promoted by QIWG as ‘only’ a model framework that ‘could’ be used by the industry if they wanted to. However this ‘sham ILUA’ contained a one sided promotion of all imaginable Aboriginal aspirations. This sham has been endorsed by the State and promoted throughout the State effectively setting the ‘starting point’ for all future negotiations.

- August 2001 Progress of NQMA NQLC ILUA ceases

- 7.9.01 Governing Committee of NQLC votes to support QIWG ILUA and formally withdraw support for NQMA ILUA.

- Sept 2001 State endeavors to resurrect NQ Small Miners ILUA and makes offer to NQLC to name conditions on which Small Mining ILUA could progress.

- October 2001 state agrees to NQLC demands

- 11 October 2001 NQMA shown State NQLC agreement conditions and asked to support—NQMA makes counter offer

- 17.10.01 State confirms that NQLC has rejected NQMA offer and that State and NQLC intends to go forward with the ILUA without the Small Miners support. NQMA questions the legalities of this, as this is entrenching payment to Aboriginal groups that are far in excess to what the industry can afford and once entrenched this will wipe out the Small Mining industry.

- November 2001 concentrated effort by NQMA to make Queensland politicians aware of damage being done by ‘sham’ ILUA’s

- 12th December 2001 Historic meeting in Brisbane with Minister Robertson DNRM and representatives from Queensland Boulder Opal Association, Queensland Sapphire Producers Association, North Queensland Miners Association and Queensland Mining Council. This group represents the interests of all miners in Queensland and met with Minister Robertson to point out the negative effect that ‘sham ILUA’s have and that after three years of trying to negotiate a ILUA in good faith the Right to Negotiate has not worked. The entire mining industry of Queensland believes that the current Native Title legislation is unworkable

- 8.1.02 meeting with NQLC and State in which State/NQLC sham ILUA put on hold while NQMA and NQLC try to develop a reasonable agreement.

- 22.1.02 meeting with NQLC governing Committee at which NQMA told that the amount agreed to by the State and NQLC are the payments that they want, and no less and if this amount is outside the affordability of the Small Miners then it is up to the State to decide if they want a Small Mining industry or not, and to bridge the gap between what the Small Miners can afford and what was agreed by the State and NQLC. Any reduction in the payments would be seen by NQLC as asking NQLC to subsidize the Small Miners and they wont do that.

- 8.2.02 Queensland Alternative State Provisions on Native Title and mining was ruled invalid and without legal effect by Federal Court

- 22.2.02 joint NQMA/NQLC submission lodged with Premier seeking consideration of State Government bridging the gap. [Don’t hold your breath waiting for that to happen]

The Small Mining Industry is not asking to be subsidized, this is a proud traditional industry that has survived a century and a half of booms and busts, rises and fall, feasts and famines and will survive on its own. All that the Small Miners want is a fair go, nothing more and nothing less.

The Small Mining industry should never been tangled up in this Right to Negotiate nonsense. The traditional Small Miners of Queensland are still working area’s that have been mined for one hundred and thirty years, any impact on Native Title was effected long ago, to negotiate about the effect of today’s proposed mining activity is nonsense.

The traditional working class family Small Miners should not be forced to create “income streams” for the Native Title claimant groups.

If compensation is to be paid then the Commonwealth Government must pay it.

Small Miners should not be forced to negotiate forever in circle’s, that only creates wealthy lawyers.
Allen, Mr John

United Nations: Special Session on Children

Senator CROWLEY (South Australia) (1.32 p.m.)—Today I wish to make some remarks about Mr John Allen, who died on 5 April this year and who had spent many years working in the Senate and in this parliament. Not everybody perhaps knew John Allen. The reasons I want to speak about him are because, firstly, he was a friend and, secondly, he was a worker in this place—a worker who actually worked where you do not get much credit or recognition, but a worker who is absolutely critical to the good functioning of the Senate and the parliament.

John was a Senate sessional security attendant here who started his work on 11 February 1988 and in September of that year was appointed as a permanent parliamentary officer class 1 in the Table Office working in the Senate document stores.

When I got to know him he worked underground. Many people may not know that Parliament House took the hill and flattened it, built a huge concrete construction, and then put the hill back—so that people can walk over the parliamentarians. I do not mind people walking over the parliamentarians—that is not bad for democracy—but walking over the workers is something else again. So if you have nothing else to do, and someone will help you, you can take a tour of the basement of Parliament House and see what it is like for so many of the workers—that is not bad for democracy—but walking over the workers is something else again. So if you have nothing else to do, and someone will help you, you can take a tour of the basement of Parliament House and see what it is like for so many of the workers—probably 3,000 or so—to work in the basement of a building built in the late 20th century that has no natural light and no natural air. Occupational health and safety is a challenge, and I have raised that before. But today I am trying to talk about John Allen, who did work down there.

From time to time I got an invitation to join John for cake and a cup of coffee in the document stores, where he was the person responsible for seeing that all the documents and the government reports and committee reports were properly sent to the senators’ offices and the Table Office. John Allen had excellent cake and was an excellent cook, and from time to time I even found myself having cake with John Allen and friendly members of the opposition—now the government, as we have changed places in this chamber.

John had a wonderful sense of humour, to say nothing of a delightful accent. I am not sure whether Hansard can record the way Scottish people speak the English language, but they do have a lilt to it that is delightful, and so did John. He was very warm and very humorous and we were the best of friends. I liked, too, that from time to time I would call him above ground to have coffee with me at Aussie’s. Regularly and often I was chided by him for my failures in my speeches or my failures on behalf of my party.

John had a clear view about lots of things in this life but principally he was concerned to support and participate in the community. He had a lot to contribute to the Kennel Club of the ACT. I think he bred Rhodesian ridgebacks and worked very hard on behalf of the dogs of the ACT, I suppose we might say. I remember him more for the great work he did in this parliament. I particularly want to add my in memoriam and thanks to John, and send my sympathy in particular to his family and especially to his daughter, Jennifer, of whom he was splendidly proud. Our best wishes, John, wherever you are, and I hope they find you.

I want to now turn my attention to the recent United Nations Special Session on Children from which I have just returned. That session on children was supposed to have happened in the General Assembly of the United Nations in New York last year—I think about 15 September. After the Twin Towers disaster on 11 September, it was deferred until this year, and it just concluded its business last week.

It was characterised by some differences. I would particularly like to congratulate the United Nations and UNICEF for the way this conference was held. A number of young children were delegates to this conference—and did they ever make a difference! In the past, children have been brought in as token gestures at the end of the adults’ considerations. In this case the children had two or three days in which to participate and contribute. I might say the word ‘children’ here does not quite cover, I think, the range of
representatives but it does mean people up to the age of 18. So the participants were not quite covered by the word ‘children’ but they were called ‘children’. We mean youngsters and those older than youngsters, and youth representatives.

Those people participated in a wonderful way. Not only were they clear, forthright and direct and did not beat around the bush when they were talking, they also provided an energy and enthusiasm that made the United Nations corridors hum with even more power than usual. When it is fully occupied it is a pretty impressive place, not unlike this parliament—very different when it is fully functioning. But the children and their energy, keenness and forthright, direct comments were extremely wonderful. I did not see them, but I am advised the children had the opportunity to speak to the Security Council. They mentioned the challenges and the tragedy of poverty, the impact of poverty and war on children and the spread of disease and AIDS without adequate health care services. Then they said, ‘And you, the Security Council, are the criminals who cause these problems for the children of the world.’ Not too many people use language—

The ACTING DEPUTY PRESIDENT (Senator Knowles)—Senator Crowley, could you just wait a moment. Could I ask honourable senators on my right to keep their comments down to a dull roar.

Senator CROWLEY—Thank you, Madam Acting Deputy President. As I was saying, the children had the opportunity to address the Security Council and, having listed the challenges facing the young people in this world, then accused the Security Council of being the criminals who caused these troubles. A lot of people might want to say that considerable responsibility does reside with the Security Council of the UN.

A large part of the conference was devoted to reaching agreement on a consensus document to emerge from the conference looking at what we have done for children and where we are going in the next 10 or 20 years. The children had a document that they had to prepare. It took them one day to reach a consensus document. It took the adults two months before they got to the United Nations and then—after drifting through two weeks of meeting, talking, deciding and arguing—they surpassed themselves by eventually sitting one night from 8 p.m. till the following morning at 8 a.m. There was time to have a coffee and shake the head, and then they went back in again from 10 o’clock on.

This conference was supposed to finish at about 5 p.m. or 6 p.m. on Friday. The consensus document was finally agreed at about 10 at night. There were still delegates giving their country report at about half past 11 or quarter to 12. Then the document was received. Although it was a consensus document, it was interesting to sit in the UN General Assembly and listen to any number of countries saying, ‘Notwithstanding that we have agreed to this document, this is the way we will interpret it,’ which effectively allows a considerable range of disagreement.

One of the principal reasons for difficulty was the issue of whether or not sexual and reproductive health education could be available to teenage children. The American health minister in his contribution shocked a lot of us by talking about the American policy now being abstinence. That is a mind-blowing idea that, on the evidence, I suggest a lot of Americans may not be practising. To suggest that the new health policy and the best way to practise good sexual wholesomeness in America is abstinence seems to me to be remarkably out of sorts with what is going on in the world.

I attended a lunchtime panel with Minister Verfken from the Netherlands; Thoraya Obaid, the head of the United Nations Family Planning Association, the family care organisation; and four youngsters from Nigeria, Yugoslavia, Bangladesh and Uruguay. To listen to those young people talk about the importance of access to adequate facts about sexual and reproductive health—the way in which you can prevent the spread of sexually transmitted diseases and for much of the world, in particular, AIDS, and the way you can also prevent unwanted pregnancies, unwanted children—was very powerful.

The evidence from Holland is that, since comprehensive sexual and reproductive health education has been available in that country, the number of teenage pregnancies
has fallen dramatically and the number of abortions has fallen dramatically. I would have thought that evidence was a convincing argument for why every family, every Australian child and every child in the world should have access to adequate information. But not, apparently, in the US and not, apparently, in many countries, and certainly not for those people who argue strenuously that if people talk about sex they will want to go and do it. I find this bizarre when, at the same time and the same age, children are being urged to learn about the ills of smoking so they will not do it and the ills of drugs and alcohol so they will not use them; but apparently if they learn about sex they are all going to rush out and do it. In the face of the evidence from very good data in Holland, clearly the opposite is the case.

As I said, the consensus document was agreed at about 10 or 10.30 at night on a Friday when almost everybody had left. That is a terrible pity, because it would have been best if a document of this weight and of such significance for the children of this world could have come before the conference was effectively closed down.

I had appointments with Noelene Heyzer, who is the head of UNIFEM, the women’s development organisation; with Carole Bellamy and Kul Gaton from UNICEF and with the many Australian UNICEF representatives, including Gay Phillips, who were also there. The conference was effectively co-hosted by UNICEF and they deserve brilliant congratulations.

I went to see Thoraya Obaid from the UNFPA and I am very disappointed, as are many people in this world, to note that the USA has now reneged on a $20 million contribution to the UNFPA. That decision was taken very recently and, although there are still conversations going on that maybe some kind of money can be forthcoming, the argument is that if reproductive services are being provided, these are interpreted to mean abortion, and the Right in the USA has persuaded the President that they will not be party to any contribution to services that might include abortion. That is not dissimilar to the argument about why this country and this government—Mr Howard’s government—have also reduced the funding for reproductive health and research overseas.

I thank our Ambassador to the UN mission, John Dauth, and all his staff, who once again welcomed me back. I thank them also for all the good services and assistance they provided for me. I have some capacity with computers that meant that our computer whiz in the post, Neil Gray, actually said to me that he had never seen anything like that, how did I do it, and could I please—

Senator Boswell—Come on! This is no time to praise yourself in the Senate.

Senator CROWLEY—It is fantastic, Senator. I don’t know how I did it, but I managed it so that every time I moved the mouse, the whole screen went hysterical, so he thought this was brilliant. He came down and solved my problem for me; thank goodness for him and for the staff of the mission, who really were wonderful in assisting us.

I place on record appreciation of Gillian Mellisp from AusAID in DFAT, Susan Irvatt, also from AusAID in DFAT, and Amanda Davies from the Attorney-General’s Department. Those three in particular were the bureaucrats who came with the delegation to help get the document and Australia’s contribution represented there. They were the people who worked from 8 p.m. till 8 a.m. and then continued to work all the next day. They also coped with great patience and tolerance during the lead-up discussions. I also recognise Kirsten Hagon, our youth representative in the UN last year, who is back again, making a wonderful contribution in the very useful Aussie mould which I think I have also referred to.

We had a meeting very early on with Minister Larry Anthony. He made clear what the government’s position was. If anybody wished to disagree with that, they could do so by making it clear to him. I think the outcome that the government was arguing for, and in fact came very close to achieving, was a constructive outcome from Australia’s point of view. I was pleased to see that it was essentially able to be achieved.

I would like particularly to acknowledge Tim Goodwin and Emily Simpson, two young delegates who were there on behalf of
Australia, and their chaperone, Sue Conde. Tim and Emily spoke at a number of events, forums and meetings and were absolutely natural Aussies in these conferences. Their contribution was sensible, clear and constructive. They had a lot of energy and enthusiasm and they also made fantastic contributions. But if you can ever pick a chaperone, pick somebody like Sue Conde. Not only was she superb as a chaperone; she also gave us a bonus issue, if you like, of a woman with wonderful ideas and comments. Her attendance at meetings and events and her analysis were extremely useful. She was there as a chaperone. She is a member of the World Association of Girl Guides, and she was able to point out how constructive the guides are in their work in assisting young girls in this country, to say nothing of internationally, to have access to information so that they can make responsible decisions on their own behalf about everything that affects young people, including access to sexual and reproductive information.

It was a very useful session. I am very pleased to say that in large part we can be satisfied with the outcome document. I think it is up to us over the next 10 to 20 years to see that the goals for the children of the world are achieved. I also think that if we aim to have 100 per cent literacy for children by the year 2015, most of the children will be well into adulthood by then. We need to bring that ahead. I argued that where I could. I do not think I will change the date in the official documents, but I would like to see the world’s children reading sooner rather than later. It is said that if you teach the mothers to read, in one generation the whole world will read. I hope to see that happen soon. (Time expired)

Health: Pharmaceutical Benefits Scheme

Senator LEES (South Australia) (1.47 p.m.)—Today I want to stress my disappointment in the section of the budget that covers health spending, that deals with the health of Australians. It is not just what is there; it is also what was left out and what has not been done. This government prides itself on its supposed ability to manage finances, yet it has failed to tackle the waste entrenched in the way we deliver our health services and has committed us to wasting billions more of our scarce resources.

After many weeks of speculation, leaks and more leaks, the government announced last night in the budget that it will indeed demand that consumers pay the price for its own poor health policy decisions. The government has announced that consumers of medications will pay for its priorities in other areas. Those on low incomes—in other words, those with a health care card—will be forced to pay $4.60 for each script. Everyone else will face a minimum of $28.60.

Eighty per cent of prescription drugs are purchased by health care card holders. These are the sickest and poorest people in our community. The Democrats do not accept that the sickest people should be punished simply because the government will not make fairer and more constructive changes. For some in the non-card holder category, the rise in the price of a script of a few dollars will not be a problem; they will shrug it off perhaps as an annoyance but it will not be a financial worry. For many, however, particularly families on low incomes who just missed out on the card, the extra cost will mean running up a debt with their chemist, waiting until pay day before a script is filled or simply not having the script filled at all.

The government’s response to the rising costs of the PBS is naive and short sighted. It is under the mistaken impression that what they have done by hiking up the cost of scripts will save money. In fact, as research has shown us here and overseas, it will be more expensive for the system as a whole. Patients who stop taking medication because they can no longer afford it or simply do not get scripts filled will end up in our public hospital system—the most expensive part of the health sector. But that does not really matter to the Commonwealth as the states pay for that. So here we have yet another example of cost shifting, this time from the Commonwealth to the states and territories.

There are so many more sensible, more sustainable, more equitable ways of reining in health care costs, but the government simply does not want to see sense on the issue. It is trapped by ideology on the private health insurance rebate, and it is trapped by its pref-
ference for short-term quick fixes for the PBS. It would rather increase payments for medication to save $300 million in the next financial year than do what is fair and means test the private health insurance rebate to save over $1 billion.

To justify health cuts, we are fed the argument that we need money for border protection, but I argue that is just a furphy. This government’s border protection policy will cost about $600 million in this financial year. Even if the large majority of Australians accept this as justifiable expenditure, it is nothing compared to the $2½ billion the government is wasting every year to prop up the private health insurance industry.

The private health insurance rebate is recognised by virtually every health economist in this country as being a crazy, inequitable and unsustainable health policy. I will not go into the details today of what we could actually do in our public system if we had that much money, or at least if we capped and means tested it, which would free up about $1 billion to $1½ billion. I will say this: the government owes an explanation to all low and middle income earners now worrying about how they are going to afford their next script. They deserve an explanation as to why people on over $200,000 are still going to get their gym shoes subsidised.

I want to focus today on making some recommendations to the government on how to contain the cost of the PBS without punishing the sick and without sacrificing patient care. It is not the answer to do as the government has done and subject doctors to even more red tape and more restrictions on prescribing. Instead, the government should relieve the pressure on GPs by placing restrictions on the marketing of new products by drug companies. The government has to crack down on pharmaceutical companies, and not increase the price of drugs for consumers. We have proposed an eight-week ban on the advertising of newly listed drugs, which will give the doctors the opportunity to access the information that they need and read it. That information should come from the National Prescribing Service. Or we can simply have a system where we have eight weeks between when a drug is approved and when it is actually listed.

We would also strongly recommend a total ban on the representatives of drug companies visiting doctors’ surgeries and handing out free products, promotional materials, invitations to functions et cetera. Many individual doctors have complained to me about this. The Australian Divisions of General Practice, which now represents over 90 per cent of Australia’s GPs, is also calling for changes. A press release from the Divisions of General Practice early this week stated:

ADGP has called for a range of measures to support quality prescribing and increase the quality use of medicines in the community. These measures include further education of both doctors and consumers and restrictions on the marketing of new products by drug companies.

Some may argue that it is unfair to restrict drug companies’ access to doctors but I ask: is it fair to increase the price of medications for pensioners? The government has flagged programs to provide information to doctors on new and revised PBS listed medicines but it has left it up to the drug companies to do this. Why? Surely we should have the National Prescribing Service delivering the appropriate unbiased information. I also strongly recommend that the government’s PBS review look into the concept of the ‘lifestyle script’, used in Europe, which offers advice on lifestyle issues such as diet, exercise et cetera.

The budget’s increased copayment for PBS drugs is a knee-jerk reaction to a problem created by this government’s own decisions and mismanagement. Last year’s price blow-out was due to just two popular drugs: in one case because the government failed to ensure that there was a price-volume agreement, and in the other because extensive advertising resulted in soaring demand for the product. To conclude my brief comments on the PBS, I make one more suggestion about how to contain costs, and that is by putting more resources into services such as physiotherapy and psychology. If these services are not available, doctors are often forced to prescribe.
I turn to other issues. We welcome the additional access to oncology services in regional areas and also the money allocated for arthritis and macular degeneration. I have major concerns with the inadequate amount of money for Aboriginal health. We will not see the much needed boost in the health status of indigenous Australians with so little funding. I had hoped the government would use this budget to address a number of serious medical workforce shortages—in particular, the shortage of GPs and nurses. There have been a few positives, particularly for aged care nurses, but much more needs to be done. In South Australia, just as one example, we have a shortage now of at least 500 nurses, and nationally the shortage runs into thousands. The worse the shortage becomes, the more pressure on the nurses in the system and the more likely that they will leave. I will not pre-empt any findings of our nursing inquiry but I must stress here that the Commonwealth has to take a lead in resolving this problem. From my reading of the budget papers, there are incentives for some 250 aged care nurses for rural Australia, but the universities get absolutely no funding for this.

Also, nowhere in the budget papers is there any extra funding for our universities to train more GPs. It is not a solution to simply pay doctors a little more if they will go to outer metropolitan or rural areas. We need more doctors. That is what the Access Economics report said recently. They estimate that the shortage is about 1,000 to 2,000 a year. They are looking at a shortfall of as many as 10,500 GPs by 2020 if the current trends continue. There was an enormous amount the government should and could have done in the budget to address that. Instead, we have a couple of band aids that are not a long-term solution.

We need some government initiated research into a range of issues impacting on GP services. This includes workforce distribution, remuneration, placement of GPs from other countries, working patterns of recent graduates and the ageing of the medical workforce, particularly in rural Australia. In South Australia, with a nursing shortage of some 500, the GP shortage just in Adelaide is 60 full-time positions. We cannot continue to judge the number of doctors Australia needs on old-fashioned assumptions that most doctors are men and are happy to work 70 hours a week and more and be on call beyond that. As the Access Economics survey showed, female GPs are not prepared to even work the average. Many of them, with family responsibilities, are looking at trade-offs. Given that 57 per cent of our medical students are now female and that that figure is rising, the hours worked by doctors in the system must be given serious consideration. Overall, I stress that I am very disappointed in the government’s health budget. The rhetoric about looking towards the future and preparing us for a health system that is sustainable in the long-term is a nonsense when you read the detail.

QUESTIONS WITHOUT NOTICE

Budget: Deficit

Senator CONROY (2.00 p.m.)—My question is to Senator Minchin, the Minister for Finance and Administration and the Minister representing the Treasurer. Does the minister recall telling the Financial Review just a month ago, on 10 April:

The bottom line, what business tells us, is ‘whatever you do, keep the Budget in surplus’... We will meet that in full... surplus budgeting is an appropriate stance.

With the budget in the red to the tune of $1.2 billion, do you feel like a dill, Minister?

The PRESIDENT—Senator Conroy, your question should be addressed to the chair, not across the chamber to the minister.

Senator Abetz—Madam President, on a point of order: surely that sort of terminology is not allowed in questions. Specific standing orders in relation to questions state that that sort of terminology cannot be used. I would invite you to rule the question out of order or at least require Senator Conroy to get his question in line with standing orders.

The PRESIDENT—It is an inappropriate way of addressing. There is no question about that. It reflects more on the questioner than on the person being questioned, I would suggest. The first part of the question is legitimate, and I would invite the minister to comment on that.
Senator MINCHIN—Thank you, Madam President. Those of us in the coalition are always amazed at the gall of the Labor Party asking questions that reflect on the surplus or otherwise, given that it was the Labor Party that, in an extraordinary period of just five years in the Hawke-Keating years, racked up deficits of some $70 billion, leaving this country with a government debt of $96 billion which we have spent the last six years paying off, to the great credit of this government and to the great benefit of Australian taxpayers.

The public debt interest bill on the debt that Labor left us was some $8 billion and is now down to around $4 billion, still a substantial amount of money that we have to pay out on behalf of taxpayers on interest on their debt. But we are paying it off. We have paid off $61 billion of that debt. I remind Senator Conroy that over the last four years we have had surpluses of $24 billion and over the next four years we will have surpluses of $16 billion. We feel no embarrassment whatsoever in bringing down a budget that forecasts a surplus of $2.1 billion, entirely consistent with the remarks I made to the Financial Review prior to the budget.

The fact is that the expected outcome for 2001-02—that is, to the end of June this year—is a small deficit of $1.2 billion. We are not at all ashamed about that. I think Australians and the opposition should reflect on the fact that the year 2001-02 was one of the most extraordinary years in world history. No-one could have predicted the events of September 11 and the horrendous impact that had on the world financial system and on the requirement of all Western countries to massively upgrade their domestic security.

Opposition senators interjecting—

The PRESIDENT—Order! Senators on my left will cease shouting, including Senator Conroy.

Senator MINCHIN—The fact is that the government, like other Western governments, just about all of which are in deficit at the moment, had to respond to the cataclysmic events of September 11 by significantly upgrading their own domestic security—which we have done through various policy measures—by launching an all-out war against terrorism. We are proud to be part of that. We also had $400 million less revenue than was anticipated. As I said, we have no shame in the small deficit of $1.2 billion, given the extent to which we have been able to pay off the extraordinary Labor debt that was left to us and given the forecast for continuing surpluses under our government.

Senator CONROY—Madam President, I ask a supplementary question. On what basis did the minister provide that categorical assurance only one month ago—which was after September 11—when the budget would essentially have been formulated, that the government would keep the budget in surplus? Wasn’t the Minister for Finance and Administration involved in the budget preparation process?

Senator MINCHIN—My remarks to the Financial Review or to any other part of the media related to the budget the government was preparing—that is, the budget for 2002-03. We gave a clear undertaking that that budget would be in surplus, and we have delivered a $2.1 billion surplus which Labor were completely incapable of delivering during its years in office. What they delivered was $96 billion of debt. How dare they criticise us for the management of the economy that we have produced. We are very proud of our economic record, and we are working very hard to pay off the debts that Labor left us.

Budget: Defence

Senator SANDY MACDONALD (2.05 p.m.)—My question is to Senator Hill, the Leader of the Government in the Senate and Minister for Defence. Minister, last night’s budget will help to keep Australia safe, our borders secure and our economy strong. Will you inform the Senate how the government’s responsible management of the Australian economy is helping to strengthen our Defence Force capability?

Senator HILL—I thank the honourable senator. I know he has a particular interest in defence matters. It is true that last night’s budget continues the Howard government’s impressive record of strong and responsible economic management. But it also delivers
on our election commitments in full. Our commitment to fighting terrorism, the introduction of the baby bonus and the matching by government of personal superannuation contributions for low earners are all delivered, fully costed and on time.

As said by my colleague the Minister for Finance and Administration, our economy is strong, our economic fundamentals are sound and our economy is expected to continue its strong performance in the year ahead. Growth is forecast at around three per cent for 2002-03, making Australia the fastest growing developed economy in the world in the year 2002. Business investment is expected to grow strongly also, and household consumption is expected to remain strong. The unemployment rate is forecast to decline to six per cent by June next year. We have created some 930,000 jobs since we came to office, and we expect over one million to have been created by Christmas.

Responsible economic management is the hallmark of this government, and the budget for this coming year will deliver a surplus of $2.1 billion. What a stark contrast to Labor’s irresponsible spending when, as has already been said today, they racked up some $96 billion in their final years of office. By June we will have repaid some $61 billion of that $96 billion debt legacy left by Labor. On top of all this, this year the Howard government is funding substantial measures to upgrade security to secure our borders and to strengthen our defence forces. The budget maintains the government’s white paper commitment of an average annual real growth of three per cent for the Defence budget over the next 10 years. Overall, total funding for defence will increase to some $14.3 billion. We are continuing Australia’s contribution to the international coalition against terrorism with an extra $194 million in 2002-03, bringing it to a total of $524 million.

We have allocated $1.3 billion to strengthen Australia’s domestic security arrangements through upgrading airport security and defence communications that effectively double our defence tactical assault and incident response capabilities. An extra $219 million over four years has been provided to establish a second tactical assault group on the east coast of Australia capable of counter-terrorism work. An extra $121 million over four years will allow us to have a permanent incident response unit to respond to a potential chemical, biological or radiological attack. We have also allocated more than $100 million to support defence personnel and their families through improving accommodation options, health initiatives and family and child-care programs. It demonstrates that defence is a major priority for the Howard government. But it can only be delivered in the future to the basis of a sound, ongoing, strong economy. That is the primary achievement of the Howard government. It has enabled us to provide a strong defence, and it has enabled us to provide all the other benefits. (Time expired)

**Budget: Contingency Reserve**

Senator CONROY (2.10 p.m.)—My question is to Senator Minchin, Minister for Finance and Administration and minister representing the Treasurer. Does the minister recall the Treasurer reminding us last night that we live in an uncertain world? Can the minister therefore explain how the government can justify setting aside only $18 million in the rainy day contingency fund for the 2002-03 financial year compared with $919 million that was set aside in last year’s budget?

Senator MINCHIN—The reasons why the contingency reserve has various amounts in it vary from year to year. It is not actually a rainy day fund. It is not some sort of special in-reserve fund in that sense. The government forecasts the sorts of calls that may need to be made on the contingency reserve from year to year and designates funds for that contingency reserve as required. It is not a rainy day fund—unfortunately, that is something that the Labor Party and others in the community are very misguided about. That is not the purpose of the contingency reserve and one should not read anything into it. The Treasurer is quite right to say that we live in very uncertain times. Regrettably, the ALP do not seem to acknowledge that. One gets the impression from what the ALP are saying about this budget that for some reason they do not think we should be in-
vesting in this nation’s security. There is no more important responsibility on a federal government than domestic and international security for this nation and the protection of its sovereignty. We have no shame whatsoever in the sort of expenditure that we have provided for in relation to domestic security in ensuring the safety and security of all Australians. This budget provides for it and it is about time the Labor Party got behind it.

Senator CONROY—I ask a supplementary question, Madam President. Isn’t it the case that by slashing the rainy day contingency fund you are able to claim a surplus next year rather than acknowledging the reality of another deficit budget next year?

Senator MINCHIN—This is all a bit rich coming from the greatest fiscal vandals this nation has ever seen. We hope the disgrace of the Whitlam years and the Hawke-Keating years will never be revisited in this country. We have budgeted for surpluses of $16 billion over the next year, and they will be delivered.

DISTINGUISHED VISITORS

The PRESIDENT—Order! I draw the attention of honourable senators to the presence in the presidential gallery of former President of the Senate, South Australian former senator Sir Harold Young. On behalf of honourable senators, I welcome you to the chamber.

Honourable senators—Hear, hear!

QUESTIONS WITHOUT NOTICE

Budget: Disability Services

Senator KNOWLES (2.13 p.m.)—My question is to Senator Vanstone, Minister for Family and Community Services and Minister Assisting the Prime Minister in the Status of Women. Will the minister please inform the Senate how changes in the budget will provide more support and greater opportunities for people with disabilities to participate in work and in the community?

Senator VANSTONE—I thank Senator Knowles for the question. It is a great opportunity to put paid to the myth being spread by some colleagues opposite that this government would cut disability spending to fund the war on terrorism. We are not cutting disability spending; we are in fact increasing it. In a difficult budget we are increasing expenditure on those with disabilities. We are rebalancing that increased expenditure in favour of those who have higher support needs. I want to start by apologising to the disabled in the community. The apology is that it has taken any government in Australia so long to finally focus on the abilities of these people rather than focusing on their disabilities. It is like the worker in the Public Service who recently said to her boss, ‘Don’t judge me by the wheelchair that you see; judge me on my brain and what I can contribute to this organisation.’ For that woman—before you scoff over there—there was a long haul from a tragic car accident, through to TAFE, university, a master’s degree and finally her current position.

There is increased money in this budget to the states and territories for specialist disability services—$743 million through the next Commonwealth-State Disability Agreement. The new agreement will be $2.7 billion—a record contribution from the Commonwealth. This must be matched by an increase from the states and territories who have benefited, of course, from increased GST funding and the record stamp duties that they are still collecting in Victoria and New South Wales. The states and territories will need to increase their accountability to disabled people for where the money goes—no more ‘big cheque spend it where you want’, now they will have to account for it. The money also depends on the DSP reforms being passed by this parliament. I cannot urge senators enough to understand that disabled people want to be judged on their ability not on their disability.

The McClure report told us to realign the 30-hour work capacity threshold with current working patterns. That is what we are doing. There has been a fivefold increase in part-time work, compared with full-time work, in the past 20 years. If you can work for 15 hours or more at award rates, you should not be on a disability benefit. There is no longer an easy way out for governments. They will now have to provide the help that people need to be active and valued members of the community. You cannot go the easy route
any longer and pay people to stay at home, rather than invest in and help them be as active as they can.

I hesitate to refer to Labor’s apparent support. I urge honourable senators opposite who I know are interested in this issue to encourage their colleagues to recognise that many with a disability are quite sensitive. They do not think Mr Swan is smart or funny when he refers not to welfare reform but to welfare reform. Coming on top of Mr Latham’s jibe—

Opposition senators interjecting—

Senator VANSTONE—He said it—at a former Liberal Party minister and president as being deformed in every sense, it was not a class contribution from Mr Swan. Mr Latham is ill-advised when he says ‘blind Freddy can see’ before he comments on disability support benefit reform. The Labor shadow minister, Mr Swan, has nonetheless recognised the need for change—and I am sure that Senator Knowles will want to know about those who support the need for change. The Labor shadow minister, Mr Swan, in the Labor Party’s submission to the McClure reference group, said that solutions must be found to the growth in DSP to ensure that people with disabilities have the fullest opportunity available to reach their potential and to make their contribution. That is what we are doing. We are putting more money into those with the highest support needs to help them get out and be active.

Senator KNOWLES—Madam President, I ask a supplementary question. While the Labor Party is very critical of these measures to help the disabled, I ask the minister whether anyone has actually come out and supported the initiatives that Senator Vanstone has put in place to help those with disabilities?

Senator VANSTONE—I thank Senator Knowles for the question. Senator Knowles may be interested that Mr Latham, the shadow Assistant Treasurer, said that something also needs to be done about the outrageous growth in the disability support pension. He went on to argue that the disability support pension needed mutual responsibility policies applied to all those with a genuine capacity to work. We are not going that far—we are looking at only those who have a genuine capacity to work for 15 hours or more. Mr Latham said in parliament, ‘Again Mr McClure has got it right’ Mr McClure said that we should treat mildly disabled Australians seriously. He also stated: So don’t emphasise disability; emphasise the capacity that mildly disabled people have to work.

There is a famous quote that the disabled have their handicap revealed and their genius concealed, while able-bodied people have their genius revealed and their disability concealed. Ultimately, we must judge people by their values and their contribution. Do not leave anybody out. We have accepted the truth of those words and we have acted on them.

Budget: Pharmaceutical Benefits Scheme

Senator McLUCAS (2.20 p.m.)—My question is to Senator Patterson, the Minister for Health and Ageing. Has the minister’s attention been drawn to the emotional complaint from a pensioner called Marion to Steve Price on 2UE this morning? Is the minister aware that Marion spends $25 to $30 a fortnight on medications for lupus and osteoporosis and sometimes has to make a choice between pain-killers and food? How does the minister respond to Marion’s desperation about having to pay almost 30 per cent more for her medications? Should Marion cut down on food or the pain-killers?

Senator PATTERSON—I expected that this would be the sort of tactic from the Labor Party. I expected that they would pull an individual case out of the hat and not look at the whole issue.

Honourable senators interjecting—

The PRESIDENT—Order! I cannot hear the minister. Far too many senators on both sides are behaving in breach of the standing orders.

Senator PATTERSON—An absolute furphy is being spread by the Labor Party and others that we are taking $2 billion out the Pharmaceutical Benefits Scheme. That is not true.

Opposition senators interjecting—
The PRESIDENT—Order! There is an appropriate time to debate this issue. At present it is question time, a time when senators may ask questions of ministers. You can debate the issues later.

Senator PATTERSON—It is a furphy that we are taking $2 billion out of the Pharmaceutical Benefits Scheme. That is not true. We will be spending the same on the Pharmaceutical Benefits Scheme this year as we did last year and in the outgoing years it will increase. Senator McLucas gave an example of a particular person—I have not done the quick mathematics; that is why I am not going to respond on the individual. I would suspect that if she were taking that many pain-killers she would have reached the threshold safety net of 52 scripts per year.

Some 85 per cent of scripts dispensed in Australia are dispensed to people on health care cards. We have done some recent research and most Australians do not realise how much their medication is subsidised. The most commonly prescribed medication costs the taxpayer, costs the government $80 per script per month. As of 1 January, people on a health care card will be paying $4.60 until they reach the safety net of 52 scripts when they will get their medication for free. As the Treasurer said last night, some of those medications cost in the thousands of dollars. There is one medication that costs $40,000 per annum per person. We need to have a system which is sustainable and affordable into the future.

In 1991, the Pharmaceutical Benefits Scheme cost the taxpayer $1 billion.

Senator Conroy interjecting—

The PRESIDENT—Senator Conroy, cease shouting.

Senator PATTERSON—As of 2001, it was almost $5 billion. That is unsustainable. All Australians understand that the cost of medication is increasing. In particular the costs of the new generation of medications, which cost hundreds of dollars, are increasing more rapidly than any other product on the market. We, as a government, as a community and as individuals—and the Intergenerational Report has demonstrated this—have to decide how much we spend on medication. We are asking people on health care cards to pay a maximum of an additional dollar per week.

Unlike Labor, who let people take their medication without assisting them, we have a program that has 1,500 pharmacists, and another 700 or 800 about to be accredited, where pharmacists receive a medical benefits scheme payment. This has never been done before, where the doctors and pharmacists have cooperated. You can ask the doctor for assistance and have a pharmacist come to your home to review your medication. This is because a number of people have been taking medications, others are added on and the doctor has not reviewed them or the patient has gone to a different doctor. The pharmacist will come into your home and review your medication to ensure that the prescription medications you are taking, the over-the-counter medication you are taking and any herbal medicines you may be taking are not interacting adversely.

Some 80,000 people go into hospital every year as a result of adverse reactions to medication. Not only are we making sure we are securing the future of the Pharmaceutical Benefits Scheme; we are ensuring through a number of measures, including the home medicine review, that people are taking their medication appropriately. A whole of community response is required to make sure we have a system that is world class and sustainable into the future.

Senator McLucas—Madam President, I ask a supplementary question. I note that the minister has not bothered to answer the fundamental question: should Marion cut down on food or pain-killers? I invite you to address that question, Minister. And, given that—

Government senators interjecting—

The PRESIDENT—Order! I cannot hear Senator McLucas, and I am sure that Senator Patterson cannot either. We will proceed with question time when it is possible to hear.

Senator McLucas—Given that, according to Marion, she is going to the doctor today to get seven different scripts for her lupus and osteoporosis, can the minister ad-
vise Marion where she will get the extra $7 from?

Senator PATTERSON—They will lead you down the garden path talking about an individual but, when a person is taking that much medication, it is highly likely that that person has reached the safety net already and will be getting her medication for free. Nowhere else in the world does this apply to medication. Some of the medication costs $2,000 per script, per person, per month. On average, the most commonly prescribed medication costs $80 per person, per script, per month. We are now subsidising medications to the tune of almost $5 billion. The person in question, and people who have reached the safety net, have seven months to anticipate the fact that they will pay $1 extra per script for a maximum of 52 scripts, if they are on a health care card. Eighty-five per cent of scripts are dispensed to people on health care cards.

Budget: Disability Services

Senator STOTT DESPOJA (2.26 p.m.)—My question is addressed to the Minister for Family and Community Services. Is the minister aware that, in order to make the savings forecast in the budget, it is estimated that more than 180,000 disability support pensioners will be taken off the pension, not only losing more than $52 a fortnight in income support but also losing other pensioner concessions? I also ask the minister whether it is true that, in determining a person’s ability to work 15 hours a week, Centrelink will disregard that person’s own treating doctor’s report in favour of a government funded medical practitioner who may have only seen the person for 10 minutes, if at all.

Senator VANSTONE—Senator, you ask what number of people may—we cannot be certain of this—when the normal cycle of review takes place for people already on a disability benefit, be shifted on to Newstart. You ask whether they will suffer a loss of benefit if they are shifted on to Newstart. The Newstart benefit is lower than the disability benefit.

The decision Senator Stott Despoja has to make is whether she wants a policy that continues to say to people who can work at award rates for 15 hours or more, ‘Look, we’d rather pay you $30 more to stay at home than go to the bother of helping you get a job, get back in the community and maximise your opportunities.’ Senator Stott Despoja may choose the policy that says she will say to those people who still have a real chance of returning to a much fuller lifestyle that she would rather pay them $30 more a week to stay at home. We have decided that is not the course of action we want to take. We would much rather say to them, ‘We are going to judge you on your ability and we will give you a lot of extra help in order to get work and return to the community.’ Disabled people say to me, ‘Don’t judge me on my disability; judge me on my ability.’

Senator Stott Despoja could have asked for a brief on this before she asked this question. In the budget last year, we made announcements about reforms to change the way in which we assess a person’s ability. We said there that we were already shifting towards looking at what people could do rather than what they could not do. In the past—and it is still the case at the present; we have to make this change in practice yet, though we are well on the way—a person’s treating doctor made the full diagnosis. They did not like doing that. There was too much paperwork and too much pressure from patients whom they had a longstanding knowledge of—maybe for 20 years. We have changed that system and we will be very soon shifting to one where your treating doctor will do the medical diagnosis.

I understand the point that you allude to: people do not want to go off to some strange person whom they have never met and who does not have the institutional memory of their medical history. The person’s treating doctor will do the medical diagnosis. But treating doctors are not trained to do work-ability tests, and we will be separating that part out and giving that to people who are trained to do it. They might be rehabilitation specialists. They might be social welfare people. They might be psychiatrists. They might be psychologists. So the treating doctor will still do the medical diagnosis. You could have asked for a brief, Senator. You
could have read last year’s budget papers if you had the time.

Senator STOTT DESPOJA—Madam President, I ask a supplementary question. If the minister is so committed to, as she says, ‘maximising opportunities’ for these people who will be kicked off their benefits—estimated number, 180,000—why is the government providing only 73,000 places for rehabilitation and training for these more than 180,000 people who will be taken off the pension? How will more than 100,000 unemployed disabled Australians compete in the open job market with the other 600,000 Australians who are out of work? How are they going to compete for jobs that simply do not exist? If you want to maximise opportunities, how on earth are these budget measures going to assist?

Senator VANSTONE—The 73,000 places the senator refers to are Job Network places, disability employment places, rehabilitation places, personal support program places, literacy and numeracy program places and also in funding to the states. Not all of these places will be appropriate. There will be people who are now on disability benefit who might be working 25 hours a week and do not need the benefit of these places; people who are simply on the disability benefit because they cannot work, or were once assessed as not being able to work for more than 30 hours but who can still work—or, as I say, already are perhaps working—for 25 hours. There has been a dramatic change in workplace patterns. As I said, there is a fourfold increase in part-time employment compared to the increase in full-time employment, and I think that is a good thing.

Lastly, I want to comment on your remarks about jobs, Senator. All the time we have been in government I have listened to you saying that we would not bring down unemployment; that it could not be done. And we have done it. It is now 6.3 per cent. These people will have every opportunity to compete in the workplace. (Time expired)

Budget: Deficit

Senator SHERRY (2.32 p.m.)—My question is to Senator Minchin, the Minister for Finance and Administration and Minister representing the Treasurer. I ask the minister whether he recalls that, at a press conference on 17 October 2001 during the election campaign, the Treasurer said:

We are giving a guarantee that we will keep the budget in surplus. Yes, we are.

Can the minister confirm that in 2001-02 this promise has been broken and the budget will in fact be in deficit in accrual terms by $3 billion?

Senator MINCHIN—It is fascinating that the Labor Party are now so concerned about ensuring that budget is kept in surplus. We would be delighted if we could believe that the ALP have discovered fiscal rectitude, but we doubt that very much indeed. There is no evidence whatsoever from any statements by the Labor Party that they believe in fiscal rectitude. Whenever we talk about constraining government expenditure, they attack us remorselessly and demand that we spend more. They never support us in any of our measures to get the budget back into balance. They are constantly opposing everything we attempt to do to ensure the fiscal responsibility that we want to deliver.

As to the current fiscal situation, we have said that the most important immediate measure is underlying cash. The underlying cash situation is that we have delivered $24 billion in surpluses over the last four years and we will deliver $16 billion in surpluses over the next four years. I have already explained to Senator Conroy the circumstances which led to our expectation—barring revenues that we are not expecting in May and June—that the cash deficit for 2001-02 will be $1.2 billion. There are, of course, technical reasons why the fiscal balance is slightly different and why it does not actually match up with the underlying cash position. We can explain that to Senator Sherry at some point if he likes.

