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

QUESTIONS WITHOUT NOTICE
Agriculture: Sugar Industry

Senator O’BRIEN (2.01 p.m.)—My question is to Senator Macdonald, representing the Minister for Agriculture, Fisheries and Forestry. Can the minister confirm the accuracy of the report in yesterday’s Australian that more than 2,300 farm families will be forced to leave the sugar industry as a consequence of the government’s response to the Hildebrand report?

Senator IAN MACDONALD—The government have not formally made a response to the Hildebrand report as yet, so obviously any estimates in that vein would be inaccurate. Senator O’Brien would be aware from media reports—and I can confirm them—that cabinet has been considering the issue. Again, as with all of these things, it is not easy. It is a difficulty in which farmers have found themselves, not through their own fault but because of low world prices and some difficult climatic conditions. The Commonwealth gave a package not a couple of years ago—$60 million worth—and the reforms that one might have expected to come out of that did not eventuate. As I said yesterday, there are any number of reasons for that, but certainly the government would expect that any package in the future would bring reforms. I know the industry understands that and has been working very cooperatively with the federal government. We have also been working very cooperatively with the Queensland government, but the Queensland government has not been forward in coming up with any sort of assistance of its own. It did last time offer a $10 million repayable loan package, of which only $60,000 was taken up. This time it has offered a $20 million repayable loan package but the conditions on it are so onerous that nobody, as I understand it, has taken it up yet, even though it has been out there for a month or so now. It is unlikely that anyone will because—

Senator O’Brien—Unless you assist with the interest payments.

Senator IAN MACDONALD—It does not assist with interest payments, as I understand it.

Senator O’Brien—If the Commonwealth will.

Senator IAN MACDONALD—The Commonwealth will, are you saying? That is to be determined, Senator. It is a difficult situation; it is very much in the forefront of the government’s consideration. It is something which those of us who live up that way and in which those of us who have an interest, such as you—although you live a long way from it—are concerned about. Obviously it is something that the federal members up there are very concerned about and very interested in. I suspect even Senator McLucas is interested in that, too. I would welcome her input into anything that the Queensland government could do to help us. But we are working together and we hope to come up with a package that is sensible and commensurate with the difficulties but understands that the industry have to make a bit of an effort themselves as well.

Senator O’BRIEN—Mr President, I ask a supplementary question. I note that the minister confirms that cabinet has considered an assistance package for the sugar industry. Can the minister confirm that the attempt by the Minister for Agriculture, Fisheries and Forestry, Mr Warren Truss, to get a sugar package accepted by cabinet failed, as reported on page 1 of yesterday’s Australian? Can the minister advise how the matter came to be back before cabinet, if that is the case?

Senator IAN MACDONALD—I am not sure that that is a question that can be asked of me. I am not sure that it relates to my portfolio responsibilities or those that I represent. Certainly, nothing Mr Truss has taken to cabinet has failed. Cabinet is looking at the issue. It is not an issue you look at for five minutes and make a decision. A lot of consideration has gone into what Mr Truss has brought to cabinet. Mr Truss will continue to work with other cabinet ministers, other ministers generally and members of parliament to make sure we do get it right.
Mr Truss, in this instance, as in everything he does, has been very forceful, very accurate and very precise in the submissions he takes forward. I am sure that in the end the collective wisdom of all those involved will result in a package that is reasonable but will help the industry.

Immigration: Border Protection

Senator SCULLION (2.06 p.m.)—My question is to the Minister for Justice and Customs, Senator Ellison. Will the minister advise the Senate of the success of Australia's Commonwealth law enforcement agencies in combating people-smuggling activities and how this is enhancing Australia's border protection?

Senator ELLISON—I thank Senator Scullion, a senator from the Northern Territory, which holds border security as a great matter in Australia's interest. The Howard government have made great progress in the fight against people-smuggling. Earlier this year we co-hosted a people-smuggling conference with Indonesia, and at that conference the head of Interpol, Ron Noble, said that people-smuggling was the third greatest criminal activity in the world today. In fact, he went on to say that people-smuggling is often tied up with illicit drug trafficking and also gun-running. You can see the propensity that people-smuggling has in relation to criminal activity. Of course, there is also the absolute callous disregard for the human cargo that it deals in.

Since we have dealt with this matter we have brought in heavy penalties for people-smuggling—a 20-year maximum penalty for organising the illegal entry of five or more persons. We have also introduced penalties for single entries of fewer than five persons of 10 years imprisonment. In fact in June last year I reported to the Senate that there were some 302 people sentenced on people-smuggling offences. Today there are 123 people in prison in relation to people-smuggling activities with 115 of these serving three or more years. This indicates that we are getting the runs on the board and bringing people smugglers to justice.

Of course we continue to work internationally with our neighbours, particularly in the South-East Asian region. Yesterday there was a significant decision by the Thai court in deeming that Mr Hasan Ayoub was eligible for extradition to Australia. This is the first decision of its kind, and we welcome that decision. Mr Ayoub is wanted in Australia on 13 counts of people-smuggling. Upon conviction, these offences carry a maximum penalty of between 10 and 20 years, which indicates the severity of the allegations. As well as that, Mr Al Jenabi—another person of interest to the Australian law enforcement authorities—is in custody in Thailand and we are seeking his extradition on 11 counts of people-smuggling as well.

We have also announced that we will be bringing into place new laws which will extend and tighten our provisions dealing with people-smuggling. At the moment it is only an offence if you smuggle people into Australia. It is only appropriate that we extend these laws to any Australian nationals that might engage in people-smuggling and also to people who want to use Australia as a transit for people-smuggling. So if you bring people through Australia with the intention of smuggling them to another country, you will be caught by these new laws. I think that then sends a very clear message to the region and to our neighbours, whom we are working with in relation to this organised criminal activity, that we are dinkum in relation to what we are doing about people-smuggling. We will crack down on people smugglers no matter whether they are foreign nationals or Australians. This is an international organised criminal activity which has to be dealt with, and we have put in place laws to deal with it.

We also have negotiations and discussions with our neighbours in relation to the criminalisation of people-smuggling—and this is an issue which was raised with me just this morning. Next month there will be a regional meeting in Malaysia aimed solely at the criminalisation of people-smuggling, and Indonesia will be attending that meeting. We have been working closely with Indonesia in relation to the criminalisation of people-smuggling and Indonesia has indicated its intention to criminalise people-smuggling.
That will go a long way then in assisting us to extradite any of those people smugglers that we are seeking. (Time expired)

Sport: Australian Women’s Soccer Association

Senator LUNDY (2.10 p.m.)—Senator Kemp will be pleased to know that my question is for him as Minister for the Arts and Sport. Can the minister confirm that the Australian Women’s Soccer Association has received substantial funding from the Commonwealth government in recent years, including $1.15 million for the financial year to June 2000 and $710,000 in the lead-up to the Sydney Olympic Games? Will the minister’s inquiry into Australian soccer investigate the expenditure and accounting of public and private funds allocated to the Australian Women’s Soccer Association in the lead-up to the 1999 Women’s World Cup and the 2000 Olympics? Will this inquiry also be investigating how it is that, with almost $2 million of Commonwealth taxpayer funding in the last two years, the Women’s Soccer Association was recently wound up in the ACT Supreme Court with debts of at least $70,000?

Senator KEMP—Thank you, Senator Lundy, for the question. This is Senator Lundy’s first question on sport since the last election and it is one which I particularly welcome because Senator Lundy has raised an important issue. Let me deal with the issues that Senator Lundy—

Senator Sherry—You cannot even write a dorothy dixer for yourself.

Senator KEMP—Senator Sherry, if you could just contain yourself for a moment. Senator Lundy has raised a number of issues. In relation to the first issue, Senator Lundy is correct that the Australian Sports Commission has provided substantial funding to women’s soccer. Certainly those funds are substantial. They are over $1 million. I will get the precise figures for you, Senator Lundy, but substantial support has been provided by the Australian Sports Commission to women’s soccer. In relation to the inquiry, Senator Lundy is aware that I announced a review—

Senator George Campbell—I want to know about the wooden spoon.

Senator KEMP—Mr President, this is a serious question and I think that we should have some silence while it is being responded to. The Labor Party will note that I have always heard them in silence, and I would like that to be reciprocated.

I announced on 9 August this year a review into soccer. The review will examine soccer in a whole-of-soccer manner and address the effectiveness and efficiency of the manner in which the game in this country is governed, managed and structured. This includes both professional and amateur structures for men and women and includes indoor soccer and junior soccer. Let me assure Senator Lundy that the review will seek the views of all stakeholders on these issues—and I think that is what Senator Lundy wants. We are concerned that soccer be conducted in the most efficient and effective manner possible in the interests of all those Australians who love soccer, and this is what the review that I have announced is concerned with.

In relation to a number of other matters Senator Lundy has raised, let me just say that where issues of fraud are concerned, Senator Lundy—and I do not know whether in this particular question you have raised allegations of fraud, but certainly where allegations of fraud have been raised in previous contributions on this issue—these should be referred to the Federal Police. If I read my newspapers correctly, Senator Lundy has referred a number of matters to the Federal Police. The Australian Sports Commission is always concerned to make sure that the money distributed to sporting clubs is used in the manner for which the funds are allocated. Typically, those funds are subject to audit, of course, and I have asked the Australian Sports Commission to look very closely into those particular matters that Senator Lundy has raised.

On a more general issue, I think there is considerable concern in the Australian community about the way soccer has been managed in this country, certainly in recent years. The government, in conjunction with Soccer Australia, has been pleased to announce a
major review of soccer. This will be a very wide ranging review. All stakeholders, including, I might say, people like Senator Lundy, are welcome to make a submission to that particular inquiry. (Time expired)

Senator LUNDY—Mr President, I ask a supplementary question. I welcome the minister’s confirmation of the inclusion of the matters relating to women’s soccer in the inquiry. With almost $2 million of Commonwealth funding in the last two years, can the minister explain why the Women’s Soccer Association needed the Matildas to participate in fundraising activities such as the topless toothpaste ad, and was the Australian Sports Commission aware of all the circumstances surrounding this fundraising activity before filming took place? Does the Australian Sports Commission endorse the actions undertaken by the Women’s Soccer Association in this regard?

Senator KEMP—I think the matters raised by Senator Lundy occurred two to three years ago. It is a serious question and let me make it clear that I am opposed to any form of exploitation of our soccer players and athletes. It is unacceptable for any pressure to be put on individuals to take part in activities with which they are not comfortable. Obviously athletes, being supported by public funding, have a number of obligations, but the Australian Sports Commission has a clear stance of not condoning exploitation of the type that Senator Lundy has referred to. As you may well have said in the past, Senator Lundy, adult athletes have a right to make decisions about participating in promotional activities. In fact, some of our athletes do make these decisions from time to time, but I would expect any decision—(Time expired)

Health: Bowel Cancer Screening

Senator FERRIS (2.17 p.m.)—My question is to the Minister for Health and Ageing, Senator Patterson. Can the minister please tell the Senate what action the Howard government is taking to reduce the number of Australians dying from bowel cancer through a community screening program?

Senator PATTERSON—Mr President, I belatedly congratulate you on your appointment to the very high office of President. I thank Senator Ferris for her question. It is a very important issue. Bowel cancer is the most common cancer affecting both men and women. It is the second most common cause of cancer related deaths in Australia. About one in 20 Australians will suffer from bowel cancer in their lifetime. Approximately 90 people a week die of bowel cancer. The evidence is clear that screening can save people’s lives. It is also clear that a very simple and non-invasive test called a faecal occult blood test is the most cost-effective way to screen whole target populations.

Through the faecal occult blood test, small amounts of blood can be detected. There was an earlier test that could detect blood cells but now we can detect even more microscopic forms of blood in faeces, and these can be an early indicator of bowel cancer. If that blood is detected, a follow-up colonoscopy is required to provide further information regarding appropriate treatment. A tender has been advertised to select the best possible faecal occult blood test for use in Australian conditions. Pilot participants will be able to complete the faecal occult blood test and return it for analysis at no cost to themselves. I understand that some manufacturers of the faecal occult blood test already have Australia Post authority for their transport via mail. This arrangement has been in place for some time. Some questions have been asked, even today, by Australia Post of my office and I want to assure Australia Post office workers that any tests will not be sent through the mail without proper authority and discussion with postal authorities. Mail is only one option; many tests are returned through pathology collection centres or by courier arrangements. The tender requires the demonstration of appropriate return arrangements.

The government has allocated $7.2 million to undertake a pilot for national screening for bowel cancer and planning for its implementation is well under way. The sites will be, first of all, in Melbourne, as part of the North-Eastern Valley Division of General Practice; in Adelaide, as part of the Southern and Western Division of General Practice; and in Mackay, as part of the Mackay Divi-
sion of General Practice. I want to express my appreciation to the Divisions of General Practice in these areas for their cooperation.

The pilot program will have a number of key features. We will recruit about 69,000 people, age between 55 and 74 years. Biannual screening will be undertaken with regular testing every two years, which is very important in order to save lives. We are setting up a national register for ensuring follow-up for all people participating in the screening program, and a direct invitation from the screening program to the people in the target group to participate in screening will be mailed with a simple test kit for home use. Workshops have been held with stakeholders from the pilot sites to discuss implementation at a local level, and my department expects to commence arrangements for purchasing of the faecal occult blood tests within the next month.

In the interim period, in the lead-up to the consideration of a national bowel cancer screening program, anyone who is worried about a family history of bowel cancer or has symptoms should see their general practitioner without delay. Medicare already provides rebates for diagnostic colonoscopy for people who are asymptomatic or who have a family history. Medicare rebates are also available for a diagnostic colonoscopy, for people who have purchased a faecal occult blood test at their own expense, and in cases where blood has been detected. Those people, of course, will require a referral from their general practitioner. The National Health and Medical Research Council has provided excellent clinical guidelines to assist medical practitioners to give their patients the best advice and management of the symptoms and management of family history. These guidelines are available on the departmental web site. This is a major and very exciting project. I look forward to the support of all states and territories, the peak cancer organisations and the medical profession. (Time expired)

Taxation: Family Payments

Senator FAULKNER (2.22 p.m.)—My question is directed to Senator Vanstone, the Minister for Family and Community Services. Can the minister confirm that the Prime Minister has asked his own department to find solutions to the minister’s flawed family benefits systems? When did officers of the social policy division of the Prime Minister’s department, and staff in the Prime Minister’s office, take over the political handling of the family benefits payments and debts handling system by taking hands-on control from the minister and the Department of Family and Community Services? Minister, is this a permanent change in departmental and ministerial responsibilities or will this takeover only remain in place until the debts debacle is finally resolved?

Senator VANSTONE—I thank the senator for his question, misguided and ill-informed though it is. I cannot say how the previous Labor government worked in its administration, other than that I know the outcome was disastrous for the Australian community. I can say, with respect to this government, that there is a social policy section headed by one of the deputy secretaries in the Department of the Prime Minister and Cabinet, and all of the ministers who have work associated with the social policy section work closely with that section. They obviously work with the Prime Minister’s office, and it does not strike me as being anything particularly unusual.

What I would find unusual is if a Prime Minister had no interest in any social policy. That certainly seemed to be evident from Prime Minister Keating and Prime Minister Hawke, since we had no reform of the social welfare system at all under those prime ministers. I would have thought there was a dysfunction under the previous government. I do not think that dysfunction exists under the present government, and I am quite happy with the arrangements as they are.

Senator FAULKNER—Mr President, I ask a supplementary question. Minister, isn’t it true that on the 1 p.m. ABC news today—

You declared:

The family tax benefit is a very broad and generous payment but it is a tax payment, not a welfare payment.

Minister, in the Senate last week didn’t you characterise the people whose tax returns were stripped as ‘welfare whingers’? In fact, you quoted them as saying, ‘Gee, I got over-...
paid; why don’t I complain about having to give the welfare back?’ Minister, what has happened over the weekend? Has the Prime Minister instructed you to change your tune?

**Senator VANSTONE**—Nothing exciting happened over the weekend, Senator Faulkner, that I am aware of anyway, in relation to this matter or anything else. Senator Faulkner, it is a tax benefit. It is called the family tax benefit. We do give Australians the option of receiving this benefit on a fortnightly basis through Centrelink, and it is often therefore commonly referred to as a welfare payment, but it is technically a tax payment. So there is no change here, Senator. I am sorry, if you were looking for the great crack that was going to open up and become a chasm into which you could cast this government, you are looking in the wrong spot, because the family tax benefit pays something like $2 billion more a year than your government ever paid. We have found that, with respect to child-care benefits and family tax benefits, about 71 per cent of people have either had the right amount or a top-up. So the system is in fact working very well.

(Time expired)

**Foreign Affairs: Iraq**

**Senator BARTLETT** (2.25 p.m.)—My question is directed to the Minister for Defence, both in that capacity and in his capacity as Minister representing the Prime Minister. I draw the minister’s attention to the latest comments by US Vice President Dick Cheney, reaffirming the US government’s argument for pre-emptive military action against Iraq. Given that the US government has indicated it will aim to consult US Congress on any attack on Iraq before deciding whether or not to strike, and will continue to work closely with allies such as Australia, will the Australian government now commit to allowing examination of the issue in the Australian parliament before deciding whether or not to support a US first strike on Iraq?

**Senator HILL**—I welcome the question but I think it probably would have been proper to allow the Acting Leader of the Australian Democrats to have asked it on this occasion. Anyway, not wanting to involve myself in the Democrats’ internal factors, I have to say that what I heard Vice President Cheney saying this morning was that Saddam Hussein’s program of weapons of mass destruction is seen as a threat; that the attempts by the civilised international community to dissuade him from that program of weapons of mass destruction has been unsuccessful; that the experience of 11 September is that such threats, and the risk attached to such threats, should not be tolerated; that basically the international community demands that he ends that program of weapons of mass destruction and allows international observers, unfettered, back into the country to give confidence to the international community that the program has been ended; and that, in the event that Saddam Hussein is not prepared to meet that reasonable requirement of the civilised world, he runs the risk of military intervention.

Mr Cheney was saying that, after the experience of 11 September, why should the United States run the risk associated with somebody who has illustrated through his behaviour—the bombing of his own people, for example, and the invasion of Kuwait—that he amounts to a real threat when attached to weapons of mass destruction. Mr Cheney said that, in those circumstances, a pre-emptive attack may be necessary.

That is understandable because the alternative, as he said, is to wait until the attack. Alternatively, if you argue that the program of weapons of mass destruction has not sufficiently developed, you wait until it is fully developed. Who would suggest that it is reasonable or rational to wait until the nuclear weapons have been fully developed? The bottom line is that we, the United States and others want an end to that program in order that we can have a safer world. I would have hoped that even the Australian Democrats here in the Australian parliament would join with us and others in appreciating that and demanding the same thing.

We welcome a debate; we had a debate in this chamber the other day. If parties want to bring on a debate today, they can have a debate. But what Mr Howard has said is that, if this government is invited to participate in action against Iraq and if it determines that it
is in Australia’s national interest to do so, he would bring the issue to the parliament in exactly the same way that Mr Hawke did when he was Labor Prime Minister before the start of the Gulf War.

Senator BARTLETT—Mr President, I ask a supplementary question. Can I take it from the minister’s answer that he agrees with and supports Mr Cheney’s comments? Does this mean that the government would support a US first strike on Iraq if requested? Can the minister please confirm whether the government will debate the issue in parliament before rather than after coming to a decision?

Senator HILL—We believe in full debate and respect for the parliament, but we also believe that a government has an executive responsibility which it must be prepared to meet. If this government is asked to participate in an action against Iraq, it will consider that in Australia’s national interests and it will make a decision. It would hope that it would get the support of all political parties in this parliament and would bring the issue to the parliament in the same way as the previous Labor Party Prime Minister did before the Gulf War. But none of us wants that to eventuate, and Mr Cheney does not want that to eventuate. What we want is Saddam Hussein to comply with the resolutions of the Security Council, to end the program of weapons of mass destruction and to allow the observers back in so that the international community can have confidence that he has done so.

Education: University Funding

Senator CARR (2.31 p.m.)—My question without notice is to Senator Alston, representing the Minister for Education, Science and Training. Why is the government continuing to cover up the dire financial situation of Australian universities? Is it because data in the government’s possession reveals a deterioration in the operating results of 24 out of the 40 tertiary institutions monitored—that is, 60 per cent—when you compare their operating results averaged over the previous four years? Can the minister also confirm that the aggregate operating result for all Australian universities declined from $555 million in 1997 to only $320 million in 2000?

Senator ALSTON—Senator Carr continues to peddle the line that somehow universities are in crisis. The fact is that the sector-wide operating margin remained positive between 1996 and 2002 and improved to 3.4 per cent in 2000. The institutions on the whole are in a sound position. In 1995, for example, there were seven universities that reported a deficit; there were 10 in 2000. There is no doubt that demand is being met at higher levels than ever before. There are those who will always claim that they need more money to solve problems and they, of course, want to come to the government as the first port of call.