This government is recognised worldwide for its unbelievably successful endeavours to ensure that we have one of the lowest debt to GDP ratios in the Western world. There is no country with a record like ours in paying off debt and reducing the burden on future generations posed by government debt.
Senator SHERRY—Madam President, I ask a supplementary question. Can the minister confirm that, after removing the budget fiddles, whereby spending on defence capital projects, roads and working credits in the welfare reform package have been deferred, the forecast for 2002-03 is in fact a further accrual deficit?

Senator MINCHIN—The expectation is that we will have an accrual surplus, as Senator Sherry knows. But, talking about fiddles, the greatest fiddle ever perpetrated on this country was the fact that the Keating government went to the people in 1996 saying that the budget was in surplus. What did we discover? We discovered that these people had left a $10 billion deficit to this government to have to fix and $96 billion of debt. So we will not be lectured by these people about surpluses.

Taxation: Mass Marketed Schemes

Senator HARRIS (2.35 p.m.)—My question is to Senator Coonan in her capacity as Minister for Revenue and Assistant Treasurer. Minister, will the government recommend that the Australian Taxation Office consult and negotiate a settlement with taxpayers or their representatives involved in tax effective investments and that those negotiations be based on deductions of 66 per cent of the loan, as recently adopted by the federal Liberal Party? Will the government recognise the long-term damage to investors that this matter is causing and consequently the damage being sustained by the economy? Will the government make sure that the deal is approved as requested, that the settled outcome of consultation be announced to everyone, and that the ATO has issued a reassessment well before 29 May this year—the current deadline for the current settlement offer?

Senator COONAN—I thank Senator Harris for the question. The whole issue of mass marketed schemes is a matter of concern to the government and many Australian families. Recently the Federal Court handed down a decision in a test case in relation to the Bud Plan arrangements, which was an R&D scheme, in favour of the Commissioner of Taxation. The taxpayers have not actually appealed the Bud Plan decision, but decisions in other cases are expected in the near future.

I am advised that the commissioner has confirmed that his settlement offer will remain open until 29 May. Those whose circumstances make it difficult for them to meet the deadline will be given an extension if they apply—and if they have reasonable reason to seek one. It is important, however, to wait and see how the offer is received before contemplating further action. I understand that about 40,000 investors are eligible and, under the settlement offer, most investors are entitled to a tax deduction for the actual amount of cash outlaid, a full remission of penalty and interest and a two-year interest free period for the scheme debt. So investors should very carefully consider the offer and obviously take independent advice if they wish.

The settlement offer is part of a broader strategy to end the problems with mass marketed schemes. It has been acknowledged by the commissioner as a matter of great regret that it was not addressed much earlier than it was with the early alert system that the ATO now has in place. It follows a number of other initiatives the commissioner has put in place, such as funding test cases and offering interest rate reductions while taxpayers continue legal action so that they can fully ventilate their rights. It is important, however, to get the balance right in the interests of ordinary taxpayers and in fairness to the community by protecting their revenue base. The integrity of the revenue base is extremely important.

It is also important to be fair to investors, some of whom—maybe quite a number of whom—were caught up in these arrangements by aggressive marketing and unscrupulous promoters. Further to that end, the federal government is considering a tough new crackdown on promoters of tax avoidance schemes with tough new sanctions to address this problem. There will obviously need to be broad public consultation on the proposal prior to the development of the legislative amendments. I have been advised by the commissioner that he has about 150 promoters under scrutiny for the sorts of activities that led to these problems.
In addition, the Prime Minister has announced the establishment of an Inspector-General of Taxation to act as an advocate in those kinds of circumstances. The inspector-general should be able to identify systemic problems in tax administration, such as mass marketed schemes, and deal with those problems as they emerge. I will certainly be asking the board of tax to consult widely in relation to the proposed role and functions of the inspector very shortly, and the government will be seeking to implement the necessary arrangements with a view to the appointment and commencement of the inspector-general before the end of the year.

So, Senator Harris, there is an offer on the table and there is a possibility of an extension for those who are badly impacted by the time frame. It would be sheer folly not to allow this offer to progress to see how it travels with those mass marketed investors who need relief.

Senator HARRIS—Madam President, I ask a supplementary question. I note that Senator Coonan did not address the issue of whether the federal Liberal Party will forward the proposal of 66 per cent of the loan being deductible. Also, will the minister inform the Senate of how many deeds of settlement the ATO has issued to mass marketed tax effective investors? How many of the investors have taken up the existing offer?

Senator COONAN—Thank you for the supplementary question, Senator Harris. There is a slight difficulty with the notion of 66 per cent settlement, mainly because it goes against the principles of taxation law as it is not appropriate to be paying back or giving back what has not been outlaid. That is a great difficulty. As to the number of deeds that have been signed, firstly, I do not keep a running balance but, secondly, it would be entirely inappropriate for me to pre-empt in this place those who may be settling, those who have the deed under consideration. I will obviously be informing the Senate when the settlement has run its course.

Budget: Revenue

Senator FAULKNER (2.42 p.m.)—My question is also directed to Senator Coonan, the Assistant Treasurer and Minister for Revenue. Given the Prime Minister’s statement on the AM program this morning that the budget deficit is ‘a result of slightly weaker revenues as much as anything else’, can the Minister for Revenue outline to the Senate the extent to which the deficit is due, as the Prime Minister said, to slightly weaker revenue?

Senator COONAN—Thank you for the question, Senator Faulkner. The slightly weaker revenue arises partly out of some lower estimates and lower collections in tax—

Senator Carr—That was yesterday’s answer!

Senator COONAN—No, it is not; it is today’s answer. It is also due, in many respects, to the changes in estimates since the MYEFO estimates, to the fact that there was some weakness in collection of some company tax and to the September 11 crisis. Obviously there was some lack of confidence in the ability of the tax office to collect tax. Also, there has been some weakness in collection of tax in the small business sector, which is one of the reasons why there is additional provision for the tax office to enable it to make greater collections. The weakness in revenue is only temporary. It is being addressed by additional money being given to the Australian Taxation Office. That will ultimately be revenue neutral, because the arrangement for money to be given to the tax office is so that the tax office can address that weakness. In those circumstances, the revenue has been slightly weaker, but, as we know, it is going to be addressed.

Senator FAULKNER—Madam President—

Opposition senators interjecting—

The PRESIDENT—Order! Senators should respect the fact that their leader is seeking to ask a supplementary question.

Senator FAULKNER—Thank you for your protection, Madam President. I ask a supplementary question. Minister, isn’t it true that the Prime Minister’s comment that the budget deficit is a result of slightly weaker revenue and your own comments in answer to the question I have just asked you
in the chamber today are in fact an attempt to mislead the Australian public when last night’s budget papers show that revenue collections have actually increased by $2.5 billion since the election and $4.4 billion since the last budget?

Senator COONAN—Thank you for the supplementary, Senator Faulkner. Relative to MYEFO, the cash tax receipts estimate has been revised upwards by $123 million in 2001-02 and the underlying cash tax receipts in 2001-02 have been revised downwards by $442 million since MYEFO. The underlying cash tax receipts estimate abstracts from the reclassification of both family tax benefit and private health insurance rebate. The fall in the underlying cash tax receipts reflects, as I said, a downward revision to the estimates for companies tax, and the figure is $750 million, superannuation tax of $270 million and petroleum resource rent tax of $90 million, partly offset by higher estimates for individuals and other withholding tax of $300 million and indirect taxes of $390 million.

Budget: Health Care

Senator BARNETT (2.46 p.m.)—My question is to the Minister for Health and Ageing. Will the minister outline to the Senate how the government is securing the future health care needs of all Australians in this year’s budget?

Senator PATTERSON—I thank Senator Barnett for the question. In his maiden speech he made mention of health and his personal commitment, because of his personal involvement, to the treatment of chronic illness. I welcome his question and I know that he has a very strong interest in the area. With all the activity around the budget sometimes the positive issues of the budget get lost. As I said before, one of the main aims of the budget is to secure the future of the Pharmaceutical Benefits Scheme to ensure that we have life saving and pain relieving drugs available to all Australians into the future.

We made a commitment in the budget last night of an additional $72.7 million to enable better access for people in rural areas to radiation oncology. We have committed $11.5 million to enable us to ensure that arthritis is prioritised as a national health priority, to assist in better diagnosis and care and education of arthritis suffers. As a gerontologist and psychologist I am very aware that sometimes arthritis is a debilitating disease but there are things other than just medication that can facilitate and assist a person to deal with arthritis to maintain their independence and mobility.

One of the other things that could have been lost was Visudyne therapy, $140 million—I have had a number of phone calls about this—for the treatment of people with macular degeneration. For those people who do not know what macular degeneration is, it is a disease that causes parts of the retina to fail to perform and causes blindness. It is the most common cause of blindness in older people. This treatment is with an inert substance and it requires cold thermal laser therapy to be applied, so it has to go on the MBS not the PBS. But it costs about $2,100 per treatment and some people require up to 10 treatments. If we do not rein in the costs of our Pharmaceutical Benefits Scheme and our health costs we will not be able to afford these sorts of new medications which are vital to prevent or reduce the likelihood or the onset of blindness, to enable people to be more active in the community and to still be able to undertake activities of daily living and be independent.

Palliative care is a major issue and one of my passions in life. We are committing an additional $55 million to ensure better education of palliative care workers but also to coordinate some of the mismatching that occurs between hospitals and home and community care. Sometimes medication available in a hospital is not available to a person who is being cared for in the home. Having cared for my mother, who is dying, I am very aware of how difficult it is to coordinate the care in the hospital and the care for the patient who is dying. And really, in the end, the people who are most important are the people who are dying, that they die with dignity and with the choice of where they want to be, and that we can coordinate, to the best of our ability, the care that is of-
federal from the community services and from hospitals.

We also have committed money—and I think the public would have thought we were irresponsible if we did not commit money—to stockpiling a range of medicines, antidotes, antivenoms and vaccines to ensure we are able to have a rapid and effective response to any act of bioterrorism. As the Treasurer has said, and I have heard him say it, we hope we never have to use it, but I think the community, the Australian public, would have thought we were irresponsible if we had not ensured we got that. Some of those antivirals and antidotes were very difficult to get—there has been a world demand for them. I commend the department for the work that they have done in negotiating with the manufacturers of those medications for us to be able to have access to them. (Time expired)

Honourable senators interjecting—

The PRESIDENT—Order! The Senate will come to order so that we can proceed.

Honourable senators interjecting—

The PRESIDENT—The behaviour of the Senate is disorderly.

Senator Schacht interjecting—

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

Senator BARNETT—Madam President, I ask a supplementary question. The minister was referring to a range of initiatives set out by the federal government in last night’s budget. Are there any further initiatives that she could respond to in this regard?

Senator PATTERSON—Unlike the Labor Party, Senator Barnett is aware that—

Opposition senators interjecting—

The PRESIDENT—Order!

Senator PATTERSON—there is $80 million to increase the number of doctors working in designated outer metropolitan areas; $9 million to continue access to Medicare claiming facilities through pharmacists. There is also increased funding in our fight against drug abuse—$65 million to non-governmental organisations in treatment grants, $14 million to expand the community partnerships and $27½ million to invest in retractable needles and syringes and the development of that technology.

The budget continues the funding of the free flu vaccines for all people over 65—something not undertaken by Labor. For those people over 75, there is a free health review to ensure that they are being looked after to the best of our ability, and there is also the Home Medicines Review program which I referred to before. I have another page; I wish we had several more supplements.

**Budget: Disability Services**

Senator MACKAY (2.53 p.m.)—My question is to Senator Vanstone, the Minister for Family and Community Services. Does the minister stand by her claim this morning on ABC AM that—and I quote:

We are not cutting the disability benefit, we are reassessing the abilities of people who are on the disability benefit.

Wasn’t the minister forced to admit on the same program that the shift of people with disabilities to Newstart was an effective cut in their benefit when she said:

They may well be getting less.

Given the Howard government has said it will reassess people receiving DSP from 1 July next year and that those people will lose $52.80 per week as a direct result of that reassessment, how can the minister plausibly claim that this is not a pension cut?

Senator VANSTONE—I am sorry that Senator Mackay did not listen to the answer that was given to Senator Stott Despoja in this respect. I am very pleased to know that she is paying close attention to what is being said on morning radio. Yes, I did say on morning radio that we are not cutting the disability payments. That is very clear; you can see that in the budget papers. Nor are we cutting our overall funding to disability, we are in fact increasing it—perhaps should have happened under previous governments. But we are reassessing the existing disability population on the basis of whether they are able to work at award rates for 15 hours or more. It may be appropriate that they be shifted to another benefit, but we are not cutting their disability benefit. They may be shifted to another one and, if it is
Newstart, Newstart is less. But, Senator, you have to——

Honourable senators interjecting——

The PRESIDENT——The constant interjecting is disorderly and disruptive and makes it hard to hear what is happening. I call senators to order. All of you know what the standing orders say.

Senator VANSTONE——Senator Mackay needs to ask herself this question: is she happy to say to people who can work perhaps 25 hours or more at award rates, ‘We would rather pay you $30 more to stay at home than put an investment into extra places in training, rehabilitation and assistance to help you get a job’? Would she rather say to people who can work for 20 hours or more at award rates, ‘Don’t worry, we would rather pay you to stay home because it would keep our unemployment rate down’?

This is something that Labor did in the 1990s to hide their absolute failure to generate jobs, to hide the recession we allegedly had to have and to take people off unemployment benefit and put them on disability benefit. The worst thing you could do, Senator, is to pay people to not recognise their own ability. Will we continue to do that? Hopefully not. It will depend on your support to recognise the abilities that people with a disability have got.

Senator MACKAY——Madam President, I ask a supplementary question. How does the minister’s claim that people ‘may well be getting less’ fit with the Prime Minister’s categorical undertaking on 24 October last year when he said:

I want to restate the assurances I have previously given ... nobody’s benefit will be cut as a result of the changes to the social security system.

Or is she simply going to wish this promise of the PM’s away with more weasel words?

Senator VANSTONE——Senator, I have answered your question: the disability benefits are not being cut.

Senator Jacinta Collins——Disability pension.

Senator VANSTONE——The disability pension, you are right, Senator. The disability pension is not being cut. The amount of money that we are putting into disabilities is not being cut; it will hopefully be increased because your party will support this recognised need for change. So, someone on a disability support pension will not have their payment cut. They may be assessed as being more appropriate on another benefit. Senator, you may want to say to someone who is capable of working 20 hours or more at award rates—the same as many people in the able-bodied population are working—‘No, we’d rather pay you to stay home because you’ll be on the disability payment then, not on unemployment.’ We would rather help people recognise their ability than pay them to recognise their disability—and that is what we are asking for your support to do.

Health: Program Funding

Senator LEES (2.57 p.m.)——My question is to the Minister for Health and Ageing, Senator Patterson. Firstly, is the minister aware of research which shows clearly that increasing the cost of medication leads to increased hospital emergency department visits and admissions to hospital? Secondly, given that hospitals are at the most expensive end of our health system, and funded by the states, what plans does the federal government have to ensure the states are compensated as people who cannot afford essential medications join the queues in our public hospitals?

Senator PATTERSON——There is all sorts of speculation about medication and hospitalisation. I know that some people have been arguing on the basis of a study at Columbia University which showed that an increase in spending on medication reduced the cost of hospital spending. We have seen a fourfold increase in the cost of the PBS over the last 10 years and we have not seen a concomitant decrease in hospital admissions. In fact, we see 80,000 people a year admitted to hospital because of adverse drug reactions—some of them are unexpected and unpredictable because people have an allergic reaction to medication but many of them are because of polypharmacy drug interaction.

I have always said, ‘It is nice to be a Democrat because you can always say we should spend more.’ But let me ask Senator
Lees: should I preside as health minister over a system which groans under its own weight, which is increasing at an rate which is unsustainable? What I as health minister want to do is to say to the community, ‘We as a government, we as a community, have to pay more for medications,’ and we will be doing that. We are spending as much on the PBS this year as last year, and more into the future years. We have added Visudyne—$140 million—outside the Pharmaceutical Benefits Scheme because it is a procedure that involves a medication. Am I, as minister, going to be able to ensure that we can put those medications on into the future? I ask Senator Lees to look at the Intergenerational Report and see the increase in the proportion of the GDP which will be expended on medication.

The Nobel prize winner Professor Doherty said in a speech last year that Australia could consume on health all it produces—or words to that effect. Australia could consume on health all it produces. What I am saying is that we are spending more on health in the budget. What we have to say to people is that if they want access to the very latest, best medications—some of them costing up to $20,000 per year per person—we all have to bear a small part of that increased burden. If we are going to have access to it, medication as we get older is going to be a larger part of our budget as a nation and our budget individually.

Senator LEES—Madam President, I ask a supplementary question. I note with interest that the minister has emphasised the blowout in the PBS in her answer. Therefore I ask specifically regarding the blowout last year: is it not the case, Minister, that this is due to two factors—firstly, to the extension of concession eligibility in last year’s budget by your government to another 50,000 seniors and, secondly, to the listing of two new drugs, Celebrex and Zyban, one of which you should have put a price volume agreement on and you chose not to? In my supplementary question I stress: why do the poorest and sickest members of this community have to bear the responsibility for decisions that your government has made?

Senator PATTERSON—The poorest and sickest in our community will bear the cost if we do not maintain and restrain the growth in the PBS. It is unsustainable. I hope Senator Lees and the Labor Party do not play party politics and civil politics with this. It is growing at a rate that is unsustainable. There are medications knocking on the door that will be costing anything up to $20,000 to $40,000 per person. With regard to the two medications that Senator Lees mentioned, yes, there was an increase; yes, some patients demanded those medications; yes, some of the doctors prescribed them outside the guidelines. If Senator Lees has time and she looks carefully at the budget, she will see we are not just asking about increases of copayments. We also have measures to include pharmacists, pharmaceutical companies and doctors in helping us solve the issue—maintain, retain and curb the growth—so we have a PBS which is sustainable into the future. That is my goal as health minister: to preside over a system which is world class which will go into the future and give people access to the best drugs in the world.

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

QUESTIONS WITHOUT NOTICE: ADDITIONAL ANSWERS

Immigration: Detention Centres

Senator ELLISON (Western Australia—Minister for Justice and Customs) (3.03 p.m.)—Madam President, yesterday Senator Bartlett asked me a question in relation to the detention of juveniles in immigration detention centres. I undertook to get back to him with some further detail and I have that here. I seek leave to table it and to incorporate it in Hansard.

Leave granted.

The answer read as follows—

Madam President yesterday Senator Bartlett asked me a question yesterday regarding the government’s response to the South Australian Department of Human Services report on children in detention.

After consulting with the Minister for Immigration, Multicultural and Indigenous Affairs I wish to advise the following:
The Department of Immigration, Multicultural and Indigenous Affairs has received the initial confidential report from the South Australian Department of Human Services. Both the DIMIA and human services officials have had detailed consultations on the contents of the report and at this time DIMIA has sought clarification from human services on some aspects of the information contained within the report.

DIMIA has acknowledged some of the practical issues raised within the report and is moving to address some of those issues at this time. However, until South Australian human services clarifies the information provided in the report, it remains unclear how long it will be before consultations can be concluded.

While there are ongoing consultations about the report between the two departments, the report deals with individual family cases and is therefore subject to privacy considerations. Consequently, DIMIA has no intention of releasing another agency’s report on individuals and families whose privacy is protected by law.

**QUESTIONS WITHOUT NOTICE: TAKE NOTE OF ANSWERS**

**Budget**

*Senator CONROY (Victoria) (3.04 p.m.)—I move:*

That the Senate take note of the answers given by ministers to questions without notice asked today relating to the 2002-03 Budget.

I wanted to speak in particular on Senator Minchin’s appalling efforts to try and continue the fraud that is this budget that he has delivered for next year, the deceptions that this government is perpetrating, deceptions intended to mislead the public about the true state of the budget. Before the election—to be precise, on 17 October; and just in case anyone is confused October comes after September 11, so you cannot use the excuse that the world changed on September 11 and that caught us out—Mr Costello told all Australians:

We are giving a guarantee that we will keep the Budget in surplus, yes we are.

It would seem that Mr Costello’s guarantees are not worth that much. Last night he announced a deficit, not that you would have known if you tuned in on the telly or listened on the radio. He spoke for 30 minutes, and he did not mention the dreaded d-word once. There was no mention of the fact that he had plunged us into deficit. Once again, it is one thing to tell the Australian public before the election and it is a different thing after the election.

What were the reasons for the deficit? If you were listening to the Prime Minister on *AM* this morning, he said it was the result of slightly weaker revenues. However, as the Prime Minister knows, this is not true. The budget shows quite explicitly that revenue was stronger than expected. The effect of revenue on the budget outcome was in fact $2.5 billion more than expected, not as they are trying to pretend on the other side. They actually had an increase, not the decrease they are trying to pretend. So who is to blame for the deficit? Again, according to Mr Howard this morning on *AM*, it was the bureaucrats—Treasury officials. They were assessments prepared by the two departments of Treasury and Finance, and both of them predicted that this year’s budget would end with a slight surplus.

Of course, the other explanation that the government has seized upon to explain away the deficit we were not meant to have is the uncertain world environment. Given the emphasis the Treasurer placed on these uncertainties, why has he cut the contingency reserve to just $18 million? He has cut it from $920 million to $18 million. The contingency reserve provides funds for a rainy day to meet unexpected outlays—just the sort of outlays that might arise in the current uncertain environment in which Mr Costello has reminded us all live. Why then has Mr Costello only left $18 million in its rainy-day fund, compared to almost $1 billion this time last year?

The answer is simple. Having broken his promise to deliver a surplus this year, he has raided the rainy-day fund so he can guarantee a surplus next year. We know what Mr Costello’s guarantees are worth. But there are other fiddles; I do not want you to think this is the only fiddle he is up to this year because he has got form on budget fiddles, as we talked about in previous debates. The budget for 2002-03 would be in deficit on the proper basis of measurement defined not by the Labor Party but by the Treasurer and
the Department of Finance and Administration and approved by this parliament: the accruals basis. $150 million was sliced off Defence spending through a delay in capital projects promised under the Defence white paper. That is right: if we buy this equipment, we go into deficit; so, quick, we will put it off till next year. Shame on you, Senator Hill. So much for looking after Australia’s defences. There is a $200 million ‘re-profiling’—that is a quote from the budget papers—of the roads budget. That is another deferral of an existing promise. There is a $40 million deferral of the working credits proposal in the welfare reform package. Australian families are paying the price for this government’s spending binge last year to buy them the election result. The government were spending like drunken sailors. Now the time to pay the bill has come—and who is paying for it? Australian families. They are already paying the price in higher interest rates because of the government’s extraordinary incompetence in delivering a budget deficit in a year when the economy grew by four per cent at the end of a decade of growth. From 1 August they will pay the price in higher costs for medicines—and this is on top of price increases for other necessities such as telephone charges, postal charges and private health insurance. (Time expired)

Senator CHAPMAN (South Australia) (3.09 p.m.)—Talk about the pot calling the kettle black: Senator Conroy from the Labor Party—a party which, when in government, racked up deficit after deficit and exploded the Australian government’s debt to almost $100 billion—coming in here and lecturing the government about the minor deficit that is estimated for the 2001-02 budget. As we well know, that deficit was caused by the unexpected events associated with the acts of terrorism of September 11 and the follow-up need for the government to commit more expenditure on defence. The first priority of any government is to ensure the security of its citizens—to ensure that our defences are adequate, to ensure that our borders are protected and to ensure that our domestic security is adequate. That is the reason why the budget for the current financial year is estimated at this stage to finish up in a small deficit.

It is quite significant that the Labor Party want to live in the past. They want to talk about the budget outcome for this year when the feature of last night’s presentation was, of course, the budget for the forthcoming financial year and all of the initiatives that the government has taken in that budget as well as the strong economic growth that is going to be maintained as a result of this government’s sound economic management. Again, that is a record that the Labor Party simply do not want to talk about because it contrasts so dramatically with the record of their government in the years from 1983 to 1996. So it is no wonder that the opposition want to nitpick, to try to find some fault in the government’s budget processes either over the current year or next year. The only thing that they have found is a minor deficit which is, as I said, a result of the unexpected events of September 11 last year. When we look at the key issue—and, as I said, the key issue is the budget for the forthcoming year—we find a very strong fiscal outlook with an underlying cash surplus of $2.1 billion, which will lay the foundations for even stronger surpluses in the years beyond 2000-03.

I talked earlier about the massive debt that the Labor Party racked up when they were in government because of deficit after deficit, year after year. In the six years now that this government has been in office and with the seventh budget having been delivered, we will have paid back some $61 billion of that debt that Labor racked up. They increased our debt, let me remind the Senate, by some $80 billion: it was around $20 billion when they came to office in 1983 and it exploded to $100 billion over their time in office. We will have paid off $61 billion of that by the end of the next financial year. That is a remarkable achievement by any judgment, and those are the sorts of issues that ought to be focused on rather than this minor matter, this nitpicking, that we have seen exhibited by the opposition today.

The central feature of the government’s financial management has been its maintenance of a strong economy even over the last 12 months in the face of the international recession that resulted from that terrorist act
of September 11. In the current financial year that we are about to complete, the Australian economy outperformed the economy of every other developed country. Its rate of growth was about 10 times the OECD average—again, a remarkable achievement. That growth will remain strong over the next 12 months as a result of the effective budgeting and strong economic management of the government. There will be economic growth of around 3 3/4 per cent over the next 12 months. Inflation will remain in the target band at 2 3/4 per cent and, as a consequence of that strong growth and low inflation, unemployment will continue to fall to about six per cent by the middle of next year. Business investment will remain strong, and that is a very important factor in ensuring employment growth. So all of those key economic fundamentals are being kept on track by the sound management of this government. But the most important thing, as I said, for this government to do—indeed, for any government to do—is to ensure the security of its citizens and we are doing that with the increases in Defence spending, an increase of some half a billion dollars over and above what was planned in the white paper. (Time expired)

Senator SHERRY (Tasmania) (3.14 p.m.)—We are taking note of a number of responses—so-called responses—from Senator Minchin, representing the Treasurer, with respect to the budget that was delivered last night. I did think it was somewhat ironic that Senator Chapman complained about the Labor Party wanting to live in the past after he had gone back six or seven years to the alleged record of debt that the Labor Party left when it finished in office. We could go back to the election loss in 1983, when the then Treasurer—now the Prime Minister—Mr Howard, left some $26 billion of debt from one budget. That was kept hidden during that election campaign. If we look at the budget speech, the Treasurer announced last night:

Our budget for the year is in surplus—a surplus of $2.1 billion.

What year was he referring to? He was not referring to the current year: if we look at the current year’s budget, it is actually in deficit. The Treasurer was very careful not to mention the particular year he was referring to. He did not want to give away or draw attention to the fact that the underlying cash balance was $1.2 billion in deficit. He just wanted to talk about the budget being in projected surplus—I emphasise ‘projected surplus’—for next year.

In my question to the Minister for Finance and Administration, I did remind Senator Minchin that the Treasurer, Mr Costello, said on 17 October during the election campaign:

We are giving a guarantee that we will keep the budget in surplus. Yes, we are.

That was the undertaking that the Treasurer, Mr Costello, gave back on 17 October last year. Yet here we are, almost at the end of the financial year, when it is apparent that the Treasury and the Treasurer now accept that we are going to end up with a deficit. The Treasurer must have known at that point, some five or six months ago, that we were going to have a deficit. Yet he did not announce it during the election campaign. I think the reason is fairly obvious. The Treasurer would not want to disclose that Australia was going to be running both an underlying cash deficit and a fiscal balance.

What is interesting about the deficit for this year is the claim made by Mr Howard, on AM this morning I think, that there has been a decline in revenues. If we look at the total tax receipts, we see they have been very strong indeed, and they are projected to be very strong over the next four or five years. So the answer does not lie in a fall-off in revenue leading to the deficit during the current financial year. The answer lies in the huge spend-up that the government had in the lead-up to the election. I do not in any way criticise the expenditures in respect of security. There was a whole range of other expenditures that the government committed to last year in order to effectively buy back popularity in the lead-up to the election. That was overwhelmingly the most substantial reason for the deficit that has resulted this financial year.

The issue of tax revenues that I referred to earlier is an interesting one. If we look at the estimates of Commonwealth receipts in Budget Paper No. 1, page 13-4, the projected
taxation receipts for the Commonwealth in the year 2005-06—and that is as far as can reasonably be projected—will be $186.4 billion. That is 20.8 per cent of the economy. In the financial year 2001-02, it was $148.8 billion. So there is going to be a very substantial increase in the tax take. I remind the Senate that this does not include the tax take from the GST. We should include the tax take from the GST. If we do, we find that this government is the highest taxing government in Australian history, outside wartime. (Time expired)

Senator WATSON (Tasmania) (3:19 p.m.)—Unfortunately, the Australian Labor Party at a federal level has taken a very narrow view of last night’s budget. That narrow view is not shared by the business or economic community; indeed, it is not shared by the rest of the world. After last night we did not see a dip in the Australian exchange rate; in fact, I think it further strengthened. We did not see a great sell-off in shares, because everybody around the world knows of the strength of the Australian economy. It is unfortunate that today in Australia we have had this very narrowly based barrage of criticism from the Australian Labor Party. All free democratic governments have a prime responsibility to protect their borders and their domestic populations, as well as a responsibility to protect their economies. But, following the events in Manhattan on 11 September, security risks around the world have changed forever—for the worse, unfortunately.

The potential threat from that type of terrorist activity requires strong protective action, not only at a domestic level but also at an international level. Proudly, Australia has risen to its responsibilities, as have the United States and other countries such as Britain. We all know that protecting our borders and our citizens and increasing surveillance against terrorist type infiltration and activity come at a great cost, unfortunately. That great cost was reflected in the budget figures presented last night. So, between September and June, costs have been rising, and that is the reason for a temporary move into deficit. The strong predicted recovery from temporary short-term deficit to future surplus reflects the underlying strength of the Australian economy. Reactions from businesspeople at home, from international institutions and from others show their continuing confidence in the economic direction and sound fundamentals of Australia. A recent issue of the Economist magazine states: Australians are not like the rest of us. Last year, when almost all the rich economies dipped into recession or slowed sharply, Australia continued to boom. What is more, while most big stock markets have fallen by one-third or so from their peaks in early 2000, share prices in Sydney touched a new high this year. In a sense it was this very strength of the Australian economy that, as a result of certain changes in housing, allowed some flexibility, like an increase in home owners arrangements. It was this very strength that provided this flexibility and allowed us to move into a deficit without a major reaction in terms of what might happen to interest rates, what might happen to inflation and other countries’ regard for Australia.

This was a very sound budget. If we look at what has happened, we will notice that most government departments have had significant costs. That comes from Prime Minister and Cabinet down. Very roughly, it looks like Prime Minister and Cabinet are down $24 million; Transport and Regional Services are down significantly, over $50 million; Foreign Affairs and Trade are down about $250 million. It is the same with Environment and Heritage, Finance and Administration and Agricultural, Fisheries and Forestry. So it is not narrowly targeted, as they say; it is across the spectrum, and all areas have to provide their cost. From a superannuation and a savings perspective, the budget certainly contained some very good news. (Time expired)

Senator MARK BISHOP (Western Australia) (3:24 p.m.)—We are taking note of responses to various questions to Senator Minchin, Senator Vanstone and Senator Patterson in the areas of finance, health and family and community services. Within those broad parameters, I want to make a few remarks about last evening’s budget, as to how that budget affects Australia’s veterans community. Senator Watson just made some
comments in passing on the significance, or otherwise, of what he referred to as the temporary move into deficit. He said that was a one-off circumstance, justified by Australia’s choice to become involved in the war on terror, and also—and more certainly—justified by extra demands from within the defence community for increased staffing arrangements, capital outlays, and improvements to border protection measures and other generalised security concerns.

There is some truth in the matters raised by Senator Watson, but in principle it raises the question of the debt and the gratitude that this nation owes to those persons who served in prior conflicts—World War II, Korea, the Malaysian confrontation, Vietnam and a range of other conflicts where Australia has chosen to send its troops offshore. It raises the question of what debt is owed to those men and women and it raises the question of honour, as to how the undertakings of governments of the day—both Labor and conservative governments—should be honoured and maintained by current governments. In that context, those in the veterans community quite rightly suggest that payments or benefits that they receive are not to be equated with general welfare payments made to members of the community who are in need, but are really an appreciation of past service and a gesture of gratitude by current generations for service and work carried out by that community.

Within those constraints, when we look at the budget delivered by the Treasurer last evening, we can say at the outset that there was nothing new, additional or separate for veterans in last evening’s budget. Two items only featured in the Treasurer’s speech and in the supporting documentation. Firstly, there was the extension of the gold card to veterans with qualifying service—that is, service overseas. Secondly, there was the indexation of the war widows income support supplement. Let us take the first matter identified in the budget papers—the extension of the gold card. The bill that addresses that passed through both houses of parliament in February and March of this year, without any opposition from the Labor Party. It went through in record short time. Since that time, the department has been taking the necessary steps to implement the decision. So the suggestion in the budget papers that there is something new, wonderful, different or excessive for veterans is completely untrue. It is simply a continuation of past practice—past practice so cemented in memory that it has been on the record books since February or March of this year.

Similarly, with the indexation of the war widows income support supplement, there is nothing new and nothing not already foreshadowed. It was part of last year’s election commitment by the federal coalition, and it is simply giving effect to that in the budget papers. So the net of last evening’s budget for veterans and the veterans community is that there is nothing new or additional or separate. The two announcements in the glossy papers that had to be manufactured in the minister’s office for distribution are simply reannouncements of current programs and benefits already promised.

Not only is there nothing new but there is going to be an attack and a hurt inflicted on the veterans community because the Repatriation Pharmaceutical Benefits Scheme administered by the Department of Veterans’ Affairs applies to veterans. In each of those instances, thousands of veterans around Australia—many of whom are on TPI, EDA or disablement payments, along with their families—are going to have the gratitude that has been bestowed upon them by previous governments, the public and taxpayers generally, dishonoured in this budget, because every time they go—(Time expired)

Senator STOTT DESPOJA (South Australia—Leader of the Australian Democrats) (3.29 p.m.)—I rise on behalf of the Australian Democrats particularly to acknowledge the answers given to questions asked by Senator Lees and me today on two issues: firstly, Senator Lees’s question to the Minister for Health and Ageing on the PBS cuts proposed in this budget; and, secondly, my question to Senator Vanstone, the Minister for Family and Community Services, on the proposed cuts to the DSP.

The Australian Democrats have made it very clear that we oppose any attacks on the most vulnerable in our community, particu-
larly those who are sick, poor, disabled and unemployed. That is the reason we have outlined for opposing the two measures to which I refer. In order to avoid an impasse or some kind of budget block, we have indicated to the government that we are prepared to look at other areas, particularly in relation to the health budget, to find money to finance the PBS, in particular, which is one of the fastest growing aspects of the health budget.

In relation to the DSP, I asked the minister today whether she was aware of estimates that indicated that up to 180,000 people—possibly more—could be thrown off disability support over the next four years. The minister did not seem particularly concerned by this. She seems to think there are other opportunities—employment et cetera—for these Australians. Given there are 600,000 other Australians who are competing for jobs in the job market—jobs that do not seem to exist—what is going to happen to these people? The minister did acknowledge that only 73,000 places were being created in training and rehabilitation. They would undoubtedly be available to some of these people, but that still leaves more than 100,000 disadvantaged Australians who, presumably, will have nothing to do and nowhere to go. Goodness knows what benefits they will be relying on. The cuts to the disability support pension which we think will hit around 180,000 Australians will see them losing at least $52 a fortnight, not to mention other concessional benefits. We think this is a cruel and nasty—in fact, mean—element of this particular budget, and that is why we will not support it.

In relation to the PBS, again the government was surprised by the entirely predictable. As Senator Lees noted in her question to the minister, the government was given advice, particularly about a couple of key medications that saw the blow-out in that budget expenditure. We believe this government can find the revenue necessary to prevent cuts to the DSP and the PBS, including through its own health budget. Do Australians realise that the 30 per cent private health care rebate that this government introduced actually cost the taxpayer $10 billion over four years? If we actually means tested so that we targeted that rebate—say, to make it not available to those who are in the top tax bracket—we could, conservative estimates suggest, make about $1.9 billion over the next four years. That would fund the DSP and the PBS, and there would be more left over—and I acknowledge that that is a very conservative estimate.

The Australian Democrats will not be supporting those measures. We are disappointed by the response of both ministers today in relation to health and welfare issues, but once again I am not surprised by this government’s lack of empathy or interest when it comes to poorer Australians. This budget disproportionately impacts on people in our community who are the most vulnerable—the sick, the poor, the unemployed, the elderly and, of course, the disabled. How dare the minister in her answers today suggest that this is not a savings measure? It says very clearly in the budget that this is a savings measure. This government is going to recoup around $400 million by its cruel, mean and nasty cuts to the disability support pension. But there are some members of parliament who are not going to stand for it. I certainly hope—and there are indications—that the Australian Labor Party will join with the Australian Democrats to stop such regressive changes.

The budget was unbalanced in its impact on poorer Australians, but it was also a budget in deficit. I do not think any Australians will believe the furphy that it is in deficit as a consequence of the costs of the war on terror. It is in deficit as a consequence of this government’s pork-barrelling, particularly at the last election, with ill-targeted policies such as the baby bonus, the cuts to the fuel excise and many others. The Australian Democrats are disappointed by the lack of vision in last night’s budget and it short-sightedness in key areas in the economy such as education and the environment.

The DEPUTY PRESIDENT—Order! The time for the debate has expired. Question agreed to.
NOTICES
Presentation

Senator Ridgeway to move on the next day of sitting:
That the Senate—
(a) notes with great sadness the death of one of Australia’s national treasures and our ‘First Lady of the Theatre’, Ruth Cracknell, on 13 May 2002;
(b) recognises, too, the extensive body of work that Ms Cracknell produced over her 56-year career in Australian film, radio, television, theatre and literature which, together with her passion, style and sheer talent, made her a much-loved and respected household name in Australia and a recipient of the following awards:
(i) the Award of Membership of the Order of Australia (AM) in 1980,
(ii) the James Cassius Award for outstanding contribution to the performing arts in 2001,
(iii) induction into the Gold Logie Hall of Fame in 2001, and
(iv) honorary doctorates from the University of Sydney, Queensland University of Technology and the University of Western Sydney;
(c) pays tribute to Ms Cracknell for her strong commitment to the pursuit of social justice for other Australians, noting in particular her principled stand on the need for Indigenous land rights and social justice; and
(d) expresses its sincere condolences to Ms Cracknell’s three children and seven grandchildren who survive her.

Senator Sherry to move on the next day of sitting:
That there be laid on the table, on the next day of sitting, the report to the Australian Prudential Regulation Authority by the Inspector, Mr Anthony McGrath, of KPMG, into the Enhanced Cash Management Trust and its dealings with superannuation funds where Commercial Nominees of Australia was trustee.

Senator Stott Despoja to move on the next day of sitting:
That the following matter be referred to the Rural and Regional Affairs and Transport References Committee for inquiry and report by 12 December 2002:
(a) whether there are impediments to the achievement of the aims of the ‘Plantations for Australia: The 2020 Vision’ strategy;
(b) whether there are elements of the strategy which should be altered in the light of the identification of these impediments; and
(c) whether other action is desirable in the interests of establishing and maintaining a viable and sustainable plantation forest sector.

Senator Bourne to move on the next day of sitting:
That the Senate congratulates the people of East Timor on the celebration of their independence on 20 May 2002 and extends to them the Senate’s best wishes for a peaceful and prosperous future.

Senator Stott Despoja to move on the next day of sitting:
That the following bill be introduced: A Bill for an Act to provide paid maternity leave, and for related purposes. Workplace Relations Amendment (Paid Maternity Leave) Bill 2002.

Senator Brown to move on the next day of sitting:
That the Senate condemns the approval of the charcoal plant at Mogo near Batemans Bay, New South Wales, because it is a polluting, unsustainable development which is based on a massive new logging operation that will have a severe effect on south coast communities and, in particular, their economic security, lifestyle and amenities, and the local environment.

Senator Brown to move on the next day of sitting:
(1) That so much of standing orders be suspended as would prevent this resolution having effect.
(2) That the Constitution Alteration (Right to Stand for Parliament—Qualification
of Members and Candidates) 1998 (No. 2) be restored to the Notice Paper and that consideration of the bill be resumed at the stage reached in the last session of the Parliament.

Senator Brown to move on the next day of sitting:
That the Senate—
(a) notes the start of earthmoving works for a housing development at Sandon Point in New South Wales; and
(b) is concerned that protection of coastal wetlands and Indigenous heritage has not been guaranteed and therefore opposes the development.

COMMITTEES
Selection of Bills Committee

Report

Senator CAL VERT (Tasmania) (3.37 p.m.)—I present the third report for 2002 of the Standing Committee for the Selection of Bills.

Ordered that the report be adopted.

Senator CAL VERT—I seek leave to have the report incorporated in Hansard.

Leave granted.

The report read as follows—

SELECTION OF BILLS COMMITTEE

REPORT NO. 3 OF 2002

1. The committee met on Tuesday, 14 May 2002.

2. The committee resolved to recommend—
   (a) That, upon the introduction of the following bill in the House of Representatives, the provisions of the bill be referred to a committee as follows:

<table>
<thead>
<tr>
<th>Bill title</th>
<th>Legislation Committee</th>
<th>Reporting date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Australian Protective Service</td>
<td>Legal and Constitutional</td>
<td>13 June 2002</td>
</tr>
<tr>
<td>Amendment Bill 2002 (see appendix 1 for</td>
<td></td>
<td></td>
</tr>
<tr>
<td>statement of reasons for referral)</td>
<td></td>
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</tbody>
</table>
   (b) That the following bills not be referred to committees:

   • Commonwealth Electoral Amendment Bill (No. 1) 2002
   • Electoral and Referendum Amendment (Roll Integrity and Other Measures) Bill 2002
   • Jurisdiction of Courts Legislation Amendment Bill 2002
   • Bankruptcy Legislation Amendment Bill 2002
   • Bankruptcy (Estate Charges) Amendment Bill 2002
   • Customs Tariff Amendment Bill (No. 1) 2002
   • International Tax Agreements Amendment Bill (No. 1) 2002
   • Taxation Laws Amendment Bill (No. 3) 2002
   • Veterans’ Affairs Legislation Amendment Bill (No. 1) 2002
   • Workplace Relations Amendment (Improved Protection for Victorian Workers) Bill 2002
   • Workplace Relations Amendment (Transmission of Business) Bill 2002
   • Workplace Relations (Registration and Accountability of Organisations) Bill 2002
   • Workplace Relations (Registration and Accountability of Organisations) (Consequential Provisions) Bill 2002.

The committee recommends accordingly.

3. The committee deferred consideration of the following bills to the next meeting:

Bills deferred from meeting of 19 March 2002

   • Aviation Legislation Amendment Bill 2002
   • Copyright Amendment (Parallel Importation) Bill 2002
   • Plant Breeder’s Rights Amendment Bill 2002
   • Social Security and Veterans’ Entitlements Legislation Amendment (Disposal of Assets—Integrity of Means Testing) Bill 2002
   • Taxation Laws Amendment Bill (No. 2) 2002.
   • Bills deferred from meeting of 14 May 2002
   • Australian Radiation Protection and Nuclear Safety (Licence Charges) Amendment Bill 2002
Financial Sector Legislation Amendment Bill (No. 1) 2002
Great Barrier Reef Marine Park (Boundary Extension) Amendment Bill 2002
Health Insurance Commission Amendment Bill 2002
Health Legislation Amendment (Private Health Industry Measures) Bill 2002
Research Agencies Legislation Amendment Bill 2002
Therapeutic Goods and Other Legislation Amendment Bill 2002.

(Paul Calvert)
Chair
15 May 2002

Appendix 1

Name of bill:
Australian Protective Service Amendment Bill 2002 (to be referred upon introduction—on 15 or 16 May 2002)

Reasons for referral/principal issues for consideration:
To give consideration to the Government's proposal to make the Australian Protective Service an operating division of the Australian Federal Police.

Possible submissions or evidence from:
Commissioner, Australian Federal Police
Director, Australian Protective Service

Committee to which bill is to be referred:
Legal and Constitutional Legislation Committee

Possible hearing date(s):
To be determined by the Committee

Possible reporting date:
13 June 2002

(signed)
Senator Paul Calvert
Whip/Selection of Bills Committee member

NOTICES

Postponement

Items of business were postponed as follows:


Business of the Senate notice of motion no. 2 standing in the name of Senator Murray for today, relating to the reference of matters to the Community Affairs References Committee, postponed till 16 May 2002.

General business notice of motion no. 58 standing in the name of Senator Allison for today, relating to intercontinental ballistic missile tests at the Kwajalein Atoll, postponed till 16 May 2002.

Business of the Senate notice of motion no. 3 standing in the name of Senator Brown for today, relating to the disallowance of the Christmas Island Space Centre (APSC Proposal) Regulations and the Christmas Island Space Centre (APSC Proposal) Ordinance, postponed till 16 May 2002.

Business of the Senate notice of motion no. 1 standing in the name of the Leader of the Australian Democrats (Senator Stott Despoja) for today, relating to reference of matters to the Standing Committee of Privileges, postponed till 19 June 2002.

General business notice of motion no. 61 standing in the name of Senator Allison for today, relating to guidelines for the treatment of chronic fatigue syndrome, postponed till 16 May 2002.

General business notice of motion no. 62 standing in the name of Senator Allison for today, relating to climate change in Australia, postponed till 16 May 2002.

General business notice of motion no. 60 standing in the name of Senator Allison for today, relating to Arne Rinnan, captain of the Norwegian vessel MV Tampa, postponed till 16 May 2002.

General business notice of motion no. 56 standing in the name of Senator Conroy for today, proposing an order for the production of documents by the Minister representing the Treasurer (Senator Minchin), postponed till 27 June 2002.

General business notice of motion no. 16 standing in the name of Senator Brown for today, relating to the introduction of the Parliamentary Commission of Inquiry into Forestry Tasmania Bill 2002, postponed till 18 June 2002.
COMMITTEES

A Certain Maritime Incident Committee

Extension of Time

Senator MACKAY (Tasmania) (3.38 p.m.)—On behalf of Senator Cook, I move:

That the time for the presentation of the report of the Select Committee on a Certain Maritime Incident be extended to 26 June 2002.

Question put.

The Senate divided. [3.44 p.m.] (The President—Senator the Hon. Margaret Reid)

Ayes………… 37
Noes………… 33
Majority……… 4

AYES
Allison, L.F.   Bartlett, A.J.J.
Bishop, T.M.   Bolkus, N.
Bourne, V.W.   Brown, B.J.
Buckland, G.   Campbell, G.
Carr, K.J.     Cherry, J.C.
Collins, J.M.A. Conroy, S.M.
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.      Hogg, J.J.
Hutcheson, S.P. Lees, M.H.
Ludwig, J.W.   Lundy, K.A.
Mackay, S.M. * McKiernan, J.P.
McLachlan, I.E. Murphy, S.M.
Murray, A.J.M.  O’Brien, K.W.K.
Ray, R.F.      Ridgeway, A.D.
Schacht, C.C.  Stott Despoja, N.
West, S.M.     Tierney, J.W.
Watson, J.O.W.
Troeth, J.M.

PAIRS
Evans, C.V.   Vanstone, A.E.
Sherry, N.J.  Knowles, S.C.
* denotes teller

Question agreed to.

DALAI LAMA

Senator BROWN (Tasmania) (3.47 p.m.)—I move:

That the Senate—

(a) notes the tour, in the week beginning 19 May 2002, by His Holiness the Dalai Lama to Sydney, Melbourne, Geelong and Canberra; and
(b) welcomes the Dalai Lama to Australia.

Question agreed to.

AUSTRALIAN BROADCASTING CORPORATION (SCRUTINY OF BOARD APPOINTMENTS) AMENDMENT BILL 2002

First Reading

Senator BOURNE (New South Wales) (3.48 p.m.)—I move:

That the following bill be introduced: A Bill for an Act to amend the Australian Broadcasting Corporation Act 1983 to provide for scrutiny of appointments to the ABC Board and for related purposes.

Question agreed to.

Senator BOURNE (New South Wales) (3.48 p.m.)—I move:

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

Leave granted

The speech read as follows—

This is a Bill to depoliticise the process of appointing directors to the Board of the Australian Broadcasting Corporation and to improve public visibility of the activities of that Board. It gives
practical legislative form to recommendations of the 2001 Senate Environment, Communications, Information Technology and the Arts References Committee inquiry into methods of appointment to the ABC Board.

The Australian Broadcasting Corporation is an institution of which all Australians can rightly be proud. An integral part of public life in this country, it provides independent and impartial Australian and world news; information; and entertainment programs. At a time when Governments seem to be rushing to concentrate media ownership in the hands of very few commercial interests, the ABC offers genuine difference and diversity. It brings us voices and visions which are unheard and unseen in the eternal sameness of commercial media.

At the heart of the ABC’s contribution to Australia public life and democracy is its great tradition of incisive and independent news and current affairs. ABC news and current affairs are an integral part of the public record in Australia. They are widely respected for their fiercely independent coverage of the issues of the day. And that, alas, seems to be one of the ABC’s perennial problems.

Because the Government of the day leads the political agenda, a great deal of what the ABC reports, analyses and questions is made up of the policies and actions of Government. No Government likes to be questioned or criticised. Because mass media production is expensive, media independence is a tricky business—it comes down to who pays the bills. In America, Governments are so distrusted that financial independence from the State is believed to be the only guarantee of a free press. The price, of course, is the risk of capture and influence by unelected commercial concerns. In Australia, by comparison, we believe public broadcasters can and should be independent from both private and State interests. Thus, our national broadcasters are publicly-funded, but armoured by Charters that insist upon their independence and make them answerable to the people of Australia via the Parliament, rather than to the Government of the day.

Nonetheless, the ABC is dependent on the Government for funding, and this provides an avenue for controlling or constraining the ABC. Governments generally learn to take the criticisms of print journalists on the chin, because they have little real leverage over those journalists. When journalists from the ABC ask hard questions, however, Governments have a way of getting even.

Every Government in recent memory has tried to control the ABC in one way or another. Or to put it another way, every Government of the last several decades has sought to subvert the ABC’s independence and bring it to heel. When that has failed, they have sought to undermine and weaken it.

There are three means of attack that Governments have employed in their attempts to rein in the ABC.

The first, and perhaps the easiest, is to attack the ABC’s funding. While the ABC is answerable to the people of Australia through the Parliament, rather than to the Government, it is dependent upon the Government of the day for most of its annual income. Thus, Governments seeking to punish the ABC for displaying the independence required of it by its Charter have made a habit of reducing the amount it receives each year.

This was the route chosen by the Hawke and Keating Labor governments, which drained a cumulative $120 million from the Corporation in the 1990s. The current Coalition Government has hit even harder, stripping a massive $55 million from the ABC’s annual budget when it came to office. It provided a small fraction of the amount needed for the conversion to digital television in 2001. In the most recent round of triennial funding, the Government restored trickles of funding to the ABC, but only on a tied basis, as a means of forcing the ABC’s Budget to be spent in ways that suited the Government, rather than the ABC. It is unclear which of these cuts were punitive and which simply destructive. What is clear is that over the past decade, the ABC has been continuously forced to do more with considerably less. It has endured restructuring and waves of job cuts. More than once in the last decade, the ABC has found itself floating perilously close to commercial deals with the potential to undermine its independence.

The only solution to this problem is to immediately restore ABC funding to at least the level it was at when the Coalition came to power in 1996. Better still would be to restore it to the level it was before the Hawke and Keating governments began draining it in the late ‘80s.

The second method of attack open to vindictive Governments is to attempt to undermine the Corporation’s credibility by alleging bias. Prime Minister Bob Hawke did this during the Gulf War in 1991, calling expert analysis aired on the ABC that happened to question his Government’s actions “loaded, biased and disgraceful”. An inves-
tigation found neither bias nor wrongdoing on the ABC’s part, but by then mud had stuck.

The current Government and its friends and supporters have also employed this method, alleging repeatedly over the past five years that the ABC’s reporting and analysis is somehow less than objective. The most insidious incident came in 1998, when pressure from the Minister led the ABC Board to commission an independent investigation into its coverage of the waterfront dispute. Again, the investigation found the ABC’s reporting to be fair and accurate. Again, some mud had stuck.

Governments do this in spite of the fact that the ABC has a range of accountability measures in place, including editorial policies, a code of practice, an Independent Complaints Review Panel and the ABC Act itself. The ABC is the only television station that has ever been subjected to investigations for bias in this way. The ABC’s coverage has been consistently found to be fair and accurate and its internal complaints procedures to be suitable. No other television station is scrutinised in this way.

From where I stand, the fact that both Labor and Coalition Governments have cried bias can only mean that the ABC is anything but biased. If both the ALP and the Coalition claim that the ABC is not on their side, it can only mean that there is little discernible difference between these parties, or that the ABC is simply reporting what it sees without fear or favour, or possibly both at once.

The third and final means of attacking the ABC is to flood the corporation’s Board with a Government’s friends and allies. In evidence before the recent Senate Committee inquiry into methods of appointment to the ABC Board, Mr Quentin Dempster, a former staff-elected Director of the ABC Board, put this very plainly when he stated:

The need for this inquiry does not follow just on recent negative perceptions arising from the activities of current ABC directors. It arises because of a pattern of behaviour by executive government over almost the entirety of the ABC’s existence since 1932. In short, that behaviour can be characterised as the application of the party political ‘stack’ of the Board from time to time.

Recent Governments have continued this behaviour in no uncertain terms. The 1995 Senate Select Committee on ABC Management and Operations report, Our ABC, found that six of the nine ALP-appointed ABC Board members of the day had some association with the ALP. That committee was chaired by Senator Alston, now Minister for Communication, IT and the Arts. How disappointing then that, until the recent departure of former Managing Director Jonathan Shier, a majority of the ABC Board appointed by the Government to which he belongs—five of its nine members—had demonstrable political connections with the Liberal Party or were identifiably sympathetic.

Further, by stacking the Board with their allies, Governments are able to ensure a direct line into the processes of selecting the Managing Director of the ABC—perhaps the most important role in the Corporation. Given the depths of disruption that Mr Shier caused in the ABC, I sincerely hope that the Board’s long delay in appointing a new Managing Director reflects a new and healthy resistance to Government suggestions.

This constant stacking of the Board by Governments does nothing to help ensure that the ABC is truly independent in the way that its Charter requires. Further, it damages public perceptions of the Corporation, perhaps as much as groundless accusations of bias.

There is nothing wrong, of course with Board members belonging to political parties. Every Australian is entitled to belong to the party of their choice. The problem arises when it appears that a Board member has been appointed simply because of their political views.

The need to solve the problem of stacked Boards is the primary motivation for the Bill I am presenting today.

In 1999, following one particularly blatant appointment, I introduced the ABC Amendment Bill 1999. I made it clear at the time that this was a draft Bill and have since sought advice on improving it and a number of consultations and public meetings. That Bill would have causedupon its enactment the creation of a Joint Parliamentary Committee to oversee, among other things, the appointment of Board members. That mechanism has two difficulties: first, the Committee in question would be dominated by members of the Government parties—precisely the people whose influence over the ABC needs to be defused. Secondly, it creates an entire parliamentary committee along with its attendant secretariat primarily to oversee the very occasional process of Board appointments. The alternative approach of employing a Senate committee recommended by the 2001 Senate inquiry into methods of appointment to the ABC Board solves the first problem, but not the second.

Consequently, I will withdraw, by way of notice of motion, that Bill and substitute the Bill I am introducing today, the Australian Broadcasting
Amendment Bill 2002.

This Bill employs the simple and elegant mechanism of making all appointments to the ABC Board into disallowable instruments.

When new directors of the ABC are appointed to the Board, the Minister would be required to table the instruments of their appointment in each House within five sitting days of the appointment being made. Both Houses would then have the opportunity to scrutinise the proposed appointee and, should they find reason to reject the appointment, pass a motion within five sitting days disallowing it. The instrument of appointment would not come into effect until after the last day upon which such a motion could be brought.

This would ensure that directors of the Board are selected by the Minister, who has an involvement in and understanding of the broadcasting environment in which the ABC operates, while also allowing the Parliament, to whom the ABC is ultimately answerable, to reject proposed directors with unacceptable political affiliations. It should be clear that, as proposed appointees would be publicly scrutinised in this way, the Minister would be most likely to only put forward candidates who would be unlikely to be rejected.

It does not mean that directors with political connections would be unable to be appointed to the Board, but it does mean that the Government would have to negotiate and argue for them with the other parties before putting their names forward. This should rapidly ensure that we have ABC Boards that are stacked not with political appointees, but with directors with knowledge of and a commitment to public broadcasting.

The 2001 Senate inquiry into Board appointments recommended that the ABC Board follow the practice of other corporations and elect its own Chair and Deputy Chair, rather than having the occupants of these important positions determined by the Government of the day. The Bill contains the necessary provisions to make this so.

The other matter of concern that arose from the Senate inquiry into ABC Board appointments was the level of transparency of Board. Specifically, the inquiry recommended that the Board publish greater information in relation to their activities and decisions, including summaries of Board Minutes and that the Board hold a public Annual General Meeting at which members of the public will be able to ask questions of the Board.

The Bill gives practical form to these recommendations.

It would require the Board to conduct public consultation meetings. At these the Chair, or another member of the Board, would deliver a short address with respect to the performance of the ABC in the year to which the most recent Annual Report relates. The public would then be able to question the Board about the Corporation’s activities and intended activities. At least five Board members would attend each public consultation meeting and every member of the ABC Board would be required to attend two such meetings each year.

There would be four public consultation meetings each year, each of which would be held in a different capital city or regional centre. Thus, rather than holding an AGM in a single city, the Board would be required to make itself available for consultation with the Australian people at a number of locations throughout the country. As the Board already holds its regular Board meetings in different cities, I imagine that in the interests of convenience and efficiency they would choose to hold these public consultation meetings shortly after Board meetings, when all (or at least most) Board members are present.

The Bill also requires the Board to keep minutes of its meetings and records of any resolutions passed, and to publish in the ABC’s Annual Report details of its activities. These details would include the dates, times and locations of Board meetings, as well as who attended them, and a summary of the business considered and resolutions passed. These details would also be made available at the public consultation meetings.

Taken together, the measures in this Bill would improve both the appearance and the reality of ABC independence, which successive Governments have sought to tarnish. It would remove the possibility of stacked Boards, creating instead the conditions for ABC Boards composed of appropriate and unaligned experts. It would also increase the level of the Board’s accessibility to the public of Australia, whom the Board ultimately represents.

I note the remarks of the 7th of May 2002 by Mr Lindsay Tanner, the ALP’s spokesperson on communications, who stated that “[a]s part of Labor’s policy review process, Labor will be exploring means of improving the ABC Board Appointment process to end the appointment of political stooges to the ABC Board.” I believe this Bill provides a more than effective mechanism for improving the process, and I call on members of the ALP to support it.

I commend the Bill to the Senate.

Senator BOURNE—I seek leave to continue my remarks later.

Leave granted; debate adjourned.
COMMITTEES
Finance and Public Administration Legislation Committee
Meeting
Senator CAL VERT (Tasmania) (3.49 p.m.)—On behalf of Senator Mason, I move:
That the Finance and Public Administration Legislation Committee be authorised to hold a public meeting during the sitting of the Senate on Thursday, 16 May 2002, from 3.30 pm till 7 pm, to take evidence for the committee’s inquiry into the Public Interest Disclosure Bill 2001 [2002].
Question agreed to.

Legal and Constitutional Legislation Committee
Extension of Time
Senator CAL VERT (Tasmania) (3.49 p.m.)—On behalf of Senator Payne, I move:
That the time for the presentation of the reports of the Legal and Constitutional Legislation Committee on the provisions of the Migration Legislation Amendment (Procedural Fairness) Bill 2002 and on the provisions of the Migration Legislation Amendment Bill (No. 1) 2002 be extended to 22 May 2002.
Question agreed to.

Scrutiny of Bills Committee
Report
Senator COONEY (Victoria) (3.50 p.m.)—I present the fourth report of 2002 of the Senate Standing Committee for the Scrutiny of Bills. I also lay on the table Scrutiny of Bills Alert Digest No. 4 of 2002, dated 15 May 2002.
Ordered that the report be printed.
Senator COONEY—I move:
That the Senate take note of the report.
I normally do not make a speech when presenting such a report, but I will do on this occasion. It is my view that this is a very good committee, as it has been for many years. It gives good service to the Senate, the parliament and the people who read the reports. It is in that context that I will make some comments about the former secretary to this committee, James Warmenhoven, who left the committee this Monday. I have known James for many years. He did great work on the Legal and Constitutional Committee. He has done great work on this committee, and I am very sorry to see him go. He has gone to the Regulations and Ordinances Committee. He will no doubt adorn that. He is one of the outstanding officers of the Senate. I think there are many outstanding officers of the Senate. The officers of the Senate give us great service under the leadership of the Clerk, the Deputy Clerk and Clerks Assistant. I am glad to see Cleaver Elliott and the Clerk, Mr Harry Evans, in the chamber. They set a high standard within the department.

James, I think, falls into the category of the very best of officers. He is a person of high intelligence and of great industry. The advice he gives is true advice. It is always most gracefully given. He has two functions, of course. He must administer the committee and he must give advice within the committee. He has done those things extraordinarily well over the years that he has been secretary of the committee. He has had the help and support of Margaret Lindeman, another fine officer of this department. The committee now has the services of David Creed, who began his work with Senate committees as the Secretary of the Senate Standing Committee on Regulations and Ordinances. He then moved to become Secretary of the Joint Statutory Committee on Corporations and Securities and has now come to the Standing Committee on the Scrutiny of Bills. I am very pleased with that. If I wanted anybody to replace James Warmenhoven, it would be David Creed.

I have taken this opportunity to put on record my appreciation and the committee’s appreciation of the work James Warmenhoven has done for it. The Senate can be pleased that he is staying within the service. I am sure the Regulations and Ordinances Committee will be well served, as has been the Scrutiny of Bills Committee.
Question agreed to.

BUDGET
Consideration by Legislation Committees
Additional Information
Senator CAL VERT (Tasmania) (3.55 p.m.)—On behalf of the respective chairs, I present additional information received by the Community Affairs Legislation Com-
mittee, the Employment, Workplace Relations and Education Legislation Committee, the Legal and Constitutional Legislation Committee and the Rural and Regional Affairs and Transport Legislation Committee relating to hearings on the 2001-02 additional estimates.

COMMITTEES
Public Works Committee

Report
Senator CALVERT (Tasmania) (3.55 p.m.)—On behalf of the Parliamentary Standing Committee on Public Works, I present the 65th annual report. I move:

That the Senate take note of the report.

I seek leave to incorporate my tabling statement in Hansard.

Leave granted.

The statement read as follows—

In accordance with Section 16 of the Public Works Committee Act 1969, I present the Sixty-fifth Annual Report of the Joint Statutory Committee on Public Works. This Report gives an overview of the work undertaken by the Committee during 2001.

The reporting year was a very busy one for the Committee. Fourteen reports were tabled, one more than last year, even though the Committee ceased to exist on 8 October 2001, when the House of Representatives was dissolved for the general election. The Committee had also commenced preliminary work on the proposed Christmas Island common-use infrastructure items. However, this reference lapsed with the dissolution of the House. The value of the works inquired into by the Committee amounted to over half a billion dollars.

During the year the Committee hosted the Annual Conference of Australian Parliamentary Public Works Committees. The Conference brought together parliamentarians and key staff from public works committees throughout Australia. This annual event provides a unique opportunity for members of Australian legislatures and staff involved in public works to explore issues of mutual interest.

The Annual Report I am tabling today canvassed a number of issues of continuing Committee focus. These relate to:

• energy conservation;
• heritage and environmental issues; and
• the Public Works Committee Act.

Heritage and environmental issues remain a specific interest. The Committee is keen to ensure that items of significant heritage value are preserved for future generations and expects agencies to consult with the Australian Heritage Commission before bringing their reference before the Committee. The same situation applies to environmental matters. Agencies are reminded that the current Environment Act leaves the onus on them to raise issues of environmental concern with Environment Australia.

In relation to energy management, the Committee is aware that the Commonwealth is committed to best practice to assure ecologically sustainable development and the reduction of greenhouse gas emissions. The Committee received evidence from the Australian Greenhouse Office on a number of projects that detailed the extent of compliance with the Commonwealth’s energy policy. The Committee believes that energy conservation issues will become increasingly important and intends to pursue them in future inquiries.

The Committee confirmed the importance of greenhouse issues by inviting Ms Cathy Zoi, Executive Director, New Energy to address the Conference of Public Works Committees. The focus of her speech was ‘Sustainability in buildings’. Ms Zoi made the point that through the parliamentary committee processes, committees are uniquely placed to assist in ensuring increased application of sustainability in buildings.

In this regard, the Committee considered an extension of its role in overseeing energy conservation in relation to Commonwealth public works projects and general energy usage by the Commonwealth. Representatives of the Australian Greenhouse Office raised the possibility of the Committee conducting an annual review of energy use based on the annual report of the Department of Industry, Tourism and Resources, Energy use in Commonwealth Operations. However, under the current Public Works Committee Act, the Committee is unable to review this report.

The Public Works Act as it stands is providing increasing challenges for the Committee in this current environment of highly devolved public works and property functions. The Committee has been conscious for some time for the need to review the Act, as it was more applicable in a time when the Commonwealth operated a large and highly centralised property and public works system with in-house delivery of works-programming, building-design and project management.

I should stress the point that the Committee strongly believes in the importance of public
scrutiny of works projects that involve large public expenditures and it is because of this strong view, it considers the current Act should be reviewed. This would ensure that the process of parliamentary scrutiny is not marginalised. The Public Works Committee Act 1969 was last reviewed and amended in 1989.

Last year saw the departure from the Public Works Committee and the Parliament of Mr Colin Hollis, the former Member for Throsby. Mr Hollis was a long-serving member of the Committee having served continuously from February 1985 until October 2001. I echo the sentiments of past and current Public Works Committee members by paying tribute to the substantial contribution made by Mr Hollis to the work of the Committee, both as Chair and as an active member. Mr Hollis always worked in bipartisan manner with the aim of ensuring that the expenditure on public works was necessary and that the Commonwealth was obtaining value for money. We wish Mr Hollis well in his retirement and we shall miss his good humour and camaraderie.

I wish to take this opportunity to thank all of the members of the Committee for their support during a very busy year. They worked in a spirit of cooperation to ensure that the references that came before the Committee were reported upon before the House was dissolved.

I would also like to record the Committee’s appreciation for the support provided by the staff of the Secretariat during a very busy period.

I commend the Report to the Senate.

Question agreed to.

Treaties Committee

Reports

Senator COONEY (Victoria) (3.56 p.m.)—On behalf of the Joint Standing Committee on Treaties, I present the following reports: the 44th report, Four nuclear safeguards treaties tabled in August 2001, and the 45th report, The statute of the International Criminal Court, together with the minutes of the proceedings. I move:

That the Senate take note of the reports.

Today I present two reports to the parliament that contain the results of inquiries conducted by the Joint Standing Committee on Treaties. Both reports complete the committee’s scrutiny of treaties tabled late in the 39th Parliament. The first of these reports relates to four nuclear safeguards treaty actions that were tabled in August 2001: firstly, an agreement with the Argentine Republic; secondly, an exchange of notes with the USA relating to an agreement on transfers of nuclear material to Taiwan; and, thirdly, agreements with the Czech Republic and the Republic of Hungary on cooperation in peaceful uses of nuclear energy and the transfer of nuclear material. In our report, the majority of the committee expresses its support for each of these treaty actions. There is a dissenting report from one senator.

Consistent with Australia’s interest in preventing the proliferation of nuclear weapons, the proposed agreement with Argentina will ensure that transfers of nuclear material, equipment or technology between Australia and Argentina are subject to nuclear safeguards and appropriate controls. This includes the provision of an appropriately safeguarded option, if required, for the conditioning in Argentina of irradiated fuel from the replacement research reactor at Lucas Heights, which is being constructed by an Argentinean company.

The purpose of the proposed agreement between Australia and the United States of America is to facilitate the sale of Australian uranium for use in nuclear power reactors in Taiwan, under conditions consistent with Australia’s longstanding uranium export policy and nuclear nonproliferation commitments. Since Australia does not recognise Taiwan as a state, it is not possible to negotiate a bilateral safeguards agreement directly with Taiwan as Australia’s uranium export policy usually requires. However, Australia recognises that Taiwan has legitimate energy needs and that it has chosen nuclear power as part of its energy supply mix.

The proposed agreement with the United States provides for Australian uranium to be enriched in the United States, after which it would be transferred to Taiwan. In this way, Australian uranium will be covered by nuclear safeguards agreements between Australia and the United States, and between the United States, Taiwan, and the International Atomic Energy Agency.

The primary purpose of the proposed agreements with the Czech Republic and with Hungary is to facilitate the sale of Australian uranium for use in those two coun-
tries, consistent with Australia’s longstanding uranium export policy and nonproliferation commitments. Australia’s uranium export policy provides assurances that exported uranium and its derivatives are used solely for peaceful purposes and cannot be diverted to nuclear weapons or other military programs. These two proposed agreements closely resemble the 15 bilateral safeguards agreements already in place. This network of agreements creates a framework for cooperation in the peaceful use of nuclear science and technology between Australia and the other signatories. They bring into operation the safeguards applied by the Australian Safeguards and Non-Proliferation Office which supplement International Atomic Energy Agency safeguards.

The second report, Report 45, The statute of the International Criminal Court, contains the results of an examination by the Joint Standing Committee on Treaties of the statute of the International Criminal Court tabled on 10 October 2000. It also incorporates scrutiny of the exposure drafts of the implementing legislation which were referred to the committee in August 2001. The ICC will stand as a third pillar beside the United Nations and the International Court of Justice in global efforts to promote peace and security. It will complement the United Nations and provide a permanent mechanism to call to account those individuals who commit the most serious crimes of international concern. The crimes of genocide, crimes against humanity, war crimes and, should a definition be agreed in the future, the crime of aggression will be the concern of this court. Australia has played an active role in the development of the statute, as leader of the Like-Minded Group of nations. Australia signed the statute on 9 December 1998. On 11 April 2002, the statute entered into force when the 60th nation ratified the agreement. Australia is not a foundation member but still has the opportunity, if it can complete all legal technicalities before 2 July 2002, to participate in the inaugural meetings of the states which are party to the statute.

The committee received a large number of submissions from the public expressing their opposition to Australia ratifying the statute on grounds such as: it would be unconstitutional; it would result in a loss of Australian sovereignty; Australian citizens would be adversely affected by the vague definitions of the crimes that come within the jurisdiction of the court; ratification would affect negatively the operations of the Australian Defence Force; or there could possibly be problems associated with the role of the prosecutor and the accountability of the court. Perhaps the greatest concern centred on the complementarity principle, which many thought would be unworkable and could undermine Australia’s national and legal sovereignty. This principle is the cornerstone of the statute and emphasises that the jurisdiction of the court will be complementary to national criminal jurisdictions. It recognises that it is the duty first and foremost of every state to exercise its national criminal jurisdiction over those responsible for international crimes.

The committee has carefully considered all these concerns and has concluded that it is in Australia’s interests to ratify the statute. In making this decision, we have recommended a number of changes to the proposed legislation. It is important that Australia’s primacy of jurisdiction be emphasised in the legislation and in a written declaration by the government to be included in the ratification documents. As a major additional protection, the committee recommends that the operation of the ICC be the subject of an annual report by the government to parliament, followed by a public review of the report by the treaties committee, assisted by a panel of eminent experts. This monitoring of the ICC should be particularly focused on the jurisprudence that may be developed by the court and its potential impact on the Australian legal system and the citizens of Australia.

In conclusion, I urge both houses to progress the proposed implementing legislation as quickly as possible to ensure that all the legal requirements are in place to meet the 1 July deadline for Australia’s ratification. It is particularly important to ensure Australia’s participation in the inaugural meetings of the states party to the statute, at which the officials, rules of procedure and elements of crimes to be covered by the court will be put
in place. I commend the reports to the Senate.

Senator MASON (Queensland) (4.04 p.m.)—I too would like to say a few words about the report on the ratification of the statute of the International Criminal Court. Firstly, I thank our chair, Ms Julie Bishop, my colleagues and the secretariat for doing a terrific job under difficult circumstances in quite a controversial area. I thank them all for their assistance.

This report was difficult to arrive at. In the end, there was unanimous agreement that the ICC statute should be ratified. It is no secret that, initially, I opposed ratification. I did so because—and perhaps this is a lesson—the departments advising us overclaimed. By ‘overclaimed’ I mean that the committee was told that ratification of this statute would, in effect, change international relations; that it would deter war criminals. I do not accept that. I do not accept for a second that this is a great bounce forward in international relations. I also do not accept that it will ever deter the Slobodan Milosevics of the world. I think that, by overclaiming, the departments and many people who supported this—noble cause that it is—weakened their case. I am speaking for myself here, but I do not think I am the only person on the committee who feels this way. If we go back 12 months, we heard a series of witnesses—all well intentioned, all sincere, all noble—consistently saying that this was the answer to the world’s problems and that it would deter war criminals. I do not accept that and, as I say, by overclaiming they weakened their case.

I would like to quickly mention a couple of potential legal problems and a problem of principle. I can see my friend Senator Schacht here today. He suggested that parliamentary oversight would not be a bad idea for this parliament to take up in its assessment of the International Criminal Court. There are potential legal problems. Firstly, they arise because of the nature of international law, where crimes such as genocide and crimes against humanity will be interpreted by the International Court of Justice and they are potentially at odds with Australian jurisprudence. Let me leave it at that. There is no reason why the jurisprudence of international law will remain consistent with the jurisprudence of this country. Secondly, the court’s jurisdiction may increase and that also adds potential problems. For example, the crime of aggression may be added to the court’s jurisdiction. The meaning of the crime ‘aggression’ is still open to debate, and it is often difficult for Australian courts and our legal system to understand, or be in conjunction with, international law. Thirdly—I often have this problem, and I do not mind saying it here before my Senate colleagues—I find it difficult when Australians either are or potentially are taken before international forums where they are judged by the citizens of nations that have sometimes appalling human rights records. Let me say that and leave it at that. For me, that is a potential problem.

Fourthly, let me say this. I said this often in committee hearings, and I know my colleagues got tired of it, but I want to say it here in the Senate. I believe the International Criminal Court will be much more a thorn in the side of democracies than it will ever be for dictatorships or authoritarian or totalitarian countries. In other words, this nation can withstand adverse decisions made by international courts about our judicial system. We can withstand that, and we will do the right thing by any international tribunal and obey that—but the People’s Republic of China will not. They will not change their legal system because there is an adverse finding in international law. My consistent problem, as an underlying principle, is this: in the end, it is only democratic nations that can accede to an adverse decision by an international tribunal. Authoritarian and totalitarian countries will do what they want to do.

However, having said that and having got that off my chest, the one great thing about the International Criminal Court and this statute is this: despite all the problems—and there are problems—it does provide a workable mechanism for the trial of war criminals. It is not an ad hoc tribunal at all, as is so difficult to set up through the auspices of the Security Council. I do not think it will act as a deterrent but it is a really useful mechanism for the trying of war criminals, and for that reason it is a worthwhile statute for
Australia to ratify and I endorse the committee’s findings. I do that in particular because of the inventive and creative comments of Senator Schacht, Ms Bishop and others who suggested to the committee that parliamentary oversight of the workings of the International Criminal Court would make it easier for this country and this government to be more confident about the workings of the International Criminal Court. I pay tribute to my colleagues for that. Thank you.

Senator SCHACHT (South Australia)
(4.11 p.m.)—I rise to speak on the report of the Joint Standing Committee on Treaties, which I am a member of, and particularly on report 45, The statute of the International Criminal Court. I am delighted to speak in support of the unanimous recommendations contained in this report. I have not at times been overly enthusiastic about some of the ‘make work’ aspects of the treaties committee, but this was an important treaty with an important statutory obligation on Australia. The public hearings and the public debate that ensued have been very healthy. As a result of the report, I trust the government will accept the recommendations that were unanimous and bipartisan from everybody on the committee to strengthen the enabling legislation to ratify the establishment of the ICC.

There were some submissions from the public that struck me as having more to do with The X-Files television program than with dealing seriously with the ICC. For example, one submission said that this was part of a world Zionist plot or a world government plot led by Fabians. I happen to be a member of the Fabian Society, and it was news to us that it was a Fabian plot. But that submission was at the fringe. Generally, the debate was very good.

Those who opposed strongly and still do to this day—eminent citizens such as the former Chief Justice Sir Harry Gibbs, former Senator John Stone and others—have written strongly against ratifying this treaty. They believe there is a great risk to the Australian legal system and Australian citizens. There is a risk, but I believe the risk is very moderate and can be dealt with within a democracy such as Australia. If the ICC attempted to carry out the things or rort the processes in the ways that some of those people were worried about then Australia would give notice that within 12 months we would withdraw, and I would be the first to support that. I think we will be able, as the court evolves in its work, to have a major say in ensuring that it is run properly with proper jurisprudence and proper processes that guarantee rights to those who are before the courts.

It is important for the future that people in the world know, and they might be deterred. Maybe Senator Mason is correct: you might not deter the odd dictator or the authoritarian thug who is unfortunately running some country. But from time to time some of them may be brought to justice before this court and that is a very useful step indeed; in the future someone can be brought to justice for some of the worst atrocities that have occurred in the world in the past century. Who disagrees with the fact that those who committed genocide in the former Republic of Yugoslavia are now before the tribunal in the Hague specifically dedicated to that? Who disagrees with that after what happened in Rwanda? We are asking that there be a standing court. I believe that Australia should ratify this. We should put the enabling legislation through by 30 June so that when the court meets, now that it has had over 60 countries sign it, ratify it, and they can get on with the construction of the court, Australia is able to be there to influence that process from the beginning and, above all, nominate one of the 18 judges and nominate the prosecutors in the panel. We are able, as a founding member of this court and in the international proceedings that have established it, to argue that an eminent Australian jurist should be appointed and that eminent Australian prosecutors, or those with a legal background, be appointed. It is very important that we are there, but we can only be there if the government puts this legislation, with our amendments, to the parliament for carriage by 30 June. If we wait longer than that the process will begin without us. We should be there from the beginning.

Senator Mason was very kind to mention that one of the reasons he came on board to
support the recommendations, despite having a number of practical objections, was recommendation 6: that there be a parliamentary continuing oversight of the work of this court. In the private discussion in the committee, when we discussed how we could monitor the work of the committee, I was reminded of what we do with the Human Rights Subcommittee. We ask the government to regularly table a report of what Australia has done to promote human rights. The committee then conducts public hearings where people in the community can debate, yes or no, and promote ideas; then we make a report back to parliament, making judgments about the performance of the government.

On this occasion we now ask the government to report annually to parliament on what the court has been doing and its procedures. The treaties committee, augmented by other members of parliament who wish to serve with us, will then look at that report, hold public hearings and be assisted by a panel of eminent jurists who have expertise in this area. So we will report as a parliamentary committee, separate from the executive, to the parliament on the work of the court. One major advantage of this will be assuaging the fears that some people have about us giving up our sovereignty over legal process. Even more importantly, I think it will lead to the people of Australia seeing that the court is working in a correct way. And when we see difficulties, the parliamentary committee can then make recommendations back through the government to the court itself. That will strengthen the work of the court and make it more effective. So I was pleased to make that contribution that led to that very important recommendation.

The other recommendations about amendments, which are in 7 through to 11, are very sensible amendments that the enabling legislation should take up. They indicate that there are areas where we would want to ensure clarity in the process of what the court is doing. I think those are very useful.

Sixty-six nations, as of late April, have ratified, signed up. Hopefully, Australia will be able to do this within the next month. Certainly there are a number of countries that have signed up, have ratified, who do not have a great history of jurisprudence, of democracy, as Senator Mason has said. But look down the list: overwhelmingly it is the democracies of the world that have signed up. Senator Mason mentioned the People’s Republic of China. They have not even signed, certainly have not ratified—they have not done anything. I did raise this issue because I have sat in a human rights delegation in China in discussions with the Supreme Court of China—the judges, as they call them in that country—and discovered that they were appointed according to their political seniority within the Communist Party of China, not on any legal skill.

Certainly we would want to argue—and that is why we should be there from the beginning—that if any country nominates people that do not have a demonstrable skill and background in jurisprudence and legal process and understand all of that, then they should not be appointed. I think that is an important issue. But, looking down the list so far, overwhelmingly it is the democracies that have signed up. Senator Mason is correct: the thugs of the world have not signed up so far. If they refuse to sign, and therefore keep themselves out of the jurisdiction of the court, then the democracies of the world can bring other diplomatic pressure to bear, such as what was put on Serbia to hand over war criminals. They did in the end because they found that they were not going to get the level of aid from NATO or the European Union. That political pressure put people before the Hague court. That is the sort of political pressure I support, because it means war criminals have to face the music. I think we would all support that. So, in the political sense, I think the democracies of the world—those who have a demonstrable and clear-cut record of being democracies—will ensure that the process is properly debated. Of course, from time to time there may be an odd mistake made, as there is in our present legal system in Australia, but that risk is minuscule compared to the advantages.

My final comment, as a member of the treaties committee, is that every week we look at treaties we are signing that, in some
way or other, affect the absolute purity of Australian sovereignty. In an international world, with the WTO, for example, we agree to accept arbitration that will cost us a penalty, such as in the Howe Leather case. We did not like it but we had to accept it because of the broader benefits of the WTO. I think it is the same with the ICC. So on balance, with the major recommendation about a standard oversight of the committee that I think will strengthen it and should assuage the fears of many—not a majority—in the community, we are not giving up unnecessarily the sovereignty of Australia.

Senator BARTLETT (Queensland) (4.21 p.m.)—I would also like to speak to both of the reports presented by Senator Cooney on behalf of the members of the Joint Standing Committee on Treaties. I think the report into the International Criminal Court is a good demonstration of the value of the role of parliamentary committees and particularly of the treaties committee. The committee is, of course, a relatively recent innovation—one of the good things the coalition government has initiated. There have been a few; I cannot think of any others off the top of my head, but certainly initiating the treaties committee was a positive development. It has provided, particularly in this case, an opportunity for the range of concerns across the community to be voiced, to be examined in detail and to be tested by public hearings and written submissions.

That process showed that there was validity in some of the concerns that were expressed as well as validity in some of the submissions and the urgings from various groups to adopt and ratify the statute of the International Criminal Court. In the same way, as Senator Mason quite rightly pointed out, some of the proponents in favour of the statute overstated the value of the International Criminal Court and the suggestion that it was going to solve all the world’s problems. I think there is some validity in that, but I also think that some of the arguments against the statute were also somewhat overstated.

Obviously, any time Australia engages in any form of international cooperation with other countries, particularly in a way that generates an enforcement mechanism, as a nation and as citizens we put ourselves in a position where we may end up being required to adopt courses of action that we might not otherwise like to have to do. The World Trade Organisation of course is one example of that. Quite clearly, Australia retains its sovereignty in its involvement in this International Criminal Court. If, for whatever reason, it pans out to be undesirable from Australia’s point of view, then Australia retains the right to withdraw its ratification and withdraw from the jurisdiction of the International Criminal Court. I do not expect that to be the case. I do not expect it to be a problem. There are various safeguards in place and, if we pass the enabling legislation in time, Australia will be intimately involved in the establishment of the ICC, and that will strengthen even more the prospect of the court operating in a positive way.

It is worth looking at the list of the countries that have signed and ratified the ICC statute. They are as listed in appendix D of the report. There is a wide range of countries involved—more than 66 parties have now ratified. Most of them are democracies, but there are some interesting ones that might not be up the list.

Senator Boswell—Chad?

Senator BARTLETT—Chad have signed but they have not ratified.

Senator Boswell—I am very glad to hear that.

Senator BARTLETT—The Congo has ratified. Zimbabwe has signed, although it has not ratified. Most of them are democracies, but there are some interesting ones that might not be up the list.
they are obviously ad hoc tribunals that only occur from time to time.

This International Criminal Court in effect would enable an ongoing standing mechanism for addressing some of those problems. It is a worthwhile endeavour and one which I as a member of the committee strongly support—and I think I can speak for all of my colleagues in the Democrats in saying that we support this. In saying that, I would draw attention to some of the recommendations. Obviously, the key recommendation is 1, in which the committee recommends that the government ratify the statute. There is also recommendation 5, in which the committee recommends that the enabling legislation be introduced into parliament as soon as practicable, subject to the other recommendations in the report. I would certainly urge the government and the relevant minister to act on that recommendation and to bring that legislation in as soon as practicable so it can be debated and passed by this parliament before the end of June.

I think this is one case where I would be supportive of legislation moving through fairly quickly. I have been quite critical in relation to other bills that this government has railroaded through without proper scrutiny, but this issue has obviously had extensive scrutiny both in the life of this parliament and the previous parliament going back to the second half of 2000. It has been an extensive inquiry with a large range of submissions. Seven public hearings were held in Victoria, New South Wales, Western Australia and Canberra. A lot of people gave evidence and this is one case where the legislation being introduced and debated as promptly as possible would be justified.

I would note also recommendation 6, which is important. It provides a mechanism for ongoing monitoring of the operation of the criminal court and how it is impacting on Australia in terms of our legal system and the effectiveness of the court as a whole. Having an automatic mechanism for that is a positive move and would provide a good opportunity for the treaties committee to continue its interest in this matter along with other interested parliamentarians.

I note additional comments from some of the coalition members on the committee, though not all of them. The chair, Ms Bishop, Bruce Scott, a National Party MP, and Peter King, a Liberal member, signed up to those additional comments. Nonetheless, five of them did raise some qualified comments and I note those. In the same way that the benefits of the court may be overstated, some of the concerns about it are also overstated. Australia always retains the right to withdraw from the statute if it wishes.

It is an important and comprehensive report. I congratulate the secretariat and the chair for their efforts in putting it together. Having gone through this process and this comprehensive inquiry, I hope this is one report that the government will act on as quickly as possible. It is a great shame that the United States has pulled out of it in recent days and I do hope that that action does not signal a change of heart by the federal government. We have seen this coalition government tend to follow on the coat-tails of whatever the US does. I hope that this is one case where the Australian government retains a mind of its own.