The release of information by the government on this gives the lie to those sorts of suggestions. I do not think Senator Carr should be taken in by these, other than to try to curry favour with those on his side of politics who want to suggest that the roof is falling in and that only the Labor Party can save them. We know what happened when the Labor Party was in government—there were record levels of unmet demand in the university sector. Quite clearly, the universities are aware of the problems that are around at the moment and are addressing them constructively. When Dr Nelson’s review is completed we will be able to go to the next stage of addressing some of those challenges.

Senator CARR—Mr President, I ask a supplementary question. Can the minister confirm that in the period from 1991 to 2001 university operating revenues rose by 71 per cent while operating expenses rose by 91 per cent? Can he further confirm that the advice of the department that the margin of safety that previously existed in university budgeting, as a result of the destructive cuts of this government, has now been so reduced that if the provision of Commonwealth capital funding were removed it would show that the entire sector operated at a deficit in 1999 and barely broke even in the following year?

Senator ALSTON—There are some issues there relating to statistics that obviously cannot be answered on the run. I will see what information I can get on those. But,
again, peddling the line that somehow the government has cut levels of funding to the universities is quite wrong. The fact is that universities are now able to raise funds from other sources. University students are able to defer payment of their HECS obligations. The vast majority of students—in excess of 90 per cent—are on HECS anyway so, as a result, they have that increased flexibility. Many students work part-time, not just to meet basic needs but to maintain certain lifestyles, so there is a much greater level of capacity to afford to enter universities. As a result, there are much higher levels of students studying and there is much less of a problem in getting a place than there was under your government.

Environment: USS La Jolla

Senator NETTLE (2.35 p.m.)—My question is to the Minister for Defence. Was the minister aware of the movements of USS La Jolla off the Gold Coast last weekend? These movements led to a nuclear submarine surfacing just one kilometre from the densely populated Gold Coast. Was the minister aware that this vessel sank a fishing trawler off the South Korean coast just a couple of years ago? Can the minister also please explain the current safety measures that are in place for potential nuclear accidents off our coastline and how this vessel would be covered by such plans?

Senator HILL—I am advised that the submarine visited Brisbane on 19 and 20 August this year and will be making a programmed port visit for rest and recreation to Brisbane during the period 28 August to 3 September. The honourable senator might like to visit the ship. These visits were requested by the United States government and processed and approved in accordance with the strict conditions that have been laid down by both state and federal governments. There has been no breakdown in the approval process for the visit of the ship. Ports are assessed and approved for suitability for nuclear-powered warship visits, taking into account geographic, demographic and meteorologic information as well as available infrastructure. Assessments and planning are conducted in cooperation with the state governments. Due to the nature of submarine exercises and operations, not surprisingly details about specific submarine capabilities and their exercise programs are not normally published. So I hope that that puts the senator’s mind at rest.

Senator NETTLE—Mr President, I ask a supplementary question. Is the minister aware that ARPANSA CEO Dr John Loy has recently acknowledged that Emergency Management Australia contingencies for dealing with nuclear accidents at sea are inadequate? If it is appropriate for ARPANSA to conduct safety monitoring of nuclear vessels, as you mentioned, when they are in port, why is it not appropriate to apply the same safety measures to nuclear vessels anchored one kilometre from popular holiday locations? Can the minister also tell the Senate how many other nuclear vessels are operating within such close proximity to our coastline without the Australian public or the appropriate safety agencies being aware?

Senator HILL—As I said, it seems fairly obvious to me, and I would have thought to the honourable senator, that the routing of nuclear submarines is not advertised in advance. In relation to safety issues, this government and previous governments have obviously taken those matters seriously, and we welcome the visit of this ship and we believe that it is perfectly safe.

Medicare: Bulk-Billing

Senator JACINTA COLLINS (2.39 p.m.)—My question is to Senator Patterson as Minister for Health and Ageing. Can the minister confirm that the official Medicare bulk-billing statistics for the June quarter of this year have been sitting on her desk for weeks? Don’t these Health Insurance Commission figures show that there has been a further decline in the rate of bulk-billing by GPs across Australia? Minister, why are you covering up the extent of the bulk-billing problem by hiding these figures?

Senator PATTERSON—I am not covering up the bulk-billing figures. I admit there has been a decline in bulk-billing but let us get it into perspective. In terms of a historical perspective, in 1990 bulk-billing rates were at 70 per cent when Labor was in government. The bulk-billing figures are different
across different areas. In some areas they are up, over 80 per cent and into the nineties; in other areas they are much lower. The seeds of the problems in bulk-billing were not planted four or five years ago; they were planted many years ago. They were planted in the neglect of Labor to ensure that we had doctors appropriately distributed throughout Australia.

When we came to government, there was a dearth of doctors in rural areas. That is where we have the lowest rate of bulk-billing. We have seen a decline in bulk-billing in outer metropolitan areas. What have the government done about that? We have spent $562 million on programs to ensure that there are doctors in rural areas. We have increased the payments for doctors who have been in rural areas for extended periods of time. We have given them incentive payments. We give young doctors in training incentive payments to train in rural areas. We have given doctors incentives—unlike Labor.

I do not know why they are game enough to come in here and ask this question when in fact the state ministers have one solution—that is, increased rebates across the board—and the shadow minister, Mr Smith, has another solution. They cannot even sing the same song on the Labor side of politics. To come in here and lecture us about how we deal with the issue of bulk-billing will not give us the outcomes we need in the long-term care of patients with chronic disabilities. I have been in discussions with the various general practice groups, such as the Divisions of General Practice. I am about to have a meeting with the new president of the RACGP when he or she is elected. I have met with the AMA, and the AMA obviously have a different opinion: the AMA have the same view as that of the state Labor ministers but not the same as that of the shadow minister for health.

The shadow minister for health indicated that medical indemnity was one of the pressures on bulk-billing. He issued a press release yesterday—I do not know whether he has been under a stone for about eight months, because a huge amount has been undertaken—in which he said the government needs to get behind uniform tort law reform. Senator Coonan would be fascinated with this—as if nothing has been done about it! The states actually have to do something about uniform state law reform. We had a seminar on 23 April, which I chaired, to actually encourage the state governments. If he wants to do something about uniform state law reform, what he needs to do, and I am sure Senator Coonan would agree with me—through you, Mr President—is go to his state colleagues and say, ‘You need to get some action on tort law reform.’ Some of the states are doing that. There are pressures on bulk-billing but the sorts of solutions and mixed messages that are coming from the other side are not going to solve the issue. (Time expired)

Senator JACINTA COLLINS—Mr President, my supplementary question is: why doesn’t the minister deny that these fig-
ures have been on her desk for weeks? The question was about accountability. Why won’t the minister release the June quarter figures now, rather than waiting until after parliament rises this week? Why doesn’t the minister come clean with the Australian people on the extent of the decline in bulk-billing, rather than continuing her normal pattern of cover-up, blame shifting and denial? Enough cover-up, Minister—let us see those figures now.

Senator PATTERSON—Senator Collins is saying that I am delaying and covering up. Senator Collins, we all know there has been a decline in bulk-billing and we know that it is uneven. As I said before, the seeds of the decline were not planted yesterday; they follow a long history of neglect by the Labor Party in ensuring we had correct distribution. I thank the senator for her supplementary question because it gives me the chance to say that we had a maldistribution in outer metropolitan areas, where we saw a decline in bulk-billing. We put $80 million in the last budget to roll out a program next year to get doctors into outer metropolitan areas. One of the strong factors in ensuring we get bulk-billing is the fact that we have a sufficient number of doctors in an area so that encourages them to bulk-bill. That is one of the issues. The Labor Party neglected that; they have no solution. They cannot even come up with an argument together. State ministers have a different view from the shadow minister. It would pay them to sit down and try and work out some policies.

Superannuation: Policy

Senator BRANDIS (2.46 p.m.)—My question is to the Minister for Revenue and Assistant Treasurer, Senator Coonan. What steps is the Howard government taking to hand control of superannuation back to Australian employees through its choice and portability policies? Is the minister aware of any alternative policies?

Senator COONAN—I thank Senator Brandis for the question and acknowledge his longstanding interest in this very important issue. As senators on this side of the chamber would be well aware, many Australians are keenly interested in how they will fund their retirement. The basis for future retirement incomes is, of course, our three pillar policy on retirement incomes: the superannuation guarantee, the age pension and voluntary savings. This three pillar system enables Australians to achieve a higher level of standard of living in retirement than they would if they were reliant on the age pension alone. While the age pension is, of course, an essential safety net for those with limited capacity to save, we do need to focus on strengthening the cost effectiveness of the superannuation system as a whole, particularly given the forecasts of the Intergenerational Report that was released as part of the budget. One of the key forces for driving down fees, improving services and encouraging workers to engage with their superannuation is the government’s dual policy of choice and portability.

Since 1996, the Labor Party has mounted a sustained attack on key initiatives designed to build on and improve the current system, such as the introduction of choice in superannuation. The coalition has tried repeatedly to introduce a policy which simply seeks to allow workers to choose where their superannuation is invested. It is hard to believe, in this day and age, that this is not already the case. Right now, Australian workers, who have more than $500 billion invested in the system, have no say in which fund controls their money. We are proposing to give workers the right to choose. Labor’s view is that if workers are in a superannuation fund that does not suit them and which is performing badly, and perhaps even losing money, that is bad luck. As far as Labor is concerned, they can rot there.

The right to choose the fund in which to invest superannuation has been introduced twice into parliament and has been opposed both times by Labor and, sadly, by the minor parties in this chamber. Of course, the case for choice is overwhelming and the momentum has apparently not been lost on the Labor Party. In a miraculous, if somewhat unbelievable, conversion Labor has now somewhat tentatively announced support for choice, but not necessarily for the model that the government has painstakingly developed through negotiation and consultation over years. Labor seems to be supporting a sort of
Hobson’s choice—the sort of choice you have when you do not really have one—with a hearty dollop of regulation and plenty of new red tape, which has been described by ASFA as a potential nightmare.

Labor wants to cap fees and increase regulation. The changes would place a greater administrative burden on funds and, at the same time, restrict their ability to charge members to administer them. Labor has fervently opposed allowing choice and portability and has opposed bringing into the market the kind of competition that can bring down fees and improve services. Now, as dissatisfaction spreads about some of the fees charged by some of the funds, Labor’s answer is: add another layer of regulation and red tape, engage in price setting and make the government responsible for setting fees and charges, rather than the market. It is a recipe for disaster. The public and industry will not thank the Labor Party for adding complexity to the system while trying to standardise the service provided and set the fees. You would not impose a bank account on any particular worker; employers do not tell employees what house to buy. (Time expired)

Medicare: Bulk-Billing

Senator CROSSIN (2.50 p.m.)—My question is to Senator Patterson, the Minister for Health and Ageing. Minister, you have admitted today in question time that there has been a decline in bulk-billing. Can you now confirm that the March quarter Medicare statistics showed a dramatic decline in bulk-billing, showing that since the election of the Howard government, the rate of bulk-billing by GPs has dropped from 80.6 per cent to 74.5 per cent? Can the minister also confirm that the March quarter statistics showed that the average patient cost to see a GP has gone up 41.8 per cent, from $8.32 in 1996 to $11.80 today? In light of this evidence of a continuing decline in bulk-billing and increasing costs borne directly by patients, isn’t this the real reason why you, Minister, have been hiding the June quarter figures until after the parliament rises this week?

Senator PATTERSON—I have not been hiding the June quarterly figures. The HIC reports six weeks after the period, but, at the end of the financial year, they report eight weeks after the period. That will be at the end of this month. I am not hiding the figures; I have admitted that bulk-billing has declined. As I said in a previous answer, bulk-billing has declined but the seeds of that were planted a long while ago. Work force issues in health cannot be shifted around and a tap turned on and off. Labor neglected the distribution of doctors in rural areas. Since 1999, we have seen a 14 per cent increase in short consultations and a 20 per cent increase in long consultations for doctors. There was a period in the late eighties and the beginning of the nineties when GPs’ fees were not even kept up with the CPI. In 1991-92, the Labor Party then turned that around and it was above CPI, and it has remained above CPI under both governments.

We have seen a 14 per cent increase in short consultations and a 20 per cent increase in long consultations. We have seen incentives put in place for doctors in rural areas; we have seen a $60,000 increase for young GPs who train in a rural area over a three-year period. We are putting in place measures for the redistribution of doctors to ensure that we can improve on issues such as bulk-billing. The opposition knows—and Mr Smith has admitted—that medical indemnity has placed a stress on bulk-billing. In relation to those doctors who are undertaking non-procedural activities—doctors who are not doing obstetrics or anaesthetics—there was some suggestion that they were charging $5 per visit. I said that this was hard to justify; it has some effect on their practice cost, but not at that level.

I am, as I said, in constant discussion with the Divisions of General Practice, who I must say have been very cooperative with me in trying to address the issue of bulk-billing and trying to address the issue of how we deal with remuneration for general practitioners that gives us the outcome we want—that is, the appropriate distribution of general practitioners and the appropriate care of people for acute episodes, for chronic illness and for maintenance of wellness. Doing
what the state ministers want me to do—which is to increase the rebate across the board—will not achieve those outcomes. Mr Smith himself has admitted that. So, if the Labor Party wants to do something about it, it should get some sort of agreement between the state ministers and the shadow minister about what they would do. But let me say again that the seeds for this issue were planted many years ago by Labor’s neglect of work force issues and its maldistribution of general practitioners.

Senator CROSSIN—Mr President, I ask a supplementary question. Can the minister confirm that has she has seen the June figures? Can she explain why in fact the June figures demonstrate conclusively that under the Howard government it is more and more difficult to see a bulk-billing doctor and more and more expensive to see the doctors who do not bulk-bill? Why won’t the minister table the figures in parliament today rather than covering up and blame shifting? When precisely will those figures be tabled? Exactly what measures will this government be taking to ensure that continuing problems with medical indemnity insurance will not be the straw that breaks the back of bulk-billing?

Senator PATTERSON—Senator Crossin would not know—and most probably will never know—the amount of material that comes into a minister’s office. I cannot tell her every single brief that has come in. I am not going to mislead parliament and say that I have not seen those figures yet, but I believe that I have not seen those figures or that minute. But I will not risk misleading parliament in saying that. Senator Crossin would not have a clue about the amount of material that comes in. She asks, ‘Will medical indemnity be the straw that breaks the camel’s back?’ She can go back and talk to her state colleagues, talk to the Northern Territory government, and actually ensure that they speed up tort law reform. Some of them are pretty tardy—I am sure Senator Coonan will agree—in bringing in the sorts of reforms that are necessary. The Commonwealth government has been working around the clock to address a very difficult issue which was neglected for ever by Labor. With all due respect, it is not a problem of our making. (Time expired)

Environment: Sustainable Development

Senator ALLISON (2.56 p.m.)—My question is to the Minister representing the Minister for the Environment. Minister, do you agree with the analysis of the Australian EcoGeneration Association that shows that a quarter of your two per cent renewable energy measure will be met by old hydro schemes? Will Minister Kemp be mentioning this when he showcases Australia’s contribution to sustainable development at the Johannesburg world summit?

Senator HILL—Certainly the government recognised that the existing hydro schemes could be improved and therefore provide more energy that is environmentally sound. Thus, when we were seeking to encourage a greater purchase of renewable energy in this country, we included the capability to achieve that goal through the improvement of existing schemes. That would seem to me to be rational and sensible. Perhaps that is why the parliament endorsed it in the end. I do not quite understand the question, because the two per cent was on top of the existing baseline, but the two per cent could be made out of improvements to schemes that were within the existing baseline. So perhaps, in her supplementary question, the honourable senator might clarify the matter.

Senator ALLISON—Mr President, I ask a supplementary question. It is my understanding, and the minister might tell the Senate, that existing hydro schemes do not need to be improved. They do not in fact need to have anything spent on them in order to qualify for the two per cent renewable energy certificate. But, Minister, can you also explain to Australian consumers that, over the next 20 years, they will pay $1.1 billion for old hydro when not one cent of that will have to be invested in new renewable energy generation. Will your government now fix the hydro baseline so that we are not all paying for your nil gain in sustainable development, and will you do this in time for the Johannesburg summit?
Senator HILL—Having now a brief from the current Minister for the Environment and Heritage, I advise the honourable senator that existing power stations may only earn renewable energy certificates for generation above a 1997 baseline. They were deliberately included on the grounds that, in some cases, it would be economically more efficient to encourage existing generators to increase their output of renewable energy. If you do that, generally speaking, through improvements to the scheme, it can be legitimately included within the two per cent and you achieve a win-win outcome. You get an increase in energy, and it contributes to economic growth, jobs and all of those benefits that we want. It also achieves it with environmental benefits. Mr President, I ask that further questions be placed on the Notice Paper.

QUESTIONS WITHOUT NOTICE: ADDITIONAL ANSWERS

Trade: United States Beef Quota

Senator HILL (South Australia—Minister for Defence) (3.00 p.m.)—I have a supplementary answer from the Minister for Trade to a question that Senator Cook asked yesterday, which I seek leave to have incorporated in Hansard.

Leave granted.

The answer read as follows—

Answer

The Government welcomes the successful launch of the new round of global trade negotiations at Doha, Qatar in November last year. The agreement of World Trade Organisation members to launch new negotiations to open trade and strengthen the rules-based trading system has realised the government’s number one trade policy objective.

Australian beef farmers stand to gain significantly from the commencement of negotiations. Australia is currently leading discussions in the Cairns Group on a new set of proposals for the WTO agriculture negotiations which would seek

• significant cuts in tariffs and expansion in agricultural tariff quotas
• deep cuts in domestic support levels and
• the elimination of export subsidies.

The Government is working closely with Australian industry and other Cairns Group members to build support for these positions.

The Cairns Group’s aims and ambitions for market access are similar to those of the US

• which put forward strong reform proposals on agriculture in July, including for substantial cuts to tariffs

The Cairns Group is, however, likely to propose significantly larger tariff quota expansion provisions than those proposed by the US, which has called for an increase of only 20 per cent on existing tariff quota commitments.

The Government will continue to work for the interests of all Australian agriculture sectors to maximise the benefits of the Doha Round. With regard to the beef industry, the government is and will continue to work closely with the industry on how best we can achieve additional market access whether quotas are expanded on a country-specific or MFN basis.

The Government will work hard to ensure existing quota allocations achieved in previous trade negotiations, including those to the US, are preserved, while at the same time securing new opportunities to compete for additional exports to the US market.

International Criminal Court: Article 98 Agreements

Senator ELLISON (Western Australia—Minister for Justice and Customs) (3.01 p.m.)—On Thursday, 22 August this year, Senate Greig asked a question without notice concerning article 98 of the Rome statute in the context of the International Criminal Court. I undertook to get back with further information. I seek leave to incorporate that further information in Hansard.

Leave granted.

The answer read as follows—

Senator Greig asked Senator Ellison the following question without notice on 22 August 2002:

In relation to Article 98 of the in the context of the International Criminal Court, is the Minister aware of reports that the US Government has approached a number of countries to make Article 98 Agreements which would give US nationals immunity from prosecution by the International Criminal Court? Is the Minister aware of related reports indicating that the US Congress has mandated the threat to withhold military assistance from and impose sanctions on countries which do not sign such agreements? Has the US Govern-
ment approached the Australian Government to see if such an agreement could be met, and would the Minister rule out the Government ever making such a deal?

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

The Government is aware that the US has approached a number of countries to propose that they conclude bilateral agreements, consistent with Article 98(2) of the Statute of the International Criminal Court (ICC), to ensure neither country would surrender or transfer the other’s nationals to the ICC without consent.

The Government is also aware that, subject to certain exceptions, the American Service members’ Protection Act of 2002 prohibits the US from giving military assistance to States Parties to the ICC Statute after 1 July 2003. Some countries, including Australia, New Zealand, and NATO members, are automatically exempted from the prohibition. Other countries may be exempted from the prohibition if they enter into an Article 98(2) Agreement with the US.

Australia has been approached by the US to conclude an Article 98(2) Agreement. The Government is carefully considering the US proposal.

Agriculture: Drought Relief

Senator IAN MACDONALD (Queensland—Minister for Forestry and Conservation) (3.01 p.m.)—In the last couple of days, Senator O’Brien has asked me some questions about the fate of applications for exceptional circumstances from New South Wales. I might add to answers I have given to Senator O’Brien by alerting you, Senator O’Brien, to the fact that at this stage no application has been received from the New South Wales government for exceptional circumstances for New South Wales.