I would like to comment briefly on report No. 44 on nuclear safeguards treaties. This report is not unanimous; I have made dissenting comments. The committee—apart from me—supported the adoption of all these treaties relating to nuclear safeguards, nuclear interaction and uranium exports with a range of countries. The key one was the agreement between Australia and Argentina concerning cooperation and uses of nuclear energy. This is linked to the proposed new reactor at Lucas Heights. Concerns were raised at the committee, particular by the Australian Conservation Foundation, Greenpeace and Friends of the Earth. I certainly share their concerns. I do not think that their concerns were adequately addressed by the government or countered by the other evidence that was provided. I oppose that treaty. In line with Democrat longstanding policy over the 25 years of our existence of opposing Australian involvement in the nuclear fuel cycle, obviously we do not support any treaty being entered into that would increase Australia’s involvement in the uranium in-
dustry or in nuclear industries globally. As a matter of policy and principle, we would not support those. I have expressed my opposition to that in this report. I note that all the other members of the committee, Labor, Liberal and National, have supported it. (Time expired)

Senator BOSWELL (Queensland—Leader of the National Party of Australia in the Senate and Parliamentary Secretary to the Minister for Transport and Regional Services) (4.31 p.m.)—I am aware of considerable disquiet across Australia at the prospect of Australia ratifying the International Criminal Court statute. That disquiet is very much to the fore in rural and regional Australia. It is possible to be blase about the international treaty—there are so many of them—but this international statute is not a minor issue. Many people believe that it surrenders our criminal sovereignty. Many believe that the interpretation is open to change over time and that the definitions are unacceptably vague and open to abuse. I believe that a conservative approach to this issue is in the best interests of Australia. I am wary that at some time in the future Australia may have peacekeepers abroad who may end up before an international court presided over by non-Australians and people whose countries do not share our respect for the rule of law and judicial independence. As the report states at paragraph 3.71:

There is no doubt that the ICC will be a blend of different legal cultures.

As legislators, it is our duty to protect Australia’s criminal sovereignty. The United States is refusing to have anything to do with the statute. Considering the nature of the statute, the United States’ position should send a clear signal, as it does to me. The report before us is heavily qualified and contains many recommendations to the Attorney-General for change and review of the legislation. It should also be noted that the five committee members were so concerned that they contributed additional comments in appendix A to the report. They mentioned three areas of concerns: (1) the lack of precision in the definition of some crimes; (2) the potential for the court to promote a particular international agenda; and (3) a combination of (1) and (2), such that the court develops in a way inconsistent with our national interest.

This group of five, including National Party Senator McGauran, go on to say that their support for the majority view recommending ratification is highly qualified and conditional. They raise the possibility of Australia’s withdrawal from the court. I have read Janet Albrechtsen’s opinion piece in today’s Australian. I was struck by the potential dangers of Australia signing off on this statute. I conclude by quoting from the submission to the inquiry by Digger James—a notable Australian—in which he wrote:

If we ratified the Statute, the powers of the court alone ... being written deliberately in a wide and imprecise nature, would be an unacceptable threat to all Australians. Furthermore, to accept a process whereby the court is composed and controlled by foreign personnel is wrong. It is selling our sovereignty and our soul. No sensible person would sign such a blank cheque and I beg you to desist from continuing what the RSL of Australia, and I, regards as a declaration of war on the future of the people of Australia.

Very strong words, but no doubt he feels them very much. John Stone wrote that this issue is of greater importance than the budget. Janet Albrechtsen said in the Australian today that John Stone was right.

Debate (on motion by Senator Harradine) adjourned.

MINISTERIAL STATEMENTS

East Timor

Senator ABETZ (Tasmania—Special Minister of State) (4.36 p.m.)—I table a statement on behalf of the Minister for Foreign Affairs, Mr Downer, entitled East Timor: Birth of a Nation.

COMMITTEES

Membership

The ACTING DEPUTY PRESIDENT (Senator Lightfoot)—Order! The President has received letters from party leaders seeking variations to the membership of committees.

Senator ABETZ (Tasmania—Special Minister of State) (4.37 p.m.)—by leave—I move:

That senators be discharged from and appointed to committees as follows:
Environment, Communications, Information Technology and the Arts Legislation Committee—

Participating member: Senator Ray
Substitute member: Senator Tierney to replace Senator Calvert for the consideration of the provisions of the Broadcasting Services Amendment (Media Ownership) Bill 2002

Finance and Public Administration Legislation Committee—

Participating member: Senator Ray

Legal and Constitutional Legislation Committee—

Participating member: Senator Ray

Rural and Regional Affairs and Transport Legislation Committee—

Participating member: Senator Ray.

Question agreed to.

ASIO, ASIS and DSD Committee

Extension of Time

The ACTING DEPUTY PRESIDENT (Senator Lightfoot)—A message has been received from the House of Representatives acquainting the Senate of a resolution agreed to by the House extending the time for the Parliamentary Joint Committee on ASIO, ASIS and DSD to present its report on the Australian Security Intelligence Organisation Legislation Amendment (Terrorism) Bill 2002 to 11 June 2002.

COMMONWEALTH ELECTORAL AMENDMENT BILL (No. 1) 2002

First Reading

Bill received from the House of Representatives.

Senator ABETZ (Tasmania—Special Minister of State) (4.39 p.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 ABETZ (Tasmania—Special Minister of State) (4.39 p.m.)—I move:

That this bill be now read a second time.

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

Leave granted.

The speech read as follows—

This bill contains amendments to the Commonwealth Electoral Act 1918 (the Electoral Act) to provide that following elections, public funding for the Liberal Party is to be paid to the agent of the Liberal Party of Australia (Federal Secretariat), rather than to the State and Territory Divisions of the Liberal Party (that is, those State and Territory Divisions of the Liberal Party which are constitutionally linked to the Federal Secretariat—NSW, VIC, QLD, SA, WA, TAS and the ACT).

However, the agent of the Federal Secretariat of the Liberal Party may lodge with the AEC, prior to polling day, a written notice that sets out the proportion of the public funding to be paid to the agents of the State and Territory Divisions and the proportion of the public funding to be paid to the agent of the Federal Secretariat. The public funding would then be paid to those agents in accordance with the proportions set out in the notice.

Currently, the Commonwealth Electoral Act 1918 provides that public funding be paid to the agent of the State or Territory Division of a party for the State or Territory in which the candidate(s) stood. However, as the Federal Secretariat of the Liberal Party is responsible for federal election campaigns, it is appropriate that all or part of the public funding be paid to the agent of the Federal Secretariat.

This bill was introduced in the House of Representatives on 9 August 2001, but lapsed with the Parliament was prorogued for the 2001 Federal Election.

Debate (on motion by Senator Hutchins) adjourned.

Ordered that the resumption of the debate be made an order of the day for a later hour.

FAMILY LAW AMENDMENT (CHILD PROTECTION CONVENTION) BILL 2002

Report of Legal and Constitutional Legislation Committee

Senator CALVERT (Tasmania) (4.40 p.m.)—On behalf of the Chair of the Legal and Constitutional Legislation Committee, Senator Payne, I present the report of the committee on the provisions of the Family Law Amendment (Child Protection Convention) Bill 2002, together with the Hansard
Ordered that the report be printed.

WORKPLACE RELATIONS AMENDMENT (FAIR TERMINATION) BILL 2002

WORKPLACE RELATIONS AMENDMENT (GENUINE BARGAINING) BILL 2002

WORKPLACE RELATIONS AMENDMENT (PROHIBITION OF COMPULSORY UNION FEES) BILL 2002

WORKPLACE RELATIONS AMENDMENT (SECRET BALLOTS FOR PROTECTED ACTION) BILL 2002

Report of Employment, Workplace Relations and Education Legislation Committee

Senator CAL VERT (Tasmania) (4.41 p.m.)—On behalf of the Chair of the Employment, Workplace Relations and Education Legislation Committee, Senator Tierney, I present the report of the committee on the provisions of the Workplace Relations Amendment (Fair Termination) Bill 2002, and four related bills, together with the Hansard record of the committee’s proceedings, and documents presented to the committee.

Ordered that the report be printed.

ELECTORAL AND REFERENDUM REGULATIONS 2001 (No. 1)

Motion for Disallowance

Debate resumed from 14 May, on motion by Senator Faulkner:

That the Electoral and Referendum Amendment Regulations 2001 (No. 1), as contained in Statutory Rules 2001 No. 248 and made under the Commonwealth Electoral Act 1918, be disallowed.

Senator FAULKNER (New South Wales—Leader of the Opposition in the Senate) (4.42 p.m.)—I am in continuation in relation to the motion before the chair. I was talking about three gaping holes in the middle of the government’s logic in their approach to enrolment fraud. I had mentioned that the AEC did not have a method of checking whether a witness falls into one of the prescribed classes of witnesses and I was about to quote the AEC, whom I had asked to advise on this particular issue. Firstly, the AEC said to me, ‘The AEC has nothing against which it could check the witness occupation details. The AEC ceased collecting electors’ occupation details for Commonwealth purposes some time ago, and even that information was frequently out of date.’ That is the first gaping hole.

Secondly, they said, ‘The AEC has no way of checking whether that witness actually sighted the ID.’ And, to get the trifecta up, that ‘the AEC has no way of checking whether the ID was genuine.’ The government has known for at least two years that its bureaucratic enrolment system would have no effect on enrolment fraud. The AEC’s concerns about how ineffective the regulations would be were well summed up in a recent submission to the JSCEM committee, where it noted that these reforms would not have stopped Karen Ehrmann and Andy Kehoe. Nevertheless, the government wants to spend about $5 million of taxpayers’ money, per year, for a complex bureaucratic system that even the AEC says will not improve the security or the accuracy of the roll. Cynically, the government is asking taxpayers to fund a system that will do nothing to stop electoral fraud but will entrench a much more serious rorting of the rolls by stopping young people and the disadvantaged from enrolling.

It is important to remember that the government waited until the eleventh hour before the last federal election to table the regulations and then threatened massive and complex change to electoral enrolment. Not only did the government keep ordinary Australians in the dark about the new enrolment rules, but it also kept the AEC in the dark. The AEC, the organisation whose job it is to administer elections and inform all Australians about the electoral system, did not know when this massive change was to be brought in.

The AEC was left in an invidious position of producing and issuing, under embargo,
new enrolment forms to all Australia Post outlets. By tabling the regulations just before the election, but lacking the courage to proclaim the relevant amendments and so implement their new system, the government’s claims that it is concerned about the integrity of the electoral roll have really been exposed. What an admission: they were too complex and the changes would have caused such chaos during the election that they were abandoned by the government itself. So, along with the AEC and most of the states, the opposition has made it very clear that constructive measures to improve the integrity of the roll will be supported. We will not, however, support changes to the system that do nothing about fraud while potentially disenfranchising very many people. All states and territories have commented on the regulations.

Senator Abetz—All Labor.

Senator Faulkner—All states and territories that have commented on the regulations have strongly objected to them, as they will impose extremely onerous requirements on first-time enrollees, while imposing much weaker requirements on those who are transferring enrolment.

In the interests of maintaining the joint enrolment arrangements, and recognising the requirements of the Commonwealth and state governments, the Victorian Attorney-General and the Victorian Electoral Commission have been very active in developing an approach which offers a means of establishing a stronger proof of identity for enrolment and which is not so onerous as to disenfranchise already under-represented groups on the electoral roll.

A meeting of electoral commissioners and chief electoral officers was convened on Friday, 8 February 2002 in Adelaide to discuss possible alternative approaches to enrolment verification. The meeting considered the use of a range of information from databases, including Medicare, the ATO, passports and driver licence records. And driver licence records were considered to be a viable alternative for enrolment and transfer of enrolment purposes. Driver licences are held by some 90 per cent of the population and are already used to assist in the verification of identity for other government and commercial purposes.

If the driver licence approach were to be used, people applying for enrolment or transfer of enrolment would be required to include their driver licence number on the enrolment form. This would replace the need to have the form witnessed. If the person did not have a drivers licence, then he or she would have the form witnessed by an elector who did have a drivers licence and who would include the witness’s drivers licence number on the form. Not only is the simplicity of this compelling: it would work, and we should do it. If the government proposes this sort of mechanism—simple, effective, certain to work—I can assure the government that those proposals would be strongly supported by the Labor Party.

The licence regulation authorities would be required by law to provide state and territory electoral authorities with driver licence numbers linked to name, address and date of birth information for the enrollee. This information would also be passed on to the AEC to assist with enrolment verification. Electoral authorities would then use the driver licence information to verify the identity of a person applying to enrol or a witness to an enrolment form as the case requires. Naturally, state, territory and the Commonwealth governments would need to pass complementary legislation to make the system work. In stark contrast to the regulations that the Senate is considering today, there was general agreement amongst electoral officials that the driver licence approach could be implemented.

Of course, further work on the implementation would need to be undertaken if the Commonwealth, states and territory governments were to agree to the driver licence approach. The meeting considered that the driver licence approach would provide real safeguards against potential enrolment fraud. The identity requirements would apply equally to those applying as first-time enrollees as well as to those transferring enrolment. The driver licence approach would also address the situation that was publicised in Queensland where there were a small number of cases of enrolment fraud amongst...
electors who had previously been correctly enrolled. If a person enrolled for an address at which they did not reside, or provided a fictitious address, then the address provided on the enrolment form would not match that on the driver licence database and inquiries would be made. The Commonwealth provisions, by contrast, would do nothing to address that sort of situation.

Electoral commissioners and chief electoral officers are very keen to preserve joint enrolment arrangements. As such, if the driver licence approach has the support of state, territory and Commonwealth governments, electoral authorities believe that it has a number of very clear advantages. Primarily, the driver licence approach would not be onerous for people applying for enrolment or transfer of enrolment. People are already familiar with using driver licences as identification. You do it when you open a bank account, when you cash a cheque, when you apply for a passport, and so on. In addition, the enrolment form would be very simple and very clear compared to the enrolment form needed under the Commonwealth's proposed provisions.

It is now obvious that the reason the government has ignored the alternatives is that the other models for improving the integrity of the roll did not have the political spin-off that the government wanted. That is, the government wanted to make it harder to enrol to vote for people in remote communities, harder for the homeless, harder for the disadvantaged, harder for the people with poor English, harder for the illiterate—harder for these more alienated people in our community.

What we in the opposition suspected all along has now become clear—the new enrolment witnessing rules brought in by these regulations are all about politics and have nothing whatsoever to do with the integrity of the electoral rolls or improving the electoral law in this country. The Commonwealth’s enrolment provisions fail to address the potential for enrolment fraud, but they will ensure that it is more difficult for all eligible people—especially young people and others underrepresented on the electoral roll—to enrol.

I have no doubt that the new enrolment form will confuse, and thus deter, many people from enrolling to vote. It will particularly affect people who are on the margins of our society, those whose intellectual capacity, whose language skills, whose eyesight or whose ability to find a witness or produce an ID is less than that of anyone who sits in this chamber. The homeless, and people living in remote areas of Australia will be the hardest hit.

These new enrolment procedures have been on the drawing board for over two years. Over that time the government has consistently ignored sensible alternatives from the AEC and from state governments. By ignoring the legitimate concerns raised by the states, who are partners with the AEC in managing the roll, the government has risked the separation of the national and state electoral rolls. Such an outcome would be disastrous for the integrity of the electoral roll. It is for those reasons that I urge the Senate to support this motion to disallow the regulation.

Senator MURRAY (Western Australia) (4.55 p.m.)—I rise to speak on the motion before us for the disallowance of the Electoral Referendum Amendment Regulation 2001 (No.1). The first matter I wish to deal with is the nature of the inquiries into the integrity of the electoral roll. The inquiry by the Joint Standing Committee on Electoral Matters was a heated, contentious and fractious inquiry. Nevertheless, I felt that in the end, as often happens with inquiries and reports, the report had a lot to recommend it and a lot of balance. A key finding which emerged from the evidence presented to that inquiry, and which is heartening not only to all of us in this chamber but to all Australians concerned with the health of our democracy, is that while there are, were—and will continue to be, in my view—fraudulent enrolments and matters which would concern one about individual circumstances, general fraud, systemic fraud or anything which could put at risk the results of a by-election or a general election was quite patently not apparent. It is very important to understand that.
The second inquiry of the Auditor-General into the integrity of the roll clearly found that the integrity of the roll was assured. That does not mean that it is perfect. I was heartened to see the very positive response of the AEC to all the recommendations for improvement. That is to their credit, and I am quite sure the government is very supportive of them doing what they must to follow up on those recommendations. However, having said that there is no risk to the results of either by-elections or general elections on the basis of the evidence before those two inquiries, we—and I mean ‘we’ in the broadest sense of all parliamentary parties and other participants in the electoral process—would be foolish not to ensure the absolute minimal occurrence of fraud. That requires the systems employed by the AEC and by their brother and sister organisations in the states to be as tight as possible.

The regulation that the government has put before the parliament, which is the subject of a disallowance motion, covers two broad grounds. One concerns the documents that need to be presented and the other concerns the persons who can attest to claims for enrolment—in other words, witness them. There are 14 original documents that can be produced to ensure that whoever turns up to be enrolled is who they say they are. I will go through them: an Australian birth certificate, an Australian Defence Force discharge document, an Australian marriage certificate, a certificate of citizenship, a current Australian driver’s licence—of all those documents that is probably the one that people carry most, and Senator Faulkner said 90 per cent of people do—or a learner driver’s licence, which is important to young people, a current Australian passport, a current Australian photographic student identification card, a current card issued by the Department of Veterans’ Affairs, a current identity card showing the signature and photograph of the cardholder, a current pensioner concession card, a current proof-of-age card issued by a state or territory authority, again, a very important one for young people, a certificate of a decree nisi or a decree absolute made or granted by the Family Court of Australia, in other words, a divorce document, a document of appointment as an Australian justice of the peace, and a document, not mentioned in the preceding item in this schedule, that is accepted by the Electoral Commission as evidence of the identity of a person. That is an extremely wide list.

I will not drive the Senate mad by reading the next list, because there are 42 items on it, but the range of persons who can witness claims for enrolment is very wide indeed. A great variety of professions and officers can attest to it. So, on the face of it, this looks an extremely reasonable approach. Senator Faulkner has said that motives behind this are political, and the environment in which these have been generated are political, as is the failure to consider alternative means—if I am not verballing you, Senator Faulkner; it is my understanding of what you said.

Senator Faulkner—You are not verballing me, but I would not mind if you did. We are all verballed in here.

Senator MURRAY—I do not know if that is an insult or a compliment, so I will just glide by; I will take it as both. It seems to me that from my perspective I cannot judge that. I do not know what the motives of the government are and neither, I might say, do I know what the motives of the Labor Party or the state organisations are. What I do know is this: the Auditor-General’s report, by memory because I do not have the report before me, said that nearly one million Australians are not on the roll. That is a great concern. This is a country—and I am a great supporter of its system—that requires the enrolment of all those entitled to vote and their compulsory attendance at the polls. My party have long supported that approach. Anything which would prevent or limit that substantial number not enrolling would be a worry. Senator Faulkner quite forcibly puts the argument that these regulations would. I cannot judge that on the face of what is before me, frankly. He also puts the argument quite forcibly that the drivers licence proposition he outlines would cover much of the ground. Again, I am not sure of that.

So where am I left? I am left with a view that tightening the roll is advantageous in view of the findings of both the Auditor-General and the JSCEM. I am left with a view that minimising the opportunity for
fraud is desirable. I am left with a view that very large numbers are not on the roll. I suspect that the way to get them on it is not really to do with enrolment procedures; it is more to do with marketing and advertising. But I am in the situation, as are my party, of having to decide whether or not to disallow this regulation. Frankly, I would like to see the process trialled, but the regulations do not allow for that. They are permanent regulations which would apply forever after.

The major consideration which influences my views is my fear—perhaps it is an unjustified fear—that the joint roll arrangements would be at some risk. The joint roll arrangements were commenced, I think, in the 1920s. I do not have the report before me, but one of the states first began that exercise of participating with the Commonwealth. I think the final state came into line in the 1990s. A joint roll is highly desirable. Personally, given my particular views on these matters, I think we would do well just to have one Australian electoral commission and no state commissions at all, just one that runs the whole show from top to bottom. That is not the case, but a joint roll is certainly highly desirable. The threat that, in the face of these regulations, joint roll arrangements would be put at risk weighs on me quite heavily. Because of that, I have put the proposition to my party room and they have taken the view that we will have no option but to agree with the opposition that these regulations have to be disallowed. You can hear from the way in which I am putting the argument that I am uncomfortable and that my party is uncomfortable, because we would like to assist in any form of arrangement, however minor, which may improve the integrity of the roll.

I would offer both the opposition and the government a suggestion that this should be trialled, that the government might consider bringing back regulations which have a sunset clause attached to them. I would have thought a minimum of 12 months operation of the scheme would be necessary. I would also suggest that the Senate—perhaps the JSCEM but certainly the Senate—be supplied with a report, which would need to be independent, as to whether it worked. The key considerations that my party would be interested in are whether more or fewer people were registered as enrollees than had been the normal or average practice and whether any groups were found to be excluded in any sense—such as those that Senator Faulkner outlined. There are many ways in which that report could evaluate whether such a trial in fact did improve the integrity of the roll, to what extent and what its benefits and shortcomings were. If that report—which would need to be independent, I must stress—was favourable, then obviously my party room, given that that is its view, I would expect would favourably consider the continuation of the regulations subject to our overarching fear of endangering the joint roll approach.

One thing I would suggest is that, if the states are developing alternative views which are of assistance, perhaps the new regulations could assist by incorporating any sensible or helpful suggestions from the states themselves. Listening to Senator Faulkner’s points, it is possible that if the drivers licence was the primary method of identification then more stringent enrolment methods could apply to those who do not have a drivers licence. The difficulty with that is the argument that you are attacking the very group who might be poor, disadvantaged, young, disabled or whatever. ‘I don’t know’ is the answer.

Senator Abetz—Bob Carr, the Premier of New South Wales, does not have a drivers licence.

Senator MURRAY—I do hope that he does not sit on any votes; I assume he does. So I am left in a difficult situation. We have received lobbying approaches from groups that feel they would be disadvantaged. There are some politics attached to that. We are also very conscious of the need to be as supportive as we can of any government attempt to improve the integrity of our systems, whether they are of a major or of a minor matter. In conclusion, I think I should simply say that we will support the opposition’s disallowance, primarily because of our fear that the joint roll arrangements and the integration of our systems may be threatened by this. I cannot fathom why, frankly. I do not
know why such strong feelings are generated by it, despite having heard Senator Faulkner’s argument, but that must weigh heavily with us. However, if a trial process could be found, we would certainly be willing to consider that quite favourably with a sunset clause attached to it.

Senator ABETZ (Tasmania—Special Minister of State) (5.11 p.m.)—This evening we are discussing the electoral roll integrity regulations, and it is a sad reflection that in this debate we have seen the Labor Party at its worst, unreconstructed and unreformed position. All of Mr Crean’s protestations about modernising the Labor Party fall flat in the face of Labor’s attitude to these important regulations. Mr Crean’s actions in opposing these regulations speak so much louder than his words. Labor’s opposition is based very simply on protecting the rorters: the Karen Ehrmanns, the Jim Elders, the Mike Kaisers, the Andy Kehoes and the David Barbagallos. They are the ones that we know of. What about all the ones that we do not know about?

Senator Faulkner initially dismissed the government’s proposed legislation and regulations as part of some government paranoia about the electoral roll and rorting. Might I remind the Senate that it was not the federal Liberal government’s paranoia that led to Mr David Barbagallo being fined $1,000 for electoral roll rorting; it was not the federal Liberal government’s paranoia that led to former Labor Deputy Premier Jim Elder resigning from office; it was not the federal Liberal government’s paranoia that led to former Labor Deputy Premier Jim Elder resigning from office; it was not the federal Liberal government’s paranoia that led to the resignation of Mike Kaiser, a Labor member of the Queensland parliament; and, indeed, it was not the federal government’s paranoia that led to the resignation of Mike Kaiser, a Labor member of the Queensland parliament; and, indeed, it was not the federal government’s paranoia that landed Karen Ehrmann in jail. The sad thing is that state Labor parties around this nation unfortunately have had a record of roll rorting and there is no doubt, therefore, that it has been the state Labor governments that have opposed these regulations. I take on board what my colleague Senator Murray says about the desirability of a joint roll, but the state Labor governments do not want a joint roll that might be less able to be tampered with, and that is why they are opposing these regulations.

Unfortunately, the Democrats have fallen for the view that the joint roll is more important than the integrity of the roll. Listening to Senator Murray’s quite sensible contribution to this debate, I noticed that he weighed very heavily in his and the Democrats’ mind the importance of the joint roll and also of integrity. Unfortunately, on balance, the Democrats—in my respectful view—have swung the wrong way. Let me remind the Australian Democrats that they heard the evidence at the Joint Standing Committee on Electoral Matters. I am sure they would have read what was in the Shepheardson inquiry report. Indeed, they have one of their own colleagues, Senator John Cherry, who in a previous political life—and we will never know the truth because Mr Barbagallo pleaded guilty to the charges, but I am willing to take Senator Cherry’s view on this—was falsely and unbeknown to Senator Cherry enrolled on a Brisbane electoral roll by some Labor operative.

I submit to the Australian Democrats that, if some form of identification had been required of John Cherry prior to his name being put onto the electoral roll, his name could not have been falsely put onto the roll—and I believe the John Cherry view of the world and do not want to criticise that and the circumstances at all. The Australian Democrats in this place have had personal experience of one of their number being falsely enrolled. I submit to the Australian Democrats that, if it had been compulsory to provide a drivers licence for John Cherry or, indeed, any one of the documents on the list that Senator Murray read into the Hansard, his name would not have appeared falsely on the electoral roll.

It is a great disappointment that the Australian Democrats, despite that experience within their own ranks, have not seen fit to put the principle of roll integrity higher than the joint roll. Take the tip: the state Labor governments around will talk roll integrity—as Mr Beattie does—until the cows come home but they will not actually deal with the issues. As far as I am concerned, while the joint roll arrangement is very important, we
as a government regard the integrity of the roll as more important. The integrity of the roll is more important than a joint arrangement with the states, because otherwise—if you have a joint electoral roll—the Commonwealth electoral roll will always have to be submitted to the lowest common denominator of all the states.

My vision is that the Commonwealth set the standard which the states ought to aspire to and abide by. If they want to play the game of blackmail, costing the taxpayers literally millions of dollars by breaking the joint roll, then so be it, but let them explain to the electors of their various states why they are not willing to insist on what is very basic identification. Senator Murray has identified how very basic that identification is. Indeed, Senator Faulkner destroyed his own arguments when he said, ‘Really all we need for a witness ought to be a drivers licence,’ while not saying what documents ought to be provided for people when joining up. In the list, document No. 5, a current Australian drivers licence, is mentioned.

In relation to the electoral roll, the importance of this from a government point of view is that democracy is potentially a very fragile way of doing government and business. I reckon it is the best way that man has devised, and I am fully supportive of the democratic process, but if people start doubting the integrity of the democratic process because rolls are rorted or ballots are rorted et cetera then people start questioning the whole basis of the fragile democracy we enjoy. So we as a government make no apology for putting integrity first. Sure, the Australian National Audit Office gave a pretty good bill of health to the Australian electoral roll, and that has been mentioned in this debate. Depending on the figures, there is 96 per cent accuracy or 99 per cent accuracy on the roll. Let us take the 99 per cent accuracy figure: there are 12.6 million Australians on the electoral roll; if there is a one per cent inaccuracy, that means 126,000 Australians are inappropriately enrolled. If you take the 96 per cent figure, which I think is the more accurate figure, then you are talking about half a million Australians being inappropriately enrolled. If you then translate that into the number of House of Representatives seats, taking the 99 per cent figure, you are dealing with 840 voters per electorate being inappropriately enrolled; taking the 96 per cent figure, you are dealing with about 3,000 voters per electorate being inappropriately enrolled.

Senator Murray—But are you saying that is fraud?

Senator ABETZ—No, ‘inappropriately enrolled’ is the description that I have deliberately used because I am sure a lot of those would be honest mistakes et cetera. I do not say that we have got that many people enrolled fraudulently, and I want to make that clear, but when you start dealing with some of our colleagues in the other place winning their seats by margins of 10 or 20 or 40 votes—and under 100 votes—and you know that there were either 3,000 or 800 inappropriately enrolled people in their electorate on election day, those discrepancies can have an outcome which can change the result. I take Senator Murray’s point that the chances are that most of those are not fraudulent, but we do not necessarily know the extent of the fraud. We know it exists; it has been exposed and Labor person after Labor person, in Queensland at least, has borne the consequences of that fraud.

From a holistic government point of view, we are also concerned that there be integrity in the electoral roll because there have now been situations found where social security fraud has occurred. I would like to recognise in the gallery a great former Minister for Family and Community Services, Senator Newman, who did a fantastic job for this nation. It is great to see her in the gallery this evening. Social security fraud was committed by a person in Victoria who started off his various persona by falsely enrolling on the electoral roll. That was not done for electoral fraud purposes but for social security fraud purposes. Surely we in this place ought to say that if we can somehow limit that it ought to be limited. That is also part of our approach on this issue. The honourable member for Macquarie, Kerry Bartlett, had, I think, Curio Cat—

Senator Ferris—Curacao Fischer Catt.
Senator ABETZ—Thank you very much, Senator Ferris. I trust Hansard caught that, because I am not going to try to repeat it. An elector had a cat enrolled in the electorate of Macquarie. Surely, we want to have some integrity and seriousness associated with the electoral roll. I would suggest that the cat may have had some difficulty in providing a drivers licence, a birth certificate or a citizenship certificate for the purposes of enrolment. That is what this government is about. But Senator Faulkner and his mates are of the view, ‘That is okay, because it allows us to run our preselection ballots for the Australian Labor Party.’

Senator Faulkner suggested that there were three gaping holes in the government’s approach. The first one was that the AEC was not able to check on a prescribed list of employment—which is the list that Senator Murray said he would not read through—which is a list of 42 categories of potential witnesses. There is something Senator Faulkner did not do, and this reflects on the integrity of the debate in this matter. The form that he referred to has a provision for a declaration by the witness: ‘I am aware that there is a penalty for making a false declaration. See page 3.’ Page 3 tells you that there is a possibility of 12 months imprisonment. Basically, the logic of Senator Faulkner’s argument is that people will still break the law, so why do this? That is a bit like saying, ‘We have murder on the criminal statute books; murder is still committed, so why not scrap it because it does not stop murders.’

Senator Faulkner—Then why did you not do it before the election?

Senator ABETZ—I would suggest that that acts as a disincentive within the community and, as a result, witnessing provisions act as a disincentive for people to rort the electoral roll. Senator Faulkner knows it. I have hit a sore point, and that is why he has to start interjecting. The second question is, ‘Where is the proof that the witness sighted the documentation?’ The form says: ‘Identity documents sighted; yes or no’, and the witness has to tick the box, sign off and, if he or she signs this incorrectly, they are liable to criminal prosecution with 12 months imprisonment. But Senator Faulkner says that that is not good enough. I have to agree: there would be no laws in this country that would stop the Labor rorters. They would always do something to get around the law. They would be imaginative and always somehow get around it. I say to Senator Faulkner and his party that, hopefully, these new regulations will act as a disincentive and, as a result, the number of Labor rorters will be minimised.

The third assertion made by Senator Faulkner was that false identification could be provided. Yes, it could; but that of course completely and utterly debunks Senator Faulkner and the Labor Party’s assertion about drivers licences being sufficient, because we all know that drivers licences can be forged. Seeing that these can be forged, why on earth do we, as a community, bother with drivers licences? They can be forged! So can passports! So why do we bother with passports? These are fatuous arguments. Senator Faulkner and the Australian Labor Party know they are fatuous arguments. They are grabbing at anything to avoid electoral reform to have roll integrity in this country.

Indeed, we were given the most patronising of descriptions of people who might be homeless, illiterate or living in remote areas. Those who are on social welfare need to provide more documentation to get welfare than they would to get onto the electoral roll. If they are in receipt of welfare, they must have the appropriate documentation, otherwise they would not be on welfare. The suggestion was that those who are migrants would not be able to enrol. To enrol as a migrant you first have to become an Australian citizen. The documentation required to become an Australian citizen is a lot more rigorous that what we are requiring for the electoral roll and, what is more, the citizenship certificate will be sufficient evidence. That is another argument completely debunked.

Then we had the argument—just thought up, no doubt—that those with poor eyesight would battle with the form. Well, excuse me! If that is genuinely the concern, I would invite Senator Faulkner to look at the existing form and the size of the print, and the form that he condemned, which is the new form,
and see how much bigger and plainer it is, and how much easier it is to read. Once again, the argument on eyesight has been exposed as hollow and fatuous. Any excuse will do so that the Labor Party does not have to face up to the reality of electoral roll reform and deal with their rorters. The Australian Labor Party has clutched at every possible argument; each one of them has been debunked.

Senator Faulkner will, unfortunately, be able to disclose a victory later on this evening, courtesy of the Democrats voting with the Labor Party. Whilst I accept where the Democrats are coming from, I repeat again that it is a matter of great regret that the Democrats see the joint roll arrangement as being more important than the integrity of the electoral roll. The Labor Party have shown absolute and utter opposition to trying to clean up the electoral roll. Indeed, we were told very early on in the piece that this was just a bit of federal Liberal government paranoia. That is what we were told. Even now, at this very late stage, the Labor Party are saying that they have their own—sort of—reform proposal. They know the public pressure. They know what the public believe and think on this issue. They now recognise that they have to come up with some sort of reform package. They know the public pressure. They know what the public believe and think on this issue. They now recognise that they have to come up with some sort of reform package. It reminds me a bit of their tax reform package, where they accepted we needed tax reform, but were unable to come up with it. Similarly, with this, they are finally willing to acknowledge that there is a need for electoral reform but, once again, when it comes to the crunch, they are unable to deliver on this important issue.

This really reflects on the leadership of Mr Crean and the Australian Labor Party, that they are willing to block electoral reform and roll integrity. They know that they have been the party exposed as having rorter after rorter within their ranks. We, as a federal government, are trying to clean up the electoral roll, and all we get from the Labor Party are fatuous arguments and pathetic reasons, none of which stand up to scrutiny. At the end of the day, the Australian Labor Party stand condemned for protecting their rorters. Mr Crean has not reformed the Labor Party. He has not modernised it. The Labor Party are still very much in the culture of rorting with their preselections and rorting the electoral rolls, and the Australian Labor Party stand condemned for it.

Senator CROSSIN (Northern Territory) (5.31 p.m.)—I rise to provide a contribution to this motion to disallow the electoral roll integrity regulations. In doing so, I have some sense of deja vu in that I remember standing on my feet some years ago talking about the Electoral Act and what it meant for indigenous Australians. At that time, I spoke about the changes that the government was proposing in assisting people when they went to vote at the polls. But this time the tables are turned. If this government has its way, there will be a significant number of indigenous Australians who will not even make it into the polling booth to allow their vote to occur. Because of the barriers that these regulations will put in place, those indigenous people may not even get on to the roll in the first place.

The amendments to the Commonwealth Electoral Act were actually passed in May 1999, some two years ago, and we know that those amendments have yet to be proclaimed. We have heard significant arguments this evening about the fact that these regulations would limit the people who could witness a claim for enrolment and, of course, dramatically change the enrolment process. Before I get on to the substantive argument that I want to present, let me go to one or two things that the Special Minister of State said. The minister talked about—and named, in fact—some people who, he alleged, were rorting the system. I assume by that he means rorting the ability for them to be genuine voters in this country. But he did fail to mention that a number of people from his side of politics such as Jackie Kelly MP and her staff or Alex Somlyay—

The ACTING DEPUTY PRESIDENT (Senator Hogg)—Senator Crossin, I think you need to withdraw that.

Senator CROSSIN—I withdraw that. But there were a number of people that the minister could have named, if he so chose and if he wanted to provide some balance in this argument. Of the people that he named, I think only one was sent to jail. If we want to
provide some balance in the argument, there are rorters and there are rorters. The integrity of this debate goes to the barriers that these regulations will put in place that will prevent people from even getting on the enrolment list—in fact, from ever being on the enrolment form. The minister talks about these regulations being able to be less tampered with and about integrity versus the joint roll system. While all those arguments may be well and good, if we actually step back and take a really close look at what happens with indigenous Australians, we will find that those arguments go to a very inappropriate enrolment system being put in place by this federal government.

I think this government fails to genuinely understand the situation in which indigenous Australians in rural and extremely remote conditions in Northern Australia—in particular in the Northern Territory, Western Australia and Queensland—find themselves. If I use the Northern Territory as an example—and perhaps some of these stories might impress upon the Democrats why it is important that they have taken the stance that they have; I congratulate them in joining us in this disallowance motion—there are some 220 Aboriginal communities in the Northern Territory with populations of 50 to 1,800 people. There are not too many people in this parliament who have bothered to travel to those remote communities—although it is pleasing to say that more and more members and senators are attempting to do so. It is a pity, though, that a few more from the government did not make the effort to go there. Of course, that does not actually take into account those people who may live on outstations.

The ABS 1996 census data does not break down the figures into the indigenous population who are aged 18 and over—and it is in five-year chunks—so we have to look at those aged 15 and over. For example, in the Northern Territory in 1996 the indigenous population aged 15 and over was 32,107. So we could assume that now, some five years on—out of a total voting population in the Territory of 132,000—there are at least 32,000 indigenous Territorians who are eligible to vote. As of the ABS statistics in 1996, the percentage of indigenous people in the Territory was around 24.22 per cent.

The proposed regulations do nothing to ensure that that number of indigenous people in the Northern Territory are on the roll—it does nothing to maximise their participation in being on the roll. We do not have 32,000 Territorians of indigenous background on the roll at the moment. As it now stands, it is extremely difficult to get these people to enrol—to understand the importance of it and to fill out the simple form that we have now—without putting any more barriers in their way. Senator Ferris said a minute ago that this minister was on the joint native title committee. If that is the case, I would expect that this minister, more than anyone, would understand the extreme barriers that these sorts of regulations will place on indigenous Territorians. We know that these are people who, by and large, are not able to read and write. We know that these people very rarely have any sort of proof of identity on them. In fact, even Centrelink has recognised the cultural differences of these people and asks only that traditional owners in these communities recognise or provide evidence that they are genuine indigenous people and, therefore, are entitled to a benefit under Centrelink.

Let us look at what a person would have to do—what sort of evidence they would have to provide—to get on the roll. Firstly, they would be asked for an original proof of identity, and that in itself would provide major difficulties and barriers in remote communities. They would be asked to provide an Australian birth certificate, and we know that very few indigenous Territorians would have one in their back pocket or in a drawer in a dwelling in which they might live. I will miss out some of the Defence Force requirements because they would not apply here. There would be very few indigenous Australians who would possess an Australian marriage certificate, particularly those in remote communities. They probably do not go through the formal non-indigenous process of getting married, as we do.
There would be a very significant problem in asking for a current Australian drivers licence. The motor vehicle registry people in the Northern Territory tell me that only 26 per cent of current enrolled voters in remote communities have a drivers licence—that is, most people in remote communities in the Northern Territory do not drive so they do not have a current drivers licence. One-quarter of those people currently enrolled possess a drivers licence, so you would not be able to pick up those people. They certainly would not have a passport. They certainly would not have a current photographic student identification card. They do not have a concession card issued by the Department of Veterans’ Affairs. They would not have a current identity card showing their signature and photograph issued by their employer. We all know that that would not be the case in a remote community.

Senator Ferris—How do you know that? That is patronising.

Senator CROSSIN—What employer in a remote community, Senator Ferris, would provide photo ID for their employees? Are we talking about local community councils? Are we talking about workers in a health clinic or Aboriginal assistant teachers in a school? None of those places provides photographic ID. You have come up with a list that is right off the planet in terms of the way in which indigenous Australians would relate to it. It is beyond any sort of fairness and equity. With regard to a current proof of age card issued by state or territory Australia, are we talking about a seniors card? It would be really worth my while if I were living in Port Keats to have a Territory seniors card; there would be an awful lot of concessions I would be able to get out there!

Senator Ferris—You are patronising and letting down indigenous people and you should be ashamed.

Senator CROSSIN—I doubt it.

The ACTING DEPUTY PRESIDENT (Senator Hogg)—Order! Senator Ferris, if you want to join the debate, there will be plenty of opportunities upon the conclusion of Senator Crossin’s speech. Enter the debate then.

Senator CROSSIN—There would be no need to have a current proof of age card in a remote community either. In fact, indigenous Australians would not even bother to have one in those communities. As to a degree absolute granted by the Family Court of Australia, indigenous Australians do not recognise such a body. And, if they did, there would be very few of them who would have that sort of paperwork on them, or a document of appointment as an Australian justice of the peace—and you would find very few of those.

I say to the minister that this is not about patronising. Whatever regulation you want to put in place, your bottom line should be to encourage people to get on the electoral roll. You should be making it easier for people to be eligible to vote in order to maximise the vote of every person in this country. There is nothing wrong with the current enrolment form in the way in which people in remote Australia are able to access it and fill it in. If they need to provide any of the 13 documents that you have here, you will find fewer and fewer indigenous Australians eligible to vote—in fact, the number of indigenous Australians on the roll, particularly in remote Australia, would decline.

Senator Faulkner is right: that would suit your political purpose, wouldn’t it? That would be absolutely correct. You want as little a number as possible of people who are eligible to vote to get on the roll. We know that, by and large, indigenous Territorians in remote Australia do not support your policies or your government’s outlook, so that is correct. This would be one way of ensuring that they are not on those rolls and that they will never get a chance to vote for the party of their choice.

Let us go to those who might want to witness these enrolment forms. The call to have a drivers licence on behalf of the witness is probably about the most uniform and consistent suggestion that you could have. Again, out of your list of 42 people, there are only about eight who would apply in the Northern Territory. Out of that, you are talking once again of teachers and nurses; you are talking about people who are probably government workers—
Senator Ferris—ATSIC regional commissioners?

The ACTING DEPUTY PRESIDENT—Order! I have been very tolerant to those on my right. You have had the opportunity to have your say. I understand that Senator Ferris is going to speak in a few moments, so she may respond to the comments made by Senator Crossin then.

Senator CROSSIN—There are 220 remote communities in the Northern Territory alone, not including outstations, but there are not 220 ATSIC commissioners in the Northern Territory. That is just an absolute furphy. There would not be enough of them around to witness these signatures. Again, the responsibility will fall back on those people employed by state and territory governments in those areas—the old reliable town clerks, the teachers and the nurses who would be called on every day and night to provide evidence to witness these enrolment forms. In a community of a couple of thousand people, they would want some time of their own. Basically, your regulations will not result in the integrity of the electoral roll; they will disenfranchise those people in our community who least understand how to fill out forms, who are not literate, who are not able to fill out those forms without assistance, who have English as a third or a fourth language and who find such a process extremely difficult. I have a letter here from Clare Martin of the Northern Territory government who states:

More than 25% of the Territory’s population is indigenous many of whom do not speak English as a first or second language.

We know that. She continues:

The vast majority reside in remote locations where the communication with the bureaucracy is difficult.

That is correct. This has not been assisted by the cuts, in remote Australia, to the Australian Electoral Commission, which now no longer provides education programs on how to vote and no longer undertakes systematic trips out to those communities to ensure that the rolls are up to date. They seem to do it a few months before each federal election is due to kick around. Clare Martin goes on to say:

The primary effect of the Regulations which are now before the Senate will be to disenfranchise indigenous electors in the Northern Territory. Not only that, they will, most likely, have the same effect in Queensland and Western Australia as well. She goes on to say:

If the Federal Government is serious about the integrity and quality of the roll it would, inter alia, ensure that adequately resourced electoral education and enrolment teams were operating throughout remote Australia.