PARLIAMENTARY LANGUAGE

The PRESIDENT (3.02 p.m.)—Yesterday, during debate on the Commonwealth Electoral Amendment Bill (No. 1) 2002 the Acting Deputy President in the chair, Senator Ferguson, undertook at the request of Senator Ian Campbell to refer to me a ruling which he made in relation to remarks by Senator Mackay. Senator Mackay stated that there were rumours that Senator Abetz had assisted another person in some illegal electoral activity, that she did not believe these rumours but she thought that Senator Abetz should use the opportunity of the debate on the bill to clear up the matter. On a point of order taken by Senator Campbell to the effect that Senator Mackay was accusing Senator Abetz of the illegal activity, Senator Mackay indicated that she was not making that allegation. On that basis, Senator Ferguson ruled that she was in order.

Senator Campbell then submitted that this was merely a subtle way of making an allegation against a senator and asked that it be referred to me. In the circumstances, I believe that Senator Ferguson’s ruling was correct. The standing orders restrict offensive remarks and imputations made by senators, and it would give rise to many difficulties if these provisions were extended beyond that boundary. I indicate to senators, however, that it is not desirable for them to suggest and then to dismiss what would be an imputation against another senator in debate to allow a potentially offensive remark to be put on the record. If such a device were to be used, the chair would have to consider taking appropriate action to prevent it.

Honourable senators interjecting—

TEMPORARY CHAIRMEN OF COMMITTEES

The PRESIDENT—Pursuant to standing order 12, I lay on the table a warrant revoking the warrant nominating Senator Forshaw as a Temporary Chairman of Committees and appointing Senator Sandy Macdonald as an additional Temporary Chair of Committees.

Senator Faulkner—Mr President, on a point of order: when you were on your feet providing your earlier ruling, I noticed that there were senators not in their seats—

Senator Faulkner—I am not making a major point about this, but opposition senators were asked to resume their seats and did so. That is a comparatively minor matter; you are aware of that standing order. More importantly, there were a number of interjections. In this case, they came from both sides of the chamber and I quickly acknowledge that. But the interjections were commenced on the government’s side of the chamber. That is, in my view, highly disorderly. It is perfectly reasonable for any senator in this
chamber to seek leave to move a motion, as I did last week on behalf of the opposition as you would be aware, in relation to a statement you made, and to debate those issues. But when statements are being made with the President on his feet, those standing orders ought to be respected. I raise the point of order because of the lack of leadership shown in relation to the front bench of the coalition interjecting while you were on your feet making a statement.

The PRESIDENT—Thank you, Senator Faulkner.

QUESTIONS WITHOUT NOTICE: TAKE NOTE OF ANSWERS

Medicare: Bulk-Billing

Senator FORSHAW (New South Wales) (3.05 p.m.)—I move:

That the Senate take note of the answers given by the Minister for Health and Ageing (Senator Patterson) to questions without notice asked by Senators Collins and Crossin today relating to Medicare and a decline in the use of bulk-billing. Senator Patterson, the minister, was asked questions in regard to the latest figures for the June quarter of this year regarding bulk-billing. What we saw during question time was the minister spending all of the time that she was allotted to answer those questions talking about everything but bulk-billing. We know why: the minister is ashamed to table those figures in the parliament. Those figures have been sitting on this minister’s desk now, we understand, for some weeks, and the minister has refused or declined to make them publicly available. We understand that she proposes to release them publicly on Friday of this week, if she in fact does that.

We know why the minister is hanging onto those figures. It is because they tell an embarrassing story for the government about the minister’s disgraceful handling of the health portfolio. Furthermore, they point directly to the real agenda of the government when it comes to Medicare. I remind senators, in case they may have forgotten—I do not think they have; I know that members on the opposition side have never forgotten—of the words of John Howard, the now Prime Minister, who in the late 1980s said what they were going to do with Medicare. I do not think that the members of the government today have forgotten those words either, because I believe what John Howard said back in 1987 regarding what his party and his government intended to do to Medicare if they ever came to office is the real agenda—and it is still their agenda today. Let me remind the Senate of what John Howard said on 1 June 1987:

We will be proposing changes to Medicare which amount to its de facto dismantling … we’ll pull it right apart.

He then went on to say:

The second thing we’ll do is get rid of the bulk-billing system. It’s an absolute rort.

They were the words of the now Prime Minister, John Howard, back in 1987. They have had an ideological obsession with and objection to Medicare ever since it was introduced by the former Labor government—the Hawke government. Indeed, they had the same objection when Gough Whitlam and Bill Hayden brought in Medibank in the 1970s, because they have never ever accepted the concept of universal health cover in this country through Medibank and now Medicare.

But, of course, they learnt their lesson when they ran this policy during the elections of the eighties, in the years of the Hawke and Keating governments: they learnt that the people of Australia support Medicare. There is overwhelming support for Medicare in this country. Virtually the only people opposed to it are the Liberal Party and the doctors—some of the doctors, not all of them. Today, of course, we find that the government are not prepared to come out into the open and say that they are trying to dismantle Medicare. But they are allowing it to wither on the vine. They put all their energies into trying to prop up the private health insurance industry, and how often have we had to sit here and hear speeches from the government ministers about that? Even with all of the money that has been put into the
private health insurance industry, people still have to pay ever increasing costs for their health insurance. The government are allowing Medicare to wither on the vine. These figures will demonstrate—if the minister is prepared to release them, as she should; she has had them on her desk for weeks—a continuing decline in the level of bulk-billing in this country. It has been happening since the government came to office in 1996.

On top of that, given the recent crisis in indemnity insurance, we have seen GP fees increase, in some cases by 40 per cent or more. Bulk-billing is being reduced across this country. It is making it harder for families, particularly those on lower incomes, to afford to go to see their GPs, let alone see their specialists. When they do have to see the doctor, they are facing a bigger copayment because of the increase in GP fees. The Prime Minister’s words are coming true, because that is the real agenda of the government. They are setting out to destroy Medicare and they are doing it by their failure to support bulk-billing and do something to ensure that families in this country can once again have access to decent health services. (Time expired)

Senator COLBECK (Tasmania) (3.11 p.m.)—It amazes me how Labor continues to try to trawl back through past history for statements of the Prime Minister.

Opposition senator—Now we have got one.

Senator COLBECK—Paul Keating, for example, supported a GST in the past, didn’t he?

Senator Hutchins—Not your GST.

Senator COLBECK—Yes, exactly right. Paul Keating supported a GST in the past.

Senator Jacinta Collins—Not your model.

Senator COLBECK—That is exactly right: the concept of a GST is well known to have been supported by Prime Minister Keating.

Senator Forshaw—This is about bulk-billing, not the GST.

Senator COLBECK—If you guys want to bring up the past with respect to the current Prime Minister’s policies, I cannot see how my bringing up the past with respect to a former Prime Minister’s support for a policy is any less relevant. The government’s support for Medicare is well established, as is the support for bulk-billing. Senator Forshaw has brought up the private health industry. Labor almost destroyed the private health industry and applied so much pressure to the public health system that growing waiting lists for surgery in the state hospital systems are well known. In my state, in the last 12 months or so—in fact, over the last four years, the Labor government there has not done anything to assist with waiting lists—patients have been sent home from hospital three times, waiting to get into surgery.

I do not see how Labor can in any way have any credentials or claim any credentials with respect to their support for the health system—particularly the public health system—given their record at the state level over the last few years. There has been a decline in bulk-billing services across Australia. But bulk-billing remains high, with more than seven out of every 10 GP visits being bulk-billed, so I do not understand this frenetic attack with respect to bulk-billing. What is the big deal about waiting until Friday? We will be back here in a fortnight, if you want to ask us a question about it and have a chat then. It seems that somebody wants some great excitement over the fact that, if it is going to be Friday, it is going to be Friday.

For Australians over 65, the bulk-billing rate is over 80 per cent—eight out of 10. There is a significant number of people who still have access to this service, and the federal government’s commitment to it is well and truly established. The issues are extremely complex. The AMA promotes pushing up the Medicare rebates, but those sorts of actions alone will not address the problems that exist within the system. They will not ensure quality of care or provide outcomes for patients. It is an extremely complex issue. I think the ALP has also finally realised that increasing the Medicare
rebate is not the answer to this problem. In fact, the shadow minister for health said so himself:

... if you increase the Medical Services Rebate for GP consultations across the board that would cost the Commonwealth an extraordinarily large amount of money. But, you don’t have to do that.

Your own shadow minister for health made that statement. There seems to be some extraordinary concern about the figures not being announced until Friday. Why is that so much of an issue? Why is it a problem that we cannot announce the figures until Friday? I really do not see that we should have a problem with that, and I do not see why the opposition should have a problem with that. It is quite a simple proposition that the government has its own timetable for making these announcements. I am sure that in past years, if you want to go back into history again, when the Labor Party were in government they would determine their timetables for these sorts of things. It is quite reasonable to expect that a government could meet its own times and timetables. (Time expired)

Senator JACINT A COLLINS (Victoria) (3.16 p.m.)—With all due respect to Senator Colbeck, this has not been a ‘frenetic’ attack; this has been a simple and straightforward call for government accountability. As we understand it, these figures should be available by now. They have again, as we understand, been sitting on the minister’s desk for a couple of weeks—a claim that she did not deny in question time today. There is significant concern about the trends that were established with the last quarter’s figures in March. Given this significant interest and concern about a decline in bulk-billing, it surprises me that the minister could not say today why there is a delay in the release of the figures. A certain level of parliamentary cynicism leads to the explanation that she is simply seeking to avoid public scrutiny of those figures by tabling them outside of a sitting fortnight. She may hope that in two weeks time, when we return, some of the heat of this issue will have dissipated, but I can assure Senator Patterson that the heat on this issue will not dissipate.

Senator Forshaw went back to some of the reasons why there is such a high level of cynicism about the government’s position with respect to Medicare. I respond to Senator Colbeck’s claim—that the government has a longstanding commitment to Medicare which has been clearly established—by saying that comments on the record clearly indicate that that is not the case. How can the Australian public not be cynical and think that there is another agenda going on with this decline in bulk-billing in Medicare when you have on the record the Prime Minister saying such things as:

We will be proposing changes to Medicare which amount to its de facto dismantling ...

Even for the Prime Minister to have used that language leads one towards cynicism.

Senator Colbeck—How long ago did he say that?

Senator JACINT A COLLINS—He said in 1987:

We will be proposing changes to Medicare—that in itself might have been fair enough, but he then went on to say:

which amount to its de facto dismantling ...

Why did he feel back then that he needed to talk in the de facto and why is he acting in the de facto today? Why is he allowing, as he has since the commencement of his government, such a significant decline in bulk-billing? Senator Patterson has said that the seeds of this problem date back to when Labor was in government, but the truth of the matter is that the seeds of this problem originate in the period for which she has had to cover up on many occasions: when the previous minister for health was at the helm. You can have some level—only a limited level—of sympathy for Senator Patterson: she has had to cover up several political problems associated with Dr Wooldridge, and this is another one. The government should have acted well before now to address the problems that would lead to this decline in Medicare bulk-billing, but the government did not act when it should have.

Senator Patterson has been left—which is typical in some respects—with an enormous mess in this area and with a significant challenge to directly fix a number of problems to
ensure that we have a stable, reliable, universal health system. The test over the next few years will be whether she can succeed in that challenge, because she started with an enormous mess and she has a broad range of problems to address. Many of those problems are sores left by Dr Wooldridge. I can only hope that some of her statements about a commitment to bulk-billing will be responded to positively.

I put out a release in relation to my local area and the March figures. These figures show that people are paying more for doctors’ services in the area from the eastern fringe of Knox in Melbourne, through the Dandenong Ranges and around to Berwick, with many people being stretched by rising interest rates as well. How can this be justified? It cannot be justified. It is a mess that has been created by the Howard government, and I hope the minister is fair in her commitment to fix that mess.

Senator JOHNSTON (Western Australia) (3.21 p.m.)—With great respect to the honourable senator who spoke before me, it is not enough simply to bring the problem to this place and, in doing so, disclose a complete lack of understanding of the genesis of the problem and the reason for the problem coming to the surface. Yes, there is a problem. The decline is in medical GP services delivered on the ground, in the regions and in the outer metropolitan regions of Australia. That in itself is a very difficult, fundamental and complex problem. I do not expect that senators on the other side of this house, not coming from those regions or even visiting them very often, have any great understanding of it. The solution to the problem is not—as the state ministers would say—simply to increase the rebate. Even your own shadow minister says that that is not the solution. It is not good enough, senators, to come here carping about the problem without even a vague hint of the solution. That indicates that you have no real understanding of what the problem is about.

In my home state we are witnessing the naked intent to downgrade regional hospitals. Let us take the hinterland and city of Albany in Western Australia as an example. Albany has no surgeons and very few GPs.

The reason for that is very simply that every single month there are 40 Royal Flying Doctor Service flights out of Albany, which has 50,000 people in the hinterland and city. So if you have appendicitis or a broken leg you are taken from your family and transported to Perth. That is what the Labor Party’s solution to the problem is: simply to take the patients out of their homes, to take them away.

Let me underline that this government is fully committed to Medicare and bulk-billing. It is also, in absolute stark contrast to the record of the previous Labor government, fully committed to people living in regional Australia. And that is the fundamental difference. Manjimup has over 10 Royal Flying Doctor Service flights a week. If you are expecting a baby in Manjimup you cannot even have it in your hometown hospital. I say again that the government is fully committed to Medicare and bulk-billing. The state governments and senators opposite indicate a complete antithesis to, and lack of understanding of, what is happening in the delivery of health care services in regional Australia.

The bulk-billing rate is more than 80 per cent for Australians over the age of 65. We have committed over $562 million over the last four years to initiatives and incentives to get doctors into rural areas and $80 million to get doctors into outer metropolitan areas. Last year, in stark contrast to the record of the previous Labor government, there was a 4.3 per cent increase in doctors in rural Australia. That is a significant turnaround, a significant improvement.

The real solution to this problem lies firstly in senators having some understanding of the problem and in getting and enticing, in our free society, doctors to leave their inner suburban practices and travel to work in the regions and in outer metropolitan areas. In closing, I ask this: what is being offered from the other side of the chamber towards a solution to the complex nature of the problem confronting all of us here? Nothing, not one single solitary hint of a solution. We will tell you what the problem is and we will tell you that we understand the genesis of the problem. It is complex, and we are working on it.
We will be the ones who solve the legacy that you have left us, that of having medical services leave regional and outer metropolitan Australia.

Senator HUTCHINS (New South Wales) (3.26 p.m.)—I rise to take note of Senator Patterson’s response regarding the bulk-billing crisis which becomes more and more serious by the day. In particular, I would like to speak of the effect that the government’s lack of action on the bulk-billing crisis is having on the Central Coast of New South Wales. The electorates of Dobell and Robertson are particularly vulnerable to any watering down of the health system. The government’s inaction over bulk-billing simply serves further to punish and marginalise families who have already suffered the consequences of the Howard government’s 30 per cent increase in the cost of prescription medicines.

Now it has come to light that the Central Coast of New South Wales is one of the areas which has been hardest hit by doctors being forced to charge copayments. The Minister for Health and Ageing, Senator Patterson, has refused to admit that there was a problem. The Australian Medical Association, the ALP and every state and territory government throughout the country have told her that bulk-billing was in crisis, yet she and her government have refused to take action.

Senator Patterson said that the concerns about the fall in bulk-billing rates were alarmist. She said that three out of four people are still being bulk-billed. Three out of four people is quite simply not enough. But on the Central Coast of New South Wales, which unfortunately is represented by two Liberal members of parliament, the situation is this: three in 10 patients there were not bulk-billed in the 12 months ending in March of this year. That means that in the past two years the number of patients on the Central Coast who have made copayments when visiting their GP has almost doubled. The average cost of copayments for a visit to a GP is $12. For a family from Gosford, in the seat of Robertson, with three kids who get the flu in quick succession, that is a pretty hefty bill. If they cannot afford the bill then they will have to take their kids to the Gosford Hospital in Holden Street.

Increased pressure on emergency rooms at hospitals has been reported, specifically because of this problem. Quite simply, the bulk-billing crisis is wreaking havoc on our system. We all know that the medical indemnity insurance crisis has haunted the medical profession. It is the increase in insurance premiums that has forced many doctors to stop bulk-billing. The insurance problem has had the direct effect of decreasing the accessibility of Australia’s health services. On the Central Coast, approximately 15 per cent fewer visits to GPs are bulk-billed than they were two years ago.

It is because of Senator Patterson ignoring the problem that it has become worse. The Liberals are responsible. Every time someone goes to their GP and has to make a copayment because he or she no longer bulk-bills, it is the Liberal Party’s fault. But Senator Patterson could not admit that there was a problem, because Senator Coonan, who has been given the responsibility of sorting out this blow-out of insurance costs, simply cannot handle it and simply has no solutions. Instead of focusing on the bulk-billing problems facing Australians—in particular, hurting the people of the Central Coast and in particular the people of Dobell and Robertson—Senator Patterson has been protecting her fellow Liberal minister to the detriment of the people of Australia. She has sold out the people on the Central Coast to protect one of her own.

The Prime Minister has been determined ever since he made those statements in 1987 to destroy Medicare, a system that was introduced by Bob Hawke. He said he would get rid of the bulk-billing system. Now, instead of being honest about it like he was in the 1980s, he is eroding it by stealth. Senator Patterson has denied there is a problem with the system. The people on the Central Coast know there is a problem; they see it every day. The Prime Minister’s vendetta against Medicare and bulk-billing is becoming clearer and clearer. First there was the increase in the cost of medicine. Now there is the avoidance of taking action on bulk-billing. It is not good enough and people
know that ignoring a problem will not make it go away.

Question agreed to.

**Foreign Affairs: Iraq**

**Senator BARTLETT (Queensland) (3.31 p.m.)—**I move:

That the Senate take note of the answer given by the Minister for Defence (Senator Hill) to a question without notice asked by Senator Bartlett today relating to parliamentary debate on any proposed military involvement by Australia against Iraq.

The question was a fairly simple one but obviously a very important one. The issue of Iraq, whilst it moves backwards and forwards on the front pages of the newspapers, remains constant as a significant potential threat to global stability and economic security, particularly regional stability in the Middle East. I acknowledge that that is the case whether there is action or not.

I acknowledge that Iraq is, in its current state, not exactly the most noble global citizen you could find—indeed, very much to the contrary. But it must be continually emphasised that a move towards a pre-emptive strike or a first strike is a significant precedent and it is not something that the government will have to make a decision on with no warning. We all know the warnings now. We have the US Vice-President—who, according to some reports, actually runs the US rather than Mr Bush—turning up the heat again in a speech overnight, saying that the risks of inaction are far greater than the risks of action, and also saying that the world cannot afford to wait.

It is a pretty clear signal that, if there is going to be action from the US, it is going to occur sooner rather than later, particularly when you add in the domestic political scenario. We all know, and I presume the government is amongst those who know, that the Congressional elections are coming up in the US in November. We also know that power in the Senate is very finely balanced. It is a very significant election for that reason. It is not being particularly cynical to suggest that, like our own government, the US government might think it useful to engage in a nice patriotic engagement with a horrible enemy in the Middle East somewhere leading up to these elections. They are less than three months away now. With all those various pieces of evidence you do not need to make much of a leap of faith to think that, if this issue is going to confront this government and this parliament and our nation, it is going to do it sooner rather than later.

Why does the government continue to sit back and say, we’ll think about it if we get asked by the US? Senator Hill’s answer, in many ways, was very useful and informative, which I thank him for. He outlined many of the issues. Iraq is a threat to regional stability and security. We have been unsuccessful in preventing the development of some of the weapons of mass destruction, although there is debate about the extent of that. There is a heightened awareness about the need to take threats more seriously after September 11. There are continuing demands for an end to the continued development of weapons of mass destruction and the question of course arises: what if those demands are not met by Iraq? What then? It is pretty clear from the US what then. They are ramping up pretty quickly.

Why, if the government know all those pieces of information—I am sure there are extra bits of sensitive military information that they do not want to tell us about; that is fine but there is that area of extra information—are they just saying, we’ll talk about it later? Motions have been put: there is currently a motion on the table from the Democrats seeking support for an inquiry—not a political inquiry, not a piece of grandstanding, but an opportunity to get the information out in the public arena. I have recently become a member of the Defence Subcommittee of the Joint Standing Committee on Foreign Affairs, Defence and Trade, a very important committee. They are having briefings about potential issues for the war on terror. That is great. I admit I have not been able to get to many of them because I have so many other commitments, but they are not public briefings. Why can’t the public get in on the information? Why can’t the public have the opportunity to be informed about this issue? Why do we all have to sit back? Why will the government not agree to engage in debate
with the public and the parliament before they have to make a decision? Why sit back and wait until they are asked by the US, respond and then say, ‘Okay, now we are going to talk about it’?

That is the pre-emptive strike; the government is trying to take a pre-emptive strike on the people of Australia to be able to launch into military action without having the facts on the table. It is about time the government recognised that the public are concerned about this issue and they want information. If the government is serious about wanting to engage in this, wanting to put forward a case, let it put the information on the table and not engage in this empty patriotic sabre rattling. (Time expired)

Question agreed to.

PETITIONS

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

Food: Irradiation
To the Honourable the President and members of the Senate assembled in Parliament:
The petition of the undersigned shows:
The residents of Australia are opposed to food irradiation and the building of the nuclear irradiation facility proposed for Narangba, in Queensland, as well as the Electron beam irradiation facility proposed for North Queensland.

Your petitioners request the Senate should

• Prohibit the establishment of a nuclear irradiation facility or X-Ray or Electron beam irradiation facility at any location in Australia.
• Ban the import, export and sale of irradiated food in Australia.
• Call on the Australia New Zealand Food Standards Council (ANZFSC) and the Australia New Zealand Food Authority (ANZFA) to amend Standards A-17 and 1.5.3—Irradiation of Foods in the Food Standards Code to ban food irradiation outright in Australia and New Zealand.

by Senator Brown (from 2,013 citizens).

Health and Ageing: Accommodation

Places
To the Honourable the President and Members of the Senate in Parliament assembled:
The petition of the undersigned shows that there is a shortage of nursing home and hostel permanent and respite beds in the Lower Great Southern of Western Australia especially in Albany. Many people resort to using hospital beds for urgent respite and while waiting for permanent care which takes up valuable acute hospital beds.

Your petitioners request that the Senate ensure that the Commonwealth provide these people with access to respite and permanent care beds in their local area.

by Senator Webber (from 1,779 citizens).

Petitions received.

NOTICES

Presentation

Senator Carr to move on the next day of sitting:

That the Senate—

(a) notes:

(i) the Government’s failure to respond to the Employment, Workplace Relations, Small Business and Education References Committee report, Universities in crisis: Report into the capacity of public university to meet Australia’s higher education needs, tabled on 27 September 2001,

(ii) that the Government stated in its response to the schedule of government responses outstanding to parliamentary committee reports tabled by the President of the Senate on 15 February 2002, ‘The response is expected to be tabled shortly’, and

(iii) that it is now more than 11 months since the committee’s report was tabled and more than 6 months since a draft was provided to the Minister for Education, Science and Training (Dr Nelson); and

(b) calls on the Government to table its response to the report immediately.

Postponement

Items of business were postponed as follows:

Business of the Senate notice of motion no. 1 standing in the name of Senator Murray for today, relating to the reference of matters to the Community Affairs References Committee, postponed till 25 September 2002.

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 Economics References Committee, postponed till 25 September 2002.
Business of the Senate notice of motion no. 4 standing in the name of Senator Harris for today, relating to the reference of a matter to the Rural and Regional Affairs and Transport Legislation Committee, postponed till 28 August 2002.

General business notice of motion no. 125 standing in the names of Senators Brown and Nettle for today, proposing the establishment of a select committee on the possible support by Australia of a United States invasion of Iraq, postponed till 28 August 2002.

General business notice of motion no. 126 standing in the name of Senator Sherry for today, proposing an order for the production of documents relating to superannuation, postponed till 28 August 2002.

General business notice of motion no. 127 standing in the name of Senator Sherry for today, proposing an order for the production of a report by the Superannuation Working Group, postponed till 28 August 2002.

COMMITTEES

Environment, Communications, Information Technology and the Arts References Committee

Extension of Time

Senator ALLISON (Victoria) (3.38 p.m.)—I move:

That the time for the presentation of the report of the Environment, Communications, Information Technology and the Arts References Committee on urban water management be extended to 26 September 2002.

Question agreed to.

Legal and Constitutional References Committee

Extension of Time

Senator MACKAY (Tasmania) (3.39 p.m.)—At the request of Senator Bolkus, I move:

That the time for the presentation of the report of the Legal and Constitutional References Committee on the Migration Legislation Amendment (Further Border Protection Measures) Bill 2002 and related issues be extended to 26 September 2002.

Question agreed to.

Economic References Committee

Extension of Time

Senator MACKAY (Tasmania) (3.39 p.m.)—At the request of Senator Collins, I move:

That the time for the presentation of the report of the Economics References Committee on public liability and professional indemnity insurance be extended to 24 September 2002.

Question agreed to.

Rural and Regional Affairs and Transport Legislation Committee

Meeting

Senator FERRIS (South Australia) (3.40 p.m.)—At the request of Senator Heffernan, I move:

That the Rural and Regional Affairs and Transport Legislation Committee be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 28 August 2002, from 5 p.m., to take evidence for the committee's inquiry into the Australian meat industry and export quotas.

Question agreed to.

Community Affairs Legislation Committee

Meeting

Senator FERRIS (South Australia) (3.37 p.m.)—At the request of Senator Knowles, I move:

That the Community Affairs Legislation Committee be authorised to hold public meetings during the sitting of the Senate from 3.30 pm to take evidence for the committee's inquiry into the provisions of the Research Involving Embryos and Prohibition of Human Cloning Bill 2002 on the following days:

Thursday, 29 August 2002
Tuesday, 17 September 2000
Thursday, 19 September 2002
Tuesday, 24 September 2002
Thursday, 26 September 2002.

Question agreed to.

Legal and Constitutional References Committee

Reference

Senator ALLISON (Victoria) (3.41 p.m.)—At the request of Senator Ridgeway, I move:
(1) That the following matter be referred to the Legal and Constitutional References Committee for inquiry and report by March 2003:

Progress towards national reconciliation, including an examination of the adequacy and effectiveness of the Commonwealth Government’s response to, and implementation of, the recommendations contained in the following documents:

(a) Reconciliation: Australia’s Challenge: Final Report of the Council for Aboriginal Reconciliation to the Prime Minister and the Commonwealth Parliament;

(b) the Council for Aboriginal Reconciliation’s Roadmap for Reconciliation and the associated National Strategies to Advance Reconciliation; and

(c) the Aboriginal and Torres Strait Islander Social Justice Commissioner’s social justice reports in 2000 and 2001 relating to reconciliation.

(2) That, in examining this matter, the committee have regard to the following:

(a) whether processes have been developed to enable and require government agencies to review their policies and programs against the documents referred to above;

(b) effective ways of implementing the recommendations of the documents referred to above, including an examination of funding arrangements;

(c) the adequacy and effectiveness of any targets, benchmarks, monitoring and evaluation mechanisms that have been put in place to address Indigenous disadvantage and promote reconciliation, with particular reference to the consistency of these responses with the documents referred to above; and

(d) the consistency of the Government’s responses to the recommendations contained in the documents referred to above with the needs and aspirations of Indigenous Australians as Australian citizens and First Nation Peoples.

Question agreed to.

IRAQ: MILITARY INVOLVEMENT

Return to Order

The DEPUTY PRESIDENT—I present a response from the Prime Minister, Mr Howard, to a resolution of the Senate of 27 June 2002 concerning military involvement overseas.

COMMITTEES

Privileges Committee

Report

Senator ROBERT RAY (Victoria) (3.42 p.m.)—I present the 106th report of the Privileges Committee entitled Possible improper interference with a witness before the Select Committee on a Certain Maritime Incident.

Ordered that the report be printed.

Senator ROBERT RAY—I seek leave to move a motion in relation to the report.

Leave granted.

Senator ROBERT RAY—I move:

That the Senate endorse the findings at paragraph 1.41 of the 106th report.

On 16 May 2002 the Senate referred the following matter 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 a witness’s evidence and whether any contempt of the Senate was committed in that regard.

The allegation was raised by Rear Admiral Raydon Gates in a minute to the Minister for Defence, Senator Hill. It related to a meeting between Dr Brendon Hammer, at the time an assistant secretary in the Department of the Prime Minister and Cabinet, Commander Stefan King, who had previously been Defence liaison officer in that department, and another PM&C officer. The minute led to a letter which Dr Hammer wrote to Commander King just two days before Commander King was scheduled to give evidence before the maritime incident committee.

The questions for the Privileges Committee to determine were: firstly, whether the meeting was called in an attempt to influence Commander King about evidence he might
be called to give before the committee, and whether the letter, which responded to the allegation made by Rear Admiral Gates, itself constituted possible improper interference. The Committee of Privileges has concluded from all the evidence before it, particularly the unequivocal evidence of Dr Hammer and Commander King—the two persons primarily involved—that no improper influence was ever attempted, much less exerted, in respect of this matter. The committee’s comment and conclusions are at paragraphs 1.33 to 1.40 of its report, leading to a finding that no contempt of the Senate was committed.

The committee was anxious to make a report to the Senate at the earliest possible opportunity, in order to exonerate a senior public servant who, as he has indicated in his submission to the committee, has suffered considerably as a result of this matter having arisen. As the report makes clear, the maritime incident committee had little choice, on the basis of the material before it, but to raise the matter. It is, nevertheless, unfortunate for the individual concerned and for other officers that the process had to be gone through at all, given the nature of the committee’s conclusions and findings. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

Privileges Committee

Report

Senator ROBERT RAY (Victoria) (3.46 p.m.)—I present the 107th report of the Privileges Committee entitled Parliamentary privilege: precedence, procedures and practice in the Australian Senate 1966-2002, together with the volume of documents accompanying the report.

Ordered that the report be printed.

Senator ROBERT RAY—I seek leave to move a motion in relation to the report.

Leave granted.

Senator ROBERT RAY—I move:

That the Senate take note of the report.

This report is the fourth edition of an account of the committee’s work since the passage of the Parliamentary Privileges Act 1987 and the Senate privileges resolutions of 1988. The committee has made a practice of tabling this report once each parliament to give details of developments in parliamentary privilege and summaries of cases which it has considered. Accompanying the report is a volume of documents consisting of all the formal advices the committee has received since 1988. For the first time these advices, mostly from the Clerk of the Senate, will be placed on the Internet—as will, of course, the report itself—to provide ready access to a body of parliamentary case law which the committee has generated. I commend the report to the Senate and seek leave to continue my remarks later.

Leave granted; debate adjourned.

BUDGET
Consideration by Legislation Committees

Additional Information

Senator FERRIS (South Australia) (3.47 p.m.)—On behalf of the Chair of the Community Affairs Legislation Committee, Senator Knowles, I present additional information received by the committee relating to hearings on the budget estimates for 2002-03.

COMMITTEES

Public Works Committee

Report

Senator FERGUSON (South Australia) (3.47 p.m.)—On behalf of the Joint Standing Committee on Public Works, I present the first report of 2002, entitled Proposed common use infrastructure on Christmas Island. I seek leave to move a motion in relation to the report.

Leave granted.

Senator FERGUSON—I move:

That the Senate take note of the report.

This report specifically deals with improvements to the Christmas Island airport and, in particular, the extension of the airport runway 460 metres north and 90 metres south. The current runway length and strength are inadequate for the freighter aircraft 747-400 and Antonov required for the space launch facility. Without the proposed airport upgrades, the Asia Pacific Space Centre operations cannot proceed. The estimated cost of the airport upgrade is $51.3 million.
I should note that on 9 August 2001 a similar proposal was referred to the committee by the Department of Transport and Regional Services. That reference lapsed as a result of the prorogation of the parliament on 8 October. That proposal included an airport upgrade, an additional port on the east coast and a new link road from the east coast to Lily Beach Road. Prior to prorogation, the department applied to the committee for concurrent documentation. The committee granted its approval in September 2001 on the ground of the urgent nature of the project. Such approval allowed the department to undertake preliminary planning associated with the project.

The proposal referred to the committee on 21 March 2002 deals only with the upgrades to the Christmas Island airport and does not include the additional port and the new link road. These two projects were incorporated into the infrastructure works associated with the Christmas Island Immigration Reception and Processing Centre, which were the subject of an expediency motion moved by the parliamentary secretary in the House of Representatives on the same day.

The airport upgrade will provide improved services for the Christmas Island community and a facility for large-bodied aircraft. Attracting large-bodied aircraft is essential for the Christmas Island economy. The airport generates revenue from landing charges based on aircraft tonnage. Present forecasts indicate that the number of aircraft using the airport will rise from 423 to approximately 1,350 in 2006.

The proposal as presented to the committee posed three major challenges. First, there is a lack of emergency services at the airport, including fire tenders and associated vehicle storage facilities. While these services were included in the original referral in August last year, the Civil Aviation Safety Authority, CASA, considered that these services would not now be required because of low airport utilisation. The committee does not accept CASA's exemption of the firefighting services, particularly as the upgraded airport is designed to cater for increased traffic associated with the operations of the Asia Pacific Space Centre. As a result, the committee has recommended that an urgent approach be made by the Department of Transport and Regional Services to CASA to remove its exemption on the provision of emergency services at the airport.

The second area of concern relates to the operation of Christmas Island Phosphates. This company is currently the largest business and employer on the island. The committee is keen to ensure that employment prospects for the local community are not adversely affected by any loss of potential mining areas as a consequence of the airport upgrade. To this end, the committee has recommended that the Department of Transport and Regional Services enter into a dialogue with Christmas Island Phosphates in order to reach a compromise with regard to the removal of phosphate deposits from areas affected by the airport improvements. The company's activities, however, should not impact on the cost or the time frame of the project.

The third issue relates to the possible impact on the local infrastructure and services as a result of an anticipated increase in the number of workers associated with the public works projects. From observation and discussions with the local community, the committee was left in no doubt that any inflow of numbers of people to the island could impose a serious burden on services. The committee has therefore recommended that the Minister for Regional Services, Territories and Local Government consider a social impact study and, if necessary, institute action to upgrade the island's infrastructure and services to ensure that the local community is in no way disadvantaged by an increase in the population.

The committee supports this project and believes that, irrespective of the space centre proceeding, an upgraded airport for Christmas Island would help to decrease the isolation of the local community by improving its air services. The committee also expects that the project would generate employment opportunities for the local community as well as developing the local skills base. The committee has recommended, therefore, that the proposed common use infrastructure project on Christmas Island proceed at a cost.
of $51.3 million, pending approval of the draft environmental impact statement and the fulfilment of the recommendations made in this report.

Many people assisted the committee during the course of the inspections and public hearing on Christmas Island. I wish in particular to mention the exceptional efforts of the Administrator, Mr Bill Taylor, and thank him for his assistance. As many colleagues would remember, Mr Taylor was for many years a member of the Public Works Committee, and his knowledge of the operations of the committee was very helpful in every respect.

I wish also to thank my colleagues on the committee for their positive support and contribution. Some of the members are new to the committee and attended their first public works inquiry on Christmas Island. On behalf of the committee, I also wish to thank the staff of the secretariat for their consistent and wonderful support throughout this inquiry.

A couple of issues have been raised since we went to Christmas Island. Some have been raised by the Democrats—in particular, by Senator Bartlett on one occasion—in relation to environmental effects on Christmas Island and in relation to a number of other issues. I have listened carefully to speeches that have been made in relation to this proposed infrastructure support project and any potential impact that it might have on the island. Much of what I have heard from members of this chamber who have not had the opportunity to go to Christmas Island themselves has been ill informed and certainly does not represent the facts as they were presented to the committee during our public hearings.

I refer to the full support of Environment Australia, and note that those environmentalists who were concerned about the frigate bird and other potentially endangered species were quite sure that the work that was to be undertaken and the care which would be taken in that work being done would not in any way be of detriment to the environment on Christmas Island, to any endangered species that may exist on the island or to the lifestyle of the people who work on the island. We were very cognisant of the fact that the main employer on Christmas Island, Christmas Island Phosphates, has a very strong and loyal work force. We wanted to make sure that their future was assured and not affected by this proposed infrastructure project.

This is a wonderful piece of infrastructure. The Asia Pacific Space Centre has enormous potential for Australia. We were told during the inquiry that they could become the largest taxpayer in Australia if everything they have planned comes to fruition. At this stage there is no reason why it should not. So it is very important that this project goes ahead as soon as possible, which is why we have made these recommendations. They are the result of a very thorough public hearing and public consultation process on Christmas Island. I know that others wish to speak on this report, so I seek leave to continue my remarks later.

Leave granted; debate adjourned.

Environment, Communications, Information Technology and the Arts Committee

Senator Ferris (South Australia) (3.56 p.m.)—On behalf of the Environment, Communications, Information Technology and the Arts Legislation and References Committees, I present the report of a visit by the committees to New Zealand from 15 to 17 April 2002. I seek leave to move a motion in relation to the report.

Leave granted.

Senator Ferris—I move:
That the Senate take note of the report.

Question agreed to.

Membership

The Deputy President—The President has received letters from party leaders and Independent senators seeking variations to the membership of various committees.

Senator Ian Campbell (Western Australia—Manager of Government Business in the Senate) (3.58 p.m.)—by leave—I move:
That senators be discharged from and appointed to committees as follows:

**Community Affairs Legislation Committee**—
Participating members: Senators Brown and Nettle for the committee’s inquiry into the provisions of the Research Involving Embryos and Prohibition of Human Cloning Bill 2002

**Employment, Workplace Relations and Education Legislation Committee**—
Discharged: Senator Lees, as a substitute member
Substitute member: Senator Allison to replace Senator Stott Despoja for matters relating to the Training portfolio

**Employment, Workplace Relations and Education References Committee**—
Discharged: Senator Lees, as a substitute member
Participating member: Senator Johnston
Substitute member: Senator Allison to replace Senator Stott Despoja for matters relating to the Training portfolio

**Foreign Affairs, Defence and Trade Legislation Committee**—
Participating member: Senator Johnston

**House—Standing Committee**—
Appointed: Senator Ferris

**Legal and Constitutional Legislation Committee**—
Discharged: Senator Lees, as a substitute member
Participating member: Senator Stott Despoja
Substitute member: Senator Ridgeway to replace Senator Greig for matters relating to the Indigenous Affairs portfolio

**Legal and Constitutional References Committee**—
Discharged: Senator Lees, as a substitute member
Participating member: Senator Stott Despoja
Substitute member: Senator Ridgeway to replace Senator Greig for matters relating to the Indigenous Affairs portfolio

**Native Title and the Aboriginal and Torres Strait Islander Land Fund—Joint Statutory Committee**—
Discharged: Senator Ferris

**Rural and Regional Affairs and Transport References Committee**—
Participating member: Senator Ferris.

Question agreed to.

**SPACE ACTIVITIES AMENDMENT BILL 2002**

Report of Economics Legislation Committee

Senator FERRIS (South Australia) (3.58 p.m.)—On behalf of the Chair of the Economics Legislation Committee, Senator Brandis, I present the report of the committee on the Space Activities Amendment Bill 2002 and submissions received by the committee.

Ordered that the report be printed.

**COMMONWEALTH ELECTORAL AMENDMENT BILL (No. 1) 2002**

In Committee

Consideration resumed from 26 August.

(Quorum formed)

The TEMPORARY CHAIRMAN (Senator Lightfoot)—The committee is considering the Commonwealth Electoral Amendment Bill (No. 1) and Democrat amendments (1) to (10) on sheet 2526 moved together by Senator Murray. The question is that the amendments be agreed to.

Question put.

The committee divided. [4.07 p.m.]

(Ayres……….. 38
Noes……….. 28
Majority……….. 10)

AYES

Abetz, E.
Alston, R.K.R.
Bartlett, A.J.J.
Brandis, G.H.
Campbell, I.G.
Colbeck, R.
Eggleston, A.
Ferguson, A.B.
Harris, L.
Herron, J.J.
Kemp, C.R.
Lees, M.H.
Macdonald, I.
Mason, B.J.
Murray, A.J.M.
Payne, M.A.

Ayes.

Allison, L.F.
Barnett, G.
Boswell, R.L.D.
Calvert, P.H.
Cherry, J.C.
Cooman, H.L.
Ellison, C.M.
Ferris, J.M.
Heffernan, W.
Johnston, D.
Knowles, S.C.
Lightfoot, P.R.
Macdonald, J.A.L.
McGauran, J.J.J.
Murray, A.J.M.
Paterson, K.C.
Reid, M.E.
Senator MURRAY (Western Australia) (4.10 p.m.)—I move Democrat amendment (11) on sheet 2526:

(11) Schedule 1, page 6 (after line 21), at the end of the Schedule, add:

7 After section 299

Insert:

299A Method of making payments

Payment by direct credit or by cheque

(1) If the Electoral Commission is required to pay an amount under section 299 to the agent or principal agent of a party, the Electoral Commission must pay the amount:

(a) if the party has nominated a bank account for the purposes of this section—to the credit of that account; or

(b) otherwise—by cheque payable to the party.

Nominated bank account

(2) A bank account nominated by a party for the purposes of this section must satisfy the following conditions:

(a) the account must be maintained by the party;

(b) the account must be with a bank;

(c) the account must be kept in Australia;

(d) the account name must consist of, or include:

(i) if the account is maintained by a registered political party—the name of the party as it appears in the Register of Political Parties; or

(ii) if the account is held by a State branch of a political party, and the branch is not a registered political party—the name of the State branch.