She is right; that is exactly what should happen. The AEC should be resourced again to be able to provide that sort of enrolment.

There is one other important point that I want to make; there has never been, in the Northern Territory or in remote places, substantiated allegations of systematic enrolment irregularities or fraud in the electoral rolls. There is no evidence to suggest that is the case when it comes to rural and remote Australia. There is no evidence to suggest that is the case when it comes to indigenous Australians, particularly people in the Northern Territory. These regulations will, in fact, have the effect of disenfranchising those people who are least able to cope with a more complex form. They will be required to produce some sort of original form of identification, which is extremely difficult for those people who live in remote communities.

This will make the process of electoral enrolment extremely bureaucratic and there will be no benefit at all. There is no proof that this measure will ensure that the electoral roll has some degree of integrity. All this will ensure is that there are less indigenous people in remote and rural communities who are able to get on to the electoral roll. There is nothing wrong with the way the current system operates. Senator Faulkner has put forward a view that perhaps—

Senator Ferris interjecting—

Senator CROSSIN—Senator Ferris, you will not be able to find me examples of this for indigenous Australians in the Northern Territory. These regulations will affect those people who are least empowered to be able to complete those sorts of forms. These regulations will ensure that, at the end of the day, there are fewer indigenous Australians
on the electoral roll. They will ensure that fewer Aboriginal and Torres Strait Islander people in this country will be able to exercise their democratic right to vote when it comes election day because they will not even have a chance to get on the roll. It will be much harder than it is now. There is nothing wrong with the current process. The suggestion by Senator Faulkner that perhaps a witness should be able to provide identification is something that should be considered. There is nothing wrong with the current system for getting on the electoral roll. Your proposal simply puts extreme barriers in place and will make it very difficult for these people. (Time expired)

Senator FERRIS (South Australia) (5.51 p.m.)—I must say that I found the contribution just made by Senator Crossin regrettable and quite unfortunate. Senator Crossin and I served together on the Parliamentary Joint Native Title and the Aboriginal and Torres Strait Islander Land Fund Committee. The minister in the chamber tonight, Senator Abetz, was a very distinguished member of the native title committee. As members of that committee, we have visited a large number of remote communities all around this country. To suggest that these people are in some way unable to make a contribution without some assistance is to denigrate unnecessarily a very large collection and community of people in this country. It made me wonder, when Senator Crossin opened her speech by referring to ‘some form of déjà vu’, whether she had even read the enrolment form for people who want to join the electoral roll. It is very clear, if she looks at the section asking ‘Am I eligible to enrol?’ that, if you are able to satisfy those classifications, you then move down to the special enrolment provisions. The very first special enrolment provision is for people who are unable to sign their own name due to incapacity; people who have no fixed address—that is, they are nomadic, for either cultural or other reasons—or a group of other people who may be at risk for various other reasons. If those people are in that set of circumstances, there is a free-call number printed here which will connect them to the Electoral Commission, and they will be able to obtain assistance.

Senator Crossin—Now you are assuming that they have a telephone out there.

Senator FERRIS—Acting Deputy President, I ask you to allow me to make my contribution in the way that you drew to my attention earlier.

The ACTING DEPUTY PRESIDENT (Senator Hogg)—I am showing the same tolerance that I showed during the other speech.

Senator FERRIS—Fine. I shall raise my voice when it is necessary to make my point, as Senator Crossin did.

The ACTING DEPUTY PRESIDENT—I will protect you.

Senator FERRIS—I think that is a very unfortunate way to conduct the debate, but never mind. If you need to call a 2326 number, there is no doubt that it is possible to make those calls. There are communications systems available for people to make those calls.

But what I want to draw to the Senate’s attention tonight is within the regulations. I want to make it clear that there has been a misleading contribution made in relation to witnesses who are able to assist in this process. I would like to read into Hansard a couple of sections here about the verification of identity. This is for people who are unable to satisfy the criteria that Senator Crossin so patronisingly read into Hansard just a few moments ago—that is, people who are unable to identify themselves to the satisfaction of a person who is going to make the witness signature. Section 98 of regulation 13 applies to a person making a claim for enrolment who is unable to verify his or her identity in accordance with regulation 12. There is an opportunity there for those people to verify their identity by providing the Electoral Commission with at least one document mentioned in schedule 5. Very importantly, they can also show to a person mentioned in schedule 4 a document mentioned in schedule 5, and obtain the person’s written statement, on the claim for enrolment, that the person is satisfied about the identity of the person making the claim. Far from that person needing to be an overworked government employee, such as a nurse or a school-
teacher, there are a range of people who can assist in this process. I think it is very unfortunate that Senator Crossin did not read some of these people into the Hansard. Let me do so now. The most important and significant one in relation to the comments that Senator Crossin made is No. 20: ‘the leader of an Aboriginal or Torres Strait Islander community’, not an office holder but a person who is recognised as a leader of an Aboriginal or Torres Strait Islander community. If there are more than 200 communities, I have no doubt there would be a relevant number of leaders who are able to assist in the process.

But wait, there is more. No. 26 can be not just a member of the Aboriginal and Torres Strait Islander community council; it can also be a member of a regional council. So there we have it. No. 20 refers to the leader of an Aboriginal or Torres Strait Islander community; a member of an Aboriginal or Torres Strait Islander community council or regional council; or a police aide, a registered or enrolled nurse; or a number of other people who are listed here. In fact, there are 42 of them. A number of them could satisfy the requirements that were pointed out earlier on by Senator Crossin.

I think it is also somewhat unfortunate to suggest that there are no Aboriginal and Torres Strait Islander people working in positions where they would have photograph identification. I have seen photo ID on secure mining sites in remote areas of the Northern Territory and Queensland, and up in the Torres Strait, and I have no doubt that there are many that I have not seen. I think it is quite unfortunate to suggest that Aboriginal people do not qualify for jobs that need photo ID. I think that is patronising, very regrettable and very unfortunate.

Senator Crossin—When do they have photo ID?

The ACTING DEPUTY PRESIDENT—Senator Crossin, you might desist from your comments and let Senator Ferris finish.

Senator FERRIS—Let us get to the heart of the matter here. This, to me, is quite an unfortunate and regrettable debate. Senator Faulkner, yesterday, in part of the contribution that he made in relation to this debate, described the regulations as expensive, disenfranchising and bureaucratic. He said they were misguided and not needed. Nowhere did he say they would clean up the roll. He said the ALP was moving to disallow these regulations for one principal reason: that is, that they would not improve the integrity of the roll—in fact, they would have the opposite effect. He did not build that case. I thought he might have done so today, but he did not. He invoked the name of the Auditor-General, Mr Barrett, to talk about how the roll was a roll of high integrity. I agree. Mr Barrett said that, overall, the electoral roll was one of high integrity.

Mr Barrett also said that there was a point at which there were data inaccuracies. They could be 96 per cent; they could be 99 per cent. Nobody has exactly identified that. If there was a data inaccuracy, for example, of just one per cent, if we go to the 99 per cent figure, and we do not take the four per cent figure, we find that that would represent 126 electors or, put another way, 840 voters in every federal seat in Australia. If we were to take the 96 per cent figure, we would find that that figure would come out at almost half a million people.

But, for the sake of this, let us stick with the one per cent figure. If we were to take the one per cent figure, we would find that, in 840 voters in every federal seat, there are in fact five federal seats that are currently held by a margin of less than 0.5 per cent. So, even if this roll of high integrity were to contain a data inaccuracy of just one per cent—not four per cent—there is every reason to take every step to clean up this roll and to clean up these rorts. I admit that an electoral roll containing as many voters as we have in Australia is always going to contain some inaccuracies, but surely it is absolutely crucial to limit the extent of these inaccuracies as much as possible. After all, even a one per cent inaccuracy in such a large number of enrolments could be absolutely ruinous for voter integrity and for the public perception of the integrity of our electoral roll.
We on this side of the chamber, as members of the Joint Standing Committee on Electoral Matters, will never forget the evidence of Karen Ehrmann. She was escorted from prison to give evidence in Brisbane—surrounded by her old mates, but alone with a prison officer—about the scamming and the rorting that she carried out with the patronage and wink-wink, nudge-nudge of some pretty senior figures in the Queensland division of the Labor Party. As a woman and a mother, I felt very sad for Karen Ehrmann. She sat there and gave her evidence as best she could to enable us to clean up the roll, to make recommendations which would make this roll as honest and as transparent as it could possibly be, so never again would Karen Ehrmann's children or anybody else's children have to visit their mother in a prison because she had carried out the dirty work that had been set for her by senior members of the Queensland Labor Party.

Senator Crossin, I was stunned and amazed when I heard you say, 'Only one rorter went to prison.' The person who went to prison was a wife, a mother, a woman who had done the dirty work for members of your party. I do not think it makes too much difference whether it is one or 21; the fact is that there was widespread rorting. Premier Beattie admitted it. I admit that he tried to take some steps to clean it up, but if you read carefully what Karen Ehrmann said, there is no doubt—

The ACTING DEPUTY PRESIDENT (Senator Lightfoot)—Senator Ferris, did you wish me to read it carefully?

Senator FERRIS—I am sorry, Mr Acting Deputy President, I was suggesting that my colleague Senator Crossin may need to refresh her memory because to suggest that simply one rorter went to prison does not justify doing nothing to ensure that the roll and the integrity of the roll is such that it can never happen again, that no rotters go to prison ever again. Let's not beat around the bush here: Karen Ehrmann was a patsy for the Labor Party and they deserted her. Karen Ehrmann said—I cannot recall exactly what she said, but what she said is quite strongly burned on my brain—something like, 'Senator Faulkner, you sit there in your smart suit and I sit here in my prison clothes.' I thought that drew a very interesting comparison. Senator Faulkner was there that day and he heard that evidence. I find it extraordinary that he is still saying that the roll as it stands is a roll of integrity.

It was a disgraceful and cynical time in terms of the Queensland Labor Party. We should never forget that, although only one woman went to jail for this dirty business, there were in fact quite a few boys who stood behind the curtain and did exactly the same thing and for one reason or another were able to avoid being accompanied by a prison officer when they moved around. So I am quite puzzled that the Labor Party, in moving this disallowance motion today, should be ignoring the recommendation of Justice Shepheardson QC that identification procedures for identifying people when they apply to enrol should be improved. I would have thought that those comments of Justice Shepheardson would have been significant enough for them to have been accepted.

The recommendation by Justice Shepheardson, let us not forget, was generated by the electoral rorting that he uncovered in Queensland of Labor's own people. Senator Faulkner and I sat together at that hearing and heard the evidence of Karen Ehrmann, who said how simple it was to do what she did. She thought she was acting quite honestly. She had no idea that she was being used in the way that she was. Justice Shepheardson found that false enrolments were made to assist candidates in preselections under the plebiscite system that operated there.

As was mentioned earlier by the minister in his contribution, we should not forget how easy it was for a cat to be enrolled: Curacao Fischer Catt. We actually believed that Curacao Catt may have indeed voted. The fact is that on the Macquarie electoral roll, Curacao Catt was a voter. Who knows how many other voters were cats, dogs, budgies and goldfish! We have no way of knowing because anybody could come along and give that name and sign off and they could vote. The discovery of Curacao Catt was quite coincidental. There was no purging that discovered Curacao Catt, and there has been no
purging done to discover how many others there are. Whether they fall into the one per cent category of data misinformation or the four per cent, there is no doubt that there is a capacity to affect the outcome of elections in marginal seats on the current system which operates for the electoral roll.

What have we been trying to do? I listened very carefully to Senator Murray's contribution, because he is also a member of the Joint Standing Committee on Electoral Matters. I cannot recall whether he attended the hearings in Queensland. I suppose he would have, because I know how seriously Senator Murray takes the question of electoral integrity. Senator Murray and I were certainly members of the electoral matters committee during the contributions that were made by rorters and people who discussed rorting and the ease with which rorting could be carried out. I was somewhat disappointed to hear Senator Murray say that we on the committee were going to revisit this matter after a trial period, and I was tempted to ask him just how much more evidence was needed of the fact that data mismanagement and data misinformation can continue. I wondered whether his suggestion of a trial process was perhaps optimism over reality, and I wondered how many more hearings we were going to have to have of people indicating—

Senator Murray—you misunderstand. The regulations would apply for 12 months.

Senator FERRIS—I heard you say that, Senator Murray, and I thought that we would have to revisit this matter—even though back in 1996 the Joint Standing Committee on Electoral Matters observed:

It is unacceptable that the most fundamental transaction between a citizen and the government—the act of choosing the government at a democratic election—is subject to a far lower level of security than such lesser transactions as opening a bank account ... or registering for social security benefits ... I think we can now add to that trying to borrow a video from a video store, because I was required to present photo ID to get a card to be able to borrow a video from my local video store. I am not suggesting for a moment that that video store should not be able to insist on photo ID, because they are running a business and they clearly have discovered the need for security, but so have we. So have we, Senator Murray, and so have we, Senator Faulkner and Senator Crossin. That is why we moved to tighten up the procedures by which people can enrol to vote. We have seen in Zimbabwe in the last few months—and my colleagues Senator Ferguson and Senator Murray know—the abuse of a democratic process and the importance of that fundamental proof of the right to vote and the act of voting.

There is nothing more important in this country than being able to say with integrity and impunity that our electoral roll is the most honest and that our people who enrol to vote in our democratic process are not cats, dogs, budgies or goldfish but people who have proved who they are and who have had an application for enrolment witnessed by a person of integrity in one community position or another. We should be proud to be able to say that to Australia and to the world. What we are doing today in disallowing this set of amendments is taking a backward step. We are perpetuating a system where cats and dogs can still be enrolled on our electoral roll if somebody is prepared to fill in the form and somebody—perhaps the same person—is prepared to sign that that is a person of integrity. This set of amendments was intended to fix that, and it is a very sad day for Australia that we are walking away from it with a defeated vote in the Senate tonight.

Senator BARTLETT (Queensland) (6.11 p.m.)—I would also like to speak reasonably briefly to this disallowance motion. The Senate—for the benefit of those trying to follow this debate—is debating a motion to disallow some regulations put forward by the government that would introduce stronger identity requirements for applications to go on the electoral roll. My colleague Senator Murray has outlined quite cogently the Democrats response to that motion, but I thought I would add to that and partly respond to some of the other comments that have been made in this debate. I am also speaking as another member of the Joint Standing Committee on Electoral Matters,
and I attended most if not all of the hearings that occurred into this general issue.

The electoral matters committee, considering it was dealing with such a potentially politically contentious issue as electoral law, was operated in quite a cooperative matter under the chair of Mr Gary Nairn, the member for Eden-Monaro. It was a bit unfortunate when he either chose to stand down or it was suggested that he might like to stand down from the chair and Mr Pyne, the member for Sturt, took over. It was easily the most fractious inquiry I have ever been involved in, and I think that was unfortunate because the continual brawling, the toing-and-froing and the spats—public and private—amongst the committee tended to obscure the importance of the issue we were looking into. I think we have had a bit of that—to a far lesser extent—in the debate today. Obviously, being in politics, people in this place occasionally see the need to make political points, but we need to try to clear away some of that backwards and forwards rhetoric and look at the substance of what we are dealing with. In terms of the debate that has been put forward, I think both sides are very much overstating their arguments.

We have seen from the Auditor-General’s report that we have an electoral roll that is of extremely high integrity—which does not mean that we cannot take measures to improve it even further. Clearly, it got a very good bill of health from the obviously independent and impartial Auditor-General. Despite what Senator Ferris just said, in the committee inquiry into the electoral roll, and indeed in the previous one into the overall operation of the 1998 election, I did not see any evidence at all of widespread fraud or of significant or even insignificant dishonest influence on an election. If you add that to the Auditor-General’s findings, and indeed to the comments of the Australian Electoral Commission in terms of the great difficulty there would be to have any sort of seriously organised attempt to have a fraudulent impact on an electoral outcome in a House of Representatives seat, the risk is nowhere near as strong as the government is making out.

Indeed, the evidence does not exist, and the electoral matters committee did not uncover any significant evidence that there is a problem. In that sense, it is not desirable for the Liberal Party members to overstate the seriousness of this issue because that does almost automatically generate a perception amongst the community that there is some problem when the evidence does not back that up. It is not desirable for the community to have unjustified concerns about the integrity of our electoral system because it is important for people to have as strong a feeling of confidence about our electoral process as they can. That does not mean they should have rose-coloured glasses or be starry-eyed about it, but I think it is preferable not to have people unduly concerned about the integrity of our method of choosing government and parliamentsarians if the evidence does not back that up.

If you compare Australia with virtually any other democracy in the world, the evidence is that Australia measures up extremely well. You only have to look at the farcical process that occurs in the United States of America to elect the leader of what is quite clearly the most powerful nation on earth. The process used to elect that leader is little short of a complete joke, and that was shown up quite starkly with the last election. The process from top to bottom—including qualifications for who is entitled to vote, right through to the voting system and the mechanisms for recording your vote—is extremely shabby, to put it as impartially as possible. If we look at that and compare it with our system here, we have got a lot to be proud of and I do not think we should unnecessarily run down the reputation of our electoral system.

At the same time I think the Labor contributors to the debate very much overstate the impact that these changes would have. I am willing to consider the possibility that perhaps in some of the very remote indigenous communities it may be slightly more difficult, but I do not think that it would be a massive hurdle. It is an extremely broad range of options available to people. I think the argument that the government has put forward, that this would not disenfranchise many people, is probably correct. Of course, we do not know for sure; none of us ever
know unless a change is made and we can see the impact and measure it. That is why the Democrats’ suggestion that we have an isolated 12-month trial of this to see what the impact is, to see whether there is a significant decrease in the number of people who actually enrol, would be a desirable move. We could then look at it in a completely impartial way; the politics would be removed and it would be quite easy to run the statistics and assess that. It is a concern to the Democrats, and one that was reinforced by the Auditor-General’s report, that huge numbers of people in Australia are not on the roll. I think they were suggesting it was 100,000 people. It might even have been more than that—was it a million?

Senator Murray—I think it was more than that.

Senator BARTLETT—Certainly a very significant number of people are not on the roll and therefore do not have a say in deciding who governs this country—certainly more than enough people, if they had all been on the roll and voted a certain way, to have changed the outcome of the last election. That is the biggest concern, certainly for the Democrats. We do need to be cautious about making changes that may increase the number of people who do not bother to enrol, or who do not qualify to enrol—who do not meet the hurdles to get on the roll. None of us know for sure whether that would be the impact, but it is something that we need to be cautious about.

It is of course always going to be the case that there is some inaccuracy on the electoral roll given the number of people in Australia who move residence so regularly. At any one time there is always going to be a significant number where there is a lag before they have changed their enrolment address. But that inaccuracy links to incorrect addresses rather than people being on the roll who should not be on the roll, such as the famous cat that Senator Ferris likes to refer to. I should say, as someone with a strong commitment to animal rights, that the concept of animals actually having a vote is one that does have some appeal, but it is not something that I am advocating in a legislative sense at the moment.

Senator Ian Campbell—Goldfish might vote for the Democrats!

Senator BARTLETT—if the battery hens could vote we might have a different outcome. But it is clear that those inaccuracies that do exist are predominantly addresses that have not been updated, not people being on the roll who should not be there. That is all that these regulations we are dealing with address. They address people being eligible to enrol. They do not address updating of addresses or changes of address, or anything like that. That is the area where inaccuracy occurs, and the Auditor-General’s report made some useful recommendations about that.

I should mention also that the government is right, and I think it is a good point to make, that it is easier to get on the electoral roll than it is to get a borrowing card from a video store. But at the same time I should point out that it is a lot more likely that the Electoral Commission will detect if you move address than your video store will. I can use my own example of my membership of Video 2000 in Brisbane which is for an address I have actually never lived at. They probably would not have much trouble tracking me down if I did not return a video, but, nonetheless, this continual reliance on the so-called video borrowing criterion does not hold up when you examine it. I was able to get my membership there at an address I have had some connections with but have not lived at, and the connections with that address are now long gone, probably some five or so years ago, so their ability to maintain accurate records is far less than the Australian Electoral Commission’s.

Again, the government misrepresents the reality of the integrity of the electoral roll. The issue concerning the inaccuracies that do exist is almost completely to do with updating of addresses. The processes that the Electoral Commission have put in place in recent years go a fair way towards detecting those changes of address, certainly farther than any video store does. I hope that that is the case because they use a lot of government information to do that, and I also hope video stores do not get any access to it. The Electoral Commission are continuing to im-
prove their methods for detecting people’s change of address and that is where inaccuracies occur. Of course, inaccuracies do not mean rorts, they do not mean frauds; they simply mean people who have not got around to changing their address on the roll.

It is important to emphasise that there is no evidence, and there was no evidence provided to the committee, that there had been any fraudulent activity in relation to any state or federal election. It is clear that inaccuracies on the roll are to do with inaccurate addresses; it is not to do with people putting themselves on the roll who are not entitled to be on the roll or putting themselves on twice. These regulation changes will not affect that at all.

Having said that, I do not believe that most of the concerns that Labor members have expressed are as real as they believe them to be. The various criteria for identification are very broad and it would not prove difficult for anybody, except possibly some homeless people and possibly some people in very remote areas. Of course those groups should not be ignored. They are groups who are underrepresented on the roll already, particularly homeless people. I am not dismissing the importance of that, but we do not know what the impact for sure would be.

The Democrats are certainly concerned about more people not enrolling at all and we are equally concerned about the potential for the joint roll arrangements to disintegrate. It took a long period of time to get cooperation between federal and state levels of government in relation to the electoral roll, and that has really only operated effectively across all states over the last 10 years or so. It would be very much a retrograde step to have separate rolls again and very undesirable to have different criteria for eligibility to get on the different rolls.

It should be pointed out that there are minor distinctions between eligibility to vote in some state jurisdictions and at the federal level. The rolls already provide scope for that where a very small number of people, as I understand it, are entitled to vote at one level and not the other. Joint rolls can handle that, but the risk of disintegration of joint roll arrangements is a very serious one and that would, more than anything else, compromise the integrity of the electoral roll. That is something the Democrats are keen not to see happen.

In relation to other recommendations that government members of the Joint Standing Committee on Electoral Matters put forward, it is worth mentioning one that was pushed strongly and one which the government may well still be trying to pursue through legislation. It is the proposal to close the electoral rolls on the day that the election is called. I cannot think of any other measure that would guarantee a more inaccurate electoral roll, because it would prevent people from actually being able to go and update their address. We all know that, human nature being what it is, it is not until an election is called that a lot of people get around to actually updating their correct addresses with the Electoral Commission. If that Liberal Party proposal was endorsed by the Senate, we would have certainty of inaccurate electoral rolls at election time locked in. It is hard to see that that particular proposal is driven purely by some desire to have as accurate a roll as possible, because it would clearly mean the opposite. One does have to wonder if there are other political motivations involved.

I acknowledge part of Senator Ferris’s contribution in relation to some of the focus of the Country Liberal Party in the Northern Territory and the roll of indigenous communities in terms of the way they vote. At the hearings that I attended in Alice Springs and Darwin, which were not into the electoral roll issue but into the general operation of the conduct of the election, it was pretty clear that the CLP people were very focused, shall we say, on the indigenous communities and the size of their vote for the ALP. Indeed, there was one booth in Alice Springs where the Democrats outpolled the Country Liberal Party candidate, which was nice to see. It would be good to see that happen more often. It is not drawing too long a bow to suggest that CLP people would not be overly upset if it were a little bit more difficult for indigenous people to be on the roll. That is a valid point to make, but I would not overstate it.
As I said at the start, both the larger parties are overstating their argument and, of course, it is left to the Democrats to make the calm, rational, reasoned and logical contribution to the debate. In doing so, we have indicated that we will support this disallowance motion. On balance, we believe that the regulations put forward are not as draconian as has been suggested, but we also acknowledge the reality that the electoral roll is much more pure in its integrity than the Liberal Party members are suggesting. We do have serious concerns about the potential loss of joint roll arrangements and, to a lesser degree, the potential for an even larger number of Australians not enrolling when we need to do everything we can to encourage them to enrol. However, we maintain our offer to have this set of regulations operate for 12 months so that all of us can see at the end of 12 months whether or not the impacts have occurred in the way that various people have suggested.

Of course, none of us know for sure until something is put in place what its real impact would be. My guess is that the impact will not be that significant either way. The other impact that we would be much more concerned about is the potential loss of joint roll arrangements and, to a lesser degree, the potential for an even larger number of Australians not enrolling when we need to do everything we can to encourage them to enrol. However, we maintain our offer to have this set of regulations operate for 12 months so that all of us can see at the end of 12 months whether or not the impacts have occurred in the way that various people have suggested.

Senator MASON (Queensland) (6.30 p.m.)—I will be very brief this evening. I just want to make a point that perhaps has been overlooked or at least only partially commented upon. I think Senator Faulkner touched on it very briefly. The issue is not so much the integrity of the electoral roll; the issue really is the public perception of the integrity of the electoral roll. I want to say a couple of things about that. Free and fair elections are part of the cornerstone of this democracy, and when people vote it is in a sense the primary meeting of the citizen and the state. I do not think it is too much to ask for reasonable identification procedures to be entered into by the citizen to have that entitlement to vote. It has been said often, but I will say it again: it is not inappropriate that procedures be undertaken that are more extensive than would be required, for example, to rent a video. I think that is quite appropriate. I do not think, with great respect to Senator Faulkner and Senator Crossin, they have met that argument. This is an absolutely critical part of democracy. It is not asking too much.

Secondly, without any doubt, there is concern within Australia about the integrity of the electoral roll. Once again, I am talking about the public perception of the integrity of the electoral roll. We saw that in the Shepherdson inquiry and the Karen Ehrmann affair and so forth, and also last year in the inquiry by the Joint Standing Committee on Electoral Matters. We had a wealth of submissions and enormous public concern about the integrity of the electoral roll. That has not been challenged this evening. There seems to be this idea that the issue is all about the audit report—that it said that the 96 per cent of the electoral roll is accurate, and that is enough. A close reading of the audit report shows it does not quite say that. In fact the Audit Office recommends that more be done to prevent and to detect fraud. We should not lose sight of that. That is absolutely critical to what the Audit Office said, and I do not think we should lose sight of that.

My point tonight has, sadly, not really been entertained by any of the speakers. The speakers talked about who can witness and whether the documents are appropriate. The fundamental issue here is whether the Australian public is convinced that the electoral roll provides the mechanism for free and fair elections. Our nation has a superb record internationally, but within the community there is enormous concern that the electoral roll is being rorted. Unless we make it harder to enrol, that perception will continue. I put
it to the Senate that that argument has not been met tonight. There has been talk and then argument and counterargument about the best mechanism. That actually is not the point. The point is that there must be a mechanism developed to instil public confidence in the electoral roll—and that is not there. People I speak to are concerned that the electoral roll lacks integrity. Whether it does or does not is actually a secondary point. Sadly, that was hardly touched on in the debate by the Leader of the Opposition and Senator Crossin.

Senator Faulkner (New South Wales—Leader of the Opposition in the Senate) (6.34 p.m.)—I would like to say I was sorry I missed Senator Mason’s speech, but I am not that sorry so I will not say it. There is an opportunity for the Joint Standing Committee on Electoral Matters now, at the beginning of the electoral cycle, to have a close, hard look at this question of electoral enrolment, this important question of witnessing provisions, and to come up with some reform that everyone can accept. There is unity of purpose on this issue. The Australian Electoral Commission and all the state and territory governments are united in relation to an alternative regime for electoral enrolment witnessing. There is a way forward, and it goes to the drivers licence regime that I mentioned in some detail as I moved the disallowance motion that is currently before the chair. There is a way forward. I think the Joint Standing Committee on Electoral Matters in this parliament has a responsibility to come up with a constructive and workable solution, come up with some answers, so this debate can be put to rest.

It is important for senators to remember it is not just the Labor opposition federally that does not support this unworkable and chaotic proposal that is being promoted by Senator Abetz on behalf of the government. We are lucky, in this country, to have an independent electoral commission that oversights electoral matters, electoral policy, electoral events. That is as it should be. It is a fundamental tenet of any democratic system that you have such a body responsible for the conduct of elections. The Australian Electoral Commission in this country do not support the regulations that Labor is proposing be disallowed today. They do not support these regulations. They do not think they are workable. They have recommended to government and to the committee of this parliament charged with the responsibility of dealing with electoral matters that these regulations should not be put in place. One would assume they would be very comfortable, therefore, with the proposal currently before this chamber that those regulations be disallowed.

The Electoral Commission have historically and consistently argued that the current regime is an effective one. But weaknesses have been pointed out and it is silly not to acknowledge them. There have been some weaknesses—not many; an extraordinary low number when you consider the number of electoral enrolments in this country—but I think there is an argument that can be mounted to improve the current system. If you can improve the current system, we have an obligation to do it. There is a way forward and it is the drivers licence regime that I spoke about earlier. Really, the committee has to get on with the job of making those recommendations, and then those will need to be put in place by Commonwealth, state and territory governments so we can keep the important objectives, so we can maintain the joint roll arrangements, because be under no illusions: if these regulations are not disallowed, we are going to go back to the old days of separate rolls. Does anyone really believe, given the corruption of the rolls at the state level—and I know that Senator Mason would agree with me about what occurred during the life of the former National Party and Country Party governments in Queensland, particularly under the stewardship of Mr Bjelke-Petersen—

Senator Brandis—Disgraceful.

Senator Faulkner—I agree with you, Senator Brandis, he was disgraceful. You are right, and you have been on the record as saying that on other occasions as well. It was a disgraceful record that he had in relation to the manipulation of the electoral processes in Queensland, and it is proper that Senator Brandis and I draw attention to it in the Senate this evening. But do not go back to the
bad old days of separate rolls. Ensure the integrity of the rolls, sure. Improve the situation, yes. Go to a regime, I think, that gets the balance right between improving the integrity of the rolls and ensuring that we do not disenfranchise people in our community and in our society who are marginalised. This may not be a high priority for all in this parliament, but it ought to be. You should not sling off at people who find it hard to fill in electoral enrolment forms.

We have heard of the experiences of Senator Crossin, who knows the situation in the Northern Territory so well. There are issues in relation to the significant underenrolment in indigenous communities in this country. We need a system that maximises enrolment and we need a system that ensures the integrity of enrolment. I genuinely believe that is achievable, but it will not be done if these regulations that we are debating now are put in place. You have to ask yourself the fundamental political question, because neither the opposition nor the Australian Democrats, who I think gave some consideration to this, moved for the disallowance of these regulations before the last election. It is a very important point. This government, the current government that were re-elected on November 10, could have had these regulations in place if they had wanted to. But they did not proclaim the relevant amendments to the Commonwealth Electoral Act so that they could implement their new system. They did not do that.

Again, you have to question why the government did not do that. I know what the answer is. I think they made the right assessment. They made the right assessment both in policy terms and in political terms. They made the right assessment in policy terms because we know these particular regulations are inadequate and they made the right assessment in political terms because it would have caused an unholy mess, a catastrophe, during the conduct of the election campaign in the lead-up to the close of the rolls. It would have; you would have had absolute chaos. You would have had the alienation of tens of thousands if not hundreds of thousands of people at that time. To give this government some credit—every now and again you find a smart operator in the Liberal Party; there are not many in the Senate, I admit that, but there are one or two hanging around Robert Menzies House and the Prime Minister’s office—someone got smart and said, ‘We are not going to proclaim those amendments. We are not going to have those regulations. We do not want meltdown during the election campaign in relation to enrolment. We do not want tens of thousands of people alienated, at that time, from the political process or the government of the day.’ That was, I think, smart politics. Ask yourself why. What an admission: that they would not do it themselves when they could have before the last election. What sort of commitment does that show to the integrity of the electoral roll if you really believe that these regulations would improve the integrity of the electoral roll? What irresponsibility from the government if they really believe that those regulations would make a difference.

The government knows that the regulations are too complex, that they are unworkable and that it could not afford the sort of meltdown that would have occurred during the early part of an election campaign if they had been put in place. Nothing speaks louder or more strongly about how inadequate and unacceptable these regulations are than the actions of the government itself. I think it is important for us to reflect on that. I think the alternative regime that I have promoted in this debate is a very sound one.

The Joint Standing Committee on Electoral Matters is now under the chairmanship of Mr Georgiou, as opposed to Mr Pyne, and I think we would all accept that Mr Georgiou has to be an improvement. Mr Pyne gave a very undistinguished performance. He was subpoenaing witnesses to come before the committee and doing all the things the government now decries as totally unacceptable. He thought he would go out and make a name for himself and curry favour with the Prime Minister. He is one of the Black Hand group from the Liberal Party, and he thought, ‘If I sleaze up to the Prime Minister on this, I will be rewarded.’ Of course he was not, and he never will be. You could not put someone like Mr Pyne into the ministry. You know
that, Mr Acting Deputy President. I do not agree with you on a lot of things, but you and I have a unity ticket on that issue.

The ACTING DEPUTY PRESIDENT (Senator Lightfoot)—I do not have an opinion on that issue, Senator Faulkner.

Senator FAULKNER—You are interrupting me, Mr Acting Deputy President.

The ACTING DEPUTY PRESIDENT—Only to correct the record, Senator.

Senator FAULKNER—Anyway, the situation is this: we have to put a better regime in place. We can improve the current regime in the way I have outlined. We do have to improve the integrity of the roll, if we can, although we should acknowledge the report of the Auditor-General that gave an overwhelming tick and an overwhelming bill of health to the electoral enrolment processes and procedures and to the status of the electoral roll in this country. We ought to acknowledge what the independent Australian Electoral Commission says about these regulations. I agree with the AEC and with all the state and territory governments: these regulations should be disallowed. I do believe we have to maintain the joint roll arrangements. I think the Senate has a responsibility to act and the committees of this parliament have a responsibility also to come up with some workable solutions, something that is beyond the ken of Senator Abetz.

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

The Senate divided. [6.52 p.m.]
(The President—Senator the Hon. Margaret Reid)

Ayes…………… 37
Noes…………… 33
Majority……… 4

AYES

Allison, L.F.  Bartlett, A.J.J.
Bishop, T.M.  Bolkus, N.
Bourne, V.W.  Brown, B.J.
Buckland, G.  Campbell, G.
Carr, K.J.  Cherry, J.C.
Collins, J.M.A.  Conroy, S.M.
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.  Hogg, J.J.
Hutchins, S.P.  Lees, M.H.
Ludwig, J.W.  Landy, K.A.
Mackay, S.M. *  McKiernan, J.P.
McLucas, J.E.  Murphy, S.M.
Murray, A.M.  O’Brien, K.W.K.
Ray, R.F.  Ridgeway, A.D.
Schacht, C.C.  Stott Despoja, N.
West, S.M.

NOES

Abetz, E.  Barnett, G.
Boswell, R.L.D.  Brandis, G.H.
Calvert, P.H. *  Campbell, I.G.
Chapman, H.G.P.  Colbeck, R.
Coonan, H.L.  Crane, A.W.
Eggleston, A.  Ellison, C.M.
Ferguson, A.B.  Ferris, J.M.
Harradine, B.  Harris, L.
Heffernan, W.  Herron, J.J.
Hill, R.M.  Kemp, C.R.
Lightfoot, P.R.  Macdonald, I.
Macdonald, J.A.L.  Mason, B.J.
McGauran, J.J.J.  Patterson, K.C.
Payne, M.A.  Reid, M.E.
Scullion, N.G.  Tchen, T.
Tierney, J.W.  Troeth, J.M.
Watson, J.O.W.

PAIRS

Evans, C.V.  Vanstone, A.E.
Sherry, N.J.  Knowles, S.C.

* denotes teller

Question agreed to.

NOTICES

Presentation

Senator IAN CAMPBELL (Western Australia—Manager of Government Business in the Senate) (6.55 p.m.)—by leave—I give notice that, on the next day of sitting, I shall move:

(1) That a bill shall not be considered in committee of the whole, unless, prior to the resolution of the question for the second reading, any senator has:

(a) circulated in the Senate a proposed amendment or request for amendment of the bill; or

(b) required in debate or by notification to the chair that the bill be considered in committee of the whole.
That this order operate as a sessional order.

COMMITTEES
Privileges Committee
Reference

The PRESIDENT (6.55 p.m.)—The Select Committee on a Certain Maritime Incident, by a letter dated 15 May 2002, under the signature of the chair, Senator Cook, has raised a matter of privilege. The committee believes that there may have been interference with a witness before the committee. The committee indicates that it has conducted a preliminary investigation of the matter, as required by Senate privilege resolution 1, part 18, and has concluded that there is sufficient evidence that the witness may have been interfered with. Where a committee, after conducting a preliminary investigation, as required by resolution 1, part 18, comes to such a conclusion, this is regarded as sufficiently indicating that the matter meets the criteria which I am required to consider in making a determination under standing order 81: whether a motion to refer the matter to the Privileges Committee should be given precedence. I therefore determine that such a motion to refer the matter to the Privileges Committee under standing order 81 may have precedence. I table the letter from the committee. A notice of motion to refer the matter to the Privileges Committee may now be given.

NOTICES
Presentation

Senator COOK (Western Australia) (6.59 p.m.)—by leave—I give notice that, on the next day of sitting, I shall move:

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

Having regard to the matter submitted to the President by the Select Committee on a Certain Maritime Incident, whether there was any attempted or actual interference with a witness before the committee in respect of the witness’ evidence, and whether any contempt of the Senate was committed in that regard.

PARLIAMENTARY LANGUAGE

The PRESIDENT (7.00 p.m.)—Order! Earlier today, Senator Forshaw, when in the chair, undertook to refer to me his ruling that Senator Schacht should withdraw his use of inappropriate language. It is incumbent upon the chair to require the withdrawal of inappropriate language such as swear words even where it does not constitute offensive language against protected office holders under standing order 193. Senator Forshaw also referred to me the question as to whether it should be expunged from Hansard. But, as proceedings in the Senate are immediately public, the chair usually sees expungement as not appropriate. I would ask senators to respect the dignity of debate and ask that they do not use such language.

Senator SCHACHT (South Australia) (7.01 p.m.)—by leave—I appreciate the ruling. I fully expected that ruling, but I do not think it deals with a particular aspect of the issue I raised. If the English translation of the French word Baise-Moi is out of order and I use the French word, is that out of order when no-one else might know the meaning in French? Or, if I use any other word from another language that means the same thing, how does that stand? It does seem to me a bit ridiculous that it is out of order to say it in English but that it is not out of order to say it—as I did, in the name of the movie—in French. I think that issue is a bit strange.

Senator Cook—Rather precious.

Senator SCHACHT—Senator Cook said ‘rather precious’. Madam President, with all due respect to your ruling, I think it actually makes a joke of the proceedings of the Senate that we cannot maturely debate this issue when the word was the title of a movie that had been banned by a statutory organisation
created by this parliament. That is where I find the difficulty. During my remarks in the debate earlier today, I did refer to the fact that, if you do ban this word in a debate that has some interest in the community, it is a bit like the view George Orwell put in his great book *1984*: the best way to censor views is to abolish the words so no-one can use them—remove them from the dictionary, remove them from common usage.

We all know that this word is used every day in various forms—sometimes very offensively, sometimes as a colloquialism. I would point out to you, Madam President, that the words ‘buggery’ or ‘bugger’ have been approved by the Australian Broadcasting Authority to be used in commercial television advertising for the Toyota motor company. In the ad, they say ‘bugger’ when the car goes wrong. What does the word ‘bugger’ come from? It comes from the word ‘buggery’, which means anal intercourse. Is that word offensive to the Senate or have things moved on so that that is allowable? Madam President, I would ask you to take on notice a ruling on a word like ‘bugger’. The Australian Broadcasting Authority says that it can be used in commercial advertising and the most youthful in the community can hear it, when the dictionary meaning of that word is well known.

I understand the conventions of the Senate about ruling on this, and I can understand being absolutely ruled out of order if I had used it in a pejorative sense against another senator or against a citizen in the community to describe an activity in its vernacular. But to say that it has to be ruled out of order when it is the title of a movie, translated from French, that a statutory authority—created by this parliament—has banned, is very odd indeed. Madam President, of course I have to accept your ruling, but I think the ruling is outdated. I think it does not do justice to the community. The community is not going to fall over in shock and horror. It will not be the end of motherhood, Christianity and family life if someone hears the word occasionally in this context in the Senate. I think the Senate has to look at how things have moved on in the community. Madam President, you may wish to consider some of what I think are discrepancies that I have raised and what are inconsistencies in this matter.

*Senator Robert Ray interjecting—*

*Senator SCHACHT—*I am being rudely and comically interjected by Senator Ray.

*Senator Robert Ray—*But it is within standing orders.

*Senator SCHACHT—*But it is within standing orders, yes. Madam President, I would ask you to give further consideration to the use of a full range of these words in certain contexts. I do not think it does justice to the community that we ban senators from using the word when it is being debated openly in the community at all levels at the moment.

**ADJOURNMENT**

*The PRESIDENT—*Order! There being no further consideration of government documents, I propose the question:

That the Senate do now adjourn.

**Harris, Mr Bernie**

**Keele, Mr Peter**

**Brown, Mr Terry**

*The PRESIDENT (7.07 p.m.)—*I advise the Senate of the retirement from the parliamentary service last week of Mr Bernie Harris of the Department of the Parliamentary Reporting Staff. Bernie Harris worked for the parliament for 38 years, with all but the last 2½ years being with Hansard. His final task for the parliament was to be the executive coordinator for the Centenary of Parliament and the Centenary of Federation, the highlight of which was the special sitting of the parliament in Melbourne last year. He played a pivotal role in the organisation of those events and represented the Speaker and I at many meetings in relation to them.

Bernie joined the DPRS in 1964 in the 25th Parliament. Fifteen parliaments and nine presidents later, Bernie has retired. To put that in a different perspective, he started working for Hansard when Sir Robert Menzies was Prime Minister, Mr Arthur Calwell was Leader of the Opposition and decimal currency was still two years away. Since then, there have been enormous changes in the parliament, including the move to this
building. The resources available to senators and members have improved remarkably, and the services provided to senators and members by all areas of the parliament have also changed extraordinarily. On behalf of all senators, I thank Bernie Harris for his contribution to the Commonwealth parliament over such a long period and wish him well in his retirement.

I also draw to the attention of honourable senators that, since we last sat, two senior Senate officers have also retired. I refer to Mr Peter Keele, the Senior Clerk of Committees, and Mr Terry Brown, the Director of the Table Office. Mr Keele joined the Department of the Senate in 1980 and Mr Brown in 1982. Peter was invaluable in providing advice and guidance to committee secretariats to assist them in resolving a wide range of administrative and procedural problems and generally in ensuring that the busy work of Senate committees was carried out efficiently and smoothly. Peter Keele has also made a major contribution in recent years as secretary of the Australian Branch of the Inter-Parliamentary Union.

Terry had overall responsibility for the production of the Senate’s major documents of record, including the Notice Paper, and some senators will recall his editorial involvement in making questions on notice and notices of motion more succinct and, in some instances, more grammatical. Both officers have served the Senate well and, on behalf of senators, I wish them well in their retirement.

Honourable senators—Hear, hear!

Hamilton, Dr Clive: Speech to the National Left Seminar

Senator BRANDIS (Queensland) (7.09 p.m.)—I would like to draw to the attention of the Senate this evening a most important speech delivered to the National Left seminar at the Australian National University last Saturday, 11 May 2002 by Dr Clive Hamilton. Dr Hamilton is the Executive Director of the Australia Institute, a left-wing think tank based at the ANU, which in its web site describes its philosophy and purpose as being:

... concern about the impact on Australian society of the priority given to a narrow definition of economic efficiency over community, environ-

mental and ethical considerations in public and private decision making.

Dr Hamilton, in his speech, describes the work of the Australia Institute as being ‘devoted to criticising neo-liberalism’. But in Dr Hamilton’s very fine speech entitled ‘Social democracy under consumer capitalism’ what Dr Hamilton essayed was a critique of the Left. What Dr Hamilton eventually has cottoned onto is something that liberals have been predicting and commenting on for many years—that is, the absolute, total intellectual rout of the Left’s intellectual constructs and of its world view.

Although, today, after the fall of the Berlin Wall and after the end of the era of big government, some find it convenient to forget, it is worth remembering that, for most of the 20th century and for much of the 19th century, it was not as it is today. Socialism and social democracy were held by many commentators, writers and policy makers to be inevitably the way of the future. Those people, the intelligentsia which was so intelligent that it managed to misread the entire course of 20th century history, ridiculed the liberal side of politics as backward looking, unintelligent and philistine. But our side of politics stood its ground against the intellectual fashions of the time and was able to offer the Australian people a vision of free enterprise and individual responsibility which laid the foundation of our postwar prosperity.

Now, more than 50 years later, the Left has caught up. Dr Hamilton announced to the National Left workshop that his purpose was to confront some of the most entrenched ideas of the Left. Let me quote at some length his fine remarks:

For the left must now admit its failure. Since the early 1980s, many of us have been searching for a coherent alternative to neo-liberalism—

Senator Mason—They haven’t found one.

Senator BRANDIS—That is right; they have not found one. Dr Hamilton continued:

... for a way of reinventing social democracy in an era of global consumer capitalism. We have failed miserably. While all around us social movements have been transforming the world, the left has been wandering in the wilderness—

Senator Robert Ray interjecting—
Senator BRANDIS—Senator Ray interjects; I see a kindred spirit in Senator Ray on this matter. Dr Hamilton continued:

... mouthing the old slogans to a world that is no longer interested, distraught at its irrelevance, but not knowing where to turn.

He went on to say:

So bereft of ideas has the left been that the vacuum has been filled by the pallid apologetics of the so-called Third Way—Thatcherism with a human face.

The left itself is responsible for this state of affairs. In a social structure that has been radically transformed by five post-war decades of consumer capitalism, it has failed miserably to develop the new ideas that will promote a more just and sustainable community. It remains wedded to a view of the social order defined by class, exploitation and inequality.

Dr Hamilton went on to say:

Difficult as it may be to admit, social democrats and democratic socialists have a psychological predisposition to believe that the mass of people are suffering from material deprivation. We thrive on the imagined wretchedness of others. When the economy goes bad we feel secretly vindicated, for our reason to condemn the system is renewed. We revel in a collective schadenfreude.

But we must face up to the facts of today’s world. While rooted in historical fact, the left’s ‘deprivation model’ is today the opposite of the truth. The dominant characteristic of contemporary Australia is not deprivation but abundance.

Further:

In real terms, Australians today are at least three times better off than their parents were after the war, and the fact is that the distribution of income is about the same. Unpalatable as it is to concede—

at least it is for Dr Hamilton—

inequality is not substantially greater than it was 40 years ago ...

Of course, there is a residual at the bottom who are struggling. We still have poverty (and, let’s face it, we probably always will) ...

But why does the left continue to base its entire social philosophy and political strategy on the circumstances of the bottom 10 or 20 per cent? The tail is wagging the dog. Concern for the underprivileged should not provide the driving force for a politics of social change in a society where the daily experience of the great majority is occupied not with how to pay the bills but with how to enjoy their unprecedented wealth.

The model of society where the dominant social evil is want has been rendered irrelevant by five decades of sustained economic growth. It might be argued that the left is concerned not with material wealth but with exploitation. But it is impossible today to argue that the mass of people in industrialised countries are exploited, at least not in the way the left has traditionally understood the term. Both the structure and nature of classes are fundamentally different. Liberation itself has not been denied but co-opted by consumer capitalism.

What a comprehensive capitulation! What an acknowledgment of intellectual defeat! It is something that people like my friends Senator Mason, Senator Boswell, Senator Ferris, Senator McGauran and I—and you, too, Madam President, in some of the fine speeches that you have given in your career—have pointed to. At last, the lively minds of the Left—not that there are many of those—have caught up with the truth. They have caught up with the propositions which we—and perhaps in their own quiet way, within the halls of the ALP, people like Senator Ray too—have been saying throughout our careers, that the intellectual construct of left-wing politics is in total disarray; it is in total collapse.

As I said in a speech I gave to the Queensland Young Liberals in January last year:

Today, we know that it is our ideas which prevailed, while the once-fashionable political chic of the Left has been exposed not just as a failure but as an embarrassment.

Consider their dilemma. What do you do when the basic assumptions of your belief system have been revealed before the bar of history simply to be wrong? What does a pre-Copernican astronomer do after Copernicus?

That is the issue that the Left has never been able to face. It is an issue with which our opponents in the Australian Labor Party are still struggling. One would have to be a sublime optimist to expect that either Mr Wran or Mr Hawke is going to come up with the answer.

Nor is this only an Australian phenomenon; it is a global phenomenon. The person who buried left-wing politics in Britain is, of course, none other than Tony Blair. As anybody who has read his 1998 speech to the
Labour Party national conference will recall, Mr Blair comprehensively threw socialism overboard and sought to embrace the British liberal tradition—the tradition of Gladstone and Asquith, not the tradition of Keir Hardie or Clem Attlee—as the basis of the modern British Labour Party’s—New Labour’s—belief system. Lord Skidelsky observed in an article in the current edition of *Prospect*, the British journal, criticising the ‘third way’:

The suggestion that the third way offered an escape from “equal and opposite errors” is misleading, since ... “communism has completely foundered in the west and socialism more generally has been dissolved.” So the menu of choice was in fact confined to a limited variety of capitalist forms.

When John Maynard Keynes wrote his introduction to *The General Theory* he said:

Ultimately it is ideas not vested interests which are dangerous for good or evil.

For the 20th century it was the ideas of the Left that were dangerous; they were dangerous for evil. Now they have been exposed even by their own apologists to have failed comprehensively, to have been utterly routed on their own terms. Today it is the ideas of liberalism which are dangerous, but they are dangerous for good.

**Agriculture: Meat Industry**

*Senator O’BRIEN (Tasmania)* (7.19 p.m.)—I thought Maggie Thatcher had given up public speaking but we have seen an incarnation in the chamber this evening. In my contribution I want to deal with an issue that is more relevant to the Australian community than either the contributions that Senator Brandis was referring to or indeed his own. On 1 October 1997 the then agriculture minister, now Deputy Prime Minister, Mr Anderson, detailed the new administrative arrangements for the meat industry.

Mr Anderson laid out the new framework for the meat industry, including details for the Red Meat Advisory Council, RMAC. He said that RMAC was to be established primarily to provide advice to the government on issues affecting the whole industry. Mr Anderson listed RMAC functions which included oversight of the meat industry strategic plan, assessment of the performance of the industry against that plan and management of industry funds. He told the House of Representatives that the role of RMAC was to provide an interface for resolving sectoral differences or problems within the industry. They are important words. He said that that should be done in a way that does not adversely affect industry, but in a way that promotes the image and purpose of the industry.

RMAC was given the very difficult job of sorting out internal differences within the red meat sector and presenting to the minister a consensus position. The method of determining how best to allocate the United States beef quota was one such task given to RMAC by the present minister, Mr Truss. This quota, in its current form, has been in place for seven years. It was raised to its current level of 378,214 tonnes in 1995 under GATT and was filled last year. The minister had been warned of this impending event as early as April last year. He was forewarned of a major policy issue to enable him to plan ahead. As with the forward planning to manage the deregulation of the dairy industry, Mr Truss failed to take up the challenge. Here we are over a year later still with no plan in place to give the management of this quota the order it desperately needs.

The US market represents 42 per cent of Australia’s total beef exports. Due to low US production, high Australian production and a highly competitive exchange rate, US demand for Australian beef has increased significantly in recent years. It is difficult to understand why the minister would not have been quick to respond to industry warnings that the quota would be filled and there would therefore be some need for a management system to be put in place.

Mr Truss did finally address the issue. In March of this year, the Red Meat Advisory Council responded to his invitation to provide him with advice on how to best manage what was in effect a $1.7 billion quota. Mr Truss rejected the RMAC recommendation, which had the support of five of the six council members, with one member choosing to abstain. Mr Truss then wrote to RMAC on 11 April, urging the council to find a compromise that was acceptable to all industry sectors. RMAC did just that. In
April, the Red Meat Advisory Council put an amended plan to Mr Truss that had the support of all six council members. I understand that achieving a consensus among council members was a very difficult task, but RMAC was committed to deliver what had been asked of it by Mr Truss, and it did just that.

I must add that, whilst there was a unanimous view put to the minister by RMAC, there were, obviously, still individual processors that were not happy with that view. That is to be expected in a significant industry across all of Australia. As an industry adviser to government, RMAC put to Mr Truss a view endorsed by all council members on how to best manage the quota. Mr Truss chose to ignore that advice. He then set about devising his own very different plan. That plan has now been considered by RMAC. It is a plan that I understand Mr Truss refers to in the press release that he put out this afternoon. That plan has been rejected by all six RMAC members—all six, as I am given to understand.

We now have a stand-off between the red meat industry and the minister. The whole process has turned into a farce very much of the minister’s making. The decision by Mr Truss to ignore advice from RMAC and attempt to impose his own plan has created considerable confusion and uncertainty in the Australian beef production and processing sectors. Further, Mr Truss’s decision to subject his own plan to a further review as early as mid-2003—next year—will guarantee that uncertainty continues to make proper planning by the industry almost impossible. It is my view that the minister has left the parliament no choice. It is clear from the information given to me that the minister, Mr Truss, has now lost the confidence of large sections of the red meat industry. It is also clear that Mr Truss is now not at all well placed to find a resolution to this matter, which is, after all, about an export market worth somewhere between $1.7 billion and $2 billion to Australia.

A short and timely inquiry by the Senate Rural and Regional Affairs and Transport References Committee is in my view the best course now available to seek a satisfactory outcome. It is important that all sectors of the industry have an opportunity to put their case as to how the US beef quota should be managed. An inquiry such as the one I refer to will provide just that opportunity. It is also important that the Senate committee deal with this matter as quickly as possible. The findings of the inquiry would then allow the Senate to make an informed decision as to whether Mr Truss’s plan should receive the support of the parliament, presuming that it is the intention of the minister to promulgate that plan in the form of a regulation or an order under the legislation. Naturally, as senators would be aware, such an order would potentially be the subject of disallowance before both houses of the parliament. A similar process was followed in relation to orders relating to the meat industry. As I understand it, the EU high quality beef quota issue was dealt with by the Senate in just such a fashion; in that case, ultimately the order made by the minister was not the subject of disallowance, following a process which allowed members of the industry to put their views to the Senate committee.

As I described early in my contribution, RMAC is the body that was established by this government to advise the government, to assess the performance of the industry to manage industry funds and to resolve sectoral differences. It made a unanimous recommendation to the minister which the minister chose not to endorse; it looked at the minister’s alternate position; and it took a position which I am advised is unanimous against that position. As I said, if the Senate is to do its job properly, that leaves the Senate with no choice but to give the industry a chance to put its view and to make recommendations to the Senate as to what should happen to any regulation which is promulgated by Minister Truss on this matter.

It is regrettable that the matter has come to this. The fact of the matter is that not too long ago the minister was saying that he did not believe there was a need to intervene. His press release today concedes that he was wrong and that there is a need to intervene. Unfortunately, it has taken some time to get to this point, and unfortunately he has chosen again to ignore the advice of the advisory
body which this government established to set a course for the industry which would resolve these sorts of differences.

**Afghanistan**

**Senator ALLISON (Victoria) (7.29 p.m.)**—I will attempt tonight to continue the speech I started last night on the question of Afghanistan. As I said last night, the government has said that the war in Afghanistan is over and that it is safe for Afghans to be returned there. As we know, millions of Afghans are in exile. In the last couple of months 200,000 have been repatriated to that country and more will return under the International Organisation for Migration program which is paying travelling costs for returnees. The question I want to address tonight is what they will actually find when they arrive back in Afghanistan.

An Afghan Australian, Dr Nouria Salehi, returned in March this year to the country of her birth. Dr Salehi has lived away from Afghanistan for 31 years, much of that time spent in Melbourne. She works tirelessly to assist and support Afghan refugees in this country. She is a remarkable woman and someone I regard as a friend. She says that she expected a scene of widespread devastation. That was the case in certain areas of Kabul, where there were whole suburbs in which not a single building remained undamaged. I seek leave to table some examples of the photographs that she took while she was there, which show very clearly the sort of damage which has been done.

Leave granted.

**Senator ALLISON**—Dr Salehi said that life has resumed to some extent. Taxis are on the streets and hawkers are selling food and a range of basic items. However, she said, that on close inspection one understands the extent of the destruction to the social fabric and infrastructure by over 23 years of continuous warfare. Everything is in a state of disrepair after years of neglect and damage. Streets and paving are potholed and the atmosphere is dusty. Few of the basic services that we assume should function—water supplies, electricity and communications—are either non-existent or sporadic. The remnants of a bureaucracy exist, although public servants have reportedly not been receiving salaries since the September disaster. Standards of community health, health care and medical resources have drastically deteriorated, resulting in widespread suffering. More than two million Afghans were killed and 500,000 maimed as a result of the war. Many families have lost their male support. Women, still clothed in burqas, beg on the streets, often desperately; their situation without supporting males leaves them no other recourse for survival. Children also eke out an existence on the streets as shoeshine services, hawking small items or even begging.

Dr Salehi’s visit started with one orphanage in Kabul which houses 2,300 orphans in a very austere school building. Children in this orphanage do not know the name of their parents or any of their biological background. These children were left behind by parents or found by soldiers under rocks or destroyed houses. The youngest was two and the eldest 15. She visited some hospitals where the beds were very old and the mattresses worn by age. Patients were complaining of backache and neck pain. It was winter in Afghanistan, and kerosene was widely used to heat the hospitals. It was smelly and the smell of kerosene was adding to the patients’ suffering.

Basic supplies such as antibiotics, analgesics, even aspirin and other drugs were non-existent. In the laboratories, only empty reagent bottles were left on display and an old microscope was relied upon to determine the state of blood of the patients in some hospitals. X-ray films and machines were non-existent and, of course, ECG machines would be an unheard of luxury in this place. Patients who can afford to do so go outside the hospital and buy their own medication. The plumbing in the hospital, she said, was worn out and the state of the toilets was often a dilemma for patients. Clean water cannot be guaranteed, oxygen is not available, and electricity supplies often fail. The lack of washing machines means that women who are in charge of washing must do it by hand. Dr Salehi reported that the limited health care, clean water and food and the presence of dust and dirt particularly affected the children and the elderly. The major killers are
tuberculosis, gastrointestinal infections and pneumonia. In our world, with access to medication and vaccines, these are all treatable and preventable diseases.

In isolated parts of the country, rates of malnutrition contribute significantly to mortality rates from infectious diseases. Dr Salehi found a flurry of activity in the Ministry of Education, with the main focus being a campaign named ‘Back to School’. The children and young girls and boys were very enthusiastic, but she said that the state of the schools was worse than the state of the hospitals. She visited a number of boys and girls schools. Most had been damaged completely by the ravages of war. Some of the damaged schools were still waiting to accept students when the schools had no roof, windows or even doors. There were no chairs or tables left. Students were using thin plastic rubbish bin bags instead. Old blackboards and chalk were the only materials in these schools. No pens or paper were available. The deputy minister was hopeful that books would be available for students by the end of March. The libraries were empty of books. These were all burnt for fuel during the harsh winter of 1997. Dr Salehi said that books and teaching materials are in great need in that country.

Dr Salehi said that she found the Afghan people very weary. One man said to her that 20 million people have been held hostage by a minority of 50,000. She took that to mean that a minority of powerbrokers has perpetuated this war in all its various forms. She said the average Afghan wants nothing more than to get on with his life in peace. Families are the real foundation of society in Afghanistan. Every family and home she visited was marked, she said, by a strong sense of harmony and overwhelming hospitality and welcome. Small businesses are gradually resuming trade. The tourist shops on Chicken Street are dusting off stock that has been on the shelves for over 20 years. Restaurants closed under the Taliban have resumed business. Stocks of electronic equipment, including VCRs, TVs, stereo et cetera are in the stores. But some stores are still barred and empty, probably looted. Due to the damage to real estate, housing is at a premium.

Reportedly, overseas agencies are paying very high rentals in response to limited supply—a situation that will no doubt put further pressure on accommodation for local people.

While some NGOs are busy implementing a range of projects, there is some cynicism about the level of cost. It is an immense challenge to feed six million vulnerable people in Afghanistan, and this has been taken on jointly by the World Food Programme and NGO-implementing partners. Since the crisis has escalated, the World Food Programme has entered into over 79 new contracts with 39 international NGOs, who have subcontracted to a further 25 local NGOs to help the challenge of distributing over 60,000 metric tonnes of food per month—the highest quantity ever attempted in the harsh working environment that is Afghanistan. Bakeries have been set up, and some are subsidising bread for the 20,000 widows who exist in Kabul. UNICEF and the WFP are supporting 60,000 malnourished children, as well as vulnerable pregnant and lactating women.

The question is: how will a country with such enormous problems in feeding, housing, educating and providing health care for its citizens be able to build infrastructure and civic institutions whilst at the same time deal with the millions of returnees? One orphanage alone in Kabul has 2,300 children and there are 20,000 widows with no means of support. I suggest that Australia should not be too hasty in sending Afghans back home and that we must also be prepared to provide assistance to this impoverished country. Afghans remember when the world turned its back on them after the war with Russia was finally over, leaving them to a much worse fate under the Taliban.

I urge the government to give generously to the repair of Afghanistan. We can help with schools and we can help especially with disaffected youth who now need skills and a reason not to return to their guns. They need constructive trades, automotive trades, skills in hospitality and basic education. Many of them have never lived in peacetime, so they need to know about alternatives to a culture of violence and they need to be confident that their institutions will be just. Sadly, there
was not anything extra in the budget for Afghanistan, and I think that is a great pity. Again, I would urge the government to relook at this question. We can do a great deal in this country with not very much money, and we ought to do it as a matter of urgency.

**Gallipoli**

**Senator FERRIS** (South Australia) (7.39 p.m.)—Along with many thousands of other Australians and New Zealanders, during April I took the opportunity to visit the Gallipoli peninsula in Turkey. In my case, it was not on 25 April but a few weeks before when a few of us walked around that windswept peninsula so far from home. I regard myself as something of an unusual visitor to the peninsula, having been born in New Zealand and now an Australian, and therefore a representative of both the ‘A’ and the ‘NZ’ in that sacred word that so truly reflects the combined spirit and courage of those young men of our two countries.

On that day, I was visiting the Anzac peninsula as the first member of my family in 87 years to return to the place where my great-uncle—that is, my grandmother’s brother—Private John Kirker Potts made the supreme sacrifice. He was a member of the Wellington regiment of the New Zealand expeditionary force and he died on Sunday, 8 August, two days into a particularly bloody battle on that peninsula. Like so many thousands of other young Australians and New Zealanders, he has no gravestone among the thousands that are there and is remembered only on the tall tapering stone pylon on Chunuk Bair among the names of so many of his mates.

Private Potts was one of the older Gallipoli veterans. At 37, he had already served in the Boer War. But as a single man he had no doubt thought that he had some skills and experience to offer when the call-up came for troops to go to the Great War. He and hundreds of his New Zealand mates, and English and Australians as well, had been taking part in the 6 August offensive which began late on the Friday afternoon in an action which also involved the British navy. Chunuk Bair was one of the main objectives in the battle of Sari Bair, which was fought over four days. The Wellington Infantry and some of the Gloucesters and the Welsh reached the summit and were later joined by men of the Auckland Infantry and the Mounted Rifles. But on the morning of 10 August, two days after Great-Uncle Jack died in that battle, the position was taken by a determined and overwhelming counterattack carried out by the Turkish army led by Attaturk. The loss of Chunuk Bair marked the end of the effort to reach the central foothills of that peninsula and, on this sector of the front, the line remained unaltered until the evacuation in December 1915.

It is only when you crawl into those muddy, 87-year-old trenches that you really understand the dreadful conditions under which this war was fought. The battle for Chunuk Bair was by all accounts a terrible battle with many casualties and, as I said, on Sunday, 8 August 1915, my great-uncle paid the highest price. We can only wonder about the circumstances of his death. On that windswept, freezing day when I visited, when the air temperature was two degrees, I walked into the icy water at Anzac Cove and reflected on the perhaps rather naive courage of those thousands of young men who landed there so far from home. I contemplated the barren, sandy cliffs and I wondered if they knew what lay beyond them. As they scrambled up the slippery, gravelly foothills bravely facing their destinies, it is impossible not to wonder how many of them suspected the terrible fate that awaited them over those hills. In the case of my great-uncle, our surviving family members will never know.

My own memories of Uncle Jack are just a sepia photograph of him wearing the uniform of the New Zealand army which was hanging quite proudly in my grandmother’s kitchen and a small photograph of him that she kept on her bedside table. As a child, I never thought to ask too much about him, so unfortunately none of us now know. Since he died a single man, little is known of his previous war service—although I have promised my sons that we will try to find out. A day spent at those now peaceful war cemeteries so far away leaves no doubt of the courage of our Anzacs. There is now a stillness and a sense of overwhelming sadness on the Gallipoli peninsula, and no doubt each of us takes
away from there our own emotional memories of that experience. For me, it is the sense of pride in the courage of my own family’s Anzac, Great-Uncle Jack, and in the nearby small museum what remains of a soldier’s boot which still contains the bones of that young man’s foot. Lest we forget.

Senate adjourned at 7.45 p.m.

DOCUMENTS

Tabling

The following government documents were tabled:


IIF Investments Pty Limited, IIF (CM) Investments Pty Limited, IIF Bioventures Pty Limited, IIF Foundation Pty Limited, IIF Newport Pty Limited—Reports for 2000-01.


Tabling

The following documents were tabled by the Clerk:


Broadcasting Services Act—

Datacasting Charge (Due and Payable) Determination 2001.

Datacasting Charge (Late Payment Penalty) Determination 2001.

Sydney Airport Curfew Act—Dispensations granted under section 20—Dispensation No. 3/02 [5 dispensations].

Indexed Lists of Files

The following documents were tabled pursuant to the Senate of 20 June 2001, as amended on 27 September 2001:

Departmental and agency contracts—Letters of advice—

Department of Education, Science and Training.

Family and Community Services portfolio.
QUESTIONS ON NOTICE

The following answers to questions were circulated:

Tasmania: Regional Forest Agreement
(Question No. 4)

Senator Brown asked the Minister for Forestry and Conservation, upon notice, on 10 December 2001:

With reference to the answer to question on notice no. 3641 (Senate Hansard, 20 August 2001, p. 26203): How much of the Commonwealth Government’s plantation and industry package, under the Tasmanian Regional Forest Agreement, is planned to be or has already been spent on replacing native forests by plantations.

Senator Ian Macdonald—The answer to the honourable senator’s question is as follows:

The Honourable senator asked a similar question on 22 June 2001, the answer to that question was tabled on 20 August 2001. Tasmania has allocated $10 million of the Commonwealth funding package to eucalypt plantation development, which includes, among other activities, establishment of plantations on land previously under native forest. However, as previously stated, the Commonwealth Government does not have the detailed information requested.

The Tasmanian RFA provides clear guidelines for plantation establishment on sites where native forest has been cleared for this purpose, including limits on the extent to which this can occur. These guidelines ensure the maintenance of native forests within specified criteria to preserve regional biodiversity. Also, the replacement of native forest with plantations occurs only in forest areas that now lie outside the conservation reserve system established under the RFA. In other words, this activity is making forests already available for timber harvesting more productive, and within strict limits.

To obtain the detailed information requested, I would recommend that the honourable senator make a request to the Tasmanian Deputy Premier and Minister for Infrastructure, Energy and Resources, the Hon Paul Lennon MHA.

Transport: Heavy Vehicles
(Question No. 39)

Senator O’Brien asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 12 February 2002:

(1) Can the Minister confirm that a letter (reference K98/1492K98/1751) contained in documents (file reference K99920007) relating to an investigation into heavy vehicles undertaken by Roaduser International, and tabled in response to an order for the production of documents by the Senate, was not the only written communication from Louise and John Bauer.

(2) If all written communications from Mrs and Mr Bauer were contained in the documents tabled on 27 November 2000 in response to the order, can the Minister provide specific reference numbers for the additional documents.

(3) If all written communications from Mrs and Mr Bauer were not contained in the tabled documents: (a) why were they deleted; and (b) can copies of all these documents be provided.

Senator Ian Macdonald—The Minister for Transport and Regional Services has provided the following answer to the honourable senator’s question:

The questions asked by Senator O’Brien refer to processes and actions in relation to the Investigation Into The Specification Of Heavy Trucks And Consequent Effects On Truck Dynamics And Drivers, conducted for the Department of Transport and Regional Services by consultants Roaduser International. Many of the questions are based on speculation or refer to the actions of third parties that could not be known to either the Department or the Minister.

While the Minister for Transport and Regional Services was briefed on the overall progress of the Roaduser International investigation, the Minister was not involved in the investigation or operational processes, nor was he provided with detail at the level that is raised by the questions. Some of the questions relate to papers tabled on 27 November 2000. The consultants’ report was tabled on 18 April 2000, the investigation has been finalised and is reported on the Australian Transport Safety Bureau website. The Minister is not prepared to commit further resources to this matter.
Environment: Maralinga Rehabilitation Project  
(Question No. 56)

Senator Allison asked the Minister for Health and Ageing, upon notice, on 13 February 2002:

When will the Australian Radiation Protection and Nuclear Safety Agency be updating its website (The Maralinga Rehabilitation Project 1996-1999 and Maralinga Rehabilitation Project Gallery: Part 1 1998) with respect to the pits in which in situ vitrification was not used.

Senator Patterson—The answer to the honourable senator’s question is as follows:
The contractual work undertaken by the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) for the Department of Industry Science and Resources (now Department of Education, Science and Tourism (DEST)) for the Maralinga Rehabilitation Project, has now been completed and the final reports are being written. ARPANSA’s contractual obligations did not include responsibilities related to the rehabilitation of the debris pits. Information on the treatment of the pits should be obtained from DEST.

Superannuation: Same Sex Couples  
(Question No. 78)

Senator Allison asked the Minister representing the Prime Minister, upon notice, on 13 February 2002:

(1) Was the Prime Minister accurately reported in the Sydney Morning Herald of 24 August 2001 as saying, ‘…I don’t think people should be in any way discriminated against or penalised against if they are homosexual.’

(2) Does the Government intend to remove discrimination against homosexual couples with regard to superannuation entitlements for surviving partners of members of the Commonwealth Superannuation Scheme; if so, when.

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

(1) The report in the Sydney Morning Herald dated 24 August 2001 is based on an interview on radio station Triple J. The full question and answer are set out below.

“STUDENT:
So if we had a scale with total acceptance of homosexuality on one end and total rejection and abuse of homosexuality on the other, where would you place yourself?
PRIME MINISTER:
Oh I’d place myself somewhere in the middle. I certainly don’t think you should give the same status to homosexual liaisons as you give to marriage, I don’t. I mean that will make me unpopular with some people but I accept that. That’s my view. I think the continuity of our society depends on there being a margin for marriage if I can put it like that. But consistent with that view I don’t think people should be in any way penalised or discriminated against if they are homosexual. I mean I certainly don’t practice any kind of discrimination against people on the grounds that they’re homosexual, I think that is unfair. But I don’t think we should go the whole hog in the other direction and take the view that you give relationships between… I mean I don’t believe in gay marriage for example, I don’t think our society should signal support for that.”

(2) The Commonwealth Superannuation Scheme (CSS) provides benefits for scheme members and their eligible spouses and children. The CSS is a regulated superannuation scheme for the purposes of the Superannuation Industry (Supervision) Act 1993 (SIS Act) which regulates the superannuation industry. Under the SIS Act benefits can be paid to a dependant, which includes the spouse or any child of the person. A spouse under both the SIS Act and the rules of the CSS does not include a same sex partner. However, where a member of the CSS has neither a spouse nor an eligible child there may be a minimum lump sum benefit payable to the member’s legal personal representative or, if none exists, any individual or individuals determined by the CSS Board. That could include a same sex partner.
Senator Harris asked the Minister representing the Minister for Transport and Regional Services, without notice, on 12 February 2002:

With reference to documents relating to heavy truck specifications tabled pursuant to orders of the Senate:

(1) In the middle of 1999 was a data disc deliberately corrupted by Mr Scott McFarlane of Roaduser International before being sent to the owner of F1, so that it would be unusable and thus prevent others from analysing the data, and that an uncorrupted disc was not sent until 2 to 3 months later.

(2) Were the air fare and related accommodation costs for the Melbourne to Brisbane return trip on 13 May 1999 that were listed in the external supplier expense document (K99-917, 024-026) relating to the Roaduser Report used solely for that purpose and not used to subsidise the costs of Roaduser personnel attending other functions at the Brisbane Truck Show, unrelated to the report.

(3) Was the second testing of F4, a Mack CH Fleetliner prime mover, undertaken at the request of the manufacturer; if so, was the expense of this additional test costed to the report or to the manufacturer.

(4) (a) Did the manufacturer of the Australian-designed and tested Hendrickson WD2 460 suspension that was fitted to the worst performing vehicle, F6, withdraw that suspension from the market early in 2001 after claiming there was nothing wrong with it; and (b) is it a fact that the manufacturer has no substitute available until a new suspension is introduced in 2002; if so: (i) why was the suspension withdrawn, and (ii) if it was due to its poor performance, why has there not been a recall or other action taken in relation to other vehicles similar in style to F6 fitted with that suspension.

(5) (a) Was Roaduser Internationals tender for this investigation $79,400, compared with the losing bidders quote of about $120,000; and (b) was the final payment to Roaduser International close to $580,000.

(6) With reference to documents T1112-121-138 and K99-804126-132, did Roaduser International tender to undertake publicity and problem definition for $8,000, inspect-and-drive appraisals of 6 vehicles for $14,850 ($2,470 each), instrumented testing of 4 vehicles for $33,050 ($8,250 each), computer simulation and analysis relating to 4 instrumented tests for $21,000, assessment of vehicles against industry standards for $5,000, risk amelioration and problem scoping for $3,000 and a report of the investigation for $5,000.

(7) Did Roaduser charge about $80,000 to appraise 13 vehicles ($6,200 each, or 2.5 times the quoted cost per vehicle) even though it did not undertake analysis of each vehicle using Roadusers in-house, computer-based performance assessment and did not undertake a lane-change manoeuvre.

(8) Did Roaduser charge about $340,000 for 8 instrumented tests and drives ($42,500 each, or 5 times the quoted cost per vehicle) even though the number of channels of data quoted to be collected was a minimum of 28 compared with only 3 more collected, and evaluation of the vehicle negotiating a standard bump and a steady turn and under severe braking were not carried out.

(9) In relation to the investigation: (a) was Roaduser allowed to charge, for graduate engineers with about 2-years experience on $40,000 per year (or $30 per chargeable hour), a rate around $150 per hour, or more than twice the rate generally charged by consultants for such engineers; (b) were the charge-out rates for the Chief Engineer and Manager Accident Mitigation $250 per hour, and the rate for Dr Peter Sweatman $350 per hour; and (c) have there been any other consultants in the road transport field for which the Australian Transport Safety Bureau has paid similar charge-out rates; if not, can the Minister advise why these rates were paid for this investigation.

(10) Can the Minister confirm that: (a) while the Federal Office of Road Safety tender suggested the use of subcontracted, experienced and qualified organisations to conduct the vibration related tests of the investigation, Roaduser, which was not an experienced or qualified organisation in this field, undertook this work itself; (b) Roaduser quoted on, and undertook measuring of, drivers seat vibration in the vertical and fore-aft directions only, even though the relevant international standard (ISO 2631-1) required measurements in the side-to-side direction as well, and rates this vibration as being more important than the vertical direction; (c) in order to undertake this work, the Chief Engineer purchased a text on vibration around August 1999; (d) much of the analysis of vibration and other data was undertaken by a PhD student with no specific skills in either heavy vehicles or
vibration; and (e) Roaduser charged the same hourly rate for this work even though it was not expert in the field.

(11) Given the above, what action is being taken to recover excess monies paid to Roaduser under this contract.

Senator Ian Macdonald—The Minister for Transport and Regional Services has provided the following answer to the honourable senator’s question:

The questions asked by Senator Harris refer to detailed specific actions in relation to the Investigation Into The Specification Of Heavy Trucks And Consequent Effects On Truck Dynamics And Drivers, conducted for the Department of Transport and Regional Services by consultants Roaduser International. Many of the questions are based on conjecture and speculation or refer to the actions of third parties that could not be known to either the Department or the Minister.

While the Minister for Transport and Regional Services was briefed on the overall progress of the Roaduser International investigation, the Minister was not involved in the investigation or operational processes, nor was he provided with detail at the level that is raised by the question. The consultants’ work has been released, the investigation has been finalised, and is reported on the Australian Transport Safety Bureau website. The Minister is not prepared to commit further resources to this matter.

Health and Ageing Portfolio: Contracts
(Question No. 92)

Senator Robert Ray asked the Minister for Health and Ageing, upon notice, on 14 February 2002:

(1) What contracts has the department or any agency of the department provided to the firm Deloitte Touche Tohmatsu in the 1999-2000 financial year.

(2) In each instance what was the purpose of the work undertaken by Deloitte Touche Tohmatsu.

(3) In each instance what has been the cost to the department of the contract.

(4) In each instance what selection process was used to select Deloitte Touche Tohmatsu (open tender, short-list or some other process).

Senator Patterson—The answer to the honourable senator’s question is as follows:

(1) Two contracts were provided in the 1999-2000 financial year.

(2) Contract A—Provision of a National Data Repository for the Home and Community Care Minimum Data Set.

Contract B—Information Technology planning and systems preparation for the implementation of the GST.

(3) The cost to the Department was:

Contract A $828,200
Contract B $99,620

(4) Contract A Select Tender.
Contract B Direct engagement.

Health and Ageing Portfolio: Contracts
(Question No. 94)

Senator Robert Ray asked the Minister for Health and Ageing, upon notice, on 14 February 2002:

(1) What contracts has the department or any agency of the department provided to the firm KPMG in the 1999-2000 financial year.

(2) In each instance what was the purpose of the work undertaken by KPMG.

(3) In each instance what has been the cost to the department of the contract.

(4) In each instance what selection process was used to select KPMG (open tender, short-list or some other process).

Senator Patterson—The answer to the honourable senator’s question is as follows:
(1) Eight contracts were provided in the 1999-2000 financial year.

(2) Contract A Consultancy service for the analysis of E-commerce in the Management of The Clinical Supply Chain in Acute Health Care proposal.

Contract B Research and preparation of a scoping paper on “Corporatisation of General Practice”.


Variation to develop framework for national performance indicator development.

Contract F Costing evaluation of genetically modified foods.

Contract G Development of the Solvency and Capital Adequacy Standards for the Prudential regulation of the private health insurance industry.

Contract H Evaluation of General Practice Immunisation Incentive Survey.

The cost to the Department was:

Contract A $154,927

Contract B $45,000

Contract C $173,900

Contract D $110,000

Contract E $87,200

Contract F $207,658

Contract G $75,000

Contract H $176,278

The selection process was:

Contract A Open Tender.

Contract B Select Tender.

Contract C Open Tender.

Contract D Open Tender.

Contract E Direct engagement.

Contract F Open Tender.

Contract G Open Tender.

Contract H Open Tender.

Health and Ageing Portfolio: Contracts

(Question No. 96)

Senator Robert Ray asked the Minister for Health and Ageing, upon notice, on 14 February 2002:

(1) What contracts has the department or any agency of the department provided to the firm PriceWaterhouseCoopers in the 1999-2000 financial year.

(2) In each instance what was the purpose of the work undertaken by PriceWaterhouseCoopers.

(3) In each instance what has been the cost to the department of the contract.

(4) In each instance what selection process was used to select PriceWaterhouseCoopers (open tender, short-list or some other process).

Senator Patterson—The answer to the honourable senator’s question is as follows:

(1) Seven contracts were provided in the 1999-2000 financial year.

(2) Contract A Review of the TGA financial and performance management information and reporting requirements.
Contract B  Technical support in calculating funds pooling under further coordinated care trials.
Contract C  Benchmarking scoping study at the Health Insurance Commission (HIC) to examine the scope for HIC processes/procedures to be benchmarked against similar processes in other organisations.
Contract D  Provide advice and direction on GST implementation.
Contract E  Provide assistance in the Output Pricing Review.
Contract F  Assist in the implementation of the new tax system.
Contract G  Information Technology planning and systems preparation for implementation of the GST.

(3) The cost to the Department was:

<table>
<thead>
<tr>
<th>Contract</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>$9,810</td>
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<tr>
<td>B</td>
<td>$268,500</td>
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<tr>
<td>C</td>
<td>$30,500</td>
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<tr>
<td>D</td>
<td>$70,700</td>
</tr>
<tr>
<td>E</td>
<td>$100,000</td>
</tr>
<tr>
<td>F</td>
<td>$8,775</td>
</tr>
<tr>
<td>G</td>
<td>$216,224</td>
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</table>

(4) The selection process was:

<table>
<thead>
<tr>
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<th>Process</th>
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</thead>
<tbody>
<tr>
<td>A</td>
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<tr>
<td>B</td>
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</tr>
<tr>
<td>C</td>
<td>Open Tender.</td>
</tr>
<tr>
<td>D</td>
<td>Select Tender.</td>
</tr>
<tr>
<td>E</td>
<td>Direct engagement.</td>
</tr>
<tr>
<td>F</td>
<td>Direct engagement.</td>
</tr>
<tr>
<td>G</td>
<td>Direct engagement.</td>
</tr>
</tbody>
</table>

Health and Ageing Portfolio: Contracts
(Question No. 98)

Senator Robert Ray asked the Minister for Health and Ageing, upon notice, on 14 February 2002:

(1) What contracts has the department or any agency of the department provided to the firm Ernst & Young in the 1999-2000 financial year.
(2) In each instance what was the purpose of the work undertaken by Ernst & Young.
(3) In each instance what has been the cost to the department of the contract.
(4) In each instance what selection process was used to select Ernst & Young (open tender, short-list or some other process).

Senator Patterson—The answer to the honourable senator’s question is as follows:

(1) Five contracts were provided in the 1999-2000 financial year.
(2) Contract A  Provision of Quality Assurance scrutiny during the development of a replacement Enterprise Management System for the Department.
Contract B  Develop accrual accounting guidelines for funded organisations.
Contract C  Determine simplified billing agent software requirements.
Contract D  Conduct public key infrastructure risk assessment.
Contract E  GST advice.

(3) The cost to the Department was:

<table>
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<th>Cost</th>
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<tbody>
<tr>
<td>A</td>
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<tr>
<td>B</td>
<td>$20,000</td>
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</table>
Health and Ageing Portfolio: Contracts
(Question No. 100)

Senator Robert Ray asked the Minister for Health and Ageing, upon notice, on 14 February 2002:

(1) What contracts has the department or any agency of the department provided to the firm Arthur Andersen in the 1999-2000 financial year.
(2) In each instance what was the purpose of the work undertaken by Arthur Andersen.
(3) In each instance what has been the cost to the department of the contract.
(4) In each instance what selection process was used to select Arthur Andersen (open tender, short-list or some other process).

Senator Patterson—The answer to the honourable senator’s question is as follows:

(1) One contract was provided in the 1999-2000 financial year.
(2) The contract was for GST advice.
(3) The cost to the Department was: $21,612.
(4) The selection process was: Select Tender.

Indonesia: Aurora Gold
(Question No. 116)

Senator Brown asked the Minister representing the Minister for Foreign Affairs, upon notice, on 18 February 2002:

(1) Did the Ambassador to Indonesia, Mr Richard Smith, visit the mining area held by the Australian company, Aurora Gold, through its Indonesian subsidiary, PT Indo Muro Kencana, in May 2001.
(2) Was the trip at the request of Aurora Gold or its Indonesian subsidiary; if so, why was the invitation accepted.
(3) What was the duration of the trip.
(4) What was the purpose of the visit.
(5) Did the Ambassador make any formal speeches during the trip; if so, can a copy of each of his presentations be provided.
(6) (a) Did the Ambassador publicly urge the Indonesian government agencies and security forces to ensure secure conditions at mining operations run by Australian mining companies and their subsidiaries; and (b) did the Ambassador urge the government agencies to deal with what Aurora describes as “illegal” miners working within its mine lease area; if so, why.
(7) What form of action did the Ambassador expect security agencies to take in dealing with small-scale miners.

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

(1) Yes.
(2) The Ambassador made the visit at the invitation of Mr Joe Ariti, President Director, Aurora Gold Indonesia, in order to acquire a better understanding of Australian-owned mining operations in Indonesia.

(3) Several hours.

(4) Refer to the answer to Question 116 (2).

(5) No.

(6) (a) and (b) The Ambassador explained to provincial government and other Indonesian officials the importance of upholding the law, including laws relating to illegal occupation of mining leases and theft, at Australian-owned mining operations in Indonesia to ensure an environment in which Australian investors could operate in accordance with their contracts of work.

(7) The Ambassador indicated that he expected Indonesian agencies seek to resolve any disputes at the mine in a peaceful manner, in accordance with Indonesian law.

**Indonesia: Aurora Gold**

(Question No. 117)

Senator Brown asked the Minister representing the Minister for Foreign Affairs, upon notice, on 18 February 2002:

With reference to the Aurora mine site in Kalimantan, and reports that approximately 1 week after the recent visit of the Australian Ambassador, Indonesian security forces shot and/or stoned to death within the Aurora lease area two local people considered to be “illegal” miners:

1. Was the Ambassador or any other representative of the department aware of this incident; if so, when was the Ambassador or any other representative of the department made aware of the two deaths.

2. Did the Ambassador or any other representative of the department make any representations to any Indonesian government officials or agencies about the killings; if so, to whom and when.

3. Did Aurora and/or its Indonesian subsidiary make any representation to the Ambassador or any other representative of the department after the deaths; if so, what was the nature of these representations and when did they occur.

4. Did the Ambassador or any other representative of the department make any representations to Aurora and/or its Indonesian subsidiary about the events that had taken place.

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

1. Aurora Gold did not advise the Ambassador of the incident at the time it occurred. The Jakarta Post reported the incident on 12 June 2001. On 5 March 2002, the president Director of Aurora Gold provided a written briefing on the incident to the Ambassador.

2. On 27 February 2002 the Australian Embassay sought clarification from the Indonesian Police Force on the details of the reported incident.

3. No.

4. No.

**Indonesia: Aurora Gold**

(Question No. 118)

Senator Brown asked the Minister representing the Minister for Foreign Affairs, upon notice, on 18 February 2002:

With reference to the Aurora mine site in Kalimantan, and reports that on 27 August 2001 a local teenage boy considered to be an “illegal” miner at the Kerikil mine within Aurora’s lease area was shot in the leg by Indonesian security forces:

1. Was the Australian Ambassador or any other representative of the department made aware of this incident; if so, when was the Ambassador or representative of the department made aware of the incident.

2. Did the Ambassador or any other representative of the department make any representations to any Indonesian government officials or agencies about the shooting; if so, to whom and when.
(3) Did Aurora and/or its Indonesian subsidiary make any representation to the Ambassador or any other representative of the department after the shooting; if so, what was the nature of these representations and when did they occur.