Name on cheque

(3) For the purposes of this section, a cheque is taken not to be payable to a party unless:

(a) if the party is a registered political party—the cheque is made out:

(i) if a determination under subsection (4) is in force in relation to the name of the party—in the special abbreviation of the name of the party; or

(ii) otherwise—in the name of the party, being the name as it appears in the Register of Political Parties; or

(b) if the party is a State branch of a political party, and the branch is not a registered political party—the cheque is made out:

(i) if a determination under subsection (4) is in force in relation to the name of the State branch—in the special abbreviation of the name of the State branch; or

(ii) otherwise—in the name of the State branch.

Abbreviation of party names

(4) The Electoral Commission may, by notice published in the Gazette, determine that a specified abbreviation of the name of a party is a special abbreviation of the name of the party for the purposes of this section.

(5) The Electoral Commission must publish a copy of a notice under subsection (4) on the Internet.

(6) Before making a determination under subsection (4) in relation to a party, the Electoral Commission must consult the party.
(7) To avoid doubt, if a cheque under this section is made out in the special abbreviation of the name of a party, the cheque is as valid as it would have been if it had been made out in the name of the party.

Dispach of cheques

(8) To avoid doubt, if a cheque under this section is payable to a party, this section does not prevent the Electoral Commission from dispatching the cheque to the agent or principal agent of the party.

Definitions

(9) In this section:

bank means a body corporate that is an ADI (authorised deposit-taking institution) for the purposes of the Banking Act 1959.

party means a registered political party or a State branch of a registered political party.

This amendment relates to a recommendation from the Australian Electoral Commission in 1996 that provides that the Electoral Commission will make a payment of public funding by direct deposit into a nominated bank account, or by cheque when there is no nominated bank account, and provides that cheques pertaining to public funding are to be made out in the name of the registered political party, not in the agent’s name, as is currently the case. I have always thought that a very sensible recommendation. I have been disappointed the government has not had the opportunity to bring it forward before. I hope it is relatively non-contentious on all sides of the parliament, but I did think this was an opportunity, if we were dealing with funding, to address this. The amendment inserts a new section 299A, which provides that the AEC will make the payment to public funding by direct deposit into a nominated bank account.

Question agreed to.

Senator BROWN (Tasmania) (4.12 p.m.)—I move Greens amendment (1) on sheet 2593:

(1) Schedule 1, page 6 (after line 21), at the end of the Schedule, add:

7 After Section 306

Insert:

306A Repayment of donations where corporations wound up etc.

Where:

(a) a political party, a candidate or a member of a group receives a donation from a corporation being a donation the amount of which is equal to or exceeds $1,000; and

(b) the corporation within a period concluding on year after making the donation has been wound up in insolvency or wound up by the court on other grounds;

an amount equal to the amount of the donation is payable by the political party to the liquidator and may be recovered by the liquidator as a debt due to the liquidator by action, in a court of competent jurisdiction against:

(c) in the case of a donation to or for the benefit of a political party or a State branch of a political party:

(i) if the party or branch, as the case may be, is a body corporate—the party or branch, as the case may be; or

(ii) in any other case—the agent of the party or branch, as the case may be; or

(d) in any other case—the candidate or a member of the group or the agent of the candidate or of the group, as the case may be.

Note 1: The donation received by the liquidator is an asset of the corporation to be distributed under the provisions of the Corporations Act 2001.

Note 2: This section applies to donations made after the commencement of this provision.

We have debated this a little, but let me outline it to the committee again. This amendment would mean that, where a donation has been made to a political party or candidate by a corporate entity and then that company goes broke, if the donation was made within 12 months of the winding up of the company then the political party would have to repay the money. The aim of this amendment is to put the people who lose their money when this corporation collapses first.
There has been some press debate about the matter, but we think it is a good thing that this amendment be dealt with now. The Labor amendment of last night that would have seen this amendment, with other amendments, go to a committee so that we could have had public submissions and a little bit more debate was a very sensible one, and the Greens supported that, but the government and the Democrats did not and so that was lost. We are therefore left with a very good amendment by the Greens which has a very important outcome but which is not subject to refinement. I know that both the Labor Party and Senator Murphy from Tasmania have some concerns, but this is the time to put forward this amendment. I recommend it to the committee.

Senator MURRAY (Western Australia) (4.14 p.m.)—I think that Senator Brown is really onto something here—I think his intent is first-rate—but when I looked at the amendment two things worried me straightaway. One was the time period and the second was whether this would introduce another level of law related to insolvencies, apart from those which already exist, so I commissioned a bit of research. If you do not mind, Senator Brown, I will deal with it at some length. The insolvency provisions in the Corporations Act aimed to achieve a balance between payment of company debts and protecting parties that have received money from the insolvent company. Essentially, section 588FF of the Corporations Act states that if a court is satisfied that a transaction involving the payment of money is 'voidable'—and that is the word they use—it may make an order directing that the party receiving the money repay the company an amount equal to some or all of the money paid by the company in the transaction. Voidable transactions are defined in section 588FE and include a transaction if—and I quote:

(a) it is an insolvent transaction—
and also an uncommercial transaction—
of the company; and
(b) it was entered into, or an act was done for the purpose of giving effect to it:
(i) during the 6 months ending on the relation-back day ...

Further, an insolvent transaction is defined in section 588FC in the following way:
A transaction of a company is an insolvent transaction of the company if, and only if, it is an unfair preference given by the company, or an uncommercial transaction of the company, and:
(a) any of the following happens at a time when the company is insolvent:
(i) the transaction is entered into; or
(ii) an act is done, or an omission is made, for the purpose of giving effect to the transaction; or
(b) the company becomes insolvent because of, or because of matters including:
(i) entering into the transaction; or
(ii) a person doing an act, or making an omission, for the purpose of giving effect to the transaction.

Therefore, generally speaking, an insolvent transaction is one that was entered into when either the company was insolvent or the company becomes insolvent as a result of the transaction. The legislation also defines 'uncommercial transaction' in section 588FB, which I will not quote unless you need it.

We consider that it is possible that a political party donation could be regarded as an uncommercial transaction. Therefore, if a political party donation has been made when the company was insolvent or the company becomes insolvent as a result of the transaction, the court may make an order for the donation to be paid back to the insolvent party as per section 588FF. There is also a section 588FG, which is protection for parties that receive payments from companies, and the Corporations Act in that section also states that some transactions are not voidable and hence may not be recovered by the liquidator for the purposes of paying out creditors. Those sections—and again I will not quote them unless you ask me to—essentially offer receivers of money the right to retain the money when they have received it in good faith, and that is important, and met the other criteria within the section. This gives parties who receive money from insolvent companies additional protection against the insolvency.

Senator Brown’s amendment differs from the current legal arrangements in the following ways. There is no obvious link be-
tween the political donation and the insolvency—that is, the donation can be made at any point in time up to three years before winding up and does not need to have led the company into insolvency or had been made whilst the company was insolvent, such as in section 588FC. There is a three-year time frame governing repayments in Senator Brown’s amendment. Therefore, the political party may be forced to repay donations received three years later. The Corporations Act says that uncommercial transactions are voidable under the Corporations Act only if they were entered into two years before the company wind-up began. Thirdly, there is no protection for a party that receives the money in good faith in Senator Brown’s amendment, such as set out in section 588FG.

So what I say through the chair to Senator Brown is that I think he is on the right track, but it would be preferable to link the provisions of the Commonwealth Electoral Act across the Corporations Act so that you have the same provisions applying regardless of who the entity is. I do not think political parties should be dealt with differently from other parties that are affected by creditors’ interests or insolvency circumstances.

I am hoping that an amendment to Senator Brown’s amendment would have the effect of making that linkage. I am seeking a signpost which says that, in the Electoral Act here, in these circumstances, if creditors come after political parties because either they received donations when a company was insolvent or it was an uncommercial transaction and they are in liquidation, the court may provide for some or all of that money to be repaid or may say that the money was accepted in good faith and it is all right. My nervousness—and I really do emphasise, Senator Brown, that I think you are on the right track—is that, if we allow Senator Brown’s amendment into the Electoral Act, we are creating a new condition for insolvency arrangements which are not the same as those which have applied in Australian law for many years and are well known. If I can use that lead-in as a means to move my amendment to Senator Brown’s amendment, I move Democrat amendment (1) on sheet 2605:

(1) Australian Greens amendment (1) on sheet 2593 Revised 2, omit proposed section 306A, substitute:

306A Repayment of donations that are voidable transactions

For the avoidance of doubt, the provisions of section 588FE of the Corporations Act 2001 apply to all donations made by a company to a political party or candidate.

Senator ABETZ (Tasmania—Special Minister of State) (4.20 p.m.)—In a spirit of cooperation, I make two technical points in response to the amendments moved by the Greens and the Democrats. I may be labouring under a misapprehension but the version of the Commonwealth Electoral Act that I have already contains a section on this—section 306A. Therefore, might I respectfully suggest that, if you do want to pursue your amendment, you make it 306B; otherwise, you would potentially be deleting the section that deals with certain loans not to be received.

Further, I draw the Greens’ attention to the fact that section 287(1) contains the definition of ‘gift’. The Greens’ amendment has the word ‘donation’ peppered through it. In fairness, I can understand how this error has occurred, because the Electoral Commission refers to ‘donations’ in its disclosures. I also understand that there are subheadings in the act that somehow refer to donations, yet donations are not as defined in the act but gifts are. Of course, I hope this amendment will not be carried, and I will explain the reasons for that later on, but I indicate to the chamber that if it were carried and it was legislatively sound from a technical point view, the amendment ought to be for the insertion of section 306B; wherever the word ‘donation’ occurs it ought to be deleted and the word ‘gift’ inserted; and wherever the word ‘donations’ appears the word ‘gifts’ ought to be inserted.

The TEMPORARY CHAIRMAN (Senator Lightfoot)—If you wish to move that, you could add that to your amendment to the amendment, Senator Murray. If you do not wish to move it, I propose to put the question.
Senator MURRAY (Western Australia) (4.23 p.m.)—I obviously cannot speak for Senator Brown, but with respect to my amendment amending his, of course I accept that it should be 306B, if the committee is minded to accept that. If the correct term would be ‘gifts’ rather than ‘donations’, I would accept that as well.

The TEMPORARY CHAIRMAN—That is a drafting amendment. I call the Leader of the Opposition in the Senate, Senator Faulkner.

Senator Abetz—He does it well.

The TEMPORARY CHAIRMAN—I have to do it evenly, Senator Abetz.

Senator FAULKNER (New South Wales—Leader of the Opposition in the Senate) (4.24 p.m.)—Let me assure you that you are very even in the way you deal with these matters, Mr Temporary Chairman. At this point in the debate, I would like to address Senator Murray’s amendment to Senator Brown’s amendment. I could say that even the matters most recently raised by Senator Abetz, in my view, reinforce the point that Senator Brown made to the committee a short time ago about a preferable course of action being for the Commonwealth Electoral Amendment Bill (No. 1) 2002 and amendments to it to be referred to the Joint Standing Committee on Electoral Matters. I think he was correct to stress that that would have been a preferable course of action, but it is not the case. We have already dealt with one very complex amendment from Senator Murray and I think it is appropriate now, as we are well into the committee debate, to try and bring these matters to a conclusion also.

Through you, Mr Temporary Chairman, I ask Senator Murray whether he has given any consideration to the significance of bringing over concepts of Corporations Law, such as uncommercial transactions, into the Commonwealth Electoral Act. I do not know, and on behalf of the opposition I can say, as I look at the approach the opposition will be taking, that that is the sort of clarity which will certainly inform the decision that we take. I wonder whether Senator Murray could assist the committee in relation to this matter.

I stress that there are matters of substance that go also to the amendment that has been moved by Senator Brown, but I think that at this stage I would like to confine my remarks to the issues of substance I have just discussed. I do not know whether Senator Murray wants to make a point about that; I detect that he is at least interested in this issue, judging by his close attention to this element of the debate. It is a threshold issue that we ought to deal with, but I indicate to the committee that I want to return to Senator Brown’s amendment at a later stage.

Senator MURRAY (Western Australia) (4.28 p.m.)—Through you, Mr Temporary Chairman, I think you are wise, Senator Faulkner, to be cautious—let us start with that concession straight away. The amendment that Senator Brown produced was circulated yesterday. I had a look at it and thought that the intent was a good one, as I have said already. As I also said—and Senator Brown can speak for himself—the intent as I see it is that in circumstances where a donation has been made and a recovery is sought by a liquidator then in circumstances where it would be justified the donation from the corporation should be returned. That is a principle which, to my knowledge, has long been established in insolvency. When a company or an entity becomes insolvent, goes bankrupt or is put under administration or liquidation the liquidator or administrator has always had the option to recover moneys paid out if, in certain circumstances, that was justified. Those include circumstances of good faith, trading when insolvent and so on.

As Senator Faulkner knows, most political parties, in their membership nature, are constituted as unincorporated bodies, but a number of political parties have associations incorporated under state associations acts of one kind or another, and of course there are...
political parties that have corporate entities which fall under the Corporations Act. The section that defines an uncommercial transaction—because I think that was a good question Senator Faulkner asked—is 588FB. It states:

(1) A transaction of a company is an uncommercial transaction of the company if, and only if, it may be expected that a reasonable person in the company’s circumstances would not have entered into the transaction, having regard to:

(a) the benefits (if any) to the company of entering into the transaction; and

(b) the detriment to the company of entering into the transaction; and

(c) the respective benefits to other parties to the transaction of entering into it; and

(d) any other relevant matter.

(2) A transaction may be an uncommercial transaction of a company because of subsection (1):

(a) whether or not a creditor of the company is a party to the transaction; and

(b) even if the transaction is given effect to, or is required to be given effect to, because of an order of an Australian court or a direction by an agency.

The first question anyone should ask—and I defer, I must say, to Senator Faulkner’s very long experience in electoral law—is whether there is case law that relates to this area. My answer is that I do not think so, but I do not know, because I have not turned up any research. The second question arises as to whether it is common for political parties to be subject to the provisions of the Corporations Act. The answer is sometimes. It depends on whether they have those structures within their own situation. The third question you should ask is whether political parties as institutions or entities are subject to the laws which govern entities in the broader sense—taxation, employment, the issues of reporting and responsibility—and the answer to that is yes. There is general and well-established case law that, in terms of the transactions of what may be regarded as not-for-profit organisations, there are clear common duties and obligations which are not affected by the fact that they happen to carry out a business, if I can use that word loosely, of a political party.

I readily admit to Senator Faulkner that I had to react to this on the run. I felt that Senator Brown had picked up an issue of concern. There has been some press comment over the last couple of years where donations which are believed to be improper have been made to political parties and other bodies—not just political parties—but insolvent companies or companies in administration or under liquidation. From my reading of recent corporate collapses I think that some of those may end up in the courts, but it is too early to work it out.

All the advice I have had is that the Corporations Act provisions may apply in certain circumstances to some activities or entities of political parties. All I have attempted to do is to suggest that if that is a question at issue then you signpost it across from the political donations section of the act and say, ‘By the way, here’s the cross-reference.’ My legislative understanding is that it is not uncommon for one act to signpost to another, but perhaps Senator Faulkner could tell me that. All we have done is say that if you are talking about a voidable transaction, which is the key threshold, go to the Corporations Act and see whether it applies in the circumstance of political donations. The last thing I will say is: if you want to know whether I have done extensive research, if I know all the case law or if I have inquired into it endlessly, no, I have not.

Senator MURPHY (Tasmania) (4.34 p.m.)—I speak in regard to the two amendments thus proposed. Firstly, on Senator Brown’s amendment, which I have spoken to him about, the concern that I have—and I think it was also raised by Senator Murray—is that there is no capacity in it for a person who may have received a donation to have received it in good faith. They become the person responsible for the money if the company becomes insolvent for whatever reason. There are no reasons set out here. I know Senator Brown’s intention is very well aimed, but I think what he has proposed by way of amendment could catch a lot of innocent parties.

A private company could become insolvent because the owner of the company has gone to the casino too many times and lost
all his money. The company therefore becomes insolvent and there is a matter of liquidation. He could be a sole creditor. Maybe there are other creditors such as the bank and/or some other people that may be involved so that a political party or a candidate is then required to repay the money because of a stupid action—or it could be that the company was manufacturing widgets which went out of fashion and therefore it became insolvent. The amendment is too open-ended in that respect, and that is what worries me. I think it is well intentioned, I think it is something that we should seek to address, but I just do not feel that the amendment proposed in its current form can actually address what it seeks to address.

With regard to the points made by Senator Murray, and his amendment, I have some concerns that his proposal to make reference in the Electoral Act to certain circumstances being covered by the Corporations Act has its own problems as well. When we talk about a voidable transaction, as Senator Murray has said, we find that the definition in section 588FE states:

(a) it is an insolvent transaction, and also an uncommercial transaction, of the company; and
(b) it was entered into, or an act was done for the purpose of giving effect to it, during the 2 years ending on the relation-back day.

The 'relation-back day' of course is the day that the company becomes insolvent, but it has to be both of those things. Senator Faulkner raised a question about uncommercial transactions. I guess some people would say that a donation to any political party is an uncommercial transaction because some people think that they do not get much worth out of any of us. So I think there are some shortcomings with just referring this back to the Corporations Law as it currently stands.

Senator Murray—It's got to be insolvent first.

Senator MURPHY—Senator Murray interjects, 'It's got to be insolvent first.' That is correct, but it could become insolvent for a number of reasons. We need to look at this more closely. I do not disagree with what he is proposing in respect of it being covered under the Corporations Law, but I think we need to have a little more substance and direct application to what is currently in the Corporations Law if we are to pick this matter up. In some circumstances, why should it be the responsibility of a party and/or a candidate who may have received the donation in good faith to actually repay it? Why shouldn't it be the responsibility of the directors of the company—who made the donation in the first place—to repay the money?

I often hear from the government in respect of unions making donations to the Labor Party. They say, 'Well, the unions make those donations on the basis of no consent from the membership of the union.' Why should it not be the case that a company making a donation to a political party should not get the consent of the shareholders of the company? Why should that not be the case? With regard to trade unions making donations to the Labor Party, if the government want to come in here and argue, as they have done in the past, that the unions should do so on the basis that they get the consent of their membership, why should it not be the case that companies do the same with their shareholders? I believe it should be the case. Of course, I do not expect that the minister will stand in his place and argue that case. If you look at the political donations that have been made by public companies in this country, I suspect that a large proportion of those, maybe not fifty-fifty, probably vote one way or the other in a party political sense.

I have to say that I have no proposed amendment to put forward. I have been trying to look at how some arrangement might be put in place to actually put some onus on these people that are making donations when their company is in a bad state of affairs. I think that is a very worthwhile exercise; I just do not believe what is being proposed at the moment provides a solution to that problem. I think we should try and work on that. Of course, I accept the fact that we are halfway through a debate on this current bill. Maybe it is something that we need to make a commitment to look at in the future—to make some changes to both the Electoral Act and the Corporations Law to cover these sorts of things.
I have to say through you, Mr Temporary Chairman, to Senator Murray that I do not have as much faith as he does in the current Corporations Law to actually bring some of these people to justice in respect of some of the donations that have been made to executives of some of the companies that have gone down the chute in recent times. I do not think any of the money will be recovered, and I do not think these particular laws will achieve that objective. In fact, I suspect there has not been any rush to the courts at the moment because of the very failure of these particular laws as they currently stand to really deliver an outcome, and that is what concerns me with this particular approach. I think the intention of the proposed amendments is very good, but I do not think they can achieve what they are actually setting out to do.

Senator BROWN (Tasmania) (4.41 p.m.)—We are shortly going to have a choice between accepting the Greens' amendment—which I think very clearly improves the situation and requires political parties to return money where corporations have gone bust, so that shareholders will at least get some extra money—and doing nothing. People are going to have to make their choice on that. I would just remind Senator Murray, firstly, that this amendment from me on behalf of the Australian Greens was circulated last week; it did not come in last night.

Senator Murray—My apologies; that’s when I saw it.

Senator BROWN—Thank you, Senator Murray. Secondly, I did amend this, after conversing with you last night, from three years to one year. I am very sad about that because I think it would be much better if we had the situation where, if a donation has come from a corporation within three years—which is the electoral cycle—and the corporation goes bust, the political party or entity pays it back to the liquidator. Then there is that bit of extra cushion for the people who lose when such corporations go bust. But, in the hope of getting the support of the Democrats and in talking with Senator Murray, I did draw it back to one year because I do not think the Corporations Act is the Corporations Law. We are talking about the Electoral Act. The Electoral Act sets out the rules for accepting donations, whether they come from corporations or from individuals. It is for us to talk about the rules of when those donations should be returned, and we should not leave it to the Corporations Act. We are dealing here with an electoral matter. This is a Greens' amendment to make a first step towards dealing with what should happen with a donation in the situation where a donation has come from a corporate entity which then goes bust. The current situation is that nothing happens; we keep the donation. I agree with the Telegraph newspaper in Sydney that there is some moral case to be put here, where politicians and political parties should return the money if it was paid by a corporation that then goes bust within the near past. I do not think political parties are the same as everybody else.