(4) Did the Ambassador make any representations to Aurora and/or its Indonesian subsidiary about the events that had taken place.

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

(1) The Ambassador was aware of media reports about an incident that occurred on 27 August 2001 at PT Indo Muro Kencana’s mine site. Information on this incident was included in Aurora Gold’s 5 March 2002 written briefing to the Ambassador.

(2) No.

(3) No.

(4) No.

Indonesia: Aurora Gold

(Question No. 119)

Senator Brown asked the Minister representing the Minister for Foreign Affairs, upon notice, on 18 February 2002:

With reference to the mining company Aurora: Has the Australian Ambassador to Indonesia or any other representative of the department, at any stage, made any representation to any Indonesian government minister or agency expressing concern about the actions of Indonesian security forces at Aurora’s Indonesian subsidiary’s mine site; if so: (a) when; (b) to whom; and (c) what was the nature of the request made.

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

No. On 27 February 2002 the Australian Embassy sought advice from the Indonesian National Police about the reported incidents.

Indonesia: Aurora Gold

(Question No. 120)

Senator Brown asked the Minister representing the Minister for Foreign Affairs, upon notice, on 18 February 2002:

With reference to the mining company Aurora: Has the Australian Ambassador to Indonesia or any other representative of the department made any visits to Aurora’s Indonesian mining operations since 1 January 2000; if so: (a) when; and (b) for what purpose.

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

Yes.

(a) 25 May 2001.

(b) Refer to the answer to Question 116 (2).

Indonesia: Aurora Gold

(Question No. 121)

Senator Brown asked the Minister representing the Minister for Foreign Affairs, upon notice, on 18 February 2002:

With reference to the operations of Aurora at its Kalimantan mine site and recent deaths and injuries of local people on or near the site: Given the Government’s support for the Minerals Council of Australia’s voluntary Code for Environment Management (to which Aurora is a signatory) as adequate to deal with social and environmental issues of Australian companies operating overseas: Does the Minister believe the actions of Aurora and its Indonesian subsidiary are appropriate; if so, why.

Senator Hill—The Minister for Foreign Affairs has provided the following answer to the honourable senator’s question:
The Minister is not aware of any occasion where representatives of Aurora Gold or the Australian Government encouraged Indonesian Government officials to act in other than a peaceful manner, in accordance with Indonesian law, in relation to the maintenance of security of Aurora Gold’s mining operations at Mt Muro.

**Indonesia: Aurora Gold**

*(Question No. 122)*

**Senator Brown** asked the Minister representing the Minister for Foreign Affairs, upon notice, on 18 February 2002:

Has Austrade or any section of the department assisted the mining company Aurora in any way with the Indo Muro mine in Indonesia; if so, how.

**Senator Hill**—The Minister for Foreign Affairs has provided the following answer to the honourable senator’s question:

Austrade has not assisted Aurora Gold in any way directly associated with the PT Indo Muro Kencana mine at Mt Muro, Central Kalimantan.

**Indonesia: Aurora Gold**

*(Question No. 123)*

**Senator Brown** asked the Minister representing the Minister for Foreign Affairs, upon notice, on 18 February 2002:

With reference to the mining company Aurora: Has the Ambassador to Indonesia or any representative of the department made representations to Indonesian government agencies relating to issues involving Aurora’s Indonesian mining operations; if so: (a) what were the representations; (b) when did they occur; (c) what were the results of the representations; and (d) were the representations made at the request of Aurora and/or any of its agents.

**Senator Hill**—The Minister for Foreign Affairs has provided the following answer to the honourable senator’s question:

Yes.

(a) On 17 November 1999, the then Ambassador raised with the Minister for Mining and Energy a range of concerns of the Australian mining industry, including Aurora Gold’s problems with illegal mining at its Mt Muro mining operation.

On 2 March 2000, Embassy officials (the then Deputy Head of Mission and Counsellor—Economic) attended a meeting between representatives of Aurora Gold and the Governor of Central Kalimantan, the Bupati (regent) of North Burito kabupaten (regency), and local and provincial police and military representatives in Jakarta. Embassy representatives highlighted the damage to investor confidence in Indonesia if the Government was unable to honour contracts of work and resolve the Mt Muro dispute.

(b) 17 November 1999 and 2 March 2000.

(c) In the 17 November 1999 meeting the Minister indicated that he would be looking for a holistic solution to the problem which would honour contracts entered into by international mining companies and, at the same time, recognise the aspirations of local communities and regional governments.

At the 2 March 2000 meeting the stakeholders (i.e. Aurora Gold and Indonesian Government representatives) agreed that a team should be formed comprising representatives of the central and local governments, police and military with a view to resolving the standoff with illegal miners. The stakeholders agreed that efforts at community development (through the “traditional” mining sites, local employment) and community consultation would be a key part of the integrated strategy.

(d) 15 days prior to the 17 November 1999 meeting, the then Ambassador was briefed by Aurora Gold representatives about their concerns with illegal mining.

Embassy officials attended the 2 March 2000 meeting, as observers, at the invitation of Aurora Gold.
Indonesia: Aurora Gold
(Question No. 124)

Senator Brown asked the Minister representing the Minister for Foreign Affairs, upon notice, on 18 February 2002:

Has the department undertaken any review of its role in the tragic events at the Aurora mine site in Indonesia, and, in particular, the appropriateness of the Australian Ambassador urging Indonesian security forces to deal with local small scale-miners; if not, will it

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

The Minister considers the Australian Ambassador acted appropriately in requesting the Indonesian Government up-hold the law at Australian-owned mining operations in Indonesia. At no stage did the Ambassador or Embassy officials request Indonesian Government authorities act other than in a peaceful manner, in accordance with Indonesian law. In this context, the Minister does not consider a Departmental review necessary.

Indonesia: Aurora Gold
(Question No. 125)

Senator Brown asked the Minister representing the Minister for Foreign Affairs, upon notice, on 18 February 2002:

With reference to the mining company Aurora’s Kalimantan operations, and reports that, on 19 January 2002, Indonesian security forces shot a local man, deemed to be an “illegal” miner within the Aurora lease area, in the head with a rubber bullet at close range resulting in a serious injury:

(1) Was the Australian Ambassador or any representative of the department made aware of this incident; if so, when was the Ambassador or representative of the department made aware of the incident.

(2) Did the Ambassador or representative of the department make any representations to any Indonesian government officials or agencies about the shooting; if so, to whom and when.

(3) Did Aurora and/or its Indonesian subsidiary make any representation to the Ambassador or any other representative of the department after the deaths; if so, what was the nature of these representations and when did they occur.

(4) Did the Ambassador or any other representative of the department make any representations to Aurora and/or its Indonesian subsidiary about the events that had taken place.

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

(1) The Australian Financial Review (25-26 January) reported that a person had been injured by a rubber bullet fired by a member of a police unit the previous weekend. On 30 January 2002, representatives of Aurora Gold advised the Ambassador of the incident.

(2) No.

(3) No.

(4) The Ambassador emphasised to representatives of Aurora Gold on 30 January 2002 the importance of continuing their efforts to highlight with Indonesian Government authorities the need to resolve the illegal occupation of Aurora’s mining operation in a peaceful manner, in accordance with Indonesian law.

Indonesia: Aurora Gold
(Question No. 126)

Senator Brown asked the Minister representing the Minister for Foreign Affairs, upon notice, on 18 February 2002:

Since 1 January 1999, has the Australian Ambassador to Indonesia or any representative of the department ever raised with any Indonesian government agency or minister concerns about human rights abuses where they have been publicly reported, or where the department has been made aware of them, at mine sites where Australian mining companies have interests.
Senator Hill—The Minister for Foreign Affairs has provided the following answer to the honourable senator’s question:

In discussions with Indonesian Ministers and Government officials about Australian-owned mining operations in Indonesia, the Ambassador has emphasised the importance of disputes, including those relating to illegal mining, being resolved peacefully, in accordance with Indonesian law.

More generally, the Ambassador has raised with Indonesian Ministers and Government officials concerns about the inappropriate use of force by Indonesian security forces, including where it leads to human rights abuses.

Indonesia: Aurora Gold
(Question No. 127)

Senator Brown asked the Minister representing the Minister for Foreign Affairs, upon notice, on 18 February 2002:

Since 1 January 1999, has the Australian Ambassador to Indonesia or any representative of the department made representations to Indonesian government agencies or ministers over security issues at any mine sites in Indonesia.

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

The Ambassador has made several representations, on behalf of the Australian mining community in Indonesia, to Indonesian Government ministers and officials about the incidence of large-scale illegal mining at Australia-owned mining operations in Indonesia. The Ambassador has emphasised the importance of upholding Indonesian law, including laws relating to illegal mining and theft, at these mining operations as an important factor in attracting Australian investment in the mining sector.

Indonesia: Aurora Gold
(Question No. 128)

Senator Brown asked the Minister representing the Minister for Foreign Affairs, upon notice, on 18 February 2002:

Since 1 January 1999, has the Australian Ambassador to Indonesia or any representative of the department visited any mine sites in Indonesia in which Australian companies have interests.

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

Yes.

Since 1 January 1999, the Ambassador has visited the following mine sites with Australian interests:

- PT Kaltim Prima Coal (Rio Tinto), East Kalimantan
- PT Arutmin Indonesia-Senakin (BHP Billiton), South Kalimantan
- PT Kendilo Coal Indonesia (BHP Billiton), East Kalimantan
- PT Indo Muro Kencana (Aurora Gold), Central Kalimantan
- PT Freeport Indonesia (Rio Tinto), Irian Jaya

In addition, Embassy officials visited the following mine site with Australian interests:

- PT Indo Muro Kencana (Aurora Gold), Central Kalimantan
- PT Kendilo Coal Indonesia (BHP Billiton), East Kalimantan
- PT Arutmin Indonesia (BHP Billiton), South Kalimantan
- PT Freeport Indonesia (Rio Tinto), Irian Jaya

Indonesia: Aurora Gold
(Question No. 129)

Senator Brown asked the Minister representing the Minister for Foreign Affairs, upon notice, on 18 February 2002:
Since 1 January 1999, has the Australian Ambassador to Indonesia or any representative of the department met with representatives of the Indonesian Mining Association to discuss security issues at mines that Australian companies have interests in; if so, when and what projects were discussed.

**Senator Hill**—The Minister for Foreign Affairs has provided the following answer to the honourable senator’s question:

The Ambassador has not met formally with the Indonesian Mining Association since 1 January 1999. The Ambassador meets on a quarterly basis with representatives of Australian-owned mining operations in Indonesia, many of whom are also members of the Indonesian Mining Association, to discuss issues of concern to the Australian mining industry in Indonesia. Concern about illegal mining operations is frequently expressed by Australian mining representatives at these meetings. Embassy staff accompanied representatives of Australian-owned mining operations and representatives of the Indonesian Mining Association to a meeting with senior officials of the Department of Mining and Energy on 22 January 2001 to discuss a range of concerns of Australian-owned mining operations, including illegal mining.

Embassy staff regularly attend seminars and forums organised by the Indonesian Mining Association, at which a broad range of issues affecting the mining industry are discussed, including in relation to security at mine sites.

Best, Dr Jack

(Question No. 157)

**Senator Chris Evans** asked the Minister for Health and Ageing, upon notice, on 4 March 2002:

With reference to the answer to question 123 at the Senate additional estimates hearings of February 2001, can the department provide a full list of the departmental committees and advisory bodies on research education and training on which Dr Jack Best sits, and the remuneration that has gone to Dr Best from each appointment.

**Senator Patterson**—The answer to the honourable senator’s question is as follows:

Dr Best is presently a member of the University of New South Wales’ Greater Murray Clinical School Community Advisory Board, to which he was appointed in 1999. The Department has reimbursed Dr Best’s travel costs as necessary to facilitate his attendance at the Great Murray Clinical School Community Advisory Board meetings. For the period 1 March 2000 to 12 March 2002 the Department reimbursed Dr Best $613.60 for this purpose.

Dr Best was appointed as a member of the National Health and Medical Research Council (NHMRC) and as Chairman of the NHMRC Principal Committee entitled the ‘Strategic Research and Development Committee’ by the former Minister for Health and Aged Care, the Hon Dr Wooldridge for the 2000-2003 Triennium. During the two year period between 1 March 2000 and 31 March 2002, Dr Best and his Company, Diagnosis Pty Ltd, received sitting fees, salary payments, travel allowances and reimbursement for incidental expenses, along with an administrative allowance as Chair of the Strategic Research and Development Committee, totalling $204,321.70. Dr Best’s salary and related entitlements were paid in accordance with the relevant determinations of the Remuneration Tribunal.

Dr Best is a member of the Health Inequalities Research Collaboration Board. Dr Best’s remuneration for the period 1 March 2000 to 12 March 2002 is $2523.81 (excluding GST on all except taxi fares). This represents payment of sitting fees, travel allowance and incidentals for Dr Best’s attendance at 8 Board meetings.

Telstra: Kurungal Aboriginal Council

(Question No. 166)

**Senator Allison** asked the Minister for Communications, Information Technology and the Arts, upon notice, on 7 March 2002:

(1) When does Telstra expect to install a full telephone service that will allow answer phone and message bank facilities and internet connection, etc. for the Kurungal Aboriginal Council in the West Kimberley region of Western Australia.

(2) Given that the application was made for a telephone connection on 4 December 2001, what is the reason for the delay.
(3) Is it the case that an ‘interim service’ was supplied on 1 March 2002, as promised; if not, why not.
(4) What compensation is payable for this delay in telephone service connection.

Senator Alston—The answer to the honourable senator’s question is as follows:

(1) While the Kurungal Aboriginal Council has been provided with an interim solution for the provision of telephone services, Telstra expects that a permanent solution providing answer phone, limited Easycall facilities and internet connection will be available by mid-September 2002. This date has been agreed to by Kurungal Aboriginal Council’s authorised representative. Messagebank facilities will not be available—this is understood by the Council and accepted by it. The universal service obligation (USO) does not require the provision of enhanced calling features.

Telstra is also currently discussing with the Council the provision of broadband access using two-way satellite provided under the Government’s Extended Zone tender.

(2) On the basis that the Kurungal community is in a remote location the relevant connection timeframes required under the USO and CSG are: 15 days if available infrastructure already exists; or 6 months where infrastructure is not available. In addition customers can agree to longer timeframes. There is also scope for Telstra to provide an interim service for up to 12 months as a transitional measure.

Telstra received an application from the Kurungal Aboriginal Council’s authorised representative for five new service connections on 22 January 2002. This is the relevant date for measuring compliance with connection timeframes.

Telstra subsequently identified that there may be wireless infrastructure available to provide two permanent services. Telstra is discussing with Kurungal Aboriginal Council whether the community wishes to make use of this infrastructure given its request for five services.

(3) As Telstra was unable to provide the requested permanent services within the required timeframe, due to a lack of infrastructure, it was obliged, under the USO, to offer the community interim services. Telstra, after discussion with the Kurungal Aboriginal Council’s representative, forwarded the necessary paperwork for the provision of the interim service to the Council for its completion.

The paperwork was returned to Telstra on 5 February 2002. An interim service was required to be supplied within 30 working days of the original request for a new service, plus an extra working day for each working day between Telstra offering the service and the community agreeing in writing to it.

Telstra advises that record flooding in the Fitzroy River basin from 23 February prevented access to the community and, therefore, prevented provision of an interim service by 1 March 2002 as planned. Telstra advises that the earliest it was able to access the community and install the service was 12 March 2002. (This was still within the applicable USO timeframe.)

(4) The provision of interim services is provided for under the USO. Telstra appears to have satisfied the USO requirements for providing interim services.

Telstra advises that the community was informed of Telstra’s legal obligations under the USO and CSG and agreed to both the interim service arrangements and the delivery of a permanent service within an extended timeframe. Telstra also advises that it is discussing further with the community the use of available wireless infrastructure.

As Telstra appears to have worked cooperatively with the community in this matter and obtained its agreement on arrangements to date, it seems Telstra has and will satisfy USO and CSG requirements in this matter.

If the community considers Telstra has not met its USO or CSG obligations it should raise the matter in the first instance with Telstra. Should it be dissatisfied with Telstra’s response, the community should then raise its concerns with the Telecommunications Industry Ombudsman (TIO) and/or the ACA.

Science: Research and Development

(Question No. 168)

Senator Brown asked the Minister for Health and Ageing, upon notice, on 7 March 2002:
With reference to the answer to question on notice no. 2558 (Senate Hansard, 9 November 2000, p.19650):

1. Which premises at Ridgley are being used for the University of Tasmania’s experiments.
2. If they are not university premises: (a) whose are they; and (b) what is the role of the landlord in the experiments.
3. When did the Ridgley experiment begin and who are the principals.
4. What is the difference between these experiments, involving genes from Agrobacterium rhizogenes, and those being conducted by Monash University.
5. How much has the Commonwealth contributed to each of the three sets of experiments listed in the answer to part (a) of question on notice no. 2558.
6. Are there no expectations or plans to conduct field trials by Monash University, the University of Tasmania or the Commonwealth Scientific and Industrial Research Organisation; if there are, what are the expectations or plans.

Senator Patterson—The answer to the honourable senator’s question is as follows:

1. Information about these experiments was provided under the old (voluntary) Genetic Manipulation Advisory Committee (GMAC) process. The new Office of the Gene Technology Regulator (OGTR) came into existence on 21 June 2001. As part of the establishment process, the OGTR has ascertained that the work in question has been completed and that the experiments in question are no longer being undertaken. Therefore no licence (deemed or otherwise) have been requested or issued for the work in question.
2. Details on the ownership of the premises used for experimentation was not collected as part of the voluntary GMAC system.
3. Information provided under the GMAC process was supplied on a confidential basis. However, the OGTR can confirm that the experiments in question are no longer being conducted.
4. The Tasmanian experiments in question were looking at the E. nitens and E. globulus species of eucalypt. The Monash University experiments involved introduction of different genes into E. grandis, E. dunnii and E. nitens eucalypt species.
5. The GMAC process focussed on the assessment and management of risks. The GMAC did not seek or receive information on the source or quantum of funding of GMO research. In May 1999, responsibility for the regulation of GMOs was transferred to the then Department of Health and Aged Care. No funding from the Department has been allocated to these projects since the health portfolio assumed responsibility for gene technology regulation.
6. Neither GMAC, nor the OGTR have received any applications for field trials of genetically modified eucalypt, pine or acacia in Australia. GMAC and OGTR records contain no information on expectations or plans to conduct such field trials.

Health: Psychiatric Services

(Question No. 170)

Senator Brown asked the Minister for Health and Ageing, upon notice, on 7 March 2002:

With reference to the Government’s decision to reduce Medicare rebates by 50 per cent for psychiatric patients who need more than 50 visits per year to a psychiatrist, and the decision to similarly reduce rebates by half for that group of patients who qualify for item 319 (and related Medicare Benefits Schedule items) if they need ongoing intensive treatment in excess of 160 sessions per year:

1. How does the Minister explain the continued existence of item 319 (et al) restrictions on treatment of severely-ill patients when the department has been given evidence by the National Association of Practising Psychiatrists as to the detrimental impact, clinically and economically, of these restrictions.
2. How can the Minister justify a $15 million taxpayer-funded advertising campaign for private health insurance, when he has refused to rebate through Medicare patients who need more than one visit per week to their psychiatrist but who do not satisfy the conditions for item 319.
3. Can the Minister explain what steps have been taken to overcome the anomaly that there is a significant group of psychiatric patients with severe disorders (eg. borderline personality disorder) who can only be maintained at a functioning level if seen 4 or 5 times per week for long-term
treatment, but are financially penalised through a 50 per cent rebate reduction when the item 319 cap is effected.

(4) Is the Minister aware that the Royal Australian and New Zealand College of Psychiatrists has indicated in its quality assurance projects that, for these types of patients, long-term intensive treatment has been cited as the treatment of choice.

(5) Can the Minister explain what steps have been taken to eliminate the financial burden for patients who require more than 160 sessions in one year.

(6) Will the Minister agree to review item 319 restrictions, given that the rationale for their introduction (to increase access to services) no longer holds, as shown by the overall decrease in attendances to psychiatrists since 1996.

(7) Will the department meet with the National Association of Practising Psychiatrists to discuss the concerns of patients and clinicians who are entrusted with their care.

Senator Patterson—The answer to the honourable senator’s question is as follows:

(1) My office has responded to the National Association of Practising Psychiatrists (NAPP) noting its views and inviting the NAPP to put forward an independent submission regarding item 319 if they wish. The NAPP was also advised that my office was awaiting a full submission from the Royal Australian and New Zealand College of Psychiatrists (RANZCP) in relation to a review of psychiatric services, including item 319. The present criteria for item 319 were agreed to by the RANZCP in 1997.

(2) The Government has a range of priorities and funding decisions in order to meet the broad range of objectives in the health policy area. This includes expenditure on private health insurance initiatives to ensure that people fully understand new Government initiatives such as no, or known, gaps arrangements. Patients who attend a psychiatrist more than 50 times in a year and who do not satisfy the requirements of item 319 are still rebated through Medicare but at a lower rate.

(3) The limits and conditions pertaining to item 319 are based on existing evidence and expert opinion and have been agreed with the RANZCP. Patients who, based on the evidence, require more than 50 services per year have access to item 319 for those services.

(4) Yes, I am aware of the RANZCP’s views.

(5) When patients require more than 160 sessions in one year Medicare rebates are payable at reduced rates.

(6) I do not agree that the rationale for the introduction of item 319 no longer holds. There has been an increase in psychiatric consultations over the period 2000-2001, as well as item 319 services, which would suggest increased access to services. However, should the profession provide a comprehensive submission detailing an alternative structure for the item, I will consider it.

(7) My Department is always prepared to meet and discuss with the profession concerns of patients and clinicians.

Australian Medical Association: Dr Wooldridge

(Question No. 179)

Senator Robert Ray asked the Minister for Health and Ageing, upon notice, on 11 March 2002:

(1) On how many occasions did the department pay the subscription of the former Minister, Dr. Wooldridge, to the Australian Medical Association.

(2) What was the total cost of those payments.

(3) Did the department pay any other professional subscriptions on behalf of the former Minister; if so: (a) what were the organisations concerned; and (b) what was the cost of each of the subscriptions.

Senator Patterson—The answer to the honourable senator’s question is as follows:

(1) 6

(2) $1,393

(3) No
Fisheries: Bycatch Action Plans  
(Question No. 189)

Senator Greig asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 12 March 2002:

(1) What funding is being, or has been, allocated to the Australian Fisheries Management Authority for the implementation of bycatch action plans for Commonwealth fisheries.

(2) Will this funding continue after bycatch action plans expire in 2002.

(3) What implementation, enforcement and compliance measures will be implemented to ensure that bycatch reduction strategies are effective.

(4) Will there be an independent observer program as part of each bycatch action plan implementation; if so, please describe the nature of the observer program to be used.

(5) What measures will be introduced to ensure that the impacts of fishing on threatened species are better understood and reduced (please provide information for each threatened species and marine protected species in the Commonwealth fisheries).

(6) What steps will be taken to further research and develop improved bycatch reduction technologies and methods.

(7) Will specific performance indicators be identified and bycatch reduction targets be included in the implementation of bycatch action plans.

(8) Does the Commonwealth consider the retention and sale of bycatch, which is then called byproduct, to be a bycatch reduction strategy.

(9) What assessment of these new target byproduct species takes place before their retention and sale is permitted.

(10) Does the assessment include an ecological assessment as opposed to a species specific assessment

(11) What percentage of proposed bycatch reduction will be the result of designating bycatch as byproduct,

(12) How many non-processing boats were operating in the South East Trawl Fishery (SETF) in (a) 1999; (b) 2000; and (c) 2001,

(13) How many observer trips were made under the Integrated Scientific Monitoring Program (ISMP) in the Blue Grenadier section of the SETF in (a) 1999; (b) 2000; and (c) 2001,

(14) How many observer hours did these trips constitute in (a) 1999; (b) 2000; and (c) 2001,

(15) How many of those observer trips and observer hours took place on non-processing boats in: (a) 1999; (b) 2000; and (c) 2001,

(16) How many reported deaths of seals, albatross and other threatened species have there been under the ISMP in the Blue Grenadier section of the SETF since its inception to date (please provide figures on a year by year basis).

(17) How many seal deaths have been reported in the Blue Grenadier section since 16 July 2000, under section 265 of the Environment Protection and Biodiversity Conservation Act 1999,

(18) How many seal deaths have been reported in other fisheries since 16 July 2000, under section 265 of the Act,

(19) How many albatross deaths have been reported in all fisheries since 16 July 2000, under section 265 of the Act.

(20) How many deaths of other threatened, marine migratory and cetacean species were reported since 16 July 2000, under section 265 of the Act.

(21) What funding is being provided to the National Action Plan for Sharks (NAPS)

(22) How will that funding be allocated within the NAPs.

Senator Ian Macdonald—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator’s question:

(1) There has been no specific additional allocation to the Australian Fisheries Management Authority for the implementation of bycatch action plans. The Australian Fisheries Management Authority receives funding from Government and the fishing industry to manage Commonwealth fisheries.
The funding is spent on a wide range of fisheries management programs, including those detailed in bycatch action plans.

(2) Not applicable.

(3) Fishery compliance strategies are established to ensure compliance with fishery management arrangements, including those described in bycatch action plans. There is a broad range of information collection measures to ensure that bycatch action plans are effective and to assist with enforcement. These include observer programs, integrated scientific monitoring programs, fixed station surveys, logbook collection including the development of a protected species reporting form, and targeted research. Implementation of the bycatch action plans is checked via six monthly reporting on all actions.

(4) No. The Australian Fisheries Management Authority is developing a data acquisition management program to ensure an appropriate minimum time series of fishery independent data is available in all Commonwealth fisheries. Observer programs are only adopted if the Australian Fisheries Management Authority considers that they are appropriate for the fishery.

(5) In pursuit of AFMA’s objective of ecologically sustainable development detailed in s 3(1)(b) of the Fisheries Management Act 1991, and in accordance with the Environment Protection and Biodiversity Conservation Act 1999, AFMA continues to introduce management measures to reduce the impacts of fishing on threatened species. All the ecological effects of fishing, including effects on threatened species, are being documented as part of a five year process of producing strategic assessment reports for all Commonwealth fisheries.

(6) The bycatch action plans are fully reviewed every two years. The Australian Fisheries Management Authority and fishery management advisory committees examine opportunities for further research and development of bycatch reduction technologies on an ongoing basis.

(7) Yes. Bycatch action plans aim to ensure bycatch is minimised and ecologically sustainable.

(8) Under the Commonwealth Bycatch Policy—bycatch is defined as the proportion of catch which is not retained. Bycatch action plans aim to ensure bycatch is minimised. Byproduct is retained non target species. The Australian Fisheries Management Authority will encourage additional research to contribute to the sustainability of these species.

(9) There is an ongoing process of assessment of target and non-target species through the fisheries assessment groups. If insufficient data is available then a precaution approach is adopted.

(10) Fisheries assessment groups take into account all available and relevant information, including ecological considerations, in providing recommendations to the Australian Fisheries Management Authority.

(11) It is not possible to express the proposed bycatch reduction in Commonwealth fisheries as a percentage. Bycatch action plans aim to ensure bycatch is minimised and where impacted ecologically sustainable.

(12) (a) 103 vessels, (b) 103 vessels, and (c) 98 vessels held quota and were active in the non-processing sector of the South East fishery.

(13) In the non-processing sector of the blue grenadier part of the South East Fishery, the Integrated Scientific Monitoring Program coverage was (a) 50 days, (b) 14 days, and (c) 53 days.

(14) The data is not available in hours. Observer trips are expressed in days as given in the answer to question 13.

(15) All the Integrated Scientific Monitoring Program observer trips referred to in the answer to question 13 were on non-processing vessels.

(16) The Integrated Scientific Monitoring Program recorded the following deaths on non-processing vessels operating in the blue grenadier part of the South East Fishery: a) zero seal and albatross deaths in 1999, b) three seal and zero albatross deaths in 2000, and c) four seal and zero albatross deaths in 2001.

(17) This question should be directed to the Minister for the Environment and Heritage.

(18) This question should be directed to the Minister for the Environment and Heritage.

(19) This question should be directed to the Minister for the Environment and Heritage.

(20) This question should be directed to the Minister for the Environment and Heritage.
(21) Approximately $100,000 has been used to develop a National Plan of Action for the Conservation and Management of Sharks (NPOA-Sharks) and the Assessment Report on which it is to be based. This National Plan will implement the United Nations Food and Agriculture Organization International Plan of Action for the Conservation and Management of Sharks associated with the Code of Conduct for Responsible Fisheries.

(22) A Shark Advisory Group, which comprises of representatives from Commonwealth and State/Territory fisheries agencies, industry, conservation groups, science organizations and indigenous interests, are assisting in developing the NPOA-Sharks. The SAG will recommend priorities, timeframes and responsibilities for each action identified in the NPOA-Sharks.

Agriculture, Fisheries and Forestry Portfolio: Industry Advisory Bodies

(Question No. 197)

Senator O’Brien asked the Minister representing the Minister for Agriculture Fisheries and Forestry, upon notice, on 19 March 2002:

(1) How many industry advisory bodies are there in the Agriculture, Fisheries and Forestry portfolio.

(2) (a) What is the membership of each body; (b) how are members selected; and (c) how often does each body meet.

(3) Can a schedule of meetings for each body since January 2002 be provided.

(4) Since January 2002, how many meetings of the above bodies have been attended by the Minister.

(5) Does the Government provide funding to these industry advisory bodies; if so: (a) how much funding has been provided to each body since January 2002; and (b) how does each body use the funding.

Senator Ian Macdonald—The Minister for Agriculture Fisheries and Forestry has provided the following answer to the honourable senator’s question:

(1) Currently there are 21 industry advisory bodies in the Agriculture, Fisheries and Forestry portfolio. The interpretation used for “industry advisory bodies” is non-statutory, advisory body of industry representatives.
<table>
<thead>
<tr>
<th>Industry Advisory Body</th>
<th>(2)(a) Membership</th>
<th>(b) How are members selected</th>
<th>(c) How often does each body meet</th>
<th>(3) Schedule of meetings for each body since January 2002</th>
<th>(4) Since January 2002, how many meetings has the Minister attended</th>
<th>(5) Does the Government provide funding to these industry advisory bodies; if so: (a) how much funding has been provided to each body since January 2002 (b) how does each body use the funding</th>
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</thead>
<tbody>
<tr>
<td>Australian Animal Health Laboratory (AAHL) Advisory Committee</td>
<td>9 Members 2 from AFFA - Chief Veterinary Officer &amp; Deputy Secretary. 1 CSIRO Livestock Industry. 1 Director of AAHL &amp; 5 other members with special skills in industry &amp; Government</td>
<td>Members are appointed by a selection panel in consultation with major stockholders</td>
<td>At least twice a year</td>
<td>27 March 02</td>
<td>Nil</td>
<td>Yes Nil</td>
</tr>
<tr>
<td>Australian Shellfish Quality Assurance Advisory Committee (ASQAAC)</td>
<td>Membership usually comprises one government and one (shellfish) industry representative from each state and NT, plus representatives from Australian Quarantine Inspection Services (AQIS), the National Residue Survey (NRS), the Australian New Zealand Food Authority (ANZFA) and the New Zealand government.</td>
<td>Selection is on the basis of industry stakeholder nomination and the state government representatives are usually those with a direct responsibility for shellfish food safety management</td>
<td>Twice a year.</td>
<td>The first meeting for 2002 is scheduled for May</td>
<td>Nil</td>
<td>No</td>
</tr>
<tr>
<td>Fish Health Management Committee</td>
<td>17 members representing major Agricultural Industries, State &amp; Territory Government</td>
<td>Industry people are nominated by Industry &amp; Government people are representatives of Agriculture committee Primary Industries Standing Committee (PISC) &amp; AFFA representatives</td>
<td>Twice a year</td>
<td>The first meeting for 2002 is scheduled for 24-25 July</td>
<td>Nil</td>
<td>Yes Nil</td>
</tr>
<tr>
<td>Industry Advisory Body</td>
<td>(2)(a) Membership</td>
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<td>Forest and Wood Products Council</td>
<td>No restrictions on number of members or specification of criteria under Regional Forest Agreements Act 2002. There 12 members of the Council at present.</td>
<td>Appointed by the Minister.</td>
<td>Minimum twice annually (Regional Forest Agreements Act 2002).</td>
<td>No</td>
<td>Nil</td>
<td>No</td>
</tr>
<tr>
<td>Horticulture Market Access Committee</td>
<td>Members are representatives of horticultural industries and Government agencies</td>
<td>Nominated by Peak Industry Body and Government Agency</td>
<td>Three times a year</td>
<td>The first meeting for 2002 is scheduled for May.</td>
<td>Nil</td>
<td>No</td>
</tr>
<tr>
<td>Independent Reference Group</td>
<td>4 members, 1 from AFFA, 1 industry, President of the RSPCA and the Chairman of the National Consultative Committee on Animal Welfare (NCCAW).</td>
<td>The Australian Chief Veterinary Officer, as Chair of the Independence Reference Group, offers an invitation.</td>
<td>Half Yearly</td>
<td>8 April 2002</td>
<td>Nil</td>
<td>Yes $3,708.13 since January 2002</td>
</tr>
<tr>
<td>Lamb Industry Development Advisory Committee (LIDAC)</td>
<td>Membership comprises 7 industry representatives, 2 independents and 2 government members.</td>
<td>No statutory basis for LIDAC. Non-government representatives nominated by industry and approved by Minister.</td>
<td>As required.</td>
<td>No meetings are scheduled for 2002.</td>
<td>Nil</td>
<td>Yes. Nil.</td>
</tr>
<tr>
<td>Market Access and Biosecurity Grains Industry Consultative Committee</td>
<td>Members are representatives of the grain and seed industries</td>
<td>Nominated by peak industry bodies</td>
<td>Three times a year</td>
<td>Meetings are scheduled for 10 May, 23 August &amp; 7 December 2002</td>
<td>Nil</td>
<td>No</td>
</tr>
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<tr>
<td>National Aquaculture Development Committee</td>
<td>Currently 13 members from Commonwealth and State governments and peak industry bodies</td>
<td>Minister Truss made final selection based on recommendations from selection committee</td>
<td>Meets on a needs basis.</td>
<td>5/6 February 2002. No further meeting planned.</td>
<td>Nil</td>
<td>Yes. $10,000 for a meeting held 5/6 February 2002</td>
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<tr>
<td>National Codex Committee (NCC)</td>
<td>Membership comprises representatives of Commonwealth and State governments and approximately six industry groups representing grains, farmers, consumers, food and beverage importers and the food and grocery industry.</td>
<td>Members are invited to participate by AFFA or can nominate to represent a particular industry.</td>
<td>The NCC meets 2 to 3 times per year.</td>
<td>7 February 2002.</td>
<td>Nil</td>
<td>No</td>
</tr>
<tr>
<td>National Consultative Committee on Animal Welfare</td>
<td>The committee consists of an independent chair and 15 members.</td>
<td>The Chair person is appointed by the Minister. The 15 members, are nominated from the following: AFFA, Environment Australia, National Health &amp; Medical Research Council, National Farmers Federation, Australian Veterinary Association, RSPCA &amp; ANZFA</td>
<td>The committee is required to report twice-annually to the minister on its activities.</td>
<td>Meetings are scheduled for April and October</td>
<td>Nil</td>
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<tr>
<td>Industry Advisory Body</td>
<td>(2)(a) Membership</td>
<td>(b) How are members selected</td>
<td>(c) How often does each body meet</td>
<td>(3) Schedule of meetings for each body since January 2002</td>
<td>(4) Since January 2002, how many meetings has the Minister attended</td>
<td>(5) Does the Government provide funding to these industry advisory bodies; if so: (a) how much funding has been provided to each body since January 2002</td>
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<td>National Introduced Marine Pests Coordination Group (NIMPCG)</td>
<td>There are 25 members from Commonwealth and State governments, industry and environment groups</td>
<td>Industry members are selected by relevant stakeholder groups. Government members are usually those with a direct responsibility for marine pest issues</td>
<td>NIMPCG last met in November 2001 and is scheduled to meet again in June 2002</td>
<td>NIMPCG has not met since Jan 2002</td>
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<tr>
<td>National Residue Survey Beef Industry Advisory Committee</td>
<td>The National Residue Survey invites membership from peak bodies: the Cattle Council of Australia and the Australian Lot Feeders Association.</td>
<td>Representatives are selected by the respective organisations</td>
<td>Usually once a year—around March.</td>
<td>27 March 2002</td>
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<td>New Industries Development (NIDP) Advisory Committee</td>
<td>The NIDP Advisory Committee is to consist of up to ten members, including a Chairperson</td>
<td>Minister Truss appoints members based on recommendation made by AFFA. The members are appointed on the basis of their special expertise in the areas of new agribusiness industry enterprise development, finance, tertiary sector representing business &amp; marketing in new industry development, product development &amp; innovation research, supply chain management and trade. Of the members, one officer will represent the Commonwealth, through AFFA as the deputy Chair. NIDP Advisory Committee mem-</td>
<td>No more than three times per year.</td>
<td>21-22 March 2002. Meetings are scheduled for July and November.</td>
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<td>Industry Advisory Body</td>
<td>Membership currently consists of 12 members comprising relevant industries, government and other skills and experienced based appointees</td>
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<td>How often does each body meet</td>
<td>Schedule of meetings for each body since January 2002</td>
<td>Since January 2002, how many meetings has the Minister attended</td>
<td>Does the Government provide funding to these industry advisory bodies; if so: (a) how much funding has been provided to each body since January 2002</td>
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<td>Primary Industries Standing Committee Taskforce on the Joint Expert and Technical Advisory Committee on Antibiotic Resistance (JETACAR)</td>
<td>AFFA, each of the State/Territory Government Agriculture Departments, Meat and Livestock Australia, Australian Dairy Farmers Federation Ltd, Australian Poultry Industry Association, Pork Council of Australia, Australian Veterinary Association</td>
<td>The members are appointed by the Minister for Agriculture, Fisheries and Forestry</td>
<td>Five meetings</td>
<td>13 February, 24 April, 19 June, 12 September and 27 November 2002</td>
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<td>Yes.</td>
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<td>Quarantine and Export Advisory Council</td>
<td>Key stakeholders in the implementation of the Commonwealth Governments response to the JETACAR report.</td>
<td>Ad hoc.</td>
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<td>(b) How are members selected</td>
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<td>(4) Since January 2002, how many meetings has the Minister attended</td>
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<td><strong>Raw Cotton Marketing Advisory Committee (RCMAC)</strong></td>
<td>There are 17 committee members comprising 1 Government Representative, 7 Processor Representatives, 3 Spinners Representatives, 1 Classers Association Representatives, 2 Cotton Research &amp; Development Corporation Representatives, 2 Industry Representatives, 1 Secretary (Cotton R&amp;D)</td>
<td>Each sector nominates their representative/s for the committee.</td>
<td>RCMAC generally meets three times a year.</td>
<td>Meetings are usually held around March, July and November and are determined at the meeting beforehand. The last meeting was on 20 February 2002</td>
<td>Nil</td>
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<td><strong>Red Meat Advisory Council (RMAC)</strong></td>
<td>President/chairman of each of the prescribed industry bodies - Cattle Council of Australia, Australian Lot Feeders Association, Australian Meat Council, National Meat Association of Australia, Sheepmeat Council of Australia and Australian Livestock Exporters' Council</td>
<td>Industry representative bodies may be prescribed by the Minister under the provisions of the Australian Meat and Livestock Industry Act 1997. Presidents of those bodies are elected by members.</td>
<td>RMAC meets quarterly. In addition, ad hoc meetings and teleconferences are held to discuss issue of industry importance as they arise.</td>
<td>6 March and 29 April 2002</td>
<td>Nil</td>
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<td>Rural Innovation Advisory Council (RIAC)</td>
<td>Membership of up to 12 industry specialists.</td>
<td>The Department draws up a shortlist of potentially suitable candidates based on eight skills-based selection criteria, including Rural sector financial management; Business planning; Extension; market analysis and communications; Rural enterprise development; Business or farm establishment; Project and grant assessment; and Previous board experience. In consideration of this information, the Minister selects Council members.</td>
<td>RIAC meets on an “as needs” basis to consider Farm Innovation Program grant applications. Since the establishment of the Council in 2000, it has met four times face to face (one meeting for each of the four grant-rounds) and conducted six teleconferences.</td>
<td>No</td>
<td>N/A</td>
<td>Yes, Nil since January 2002</td>
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<td>SAFEMEAT</td>
<td>Heads of industry peak Councils eg Cattle Council of Australia etc &amp; Secretary of AFFA, Chief Veterinary Officer &amp; Head of one of the State Agriculture Departments</td>
<td>Under memorandum of understanding approved by Agriculture and Resources Mineral Council of Australia and New Zealand (ARMCANZ) members are drawn from nominated industries / government positions.</td>
<td>4 meetings per annum</td>
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<td>(c) How often does each body meet</td>
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<td>Supermarket to Asia (STA) Council</td>
<td>The majority of positions are ex officio (5 Government Ministers, the Executive Director of the STA Council, the President of the National Farmers Federation, the Chairman of the Australian Food and Groceries Council) or nominees are drawn from industry bodies (the Packaging Council of Australia, the Shop Distributive and Allied Employees Association).</td>
<td>The Minister makes recommendations for appointment to the Prime Minister, for approval by Cabinet. Members are appointed on a part time basis.</td>
<td>Four times a year.</td>
<td>20 March 2002 (tele-conference)</td>
<td>Nil</td>
<td>Yes. Funding is provided through STA Ltd. $150,916.15 including GST has been provided to STA Ltd since January 2002</td>
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Australia Post: Postage Stamps
(Question No. 203)

Senator Allison asked the Minister for Communications, Information Technology and the Arts, upon notice, on 21 March 2002:

Is it the case that Australia Post does not intend to honour the gold medal achievements of the 2002 Winter Paralympic athletes on postage stamps as they did for the 2002 Winter Olympics; if so, what is the reason for this discrimination; if not, when will these stamps be made available to the general public.

Senator Alston—The answer to the honourable senator’s question based on advice received from Australia Post is as follows:

Australia Post has advised that it has issued stamps honouring the Australian gold medal winners at the 2002 Winter Paralympic Games. The stamps were issued on 9 April 2002 and are available from postal outlets or by calling 1800 331 794.

Defence: Recruitment
(Question No. 205)

Senator Chris Evans asked the Minister representing the Minister Assisting the Minister for Defence, upon notice, on 21 March 2002:

(1) How many inquiries were made about joining each of the three services in 1996, 1997, 2001 and to date in 2002 (please breakdown the data into (a) male and (b) female inquirers). (For the years in between, we are relying upon the figures on page 65 of the 2020 Report. If these are wrong or have been updated, please provide any updates or corrections for 1998, 1999 and 2000).

(2) Can the same data on the number of inquiries about joining the Reserves between 1996 and 2002 be provided.

(3) How many applications were there for each of the three services in 1996, 1997, 2001 and to date in 2002 (please breakdown figures into male and female applicants, and also provide the number of applicants to the Reserves between 1996 and 2002).

(4) How many enlistments were there in each of the three services in 1996, 1997, 2001 and to date in 2002 (please breakdown figures into male and female enlistees, and also provide the number of people joining the Reserves between 1996 and 2002).