We have to recognise that we have a whole suite of legislation here dealing with how we should take gifts, how they should be assessed and how they should be made public. It is unique and different; it does not apply to any entities other than political parties and candidates. In this legislation we have to work out whether or not there are circumstances—I believe there are—where the gift or donation should be returned, and then what the parameters are for that. It has turned out that this Greens amendment makes those parameters very tight indeed. I would like to see them much wider—the Greens disagree with the whole donation system. Here is a situation where there are competing interests. There are those people who suffer when a corporation goes bust and there are those political entities who are advantaged by the donation that has come from that corporation. I do not think we should leave it to the Corporations Act and some amendment at some time in the future. We are dealing with the here and now. Here is the opportunity—and the test is coming very shortly in a vote on this amendment. I want to thank Senator Abetz for drawing my attention to the lack of definition in the legislation of the word 'donation', while the word 'gift' is defined. I am quite happy—and I have suggested this—to move an amendment.
to my amendment that, where the word ‘do-
nation’ or ‘donations’ appears in my original
amendment, it be changed to ‘gift’ or ‘gifts’
as the case may be.

Senator Murray—What about section 305?

Senator BROWN—When it comes to
section 306A or 306B, the process here is
that this would become section 306B. This
process is automatic, but if it is required of
me that I actually put that into words or if it
is going to change anybody’s vote—if it is
going to help Senator Abetz vote for the
amendment—then I will move that. Other-
wise it is redundant. To clear everybody’s
mind on this, I firstly say that it is not going
to affect the Greens insofar as I am con-
cerned. I did not approach this legislation
asking who is going to gain or who is going
to lose, but there are two pertinent cases in
point. One is the HIH collapse. I understand
that a donation of some $100,000 went to the
Liberals from that company, and that could
be repayable under the Greens amendment.
Now that we are into a one-year restriction,
though, that becomes somewhat doubtful.
That worries me. On the other hand, Froggy,
the Internet company, made a donation of
some $180,000 to the Labor Party, and that
could be repayable under this legislation.
I note that a donation of $10,000 in Western
Australia to, I think, the National Party has
been returned, and what a good thing. I ap-
plaud that happening, but I think we should
make it even for everybody.

Finally, let me say to Senator Murphy that
this legislation is not meant to catch people
out. It is not retrospective, tempting as it was
to make it retrospective; it is prospective. It
is a ‘Beware!’ to all of us in the future: if you
take a donation from a corporate entity and
that corporate entity goes bust in the next 12
months, you will have to repay it. Everybody
who is standing for parliament and every
political party that accepts a donation is go-
ing to know that. It is fair for everybody. It is
called taking a calculated risk; it is called
probity, if you ask me. We take the risk in
accepting a donation anyway. It is going to
turn up on the public record, and you are
going to have to wear the fact that you took
money from this or that corporation. A whole
ethical judgment is made in first taking a gift
from a corporation, from a union or from
somewhere else. Let us extend the ethics of
that a little and say: ‘If this corporation or
entity that gives us the money goes bust, the
people that that corporation is in debt to, in-
cluding its shareholders, get the benefit and
we have to pay back the money.’ It is a good
amendment, and I hope the committee will
vote for it.

Senator Faulkner—Mr Temporary
Chairman, I wish to take a point of order. It
goes to the two questions before the chair.
An amendment stands in the name of Senator
Brown and an amendment to that amend-
ment has been moved by Senator Murray on
behalf of the Australian Democrats. While it
could be argued that the subject area of the
amendment to the amendment is similar in
the broad, I respectfully suggest that there is
no other relevance at all beyond the broader
subject area. For the good conduct of the
committee—and the reason I take this as a
point of order is that I think there is a proce-
dural issue in relation to our consideration of
this bill—we may well be better off if Sena-
tor Murray’s amendment to Senator Brown’s
amendment is moved as a separate amend-
ment.

I think that it is appropriate in these cir-
cumstances. I accept that this is a decision on
balance. As a question of good order, along
with the substantive procedural point, if you
do not accept the point of order that I am
putting forward, Mr Temporary Chairman, I
suggest respectfully to Senator Murray that
he might give some consideration to it. I am
just a little concerned that, if the committee
makes a substantive decision on Senator
Murray’s amendment to Senator Brown’s
amendment, there may or may not be an op-
portunity for the committee to then pass
judgment on the original amendment that
stands in the name of Senator Brown.

I think the committee would be better
served by two separate amendments; I think
there is a strong argument for two separate
amendments. There is, of course, a capacity
for senators to structure the committee de-
bate in such a way that will allow for that.
My question to you, Mr Temporary Chair-
man, is: is there, in fact, a procedural issue in
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relation to Senator Murray’s amendment to Senator Brown’s amendment? In my view, the Senator Murray amendment only bears relevance to the Senator Brown amendment in the absolute broader sense in terms of subject area. I think that is a fair point to make. I ask you to rule on that point of order.

The TEMPORARY CHAIRMAN (Senator Lightfoot)—I think what you are suggesting, Senator Faulkner, is entirely sensible, and if there is no opposition I intend to put two questions. Therefore, if there is no other question before the chair, I will put the amendment to the amendment moved by Senator Murray.

Senator Faulkner—I think you have misunderstood my point of order, Mr Temporary Chairman. I have taken a point of order to respectfully suggest that it is not suitable for Senator Murray to move an amendment to Senator Brown’s amendment in this form, if I can cut to the chase. I do not think that, in the form that Senator Murray has proposed his amendment to Senator Brown’s amendment, Senator Brown’s amendment is in fact amendable. Respectfully, there is further debate to be had. I certainly want to engage in further debate about the substantive issues, and I flagged that earlier in the committee stage.

What I am doing, I hope, assists the committee. I am not proposing a mechanism here that complicates the procedures. Let us boil it all down: the impact of my point of order respectfully suggest that it is not suitable for Senator Murray to move an amendment to Senator Brown’s amendment in this form, if I can cut to the chase. I do not think that, in the form that Senator Murray has proposed his amendment to Senator Brown’s amendment, Senator Brown’s amendment is in fact amendable. Respectfully, there is further debate to be had. I certainly want to engage in further debate about the substantive issues, and I flagged that earlier in the committee stage.

I share with Senator Murray the view that he has expressed. I think Senator Murphy has also expressed this. I support the spirit of Senator Brown’s amendment. I may, in fact, even go further than supporting the spirit of it; I may well support the letter of it. The opposition may lend its weight to that amendment on the floor. Also, in making the point about the spirit of Senator Brown’s amendment, I indicate to you, Mr Temporary Chairman, that I equally support the spirit of what Senator Murray is trying to achieve. I am not sure that there is a major difference in the intention of the two senators in what they
are trying to achieve, but very different mechanisms are proposed in relation to achieving that outcome. I think that is a fair summation of the issue that this committee is—

The TEMPORARY CHAIRMAN—Senator Faulkner, it is almost five o’clock.

Senator FAULKNER—Yes, I am aware that one of our colleagues is to make a speech, but I was intending to wax lyrical until the appointed hour. At this hour of the afternoon it may well be described to colleagues, through you, Mr Temporary Chairman, as a bit of a filler. I know there is little interest in my contribution and there will be a great deal of interest in Senator Moore’s contribution in a few moments time. But I am honest enough to admit it!

One of the problems that arises here under either proposal that we are considering is that, in relation to the money going back to the liquidator, that money clawed back would be allocated by the liquidator, as I understand it, in accordance with the priorities that are set out in the Corporations Law. There is quite a clear hierarchy there.

Senator Murphy—The liquidator is first!

Senator FAULKNER—The liquidator is first, the bank is second and ordinary people—the workers, the employees, the small business men and women and so forth—are the very last. That is an issue that is germane to this debate. Given the hour is nearly five o’clock, I will speak about it a little later.

The TEMPORARY CHAIRMAN (Senator Lightfoot)—Order! It being 5.00 p.m., pursuant to order, I report progress.

Progress reported.

FIRST SPEECH

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

Senator MOORE (Queensland) (5.00 p.m.)—I acknowledge the Ngunnawal people, I accept that I walk on Aboriginal land and I feel blessed that I live in a country that is home to one of the oldest living cultures on the planet. My work with Aboriginal and Torres Strait Islander peoples has been long and abiding and I cherish the friendships I have made over the years in the political struggle.

A hundred years ago, women were gathering across the country to celebrate. The event was the decision of the new Commonwealth parliament to extend adult suffrage, and the right to stand for office, to women. This right was not extended to all women, however; indigenous people were specifically excluded from the decision and had to wait until 1967 for their chance.

Women in my state, the state of Queensland, achieved this success three years before similar legislation was passed at the state level in 1905. The women of Queensland were not agitating together for suffrage—not everybody was involved—and some commentators actually questioned the strength of the desire for the right to vote. They were not sure that women really wanted to be burdened by the responsibility or were capable or competent to fulfil the task.

Fortunately, however, a number of women and their supporters saw what the politicians of the day could not see, observing the injustice of limited access to the democratic process and deciding to do something about it. These women and their helpers came from a wide range of backgrounds, educational levels, work experience and political involvement. In Queensland, as in other states, significant differences between various groups resulted in a number of organisations being set up. They were different, but they all had one unifying passion: they had the desire to obtain the basic right to vote.

A key activist of this period, and my own personal hero, was a woman from England who came with her family to Brisbane in 1878. Her name was Emma Miller. Emma devoted her life to the labour movement. The Daily Standard—a reputable paper of the day, I trust—said:

Her enthusiasm and devotion for its ideals were inexhaustible and unquenchable—she truly believed the presence of injustices should have no place in any enlightened community.

Emma Miller’s joy at the achievement of women’s suffrage was but a first step. Even though an election was not imminent, she
and others organised meetings and training programs across the state so that women could be involved and informed about the process and so that their votes would really count.

It is humbling now to consider the effort that would have been involved in campaigning at that time. In Queensland, even over a century later, we are still faced with difficulties in travelling vast distances, time constraints and ongoing problems of effective communication access. Emma Miller and her colleagues took all of this on, even before the vagaries of mobile phone reception and reduced airline schedules. In 1903 her passion focused on the first federal election in which women were able to vote. The Labor newspaper, called the Worker, described the hard work and enthusiasm of the Labor women ‘on the platform and on the stump. It was not all about bubble and fizz: they did the work’.

The women realised that the opportunities for involvement needed to be seized and that, far from passively waiting for the offer of the gift of political participation, progress could only be achieved by political action. These women of the suffragette campaigns have provided an awesome legacy for all of us, women and men, because we now have the responsibility to maintain a genuine democracy. The enthusiasm and commitment generated by Emma Miller and her sisters must be reflected in our citizenship and our participation in government.

As a strong supporter of the Republican Movement, I was actively involved in the referendum on an Australian republic. Apart from the negative result, the real tragedy for me in this process was the identification of a great ignorance among some sectors of our community about our Constitution, our political processes and our system of government. The associated cynicism and lack of respect for politicians—our motivations, principles and integrity—are confronting. The key question asked by opponents of the change, ‘Can you trust a politicians’ republic?’ does not reflect the sacrifices and values of the people who agitated and lobbied for equality. A recent media statement introduced a story by saying, ‘Despite the obvious disadvantages of being a politician …’ Somehow this does not reflect the principles as those of Emma Miller, ‘who believed that when conscience was satisfied, unpopularity should not matter—respectability meant acting in humanity’s interest’.

Any choice to be involved in a political system must be based on a personal commitment as well as a real sense of support and purpose. My own supports are my family, my party—the Australian Labor Party—my friends and my union. My family come from the Darling Downs, a very beautiful, rich farming area in South-West Queensland. My parents were not involved in party politics; they were both deeply involved in their own community, but the concept of elected office somehow belonged to someone else. There was a respect for the local elected representatives at all levels of government and from various political parties. The local politicians—from my point of view all mature men—seemed to be very visible at local events, and there was a general acceptance that you would be able to see your member of parliament and talk to them about your concerns. There was a relationship, even if you were from different political perspectives.

At home, we talked about community issues, but talk without action was not valued. There was a shared understanding that if you were part of something it would involve some work. Because it was a very extended Irish family, my sisters and I were blessed by a wealth of language and expression. My earliest political influence was my cousin, a wonderful trade unionist from the shipyards, who lived with us and whose political activism had forced him to leave Brisbane during the anti-Communist witch-hunts of the 1950s. His gentle wisdom, sense of humour and patience have greatly affected my personal values, and I share this wonderful opportunity with him and my parents—they are not here, but I feel their love and strength with me today.

I thank my sisters, Monica and Rita, for their support and patience. They have shared my progress through the political process. They have provided absolute reinforcement for my choice, often having been dragged
into meetings and campaigns. Their joy and unselfish support have enhanced this experience for me. Emma Miller was driven by the purpose of making her world better for the future. For me, the future is represented by my nephews and nieces, and I am going to embarrass them by naming them—Ross, David, Steven, Anna, Kate and Laura. They are in the gallery today, sharing this occasion with me. They will have the chance to question our system and to make informed decisions about their own involvement.

I want to thank my party, the Australian Labor Party. The opportunity to represent it in this community is a great honour and responsibility. This opportunity, directly related to the struggles of Labor women over the preceding generations, provides the chance to publicly identify with the party, its history and its values. I acknowledge the Queensland Labor candidates and campaign teams in the recent election. Their hard work and commitment reflected the energy and dedication of the party. It is sometimes easy to blame or forget defeated candidates. It is a major personal decision to declare to run for office. Our party was represented by strong Queenslanders, with local involvement all across the state.

I was energised and welcomed by ALP members, and I rely on this support to fulfil their expectations for their senator. I join a team of Queensland Labor senators, and I look forward to working with them and with all members of this house. I congratulate the newly elected senators as well as those who have been returned by their states. I particularly acknowledge the encouragement provided by Senator Margaret Reynolds and her challenge to North Queensland women to attend the United Nations Women’s Conference in Beijing in 1995. This experience stimulated my realisation that our struggles were international and that our strength relied on understanding and working together, regardless of our backgrounds or our nationalities. I also acknowledge the service given to Queensland by my predecessor, Senator Brenda Gibbs.

In the Australian Labor Party there is an environment where debate and growth are able to thrive. There have been, and will be, periods of policy disagreement and party splits; however, the choice remains for members of our party. We work together to develop policy and accept that there is always a chance to participate in a political movement based on equity, social justice and solidarity. These are current and vibrant concepts, not just words in policy documents or historical artwork.

I recently visited—and in some ways observed the pilgrimage to—Barcaldine, the town in Queensland where the ALP traces the workers movement process to form a political party. At the Workers Heritage Centre strong links between the lives and struggles of working people and the development of the Labor Party as a dynamic political organisation are vividly illustrated. This is not just a nostalgic, historical situation; it is, and must be, a contemporary and ongoing relationship based on common values and respect.

Before the Barcaldine shearer’s strike, women in Queensland were joining together to question working conditions and the advantages of joint action. As always, and even here in this place, there were questions about the need for communal action. At a Brisbane meeting in 1890, it was reported that some women workers had been told that it was not in their interests to join a union. The response, as reported in the local media, was: All I can say is, that if raising your wages, shortening your hours and generally improving your conditions is not in your interests, it is a very strange thing. I should rather think that the people that told you so thought that your improvement was not in their interest and if so, it is selfishness on their part and ought not to be regarded.

I would like to acknowledge my own union, the Community and Public Sector Union. The friendship and support through the privilege of working in elected positions at the workplace and at state and national levels have reinforced the values of shared commitment, respect for individual workers and a belief that we can make change happen.

As a member of the Australian Public Service for 14 years, I was fortunate to work in an environment where training, responsibility and teamwork were linked to a genuine commitment to the provision of service to
the community. The public sector implements government policy on a daily basis. It acquires valuable knowledge about the impact of policy and the effects of changes on ordinary people and businesses. There is no typical public servant—as, indeed, there is no typical politician. Indeed, it has almost become acceptable to belittle the work of the public sector workers and to repeat the mantra: private equals good, efficient and productive; public equals poor, ineffective and inflexible. This is an injustice to our Australian Public Service.

Since Federation, we have maintained an effective service in Australia. Its integrity and independence are an essential link in our system of government. Public servants must provide relevant, accurate and independent advice to the government of the day. Governments have focused on the importance of merit in the service, insisting that the Australian Public Service has appropriate regulation and that genuine independence is maintained. A well resourced public service, with facilities distributed throughout regional Australia, can effectively implement government policy, provide services and operate information links between government and community.

However, the massive reduction in the public sector, particularly in regional areas, and the lack of personal services affect genuine community confidence. Involvement in the community is much more than just a few trips through regions, some meetings and media opportunities. There must be the development of shared responsibilities, a sense of understanding and identification. We can make these linkages, but it requires personal action and a rebuilding of trust with the political system.

I represent a party that remains absolutely committed to retaining Telstra in majority government ownership—the only party that has not wavered on this issue. Labor wants to fix Telstra; the government wants to sell it. Labor wants to address the pattern of unjustified price increases, deteriorating investment, inadequate services to regional Australia and the slow broadband roll-out. These things have characterised Telstra’s performance under this government. This must change.

The Labor Party is also committed to maintaining and expanding a publicly owned and adequately resourced postal service through Australia Post. Australia Post provides, and must continue to provide, an essential communications system with equitable access by regional and rural and remote areas of Australia. There is a need within Australia Post and its network to develop new communications options and essential community information systems. It is therefore vital that the Australia Post networks are maintained throughout the regions.

I must mention the ABC, particularly in its 70th birthday year. Designed to inform, entertain and service all sections and satisfy the diverse needs of the public, this organisation inspires strong feelings from many Australians that are mostly positive, but it is capable of attracting great criticism, and I think that is because we all believe that it is our ABC. As a Friend of the ABC, I support the independence, creativity and extensive regional coverage of the ABC. As we move towards another funding round, I look forward to a robust debate about the resourcing of this agency.

I acknowledge the support and solidarity I have experienced from Emily’s List. This organisation, formed by strong women with experience in the political system and personified by Joan Kirner, has given many of us practical help when making the decision to be involved, and guidance when taking office, in the system that our sisters organising for suffrage knew was rightfully ours.

The lessons of history are real and exceedingly useful. The issues that concerned women and their supporters in the early 20th century when they sought the right to vote included working hours, immigration, equal pay, a real fear of a fall in the birth rate and the impact of change on family values. Many of the suffragettes, including Emma Miller, were deeply involved in the peace movement and the divisive debate about conscription during World War I. As I stand here today, I consider that list of issues and find that they are amazingly current. Emma Miller did not believe that all problems would be solved by
women accessing the vote. Her legacy was the need to fight on. I accept this legacy, and I hope that I will be able to play a part in this house to maintain the spirit of the suffragettes.

I am a proud unionist. I have been involved in the movement to ensure that all workers have access to safe workplaces, that reasonable hours are enshrined in working conditions and that all workers have access to equitable pay for their labour. The Queensland Industrial Relations Commission has recently ruled on equal pay and test cases are being developed now, over 100 years after the first royal commission into shops, factories and workshops in Brisbane in 1891 exposed discriminatory conditions and unjust wage rates.

The debate about asylum seekers has refocused concerns about migration and the make-up of Australian society. Emma Miller believed that injustice harmed all of society. The treatment of asylum seekers, the effect of mandatory imprisonment of families and children and the fear-mongering about security and invasion reflect on our society and our compassion. These injustices harm us all.

The community debate about maternity leave has been affected by questions about our falling birth rate and responsibilities for family. I am proud that the ALP has publicly supported paid maternity leave. This decision has been long awaited. We need to progress practical implementation so that another 100 years does not pass before anything changes here as well.

While researching the Emma Miller connections, I related immediately to the industrial issues and the equity concerns. However, I was not prepared for the sense of foreboding about the threat of war. I have long been involved in the antiwar and anti-nuclear movements and I am personally appalled by the enormity of any decision about involvement in war. I welcome an informed and reasoned consideration of any position in relation to Iraq and a commitment to the goals of peace and security.

I want to thank the people who are working with me: Virginia, Michelle, David and Tom. Thank you for your patience and your help, and I hope it will continue. I thank the people of Queensland for the honour and responsibility they have given me as their senator. I will work to continue the ongoing legacy of Emma Miller and her sisters, because, as Emma said, ‘The world will be what we make it, and a fuller, happier and more abundant world is possible for all of us if we are united in efforts.’

**COMMONWEALTH ELECTORAL AMENDMENT BILL (NO. 1) 2002**

In Committee

Consideration resumed.

The TEMPORARY CHAIRMAN (Senator McLucas)—The committee is considering the Commonwealth Electoral Amendment Bill (No. 1) 2002, as amended, and Senator Brown’s amendment on sheet 2593 to insert a new section 306B, with the word ‘gifts’ substituting for ‘donations’ throughout. The question is that Senator Brown’s amended amendment be agreed to.

Senator BROWN (Tasmania) (5.24 p.m.)—Again, I recommend this amendment to the chamber. I also thank Senator Murray for accepting the proposal put forward by Senator Faulkner, because it is a good way to go. I might ask Senator Murray if he thinks that his amendment covers exactly the Australian Greens amendment that we are now dealing with. I think there is quite a difference. I point out again that the aim of this amendment is to make out a special case for political parties. I am not demurring from that at all. So it is different to the provisions that exist for everybody in the Corporations Act.

We just heard an extremely good first speech from Senator Moore, full of heart and passion. It sounds very much like we have a great addition to the Senate there. Notwithstanding that, I will be sending her a copy of proposals made on Telstra by her own spokesperson, Mr Tanner. I have heard a couple of times in the Senate in the last week that Labor is the only political party that has not wavered on the matter. By her own standards, which are if you suggest there be a debate about it or a look at it then you have wavered, Labor has fallen very short of the
mark of not having wavered—and so there should be—

Senator Abetz—Didn’t you have a look at selling Telstra, Bob?

Senator BROWN—We have political debate on all sorts of matters.

Senator Faulkner—I wouldn’t go there, Bob.

Senator BROWN—I just thought, ‘What a great opportunity to put down one’s marker on that!’ That said, I again recommend this amendment to the chamber. It is an amendment which means we return political donations to the liquidator if a company has gone bust within a year of giving those donations. The effect of that will be to help people who have lost their money. I accept Senator Faulkner’s very true observation that this is not necessarily going to go to the right people. It might go to the banks or the liquidators themselves in the main. However, that is a matter for us to fix up in the Corporations Act. I will be very much behind any Labor move to do that, to ensure that the little people who get hurt when companies go bust are, through legislation, not put at the end of the run. That is what we see at the moment, with big banks, big organisations and, indeed, the liquidators getting first bite of the cherry. I do not think that that is fair. When a company goes bust, there should be a more even-handed approach to the payment of what moneys are left to all those who have lost out. It should not be the average Australian shareholder or small other entity—person, individual, company—that has a debt owed to them by the company that goes bust who is last on the line. However, that is a matter for amendment in the Corporations Act. I would be very happy to support Labor or to cohost a review of those provisions in the Corporations Act. I recommend this Australian Greens amendment to the Commonwealth Electoral Act.

Senator FAULKNER (New South Wales—Leader of the Opposition in the Senate) (5.27 p.m.)—We heard an excellent speech from Senator Moore earlier. I am very surprised at the intervention by Senator Brown after that speech. I do not know how he kept a straight face. I have been rolled at party conferences all my life. I have never won anything, but you got rolled yourself. Why don’t you just admit it and get on with it?

Senator Brown—I agree. I did. I am just saying that Labor, on this subject—

Senator Abetz—Madam Temporary Chairman, I rise on a point of order: Senator Brown has been at great pains to point out that interjections are disorderly. I remind him that, in the spirit of consistency—as with Telstra—he should desist.

The TEMPORARY CHAIRMAN (Senator McLucas)—There is no point of order.

Senator Faulkner—I was not going to raise the issue, because I thought it would be disorderly to talk about such a matter during debate on the Commonwealth Electoral Amendment Bill (No. 1) 2002. I am not going to mention the fact that I thought it was a fine performance from Senator Brown to keep a straight face when he made that little commentary a few moments ago.

In relation to the substance of the matter that is before the committee—and it is an important issue that this committee is considering—we have to give some thought to the application of the Corporations Law to this area of Commonwealth electoral law. There is a substantive issue here about how effectively we can transpose the concepts of the Corporations Law into electoral law. It is a substantive issue for this committee and one that I do not think this committee should deal with lightly. Having said that, I reiterate that the spirit of these amendments is to be applauded. The spirit of these amendments is strongly supported by the Australian Labor Party.

Before Senator Moore’s excellent first speech, I raised the point that the problem with the return of moneys to the liquidator under the provisions of the Corporations Law is that those moneys are allocated by the liquidator. The liquidator does not have any flexibility in relation to that allocation of moneys. The priorities are also clearly set out in the Corporations Law. I was pointing out that the hierarchy of priorities is effectively very much in the interests of the big
end of town. The moneys go, firstly, to the liquidator and, secondly, to the banks and financial institutions, as I understand it. Then way down at the bottom of the list—right down at the end of the food chain—who do you find? You find the workers, the employees and the small business men and women such as cleaners, suppliers, other contractors and so on. I am sure that Senator Brown and Senator Murray would acknowledge that that is the reality of what we are dealing with. I accept the point that Senator Brown made a moment ago—the sensible point he made as opposed to the silly point he made about Telstra—that this is a matter for amendment to the Corporations Law. That is not before us at the moment. It is a difficult issue for this committee to grapple with, but it is a proper issue for this committee to identify. And I do identify that as a real problem.

It just gives further weight to the substantive position that the opposition has taken to these amendments, to other amendments and to the bill as a whole, which is that it is a little risky to bumble into these sorts of areas and have very complex amendments like the one that Senator Murray moved earlier. I am very worried about the unintended consequences of that amendment. As Senator Murray knows, I am also worried about the intended consequences of Senator Murray’s proposal. There is always a problem when you trample in these areas without a thorough examination of the impact of the amendments. It is important to put down some markers as to whether a political party should in principle return donations. I think that principle is unarguable in the sorts of circumstances that have been canvassed before this committee. If that is the proposal that comes forward from this committee, it would be a step in the right direction. I think that Senator Brown and Senator Murray have both been sensible in ensuring that there is no retrospective application for this—that is important for most law-making in this place and I think that it is generally accepted around the chamber. The issue of who such moneys should be returned to is important, although, as we acknowledged, this tends to be a matter that is determined by the Corporations Law and not by electoral law.

The other thing that Senator Brown and Senator Murray need to consider—as does this committee—is the areas where you can identify a clear difference between political parties and corporations. There is a clear difference between political parties and corporations in a range of areas. Most people understand that the things that political parties are on about are just different from those that corporations are on about. We hope that political parties are not-for-profit. We hope that people would acknowledge that the social role of political parties is very different from that of corporate entities. That is why, as we examine these amendments, we have to be very careful when we start applying the concepts and principles of corporate law to electoral law. The opposition do not immediately dive in and say, ‘This sounds like a pretty good idea; we will support it.’ In the small amount of time that has been available to this committee, we have tried to examine as closely as possible the implications of the amendments before the chair. I would say to Senator Brown that I acknowledge that some significant changes have been made in his amendment to try and accommodate some of the concerns and difficulties that have already been identified during this committee stage.

I make this general point to the committee, which I think is a fair point; transposing the concepts of the Corporations Law, such as the one that was canvassed at some length earlier today on uncommercial transactions, into electoral law runs the risk of putting a square peg into a round hole. There is a risk, and it is a pity that we have not been able to look at all those implications more closely and more carefully than we have been able to do in this committee debate. The spirit of these amendments is supported by the Australian Labor Party and, as a result, the Australian Labor Party will support the amendment before the chair.

Senator ABETZ (Tasmania—Special Minister of State) (5.38 p.m.)—I will briefly digress by congratulating Senator Moore on her first speech, and I trust that she has a long and rewarding career in the Senate. The
amendment currently before the chamber deals with the repayment of donations or gifts where a corporation is wound up. This has been in the news courtesy of certain people putting forward what is, at the moment, a fairly simplistic analysis of what actually occurs. I note, with respect—and I will make sure my comments are nice and moderate—that this amendment has been policy on the run. We had a time frame of three years; now it is only going to be one year. Yet the transactions are potentially voidable under the Corporations Act. Depending on the section and the type of transaction they are, there is clawback: in section 588FE(2) the transaction is voidable ‘during the six months ending on relation-back day’. In those circumstances, Senator Brown’s amendment would allow the clawback to be for twice that period. Then, if you move to 588FE(3), the period of clawback is two years. Senator Brown would be halving that with his amendment. Under section 588FE(4), the period is four years. Senator Brown would be slashing that down to only one year. Why not allow the extra three years of clawback? With respect, I do not think it has been sufficiently researched.

The real doozy is section 588FE(5). It is difficult to see circumstances in which it could apply to a political party, but potentially it could. In that section the legislation says the transaction is voidable ‘during the 10 years ending on the relation-back day’. In other words, Senator Brown would be limiting that section of the Corporations Act: instead of allowing a clawback for 10 years, he would be limiting it to only one year. So, in fact, what may occur with this amendment is to give corporations a lot less to worry about than they actually have to worry about at the moment under the existing Corporations Law. I am quite surprised at that.

Furthermore, as I understand it, the liquidator can, in voiding transactions, void any transaction. Therefore, somebody, if they were minded, under this amendment could make a donation to the Senator Murphy Independent Party of $999.99 the day before winding up, and it could not be clawed back, whereas under the Corporations Act, as I understand it—and somebody may correct me if I am wrong—that could be clawed back. That is the Corporations Law. If it applies to football clubs, companies and other entities, then as a matter of principle it should also apply to political parties. We have quite a strange situation here. I will not cast aspersions as to why this amendment was moved; nevertheless, we have an amendment moved which will in fact make it more difficult for certain transactions to be voided. Why you would want that to occur, I really do not know. I think it is because the Corporations Act and its provisions were not properly researched and considered in the preparation of this amendment.

If we want to have an amendment to the Corporations Act in relation to political parties, can I remind honourable senators that any amendments to the Corporations Act require consultation with the Ministerial Council for Corporations—that is the states and territories—under the Corporations Agreement. So, before we start fiddling with these proposed amendments, the Commonwealth Electoral Act and potential consequences of the Democrat amendment on the Corporations Law, it is important that the states and territories be consulted as well. I am also advised that it is undesirable to have provisions relating to insolvency scattered throughout Commonwealth legislation. The Corporations Act currently contains the provisions relating to insolvency and it is desirable, for the purposes of transparency and accessibility, to retain all provisions within that act.

The proposed amendment, I am advised, is unnecessary, as section 588FE of the Corporations Act already applies to political parties and candidates to the extent that the Corporations Act would apply to particular transactions. My advice is that the Corporations Act does not distinguish between entities. Therefore a political party, I would assume, on that basis is an entity from which a donation of $999.99 in the current law could be clawed back—albeit in hard-to-imagine circumstances but nevertheless not impossible—under section 588FE(5), or voided, up to a period of 10 years. That would be limited by this proposal to only being voided and clawed back after a period of 12 months.
So for those reasons the government understands that donations made in dubious circumstances to political parties should be available to the liquidator as a matter of public policy. That is not a problem; I am simply indicating to the committee that that already exists by virtue of section 588FE of the Corporations Act. And, as I understand the Corporations Act, it does not place a limit on the transaction of $1,000 but in fact any transaction. But I stand to be corrected on that.

In relation to Senator Murray’s amendment, I assume that he wants the new provision in the Commonwealth Electoral Act to refer to all of section 588FE—the various subsections that I have dealt with with varying periods of time. I would have thought the more desirable course would have been just dealing with 588FE(3). But, that aside, the amendment reads:

_for the avoidance of doubt, the provisions of section 588FE of the Corporations Act 2001 apply to all donations—_

Senator Murray—Gifts.

Senator ABETZ—or gifts—

made by a company to a political party or candidate.

Are we saying that, in the provisions of section 588FE of the Corporations Act, the term ‘transaction’ shall apply to gifts? Without that, I am not exactly sure how that would necessarily marry up with the provisions of the Corporations Act. Having said that, I indicate that I think this is a matter that would be appropriate for consideration by the Joint Standing Committee on Electoral Matters in their inquiry into the last election. That is an inquiry that allows the committee to explore at large those issues that arose at the last election and, as is their wont, a whole range of other issues that have not of necessity arisen out of the particular election. I think there is agreement in general terms as to the principle. I am just not sure that the methodology being employed by the two honourable senators would necessarily achieve the results they are hoping for.

Senator MURPHY (Tasmania) (5.49 p.m.)—A couple of points that the Special Minister of State has made interest me. I accept his argument that the Corporations Law would have application, and I would encourage the minister to encourage its application in respect of some of the most recent circumstances such as HIH. Maybe it should have application. I am not sure that I agree with you, Minister, that it has application for 10 years retrospectively. It seems to me that it has only a two-year retrospective application, but I am not an expert in this area. It is just that the information I have is that, as it stands, it has a two-year retrospective application. But, if it has 10 years, so be it.

Senator Abetz—Which section are you referring to?

Senator MURPHY—I am referring to section 588FC and section 588FF. Section 588FF says, in terms of time limits, that an application may only be made within three years after the relation-back day to bring an action seeking a court order in relation to a voidable transaction. If there is something else that says it is 10 years, I would be interested to see that.

Senator Abetz interjecting—

The TEMPORARY CHAIRMAN (Senator McLucas)—I do not think that this conversation is orderly.

Senator MURPHY—In debating the Commonwealth Electoral Amendment Bill (No. 1) 2002, Senator Brown’s amendment is seeking to put into the bill an amendment that clearly sets out that if a donation or a gift—I am not sure what the interpretation is because section 305 of the Commonwealth Electoral Act talks about a donation—whatever it is, exceeding $1,000 is received by a party or a candidate such a donation is to be repaid. It says that very clearly and very specifically. I am not sure why you could not say that. As I said, I have some concerns with some aspects of Senator Brown’s amendment, but I am quite sure that it could be dealt with as a separate proposal in a separate piece of legislation specifically dealing with the matters of donations to parties or individuals.

I am not sure about the note where Senator Brown is proposing that the distribution of such repayments be made under the Corporations Act. I am not sure that this is nec-
necessarily a suitable application, because I share Senator Faulkner’s concern that the people that should really get the money will never get it. The most likely person to get the money will be the liquidator, and I am not sure I support that—or the bank. The poor old shareholders, who should really get it, will not see one zack. From that point of view, I am a little concerned as to how the distribution of the refunds will be made. I support what Senator Brown is proposing, or at least its intention, because I think that is an important approach to take, especially in view of what we have seen in recent times with regard to some of the corporations that have gone down the chute and some of the moneys they have paid.

These corporations make these big donations—worth several millions of dollars—without the consent of the shareholders and they make them basically on the politically biased point of view of those that sit at the top of the tree. I have seen government senators coming in here from time to time wanting to throttle the Labor Party over the issues in respect of union donations made for political purposes without the consent of members of the union. This is the big chance for the minister and the government to act. Why don’t they get up and propose some amendments that would say that political donations cannot be made by corporations unless the consent of the shareholders is granted? As I have previously heard it argued on the part of the government, there are many members of unions that would vote Liberal, National, Green, Democrat or whatever the case might be—

**Senator Abetz**—But will they vote Murphy?

**Senator MURPHY**—You will just have to wait and see. Likewise, shareholders of most of these companies making significant donations—most of which go to the conservative side of politics—are equally split in terms of their voting intentions and the way that they apply themselves when voting day comes. I think it would be a very honourable thing for the government to seek to put in place within the Commonwealth Electoral Act a provision that says that such donations cannot be made unless they are made with the express permission of the shareholders of those companies.

With regard to the points that the minister has made in respect of Senator Murray’s proposed amendment, I accept that there are some problems. The problem I have with referring this specifically to the Corporations Act is that it is going to be almost impossible for any pursuit to take place because of the way the particular sections of the Corporations Act are written. As Senator Faulkner said, it is a step in the right direction, as is the case with Senator Brown’s proposal. I suppose any step in the right direction should be supported, and I am tending to do that, but I think that we have problems in both of those proposals. Maybe we could address these problems at some other time. What is being proposed here is a long way short of the mark of what we need to do to really tighten this up.

I do not accept an argument that you cannot amend the Electoral Act in the way that is being proposed by Senator Brown and have that dealt with by law under that act. I understand what Senator Murray meant when he said, ‘You are making a whole new set of law.’ That is true in part, because we are dealing with a totally different act—we are dealing with an act that covers the election of people to parliaments. I cannot accept the minister saying that any change to the Corporations Law—if there is to be a change—has to go to a ministerial council and that you have to consult with the states. The Commonwealth parliament and the government have made laws that have overridden state laws forever without consulting state governments. The government has brought proposals into this parliament that have clearly gone through and become law from a national perspective without any consultation. Indeed, it has introduced legislation into this parliament that has sought to override, with no consultation, decisions taken by state governments in their own right. It is a bit much for the minister to say, ‘You can’t do this, because we have not consulted with the states.’

**Senator Abetz**—There is a signed agreement between the states and the government.

**Senator MURPHY**—Is that right?
Senator Abetz—Yes, it is the unified Corporations Law.

Senator MURPHY—That may be the case, but I do not know that there is a signed agreement in respect of the Electoral Act, Minister, through you, Madam Temporary Chairman. That is why I say that I believe we can place some form of amendment in the Electoral Act that can deal with the issue.

Senator Abetz—it will override the Corporations Act.

Senator MURPHY—Through you, Madam Temporary Chairman, it does not have to override the Corporations Law at all. It can refer specifically to political donations. I am not an expert on the Corporations Law, but I cannot recall seeing any reference in it to political donations. It refers to a transaction involving ‘the payment’, which may be considered to be a voidable transaction. It does not exclude political payments, as the minister said, but that does not mean to say that the Electoral Act cannot be amended in the way that is being proposed in Senator Brown’s amendment. That is certainly my view, although I have concerns with what he is proposing—because of fact that I have a major concern with regard to distribution of any moneys recovered, as I said earlier.

My view is that the current Corporations Act will not see any claims made, and if they were to be made I do not know why they are not already being made in respect of some companies that have already gone down the chute. I will be very interested to see whether or not the minister and/or the government make any recommendations in respect of that and the companies concerned as to whether or not political donations ought to be refunded by any of the parties who have received them, including the Liberal Party, if not the National Party.

Senator LUDWIG (Queensland) (6.00 p.m.)—I want to go back to the second reading amendment that I spoke to and to take the opportunity to reiterate some of the issues I raised then. It is perhaps much better to raise these issues during the committee stage when parties can debate some of them and encourage responsive answers from the government. Before I do that, having listened to the debate so far on this section, there are a number of matters that I wish to raise that the government or Senator Brown might be able to assist me with. One of the questions Senator Murphy raised was which act would apply if the amendment to the legislation as proposed by Senator Brown was put into effect. I thought to myself on that issue, ‘Well, I’m not a lawyer, but I know that perhaps Senator Abetz might be, so he might be able to assist.’

Senator Jacinta Collins—I thought you were a lawyer.

Senator LUDWIG—No. I have a law degree, but I am not a lawyer. Examining that point, I thought the government might be able, through the chair, to assist. We are talking about the law as it might be in the future in relation to the Commonwealth Electoral Act or Corporations Law and, balancing the two, which one might apply. You might then have to look at the objects of either. They might both apply. Unless they are inconsistent, they could both apply. If they are inconsistent, it would depend on whether you could rule out one of the inconsistencies for it to remain okay. It is not beyond the comprehension of judges to put a reasonable mind to the issue and to come up with a conclusion as to what the law is when they read two acts.

The rules of statutory interpretation are alive with matters in which inconsistencies are raised. I do not think the argument that Senator Abetz raised in this debate—as I understand it, he was saying that there may be an inconsistency, therefore, we should not look at Senator Brown’s amendment—is a valid conclusion to arrive at. There is a question as to whether the Corporations Law covers the field, whether the CEA covers the field or whether they can operate together. You then have to look at whether there is an inconsistency, the extent of the inconsistency and whether that can be resolved, depending on the actual matter. Having looked at Senator Brown’s amendment, the government might then say, ‘Perhaps this is the way we can ensure that the principle is upheld,’ rather than simply saying it is not an amendment that should be proceeded with.
Senator Faulkner highlighted that it is arguable that there could exist circumstances where a company that has been wound up should and could repay money that has been paid to a political party, subject to a company being wound up within a period of 12 months. I was concerned about part of the argument that Senator Abetz put about inconsistencies. As I understood his argument—and I am open to correction from him—he is in effect saying that Senator Brown’s amendment is not favoured by this government because it might be inconsistent. He is saying that the Corporations Law applies, but it applies as Senator Abetz has described sections 588FE and 588FB; therefore it may not apply to political donations being able to be recovered. That would mean we would be in a position that is no further advanced in this debate. We would be in a position where donations made to a political party, which may or may not be a corporation, cannot be recovered either now or, the government is saying, ever. The point I am concerned about is Senator Abetz saying that it was not a case that should be progressed at all.