(5) Can the actual numbers leaving each of the three services from 1990 to date be provided in tabular form (please also show these numbers as a percentage of the total in each of the services at the relevant point and breakdown this information into male and female separations, and provide the same information for the Reserves).

Senator Hill—The answer to the honourable senator’s question is as follows:

(1) and (2) See Table entitled Enquiries.

(3) See Table entitled Applications Received.

(4) See Table entitled Enlistments.

(5) See Table entitled Separations. The Navy and Air Force Workforce Planning sections do not currently maintain Reserve separation statistics, therefore, only the Army Reserve separation data is provided.
### Permanent and Reserve Force Enquirers to 28 Feb 02

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### Permanent and Reserve Force Enquirers to 28 Feb 02

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### Part (3)—Applications Received

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Permanant and Reserve Force Applications Received to 28 Feb 02
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Permanent and Reserve Force Separations 1990/91 to 2001/02 (Year to Date)

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Environment: Stuart Oil Shale Project

(Question No. 210)

Senator Carr asked the Minister representing the Minister for the Environment and Heritage, upon notice, on 22 March 2002:


(2) Does the Minister consider that these two reports have adequately addressed the issue of dioxin pollution generated by the proposed second stage of the Stuart project.

(3) Does the Minister accept concerns that the supplementary report, in particular, contains serious deficiencies in the level of information provided on such environmental impact issues as greenhouse impact, dioxin emissions and groundwater and marine pollution, and that the supplementary report also fails to provide the detail required on these matters.

(4) Does the Minister accept the conclusion of these two reports that “Stage Two of the Stuart Project can proceed with minimal environmental impact”.

(5) What response does the Minister have to the claim that the supplementary report plays down the significance of the Stuart project’s dioxin releases, even though such an emphasis is at odds with the data contained in the report.

(6) (a) What value does the Minister place on the claim in the supplementary report of a “probable” ten-fold reduction in dioxin formation between Stage 1 and Stage 2 through the use of unidentified control equipment and processes; (b) what steps have been taken to identify the nature of such equipment and processes; and (c) what scientific or other verifiable basis exists for making such a claim.
What estimates have been made of the quantum by which Australia’s greenhouse gas emissions would increase if: (a) the Stuart Oil Shale deposit was developed; and (b) all SPP/CPMs oil shale deposits were developed.

**Senator Hill—** The Minister for the Environment and Heritage has provided the following answer to the honourable senator’s question:

1. The Supplementary Report (or Final Environmental Impact Statement) was released on 18 January 2002. In accordance with Paragraph 9.2 of the Administrative Procedures under the Environment Protection (Impact of Proposals) Act 1974, I authorised Environment Australia to seek further information from the proponent on 8 February 2002. Under Paragraph 9.4(c) of the Administrative Procedures the relevant period for me to make any comments, suggestions or recommendations to the action Minister is 42 days after the receipt of any information required under paragraph 9.2. The timing of the provision of additional information is at the discretion of the proponent.

2. No.

3. Further information was sought to satisfy deficiencies in the information supplied in the Supplementary Report.

4. I have yet to consider the final EIS and the additional information sought.

5. I have authorised my Department to seek additional information on the issue of dioxins produced by the project.

6. (a) My Department has requested substantiation of this comment in its request for additional information.

   (b) See response to 6(a).

   (c) See response to 6(a).

7. (a) My Department has requested additional information in relation to greenhouse gas emissions.

   (b) See response to 7(a).

** Customs: Import Duty**

(Secondary title)

**Senator Murray** asked the Minister for Justice and Customs, upon notice, on 2 April 2002:

1. Is the Australian Customs Service examining a lodged complaint in which it is alleged that an importer of spirits to Australia has:
   - sourced various spirits from Scotland and the United States of America, but packaged these spirits in New Zealand for subsequent export to Australia, as scotch, bourbon or scotch/bourbon pre-mix products;
   - whilst not doing so for their own clearances to home consumption, has facilitated the clearances of these products by a number of third parties under the Australia New Zealand Closer Economic Relations Trade Agreement (ANZCERTA), saving these parties the 5 per cent tariff and flow-on goods and services tax (GST); and
   - for at least the period of April to November 2001, consistently packaged each product well below labelled strength, yet calculated the $33.22 per litre of alcohol excise equivalent duties at actual product strength, so saving considerable amounts of duty and GST; if so: (a) what has been the result of these investigations; and (b) is any action proposed to prevent any potential misuse of the ANZCERTA provisions in this way.

2. If the complaint is confirmed, what recovery and penalty action is possible against short payments of tariffs, excise equivalent duties and GST arising from such dealings.

**Senator Ellison—** The answer to Senator Murray’s question is as follows:

1. (a) Yes. These issues were received as two separate complaints. Customs has explained to the importer concerned that the Customs Act 1901 requires duty to be calculated at the labelled strength of spirit where that strength exceeds the actual strength. The importer has now challenged this conclusion in the Administrative Appeals Tribunal.

   (b) The possible misuse of the ANZCERTA provisions is still being investigated.
(2) If investigation concludes that the importer or third parties are using ANZCERTA provisions incorrectly, any resulting duty shortpaid becomes a debit due to the Commonwealth for which Customs can institute recovery action. A penalty of 200 per cent of duty shortpaid as a result of a relevant false or misleading statement may also be imposed. Customs would also consider whether to issue GST assessment and penalty notices on behalf of the Australian Taxation Office in accordance with ATO Guidelines.

**Environment Australia: Contracts**

**(Question No. 220)**

Senator Allison asked the Minister representing the Minister for the Environment and Heritage, upon notice, on 2 April 2002.

(a) Can a list be provided of the contracts or deeds of agreement for grants awarded which it has not published, or does not intend to publish, on Environment Australia’s website, as required by the order of the Senate of 20 June 2001, as amended on 27 September 2001; and

(b) can reasons be provided for not publishing these contracts.

Senator Hill—The Minister for the Environment and Heritage has provided the following answer to the honourable senator’s question:

At the date of this answer Environment Australia has complied with the Senate Order of 20 June 2001, as amended on 27 September 2001 on government agency contracts. Environment Australia has placed a list of contracts valued at $100,000 or more, which have not been fully performed or which have been entered into for the period 1 July 2000 to 5 August 2001, on the Environment Australia website.

A number of agreements have not been listed on the website, as legal advice indicated that these agreements did not fall within the Murray Motion definition of a Grant or Contract.

**Antarctica: Larsen B Ice Shelf**

**(Question No. 224)**

Senator Brown asked the Minister representing the Minister for the Environment and Heritage, upon notice, on 8 April 2002:

(1) What is the Australian Government’s assessment of the break-up of Antarctica’s Larsen B ice shelf.

(2) Is it unprecedented in recorded history.

(3) What is the cause.

(4) Will there be any impact, direct or indirect, on Australia from this event or related events; if so: (a) what; and (b) how can this be prevented or offset.

Senator Hill—The Minister for the Environment and Heritage has provided the following answer to the honourable senator’s question:

(1) The Larsen B ice shelf in Antarctica is thought to have existed for at least 12,000 years. A major part of the ice shelf broke away earlier this year, releasing approximately 720 billion tonnes of ice into the Weddell Sea.

(2)-(4) Ice shelves are floating appendages of continental ice sheets that are fed by glaciers flowing from the land, and by snow that accumulates locally. Ice shelves are attached to land on one side and rise and fall with the tide. Periodically, the combination of gravity and exposure to the atmosphere and the ocean causes icebergs to break off (or ‘calve’) from ice shelves. Since an ice shelf is floating, its ‘calving’ has no immediate direct or indirect consequences on sea level. However, the absence of the ice shelf could lead to an increased discharge of glacial ice into the ocean, eventually affecting sea level.

Scientists at the Australian Antarctic Division and the Antarctic and Southern Ocean Cooperative Research Centre are contributing to the international efforts to analyse the present and past history of the Antarctic ice sheet, and use numerical modelling to assess future impacts on the Antarctic and impacts on sea level.
Trade: Genetically Modified Food
(Question No. 227)

Senator Brown asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 8 April 2002:

(1) Did the Australian Government lobby or attempt to influence the decision by Sri Lanka to restrict the importation of genetically-engineered food; if so: (a) what form did the lobbying or influence take; (b) why was it undertaken; and (c) did the United States Government ask Australia to lobby on this matter.

(2) What Australian exports to Sri Lanka would have been affected by the proposed ban on genetically-engineered food, including the products, the volume traded and their value.

(3) What organic products are exported from Australia to Sri Lanka, including the volume traded and the value: and (b) would this trade have been enhanced by the proposed ban on genetically-engineered food.

(4) Does the Australian Government consider that a country has the right to determine whether it grows or imports genetically-engineered food.

Senator Ian Macdonald—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator’s question:

(1) Yes.

(a) With advice from Agriculture, Fisheries and Forestry - Australia, officials from the Department of Foreign Affairs and Trade made representations to the Sri Lankan Ministries of Health and Trade for this purpose.

(b) To maintain access to markets in Sri Lanka and provide assurance about the quality and safety of Australian food exported to Sri Lanka.

(c) No.

(2) Australia’s food exports to Sri Lanka, valued at more than $100 million per annum, were potentially affected by the ban in part because it was not technically possible to provide the GM Free certification which was being sought by Sri Lanka. The principal food exports potentially affected include cheese and milk powders ($79 million in 2000-01), fresh fruit and vegetables ($17 million) and processed and other food products ($11 million).

(3) (a) Information from the Australian Quarantine Inspection Service Organic Data Export Tracking System is that there were no exports of organic produce from Australia to Sri Lanka for the period September 1999 until 21 April 2002.

(b) I regret I have no information on which to base an answer to this question.

(4) Countries have the right to decide whether or not to grow genetically-modified crops within their own territory. Insofar as imports are concerned, members of the World Trade Organisation (WTO) have certain rights and obligations deriving from WTO membership. The WTO Agreement on the Application of Sanitary and Phytosanitary Measures (the SPS Agreement) allows members to set their own level of sanitary and phytosanitary protection. However, the SPS Agreement requires that measures be based on an international standard or scientific risk analysis, be consistent with other measures applied by the member country in order to avoid arbitrary or unjustifiable discrimination between WTO members; and be least trade-restrictive.

Environment: Native Vegetation
(Question No. 229)

Senator Brown asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 9 April 2002:

With reference to native vegetation on the property of Alan Royce Smith, at 1396 Ansons Bay Road, Gladstone, Tasmania:

(1) How much funding has been provided under Bushcare or any other program for work on this property.

(2) What was the funding provided for and when.
(3) (a) Did projects funded by Bushcare on this property meet all the criteria specified for such funding; (b) did they show 'long-term commitment beyond Commonwealth funding'; (c) were they strategic; and (d) did they address priority issues and were they consistent with a regional strategy.

(4) Is the Minister aware that: (a) an application has been made to clear 278 hectares of native vegetation on this property, logging the timber for 'low grade chip' and converting the area to grazing land; and (b) that the vegetation to be cleared includes Wedge-tailed Eagle nests and habitat for quolls and the swamp galaxias.

(5) Is the proposed clearing consistent with Bushcare.

(6) Is the proposed clearing consistent with Tasmania's commitment under the Regional Forest Agreement to maintain an extensive and permanent native forest estate, and to encourage native vegetation retention and management.

(7) (a) Has a strategic plan been prepared for the conservation of native vegetation in this region; and (b) is the proposed clearing consistent with it.

(8) What action will the Minister take to stop broad-scale clearing such as this from continuing to take place in Tasmania.

(9) What action will the Minister take in response to the findings of the State of the Environment Report that the large-scale clearing of native vegetation remains one of the most significant issues affecting Tasmania's environment and that the Tasmanian Government's approach remains 'grossly inadequate'

Senator Ian Macdonald—The answer to the honourable senator’s questions is as follows:

(1) to (7) The Minister for the Environment and Heritage has responsibility for the Bushcare program under the Natural Heritage Trust. Programs under the Agriculture, Fisheries and Forestry portfolio have not provided funding for work on this property.

(8) Land management is the responsibility of the Tasmanian Government. I would expect that any vegetation clearing activity would be undertaken within the requirements of the relevant legislation and agreements.

(9) The Tasmanian Resource Planning and Development Commission (RPDC) is undertaking the first five year review of progress with the implementation of the Tasmanian Regional Forest Agreement (RFA). This review will assess the performance against undertakings made in the RFA, including those related to the clearing of native vegetation on private land.

Tasmania: Meander Dam

(Question No. 231)

Senator Brown asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 9 April 2002:

(1) (a) How much Federal Funding has been provided, or is proposed, for the Meander Dam; (b) under which programs is it provided; (c) what is its purpose; and (d) what is the breakdown of how it will be spent or has been spent.

(2) (a) Who authorised the funding; (b) when; and (c) what information was provided to justify the expenditure.

(3) Is it true that on-farm dams are a cheaper option for irrigation than construction of the dam.

(4) (a) What analysis supports the economic viability of the dam; and (b) does it involve subsidies to the irrigators; if so, how much.

(5) Which federal ministers have visited the dam site and when.

Senator Ian Macdonald—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator’s question:

(1) (a) The Howard Government made an election commitment to assist in the development of Tasmanian agriculture with $2.5 million in funding to develop the Meander Dam. (b) Funding is a matter for the budget context. (c) The purpose of Commonwealth investment in the Meander Dam is to increase the availability of water for irrigated agriculture in Tasmania. The Tasmanian Government expects that the dam will assist in maintaining or improving the ecological health in the
Meander River by increasing the environmental flows, (d) Details of the funding are a matter for the budget context.

(2) (a) and (b) The funding was announced in the 2001 election policy statement, A Stronger Tasmania in November 2001, (c) The estimated size of the commitment was based on State Government studies. It combines private investment with State and a matching Commonwealth investment, to ensure the proposal’s viability.

(3) In 1995, on-farm dams were investigated by GHD, a consultant for the Tasmanian Rivers and Water Supply Commission, as an alternative to the instream dam on the Meander River. This study found that the construction of on-farm storage initially appears to be the better option economically. However, other economic, environmental and social aspects make the Meander Dam more favourable. These include:
   - many of the viable farm dam sites have already been developed since this study, leaving insufficient sites to meet the current water demand;
   - environmental considerations of on-farm dams such as the high potential for localised, uncontrolled impacts on associated tributaries;
   - environmental considerations of the Meander Dam such as improvements to environmental flow in the Meander River;
   - farm dams offer no power generation potential.

(4) (a) The economic viability has been examined in several State Government reports from 1994 to the present. Most recently, the Development Proposal and Environmental Management Plan (DPEMP) was released for public comment in 2002. Hydro Tasmania prepared the Meander Dam Feasibility Studies Desktop Review in September 2001. In addition, the Tasmanian Department of Primary Industries Water and Environment released the Agricultural and Economic Report in March 2002, (b) The development and operation of the Meander Dam is intended to be fully cost recovered through appropriate water pricing water applying to water users, to be consistent with the CoAG water reform framework.

(5) Neither the Hon Warren Truss, Minister for Agriculture, Fisheries and Forestry, nor the Hon Dr David Kemp, Minister for the Environment and Heritage have visited the site.

**Science: Primates**

*Senator Bartlett* asked the Minister for Health and Ageing, upon notice, on 9 April 2002:

(1) How many primates are used or have been used in scientific and/or medical experimentation in Australia for the years 2000 and 2001.

(2) With reference to the answer to question on notice no. 1118, (Senate *Hansard*, 30 August 1999, p. 7996), can the National Health and Medical Research Council (NHMRC) provide statistics on the number of primates used in scientific and/or medical experimentation in Australia which received NHMRC grants, including: (a) the name of each facility which uses primates; (b) the total number of primates at each facility; (c) the common name and number of species at each facility; (d) where the primates were sourced from; and (e) the address of each facility.

(3) How much Commonwealth funding did each of the facilities which use primates in scientific and/or medical experimentation receive in the years 2000 and 2001.

*Senator Patterson*—The answer to the honourable senator’s question is as follows:

(1) A total of 678 non-human primates (marmosets, macaques, baboons and tree shrews) were expected to be used in Australia in 2000 and 2001 by researchers funded under the National Health and Medical Research Council (NHMRC) grants program.

(2) The statistics relating to the number of non-human primates used in scientific and/or medical research funded under the NHMRC program are provided in the table below. Please note that it is not possible to know where the animals were sourced from (part d). However, it might be expected that NHMRC funded researchers would mainly obtain their non-human primates from the relevant colonies that NHMRC supports:
   - The National Macaque Facility, University of Melbourne, Werribee, VIC, 3030
   - The National Marmoset Facility, Monash University, Churchill, VIC 3842
In 2000 and 2001, the amount of NHMRC funding for project grants to Institutions with research involving non-human primates is $2,795,625 and for all NHMRC funding research at these Institutions the amount is $218,794,371, as detailed in the table below. There will be other sources of Commonwealth funding for these institutions. The NHMRC is not in a position to be specific about the total amount of Commonwealth funding received by institutions involved in scientific and/or medical experimentation on non-human primates.

<table>
<thead>
<tr>
<th>Name of Institution using non-human primates [2(a) and 2(e)]</th>
<th>Non-human primates expected to be used in 2000 and 2001—from NHMRC project grant applications [2(b) and 2(c)]</th>
<th>NHMRC project grant funding for research using non-human primates in 2000 and 2001 [3]</th>
<th>All NHMRC grant funding in 2000 &amp; 2001 [3]</th>
</tr>
</thead>
<tbody>
<tr>
<td>University of Newcastle, Callaghan Dr, Newcastle NSW 2308</td>
<td>21 Marmosets</td>
<td>$148,399</td>
<td>$8,292,224</td>
</tr>
<tr>
<td>University of Queensland, St Lucia QLD 4072</td>
<td>10 Macaques, 50 Marmosets</td>
<td>$118,610</td>
<td>$33,563,480</td>
</tr>
<tr>
<td>University of Sydney, Sydney NSW 2006</td>
<td>50 Macaques, 95 Marmosets</td>
<td>$480,704</td>
<td>$36,921,259</td>
</tr>
<tr>
<td>University of Adelaide, North Terrace, Adelaide SA 5005</td>
<td>45 Marmosets</td>
<td>$82,638</td>
<td>$21,828,811</td>
</tr>
<tr>
<td>Monash University, Wellington Road Clayton VIC 3168</td>
<td>113 Marmosets; 99 Macaques, 5 Baboons</td>
<td>$832,529</td>
<td>$35,296,131</td>
</tr>
<tr>
<td>University of Melbourne, Grattan St Parkville VIC 3052</td>
<td>30 Macaques, 175 Tree shrews</td>
<td>$464,445</td>
<td>$52,595,490</td>
</tr>
<tr>
<td>University of NSW, Randwick NSW 2052</td>
<td>10 Marmosets, 18 Baboons</td>
<td>$391,067</td>
<td>$23,237,300</td>
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<tr>
<td>Australian National University, Canberra ACT 0200</td>
<td>37 Macaques</td>
<td>$277,233</td>
<td>$7,059,676</td>
</tr>
<tr>
<td>TOTAL</td>
<td>678</td>
<td>$2,795,625</td>
<td>$218,794,371</td>
</tr>
</tbody>
</table>

Health: Chronic Fatigue Syndrome
(Question No. 233)

Senator Allison asked the Minister for Health and Ageing, upon notice, on 10 April 2002:

(1) Given the stated opposition by the ME/Chronic Fatigue Syndrome (ME/CFS) Association of Australia to the recently-released draft of the Royal Australasian College of Physicians’ Chronic Fatigue Syndrome Clinical Practice Guidelines, will the Government call for the publication, currently planned for May 2002, to be delayed pending a review.

(2) Is the Minister aware that the association regards the guidelines as drafted as a ‘backward step’, in that they will lead to: (a) further cases of misdiagnosis; (b) inappropriate and inadequate medical care; and (c) the promotion of widespread misconceptions about the illness.

(3) Does the Government accept the association’s argument that the draft guidelines are out of touch with the realities of the illness and potentially harmful to the diverse range of people with ME/CFS; if not, why not.

(4) Given that the guideline preparation was funded by the Commonwealth, does the Government accept a responsibility to oversee the process; if not, why not.

(5) Is the Government satisfied that the guidelines as drafted are evidence-based.
Is it the Government’s view that the opinions of the peak body representing people affected by ME/CFS should have been taken into account in establishing the guidelines; if not why not.

Why is it that the grants awarded by the National Health and Medical Research Council for ME/CFS research were heavily weighted towards psychiatric/psychological aspects rather than treatment and management.

Senator Patterson—The answer to the honourable senator’s question is as follows:

1. No. I am satisfied that an appropriate process has been followed in developing the guidelines. This has included development by an expert Working Group with a consultative process including input from consumers.
2. Yes
3. No. See (1)
4. Yes. See (1)
5. No. See (1)
6. The guidelines have been developed by an expert Working Group, which assessed the evidence for inclusion. The guideline development process included consultation and input from consumers.
7. The grants awarded by the National Health and Medical Research Council (NHMRC) for ME/Chronic Fatigue Syndrome (ME/CFS) research were in no way weighted towards any aspect. The NHMRC is the principal funder of health and medical research in Australia. Around 99 percent of the base funding for health and medical research is awarded competitively on the basis of scientific excellence. This means that the NHMRC does not itself determine the topics of the investigator initiated research applications, and does not weight one aspect above another. The funded topics are a function of the applications submitted each year to the NHMRC. Applications are assessed by peer review on the basis of the significance, approach and feasibility of the proposed research, and on the track record of the applicants. To date, few research applications into ME/CFS research have been submitted in the NHMRC’s annual grant process.

Of the 11 applications into chronic fatigue syndrome submitted in the NHMRC’s annual grant round from 1992 to 2001 (inclusive), one focussed on the prevalence of chronic fatigue syndrome in primary care, one focussed on potential diagnostic tests and management of fatigue in chronic fatigue syndrome, and one focussed on the clinical and scientific basis of chronic fatigue syndrome. A psychological or psychiatric component was a part of three applications. The majority of submitted applications relating to chronic fatigue syndrome focussed on biomedical aspects of the syndrome.

In 2000, three applications into chronic fatigue syndrome were submitted in NHMRC’s annual project grant round. All three applications focussed on biomedical aspects of the syndrome. The only successful application focuses on both the medical and psychiatric characteristics of post-infective fatigue and chronic fatigue syndrome.

In 2001, one application into chronic fatigue syndrome was submitted in NHMRC’s annual project grant round. This application focussed on potential diagnostic tests and new options for management. This application was not successful.

In 2002, one application into chronic fatigue syndrome has been submitted in NHMRC’s annual grant round. This application focuses on biomedical factors. Assessment of this application through peer review is in progress.

The NHMRC recognises that some areas of research may need targeted development based on identified gaps in knowledge. To this end, within the NHMRC, the Strategic Research Development Committee (SRDC) was established to develop a strategic research capability in specific areas. The process for funding priority and strategic research to bridge these gaps is separate to, and in addition to, the annual NHMRC competitive grant round.

The SRDC’s research priorities for the current triennium were set following a widely consultative process in 1999. Researchers, health care providers and consumers were involved in this process. Although chronic fatigue syndrome (and other single issue disease categories) was mentioned in the consultation process as a possible priority research area for targeted funding, assessment of the...
issue against other competing research priorities resulted in a decision to not set chronic fatigue syndrome as an area for priority research at this stage.

The SRDC proposes to hold consultations later this year to develop possible priority research areas for the next NHMRC triennium.

**Forestry: Regional Forest Agreements**

*(Question No. 235)*

Senator Brown asked the Minister for Forestry and Conservation, upon notice, on 12 April 2002:

1. Why does the Commonwealth not make provisions in Regional Forest Agreements (RFAs) relating to environmental protection binding, in the same way that provisions concerning compensation are binding.

2. (a) Is it correct that Australia is currently exporting 6 to 8 million tonnes of unprocessed wood each year, including over 1 million tonnes of sawlogs; and (b) what is the justification for encouraging even more investment in plantations through tax concessions for prepayment, when Australia has such an enormous surplus of wood.

3. (a) Is it correct that significant quantities of sawlogs from native forests, as well as from plantations, in Tasmania are being exported as unprocessed whole logs; and (b) what is the justification for logging native forests to export whole logs.

4. (a) Is it correct that 422,000 cubic metres of plantation sawlogs were exported from Victoria in the 2000-01 financial year; and (b) what is the justification for logging high conservation value native forests when such massive quantities of sawlogs are being exported unprocessed.

5. (a) What is the present status of the Western Australian RFA; and (b) does the Government support amendments to extend the reserve system in line with the proposals of the Western Australian Government.

Senator Ian Macdonald—The answer to the honourable senator’s question is as follows:

1. All 10 Regional Forest Agreements (RFAs) have already been signed. All of them make provisions for environmental protection to be binding on the States in the termination clause of each RFA. Specifically, the failure by a State to conserve the areas in the CAR Reserve system identified in the RFA, (other than a failure of a minor nature which is not one or a part of a series of deliberate or reckless failures of a minor nature) is a termination trigger for the Commonwealth.

2. (a) Yes. (b) Australia does not have a surplus of wood in plantation species and considering the expected future increases in timber demand in the region, current investment in plantations is justified, particularly when the volume of unprocessed wood exported is compared with the 719,000 cubic metres of sawn timber and the 1,754,000 cubic metres of pulp and paper which is imported each year.

3. (a) In 2000-2001, 294,000 cubic metres of logs were exported from Tasmania with a total value of $21.04 million. This amount represents only about one percent of the total value of exports of forest and wood products in that year and only about 1.7 percent of the gross value of log production. (b) Numerous scientific and economic assessments of harvesting of native forests as a result of the RFA process consider that Australia’s forests can be sustainably managed to produce a commercial return. The products of those forests should be able to be sold into the markets that offer the best return at the time.

4. (a) Yes. (b) See (3) (b).

5. (a) The Western Australian RFA remains in place. (b) The Commonwealth remains committed to the agreed outcomes of the Regional Forest Agreement (RFA) for the South-West of Western Australian and in particular the sustained yield levels stipulated in both the RFA itself and the current Forest Management Plan.

**Forestry: Management**

*(Question No. 239)*

Senator Brown asked the Minister for Forestry and Conservation, upon notice, on 12 April 2002:
(1) On what evidence was the Minister relying when he stated to the Senate that, ‘Senator Brown was telling everyone here and anyone who happened to be listening on the radio that the World Heritage listed forests were being logged’.

(2) With reference to the inclusion in regional forest agreements of binding provisions, is it true that the East Gippsland RFA contains no binding provisions, while the Tasmanian RFA does not contain binding provisions in relation to ecological sustainability.

Senator Ian Macdonald—The answer to the honourable senator’s question is as follows:

(1) The Hansard of 11 March 2002, records that I challenged Senator Brown to provide evidence that World Heritage logging was taking place in Tasmania and to date that evidence has not come forward. The Hansard of 13 March 2002, also records that I challenged Senator Brown that he had said “World Heritage listed” forests and he did not deny he had.

(2) The East Gippsland RFA was the first RFA signed. An amendment to bring it in line with other RFAs has been agreed to by both parties and will be ratified in the near future. The Tasmanian RFA does contain binding provisions in relation to ecological sustainability as outlined in Clause 93 which states that: “The State agrees within five years of the date of this Agreement, to further develop its Forest Management Systems and processes through the development and implementation of environmental management systems in accordance with the principles specified in Attachment 5 and acknowledges that its objective for State Forest is system certification comparable with the ISO 14000 series”.

Tourism: Holiday Rebate Scheme

(Question No. 244)

Senator Crossin asked the Minister representing the Minister for Industry, Tourism and Resources, upon notice, on 15 April 2002:

With reference to the Holiday Rebate Scheme:

(1) Has the department done any analysis of the impact of the scheme in respect of individual tourism regions; if so, what information was derived on the impact of the scheme on tourism within the Northern Territory.

(2) Has the department done any analysis of the uptake of the scheme on a state by state basis; if so, what were the findings in respect of the Northern Territory.

(3) How many Northern Territorians applied for and received the rebate.

(4) How many of the 29 272 rebates issued were in respect of holidays to be taken in the Northern Territory.

(5) How was the scheme publicised for the general public (please provide details of print, radio and television advertising for each state and territory and the number of times the advertisements were run).

(6) How was the scheme advertised to operators in the tourism industry (please provide details of how individual operators were given information about the scheme and what mechanisms were established to deal with inquiries about the scheme).

Senator Minchin—The Minister for Industry, Tourism and Resources has provided the following answer to the honourable senator’s question:

(1) (a) No, (b) n/a

(2) 125 travellers resident in the Northern Territory received the rebate.

(3) It is not known how many travellers resident in the Northern Territory applied for the rebate. However, 125 travellers resident in the Northern Territory received the rebate.

(4) Destination details of those who received a subsidy are not available.

(5) The Government authorised major travel agencies and tourism bodies to promote the Scheme as part of their existing promotional activities. As a result, many of the larger travel agents such as Qantas Holidays and Flight Centre actively promoted the initiative as part of their print advertising and point-of-sale promotions.

• An advertising campaign was also developed featuring the Ernie Dingo “See Australia” message which included print advertising and radio.
Print placements were as follows:
- One advertisement in a Canberra Times travel supplement on 23 December 2001;
- 10 advertisements across five major metropolitan dailies (The Daily Telegraph (NSW), The Herald Sun (Vic), The Courier Mail (Qld), The Advertiser (SA), and The Sunday Times (ACT)) on 1 January and five Sunday papers (The Sunday Telegraph (NSW), The Sun Herald Sun (Vic), The Sunday Mail (Qld), The Sunday Advertiser (SA) and The Sunday Times (ACT)) on 13 January; and
- 30 second radio placements were placed as follows between 18 and 30 January 2002:
  - ACT—2 Stations;
  - NSW—38 Stations (metro/regional);
  - NT—3 Stations;
  - QLD—38 Stations (metro/regional);
  - SA—7 Stations (metro/regional);
  - TAS—6 Stations (metro/regional);
  - VIC—20 Stations (metro/regional); and
  - WA—26 Stations (metro/regional);
  - A total of 9,000 spots.
- A Hotline Service (local call anywhere in Australia) was made available for customer inquiries. Application forms and guidelines were also made available on the AusIndustry website. Links were established with See Australia, Australian Tourism Commission, Australian Federation of Travel Agents and the Tourism.gov.au site.
- The Minister for Small Business and Tourism issued a media release on 7 December and undertook a number of media interviews between December and January promoting the Scheme.

(6) The Scheme was directly promoted by the Australian Federation of Travel Agents (AFTA). AFTA wrote to all licensed travel agents in Australia advising of the initiative and followed up with a series of emails. A number of emails were also sent out to travel agents via the Travel Compensation Fund database.
- 3 advertisements and editorials were also placed in the TravelBiz Email Bulletin between December 2001 and January 2002, a key tourism industry publication.
- A dedicated Hotline Service (local call anywhere in Australia) was established to deal with inquiries and process claims.

Kennedy Electorate: Program Funding
(Question No. 249)

Senator O’Brien asked the Minister representing the Treasurer upon notice, on 18 April 2002:
(1) What Programs and/or grants administered by the department provide assistance to people living in the federal electorate of Kennedy?
(2) What was the level of funding provided through these programs and/or grants for the 2000-01 and 2001-02 financial years?
(3) Where specific projects were funded: (a) what was the location of each project; (b) what was the nature of each project; and (c) what was the level of funding for each project?

Senator Minchin—The Treasurer has provided the following answer to the honourable senator’s question:
(1) The department of the Treasury does not administer any grants or programs directly to the federal electorate of Kennedy. All administered grants and/or programs from the department of the Treasury are directly to state governments.
(2) N/a
(3) N/a
Kennedy Electorate: Program Funding
(Question No. 250)

Senator O’Brien asked the Minister representing the Minister for Trade, upon notice, on 18 April 2002:

1. What programs and/or grants administered by the department provide assistance to people living in the federal electorate of Kennedy.

2. What was the level of funding provided through these programs and/or grants for the 2000-01 and 2001-02 financial years.

3. Where specific projects were funded: (a) what was the location of each project; (b) what was the nature of each project; and (c) what was the level of funding for each project.

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

1. Nil programs were funded, however the Export Market Development Grants (EMDG) scheme provided assistance to people living in the federal electorate of Kennedy.

   Austrade’s Trade Commissioner based in Townsville services the electorates of Capricornia, Herbert, Leichhardt and Kennedy, promoting the Exporting for the Future program, meeting with exporters and potential exporters and liaising with allies such as the Queensland Department of State Development, the local shire councils and chambers of commerce.

2. The level of funding from the EMDG scheme for the 2000-01 financial year was $104,624 and for the 2001-02 financial year $138,244.

3. Nil.

Kennedy Electorate: Program Funding
(Question No. 261)

Senator O’Brien asked the Minister representing the Minister for Industry, Tourism and Resources, upon notice, on 18 April 2002:

(1) What programs and/or grants administered by the department provide assistance to people living in the federal electorate of Kennedy.

(2) What was the level of funding provided through these programs and/or grants for the 2000-01 and 2001-2002 financial years.

(3) Where specific projects were funded: (a) what was the location of each project; (b) what was the nature of each project; and (c) what was the level of funding for each project.

Senator Minchin—The Minister for Industry, Tourism and Resources has provided the following answer to the honourable senator’s question:

(1) People/organisations in the federal electorate of Kennedy are eligible to apply for assistance under all programs administered by the Department of Industry, Tourism and Resources, with applications assessed on merit and/or against relevant criteria. Information on programs administered by the Department is available through the Department’s website (www.industry.gov.au) and the AusIndustry website (www.ausindustry.gov.au).

During 2000-01 and 2001-2002 assistance was provided to the electorate of Kennedy through the following programs:

- R&D Start Program
- Commercialising Emerging Technologies (COMET) Program
- Invest Australia - Feasibility Study Fund
- Regional Tourism Program
- Regional Online Tourism Program
- R&D Tax Concession
- Ansett Holiday Package Relief Scheme
- Holiday Incentive Program
- Invest Australia - Major Project Facilitation Program
- Business Entry Point

Note: This response does not include information in relation to science programs. The Administrative Arrangement Order of 26 November 2001 transferred responsibility for science to the Department of Education, Science and Training.

(2) The aggregate level of funding/assistance provided to the electorate of Kennedy through these programs during 2000-01 and 2001-02 is outlined in the table below.

<table>
<thead>
<tr>
<th>Program</th>
<th>Number of Projects Supported 2000-01 and 2001-02</th>
<th>Total Agreed Funding for Project(s) 2000-01</th>
<th>Payments Made 2000-01</th>
<th>Payments Made (to 30/4/02)</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grant/Expenditure Type Programs</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>R&amp;D Start Program (1)</td>
<td>3</td>
<td>$3,003,800</td>
<td>$96,241</td>
<td>$425,346</td>
<td></td>
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<tr>
<td>Commercialising Emerging Technologies (COMET) Program (1)</td>
<td>2</td>
<td>$112,000</td>
<td>$40,000</td>
<td>-</td>
<td></td>
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<tr>
<td>Invest Australia - Feasibility Study Fund Regional Tourism Program</td>
<td>1</td>
<td>$39,150</td>
<td>-</td>
<td>$13,050</td>
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<tr>
<td>Regional Online Tourism Program</td>
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<td>$83,189</td>
<td>$115,000</td>
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<tr>
<td>Entitlement/Revenue Forgone Type Programs</td>
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<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>R&amp;D Tax Concession (2)</td>
<td>n/a</td>
<td>n/a</td>
<td>not available</td>
<td>not available</td>
<td>1. R&amp;D Start / COMET. The agreed funding figure reflects the original funding allocated to projects and may be paid over a number of years.</td>
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<tr>
<td>Ansett Holiday Package Relief Scheme (3)</td>
<td>n/a</td>
<td>n/a</td>
<td>-</td>
<td>$10,502</td>
<td></td>
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<tr>
<td>Holiday Incentive Program (4)</td>
<td>n/a</td>
<td>n/a</td>
<td>-</td>
<td>$20,550</td>
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<tr>
<td>Other Programs</td>
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<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Invest Australia - Major Project Facilitation Program (5)</td>
<td>2</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td></td>
</tr>
<tr>
<td>Business Entry Point (6)</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td></td>
</tr>
</tbody>
</table>

Notes
1. R&D Start / COMET. The agreed funding figure reflects the original funding allocated to projects and may be paid over a number of years.
3. Ansett Holiday Package Relief Scheme. This Scheme provided relief to small tourism businesses which suffered a loss in providing a service in connection with an Ansett package holiday.
4. Holiday Incentive Program. This Program provided rebates of $150 per household for people taking domestic holidays, under specified conditions. Payments were made to travel agents for reimbursement to their clients.
5. Major Project Facilitation Program. The MPF program facilitates, but does not provide any direct funding for, major investment projects.
6. Business Entry Point. The BEP initiative includes a website that provides free online government services and information for Australian businesses from all three levels of government. The website is convenient for regional Australian businesses as it saves the necessity of travelling or reliance on postal services for obtaining and lodging information. This includes information on business start-up, available assistance, taxation, licensing and legislation. Other transactions such as taxation compliance and licensing applications are also accessible through the BEP website.

(3) Details in respect of specific projects funded/assisted through ITR programs in 2000-01 and 2001-02 in the electorate of Kennedy are provided below.
R&D Start Program
A competitive, merit based grants and loans program that supports businesses to undertake research and development and its commercialisation.

<table>
<thead>
<tr>
<th>Company</th>
<th>Project Description</th>
<th>Location</th>
<th>Total Agreed Funding for Project</th>
<th>Total Payments Made 2000-01</th>
<th>Total Payments 2001-02 (to 30/4/02)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Boogan Research Pty Ltd</td>
<td>Automated banana harvester</td>
<td>Innisfail, QLD</td>
<td>$320,300 (approved 1999-00)</td>
<td>$96,241</td>
<td>$46,964</td>
</tr>
<tr>
<td>Boogan Pty Ltd</td>
<td>Long-life shredder hammer</td>
<td>Innisfail, QLD</td>
<td>$286,000 (approved 2001-02)</td>
<td>-</td>
<td>$65,390</td>
</tr>
<tr>
<td>Maindura Pty Ltd</td>
<td>Novel processes and novel protein fractions from cheese whey</td>
<td>Malanda</td>
<td>$2,397,500 (approved 2001-02)</td>
<td>-</td>
<td>$312,992</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
<td>$3,003,800</td>
<td>$96,241</td>
<td>$425,346</td>
</tr>
</tbody>
</table>

Commercialising Emerging Technologies (COMET) Program
A competitive, merit based grants program which supports businesses and individuals to increase the commercialisation of innovative products, processes and services.

<table>
<thead>
<tr>
<th>Company</th>
<th>Project Description</th>
<th>Location</th>
<th>Total Agreed Funding for Project</th>
<th>Total Payments Made 2000-01</th>
<th>Total Payments 2001-02 (to 30/4/02)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary Source Phytochemicals Pty Ltd</td>
<td>The search for new bioactive materials based on an understanding of the source environment</td>
<td>Yungaburra, QLD</td>
<td>$36,000 (approved 1999-00)</td>
<td>$20,000</td>
<td>-</td>
</tr>
<tr>
<td>Rotocult (Mr John Wilkinson)</td>
<td>Cultivator pulled by a tractor for soil preparation using a revolutionary horizontal cutting action</td>
<td>Atherton, QLD</td>
<td>$76,000 (approved 2000-01)</td>
<td>$20,000</td>
<td>-</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
<td>$112,000</td>
<td>$40,000</td>
<td>-</td>
</tr>
</tbody>
</table>

Invest Australia - Feasibility Study Fund
Provides financial assistance, in conjunction with State or Territory Governments, to eligible companies to undertake a pre-feasibility or feasibility study of a potential investment project.

<table>
<thead>
<tr>
<th>Company</th>
<th>Project Description</th>
<th>Location</th>
<th>Total Agreed Funding for Project</th>
<th>Total Payments Made 2000-01</th>
<th>Total Payments 2001-02 (to 30/4/02)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Intec Ltd</td>
<td>Feasibility study to help establish the first industrial scale Intec Copper Process plant</td>
<td>Cloncurry region, QLD</td>
<td>$39,150</td>
<td>-</td>
<td>$13,050</td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td></td>
<td>$39,150</td>
<td>-</td>
<td>$13,050</td>
</tr>
</tbody>
</table>

Regional Tourism Program
Provides funding assistance to regional tourism organisations and businesses to help develop tourism products, infrastructure and capacity in regional Australia.
<table>
<thead>
<tr>
<th>Grant Recipient</th>
<th>Project</th>
<th>Location</th>
<th>Total Agreed Funding for Project</th>
<th>Total Payments Made 2000-01</th>
<th>Total Payments 2001-02 (to 30/4/02)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Australian Sugar Industry Museum</td>
<td>The Sugarama Gallery</td>
<td>Innisfail, QLD</td>
<td>$55,000</td>
<td>$55,000</td>
<td>-</td>
</tr>
<tr>
<td>Tyrconnell Historical Gold Mine Pty Ltd</td>
<td>Expansion of accommodation at Tyrconnell Goldmine</td>
<td>Dimbulah, QLD</td>
<td>$60,000</td>
<td>$60,000</td>
<td>-</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
<td>$115,000</td>
<td>$115,000</td>
<td></td>
</tr>
</tbody>
</table>

**Regional Online Tourism Program**

Provided funding assistance for innovative online projects to facilitate the development of regional tourism.

<table>
<thead>
<tr>
<th>Company</th>
<th>Project</th>
<th>Location</th>
<th>Total Agreed Funding for Project</th>
<th>Total Payments Made 2000-01</th>
<th>Total Payments 2001-02 (to 30/4/02)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mt Isa City Council</td>
<td>Development of e-commerce and tourist information website</td>
<td>Mt Isa, QLD</td>
<td>$54,000</td>
<td>-</td>
<td>$54,000</td>
</tr>
<tr>
<td>Savannah Guides Limited</td>
<td>Making Savannah Guides’ tour products available online</td>
<td>Company based in Cairns, QLD. However, project encompasses a number of electorates, including Kennedy</td>
<td>$29,189</td>
<td>-</td>
<td>$29,189</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
<td>$83,189</td>
<td>-</td>
<td>$83,189</td>
</tr>
</tbody>
</table>

**Invest Australia - Major Projects Facilitation Program**

Facilitates, but does not provide direct funding for, major investment projects, including through: providing information, advice and support to achieve prompt decisions on necessary government approvals; facilitating relationships with key Commonwealth agencies and the State Government involved in approvals processes for the project; and identifying areas where government assistance may be available such as immigration, local procurement, customs concessions, and R&D assistance.

<table>
<thead>
<tr>
<th>Company</th>
<th>Project</th>
<th>Location</th>
<th>Total Funding for Project</th>
<th>Total Payments Made 2000-01</th>
<th>Total Payments 2001-02 (to 30/4/02)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Australian Pipeline Trust</td>
<td>Darwin to East Australia Gas Pipeline. Granted MPF Status</td>
<td>Darwin, Gove, Townsville, Gladstone, Moomba</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
</tr>
<tr>
<td>Company</td>
<td>Project Description</td>
<td>Location</td>
<td>Total Agreed Funding for Project</td>
<td>Total Payments 2000-01</td>
<td>Total Payments 2001-02 (to 30/4/02)</td>
</tr>
<tr>
<td>---------------</td>
<td>---------------------</td>
<td>-------------------</td>
<td>---------------------------------</td>
<td>------------------------</td>
<td>-------------------------------------</td>
</tr>
<tr>
<td>ExxonMobil</td>
<td>Construction of PNG to QLD pipeline. Granted MPF Status 1/11/96</td>
<td>East coast of QLD</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
</tr>
</tbody>
</table>