What I said during the debate on the second reading amendment was that these amendments, including Senator Murray’s amendments, are complex and should be subject to proper scrutiny. They should be sent to an appropriate committee. I nominated the joint parliamentary committee as an appropriate committee, because it has the expertise to examine the bill and the amendments and to deal with and decide on how the principle can be progressed to ensure that donations made to political parties, where the company has subsequently been wound up or liquidated, can be recovered under certain circumstances. My understanding of what Senator Abetz was saying was that it could not go to the CEA; it would have to go to Corporations Law—I am open for correction—and if it went to the Corporations Law it could not be amended while we are here because it would have to go through a particular course that he outlined. What I did not quite hear was whether Senator Abetz meant ‘not ever’—in other words, that Senator Brown’s amendment was an issue that the government was never alive to, did not want to consider and rejected outright. Senator Brown’s concept is that there may be certain circumstances where moneys can be recovered, and from our perspective there are.

In addition, when you look at which vehicle might be appropriate—and this is why I tend to favour the Commonwealth Electoral Act as the vehicle—the vehicle which deals with political parties is the Commonwealth Electoral Act. The Corporations Law might in a subsidiary way deal with political parties should they be corporations, but if they were not-for-profit associations or they utilised some other form of identity then the Corporations Law may not apply. So the principle may not be able to be progressed there. But as I understand it, Senator Brown’s amendment seems to, at least in principle, capture all political parties that work under the process and that receive, or might be the beneficiary of, a donation from a corporation.

The other area which did concern me somewhat was when the government—and perhaps some light may be shed on this—went to section 588FE and section 588FB of the Corporations Act. Senator Brown’s amendment has picked a year as being a relevant period. As I understood it, your argument was that in some cases it might be six months, two years or even 10 years and that, therefore, the Corporations Law was tougher, if I can use that word, in some respects because people might be excused, or the provisions may not go back far enough to pick up what the principle is, which is as we talked about—it is arguable in certain circumstances that it might be recoverable.

What troubled me most was whether you have in fact given us a good expose of the Corporations Law but not the principle itself. What the Corporations Law talks about is voidable transactions: whether a donation or some benefit to a political party, which may be a corporation, is a voidable transaction—I am not sure whether you expanded on that sufficiently to persuade me—which then goes back to the inconsistency I talked about. So I do not know whether there is in fact any inconsistency. The second part of that of course is whether it is an uncommercial transaction. I do not have the whole Corporations Law before me, but perhaps you
could help me with whether or not an uncommercial transaction could also include a benefit or a gift or a donation to a political party. I am open on that, but I do not know whether I can be persuaded.

Senator Abetz—It depends on the circumstance.

Senator LUDWIG—I will—and it is quite unparliamentary—take that interjection. Senator Abetz says that it may very well depend on the circumstance. That is why I favour the amendment going to the Commonwealth area dealing with electoral matters and political parties. I think it becomes clearer as to what the intention and the direction of the amendment are, rather than trying to enforce quite a commercial examination upon a political party at the time the donation was made from the company to a political party. You would then have to look at it to say whether or not, as it states in subsection 8, ‘it is an insolvent transaction, and also an uncommercial transaction’. So there have to be two live issues: an insolvent transaction and an uncommercial transaction. I do not know whether the Corporations Law in fact picks that up as clearly as Senator Brown’s amendment may.

Of course, when you go to the 10-year rule, there are a number of circumstances that have to be met. I think it is a little unfair to draw a direct comparison between the Corporations Law and Senator Brown’s amendment by simply using time limits and saying that it would be far better to stay with the Corporations Law because there is a 10-year period. There are three bridges that have to be crossed for a transaction to be voidable:

(a) it is an insolvent transaction of the company; and
(b) the company became a party to the transaction for the purpose, or for purposes including the purpose, of defeating, delaying, or interfering with, the rights of any or all of its creditors on a winding up of the company; and—

so these are company specific matters—

(c) the transaction was entered into, or an act done was for the purpose of giving effect to the transaction, during the 10 years...

As I understand it, there are certain conditions that have to be met if the transaction is voidable—if—and these are highlighted in (a), (b) and (c). We are not talking about a company in the sense that this is a company that has given a donation to a political party. At that point in time you have to examine what was in the minds of the parties and try to then determine whether it can fit within those circumstances. I suggest it may be very difficult to do that, whereas Senator Brown’s amendment seems at least to encapsulate the principle.

That long, unfortunately convoluted argument is why I then would say what I put to you during the second reading debate: that is why it should go to a committee to be explored. Given that we have also gone through quite a complex argument in itself, the worry I then have is whether or not we are simply making policy decisions on the run—and I think that was a matter I raised during the second reading debate—if we are going to go through and use this committee stage to argue quite complex amendments. There have already been arguments from the government in explanation to Senator Brown on complex legal issues about what the Corporations Law might or might not mean and unfortunately from my also entering into the debate and asking what it might or might not be. It then struck me that what we are actually doing is entertaining quite a legal argument without—I am quite happy to say—my having the necessary qualifications to do so. On that basis, it is much better for the matter to go to a committee where you have the Insolvency and Trustee Service Australia—

(Time expired)

Senator JACINTA COLLINS (Victoria)

(6.15 p.m.)—I think Senator Abetz appreciates that I was in the chair when we wound up the second reading stage of this bill, so many of my views have not been put forward—although generally they raise many concerns consistent with those raised by a number of my colleagues. I am concerned about how this committee stage discussion is occurring. Senator Ludwig, for instance, has highlighted a number of questions in the consideration of Senator Brown’s amendment. Whilst it is clear that there is a solid argument for why these matters need to be addressed by an appropriate committee, an earlier vote seems to indicate that that is not...
a viable option, so we do need to use this committee stage to process some of these issues. I am concerned that, while a number of significant issues are being raised by colleagues such as Senator Ludwig, at this stage there is no response from the government and nothing is coming into the debate which provides us with the detail we need to make a proper, informed decision. As has already been indicated by a few senators from this side, we clearly support the principle of what Senator Brown is proposing in his amendment but we have very clear concerns about consistency with the Corporations Law.

We have concerns about a number of other issues as well. Whilst Senator Abetz quips across the chamber every now and then—and it is really nothing more than a quip—I see no genuine dialogue addressing the many serious questions that Senator Ludwig has raised. I am not going to repeat those questions—Senator Abetz has raised many times his concern about the amount of time that might be involved in dealing with this debate—but the point is that those questions have been raised. I am likely to have further questions following a response to Senator Ludwig’s questions to the government; it is difficult to move this debate forward until at least his preliminary questions are addressed. It is not surprising that Senator Brown is not in a position to deal with some of these issues—but the government, which has been the main advocate of the argument that this does not need to go to a committee, should be willing and able to address legitimate questions here and now. If you are running the argument that this does not need to go to a committee then answer the questions that are being put forward, and give the committee stage of the Senate discussion a response to those serious issues.

Some of the other issues in the amendment that I think it important to address are similar to some of the areas that Senator Ludwig has already canvassed. How do we differentiate between a payment that is a donation and some other payment? Why have we chosen the amount of $1,000? Should we be looking at more appropriate figures? What would be the administrative arrangements to successfully retrieve amounts of $1,000, and is it even worth it in the circumstances? The Labor Party’s intention has been quite clear here in supporting this move in principle; that is supported also by our behaviour. If, for instance, the Western Australian branch of the Labor Party can demonstrate that in the case of a $10,000 donation from HIH, what is the appropriate mechanism to achieve this principle? Whilst I do not want to denigrate my colleague from the Greens, I do not necessarily accept that the proposal put forward in this amendment is the best way of achieving that end. Again, what concerns me quite considerably is that the government is not responding to the questions that are being raised in this discussion. I look forward to Senator Abetz responding to Senator Ludwig’s questions. Then there might well be further questions.

Senator ABETZ (Tasmania—Special Minister of State) (6.19 p.m.)—For the assistance of honourable senators—especially Senator Collins, who I do not think was here—I in fact dealt earlier with some of the difficulties in the current Greens and Democrats amendments that we are dealing with. The amendments are not government sponsored, so do not ask me to justify why the figure of $1,000 has been chosen; ask the absent Senator Brown. In relation to the application of the law, I think I have been addressing issues in a fairly nonpartisan way for all of this afternoon—might I say in nice contrast to what occurred yesterday. I am trying to keep the tone like that, Senator Collins, and I trust you will try to keep the tone like that as well for the rest of this evening.

The point that I was making in relation to the Greens amendment was that in fact it would be softer on companies making donations than the application of the Corporations Law. I am sorry, Senator Collins, if you did not hear my analysis as to the reasons why. With respect, I do not intend to repeat all of those arguments. Suffice to say that, under section 588FE, subsection (5), of the Corporations Law—although it is hard to envisage a circumstance—there is the possibility that a circumstance might arise where the transaction is deemed voidable, and the reach back would be 10 years.
Senator Brown’s amendment seeks to have a clawback of 12 months only in relation to political donations. When legislation is inconsistent, I submit that what usually occurs is that the latter legislation is deemed to prevail over the former. The regime that Senator Brown is proposing will, in fact, be weaker than the provisions of the current Corporations Law. We as a government voted against sending the bill to a committee because the government sponsored bill had already been to a committee about 12 months ago. There was a lot of discussion on it in that committee, albeit only four people put in a submission in relation to the bill. But, that aside, the Greens have now moved an amendment in relation to a different aspect.

Senator Jacinta Collins— I don’t think the government have.

Senator MURRAY—The government have. They can speak for themselves, but if I understood them correctly—they can correct me if I am wrong—they have said that, in terms of the Corporations Law, they believe that the issue of donations should be addressed in normal insolvency and liquidator processes. It is not the opposition’s business, I know, to give them any credit, but it is my business to give you both credit, and I do, and I thank you for your position.

Returning to Senator Brown’s amendment, I remain with just two problems. I do not see a proper link between the political donation and the insolvency in the standards that apply in insolvency law traditionally through the Corporations Law and other bankruptcy provisions. The donation can have been made at any point in time up to one year before winding up. It does not need to have led the company into insolvency or to have been made while the company was insolvent, such as in section 588FC. It strikes me, in the way that I read this amendment, that the two parts to the transaction are not well connected when you look at insolvency law.

The other major issue which concerns me is that it appears there is no protection for a party that receives the money in good faith, such as the provision which is in section 588FG of the Corporations Act. I really do not want to see a political party or candidate who received the money in good faith having to pay it back, I do not think the protective provisions which exist within the Corporations Law are within Senator Brown’s
amendment. Those are the two issues that remain of concern to me.

Senator BROWN (Tasmania) (6.27 p.m.)—I will say something germane to the comments that Senator Murray has made. I take his point. We are departing from the Corporations Law here because we are dealing with electoral law. The Corporations Act does not specifically deal with donations to political parties; the Electoral Act does. The Corporations Act might not be left to arbitrate on return of donations. In certain circumstances the Electoral Act is the best place to do that, and that is why this amendment is to the Electoral Act. It is not going to fail the notice of any liquidator, if a company goes bust, that this section is in the Electoral Act. Certainly, it is not going to fail the attention of any liquidator, if a company which has made a donation to a political party goes bust, that they might follow that up. There is going to be provision under this Greens amendment to have the donation, if it was made within 12 months of the insolvency, returned to help cushion the blow on the people who lose out when a corporation goes bust. I agree with the contributors who have expressed concern about the fact that the Corporations Act itself might need looking at. Certainly we need to look at who gets what when a corporation goes bust and in what order. I think the big players do have too much opportunity, banks included, to get there first and the small shareholders lose out. That is something we should be looking at.

Senator Abetz said—this is not germane to my amendment, but it is to Senator Murray’s, which follows—that the Senate ought not be making amendments to the Corporations Act without the states first being consulted. Well, that is the job of the government. If we were to take that at face value, Senator Abetz would be saying to the Senate that the Senate may not amend the Corporations Act because it does not have a mechanism for consulting with the states.

Senator Murray interjecting—

Senator BROWN—Exactly: that is an irrelevance. The Senate does have the ability to amend the Corporations Act, just as the Senate was absolutely essential to the passage of that act. If a change comes through it is up to the government—and it can do that at its leisure when the House of Representatives is considering the amendment from the Senate—to consult with the states and territories on the matter. So there we have it. I not only hear but also agree with those who have said that there are some imperfections in this amendment, but the point is that it is less perfect not to have the amendment. Now is the time to move this amendment and now is the time to have it, and I commend it to the Senate.

Senator LUDWIG (Queensland) (6.31 p.m.)—I thank Senator Brown for that clarification of some of those issues. I had not quite got to the point that I was getting to when I was last on my feet. I think you may have clarified this by interjection, Senator Abetz, but one of the points on which I would like clarification from the government relates to Senator Brown’s amendment. I have some questions for Senator Brown in relation to his amendment as well, but I want first to explore the answers you gave to Senator Brown specifically in relation to the Corporations Law. I need to clarify some of those matters as to whether the position you put to Senator Brown was both right and appropriate. That raised, as I said, the third issue about the appropriateness of having this legal debate in committee, which then raised the fourth issue, which was my starting position yesterday, as to whether or not this matter would be better dealt with in its entirety by the mechanism of the Joint Standing Committee on Electoral Matters.

One of the issues on which I think the government has been fundamentally mistaken in this argument is that corporations, as Senator Faulkner highlighted, are profit driven—they have a profit motive; at least there are not many that do not, and none I can think of offhand—whereas political parties fit a completely different mould. Political parties have social responsibilities and social interests and are, as I understand it, not for profit. They also have goals and objectives which differ quite substantially from those of corporations and put them apart from corporations—so much so that I think it is inappropriate to deal with political parties
under the Corporations Law as you have outlined. It would be far better—and that was the suggestion I put—if they were dealt with in the Commonwealth laws dealing with electoral matters, where most of the other issues relating to political parties, elections and all of those matters are dealt with.

Senator Abetz, I am unresolved as to whether or not you clarified if you were arguing from a government perspective that it was inappropriate to move Senator Brown’s amendment and more appropriate for the principle to be embodied in the Corporations Law. As I understand your interjection—but not the submission that you made, so I seek to get that clarified—the principle that has been put by Senator Brown is a principle that this government agrees with and intends to progress. If Senator Brown’s amendment is not successful—I think Senator Faulkner has indicated that the Labor Party support it in principle, so I would expect it to be successful, but there are a number of matters that might dissuade us from finding favour with it at the conclusion of this debate—will the government still be of the view that the Corporations Law, with the appropriate consultative mechanisms having been gone through, is a matter that needs attention? That is the issue I raised with you which I thought deserved an answer.

The other area is that you again raised an old memory about rules of statutory interpretation. We are not necessarily talking about a later amendment to the same act—where, as I recollect, a later amendment would be likely to be the one chosen by the courts. We are talking about two distinct acts, and that is why I say that this amendment to the Commonwealth Electoral Act would stand. You would, as I understand it, look at the objects and purposes of the act—you would provide a purposive approach to the interpretation of that act with that amendment and come to a conclusion as to how the courts would deal with it. On the other hand, with the Corporations Law you have a different object—a different scheme. Section 588FE of the act highlights it in subsection (5) where it talks about ‘voidable transactions’. It is about companies transacting with companies, companies with individuals or companies with directors or those associated with a company as a corporate entity; it is not talking about what political parties are. That is the point I made earlier.

It then goes on to embody what we are talking about: protecting the rights of shareholders, protecting the rights of those people who would derive an income—that is, franked dividends or dividends—from companies. Part of it is about defeating, delaying or interfering with the rights of any or all of its creditors. Companies have creditors, they have shareholders, and it is about ensuring that there is equity and fairness. The Corporations Law ensures that those sorts of things are put in place.

But what we need to look at is not that issue, and that is what concerns me the most. What we are looking at in a political party is not something that might be regarded as having a shareholder or, in this instance, a case of defeating, delaying or interfering with the rights of any or all of the creditors. I do not know whether a creditor, a beneficiary, a political party would actually fall into the same clutch. I think they are entirely different from that. That was the point in your response that I was trying to highlight.

Senator Abetz, I understand clearly that it was not a case of me asking you questions about Senator Brown’s amendment. I was trying to clarify your responses to Senator Brown’s amendment. Your responses gave me sufficient concern that I needed to rise to my feet and explore them with you. But, in so doing, as I have said a number of times, it worries me when we explore them like that, because it would be far better to have the bill with those amendments—and Senator Murray seems to have left the chamber and does not want to listen to the debate—go to a committee, not the Joint Committee on Corporations and Financial Services but the Joint Standing Committee on Electoral Matters, which is the appropriate committee for this. In addition, one of the matters raised by Senator Murray—and, unfortunately, he is not here—that concerned me was that this may be drawing it out. I might remind him that we only recently started debating this section. Senator Faulkner has spoken on it. I
have spoken on it twice now, both times to get clarification.

Senator Murray—Madam Chair, I rise on a point of order: the senator is misleading the Senate. He knows perfectly well there is a television outside. I am listening to his voice, and I am enjoying every word that he is saying.

The TEMPORARY CHAIRMAN (Senator Knowles)—There is no point of order, but I think Senator Murray has made his point quite well.

Senator Ludwig—One of the difficulties I have is that we do not have another monitor to see who is out there. We have not got that interactive technology. In fact, Senator Alston, in moving towards high-definition television, has failed at the gate in providing interactive television. It may, at some future date, be incorporated in this chamber so that I could tell who is out there. In any event, I do take the point and apologise. I am not intending to mislead the Senate.

If Senator Murray is still listening—I have to be careful how I say this; you can sound a little bit silly talking to someone who is not listening—one of my concerns, and I think an important matter that deserves attention, which is why I was exploring it so deeply with you, Senator Abetz, is that $800,000 has gone from HIH to a political party. That is the principle that does concern me. It is serious. There is $800,000 that has disappeared out of the hands of either the liquidator or the shareholders of the corporation. That is why the principle put forward by Senator Faulkner deserves consideration and why Senator Brown’s motion deserves consideration. It is clear from Senator Brown’s motion that the principle is there.

Senator Abetz, one of the issues—and I was going to go to Senator Brown’s motion—that you raised was whether or not the $1,000 was appropriate and, if it fell below that, whether it would come under the Corporations Law or whether it would be a matter that may not be worth pursuing. Of course, these are value judgments that I do not intend to make in respect of Senator Brown’s motion. But it might be helpful if he would clarify his view about the limit and also about whether a donation is a gift or whether it can be construed as a company making a benefit to a political party, to ensure that it does encapsulate all of those matters. That is why, in answer to Senator Brown—perhaps I could use the word in a nice phrase—you did attack the amendment on some of those grounds that it might then fail or that it might not be so relevant or that it might be best not progressed. Of course, the other area includes whether or not it is a political party or a state branch of a political party. Coming from an industrial relations background, there has been, may I say, enormous argument about what is—

Senator Abetz—that is code for ‘trade union’, is it?

Senator Ludwig—I am happy to say ‘union’. I did not come from a ‘trade union’. There is a distinction.

Senator Abetz interjecting—

Senator Ludwig—You are going to lose me at this point, Senator Abetz. I did want to get this out before I expire and have to then get to my feet again.

The TEMPORARY CHAIRMAN—I hope you do not expire, Senator.

Senator Ludwig—No, I shall not. I have another flu tablet that I can take. I am trying to ascertain whether the state branch is a state entity, a federal entity or a branch of the federal entity; there are three entities that it can be. One of the issues was which of those three entities the state branch encapsulated, because there can be a distinction.

Then there is the reason for the winding up of the company—in other words, was the company wound up in insolvency or wound up by the courts on other grounds? From Senator Brown’s perspective, is it an automatic thing? Should it happen as a consequence of a company being wound up, because a company might be wound up for valid reasons in terms of insolvency? For instance, there might be a parent company with a subsidiary, the purpose of the subsidiary has been done and the company or the parent company has moved on, and the subsidiary or the management company can no longer do its job so it is wound up. That hap-
pens in businesses where you might have a management company looking after a particular asset and the management company then loses the contract; the management company then has nothing to manage and moves on to something else.

That was an area I wanted to explore with Senator Brown. In doing so, I wanted to come back to whether or not you agree, Senator Abetz, that something in the order of an $800,000 donation to a political party is something that this government is concerned about and whether, in truth, you can identify a difference between a corporation and a political party. I think the argument that the government has run, that the Corporations Law picks it up in total, is not right. I think it has missed the point of being able to differentiate between the two.

Senator ABETZ (Tasmania—Special Minister of State) (6.46 p.m.)—What we are witnessing is a quite shameless filibuster, and a few smiles on the other side indicate that. In relation to political parties being different from corporations, the answer is yes of course they are. But we are dealing with what should happen with money paid over by a corporation. Money paid by a corporation should be dealt with under the Corporations Law. If the argument is that if it is paid to a political party it should be under the Commonwealth Electoral Act, does that mean that next time we have a tertiary education bill before the parliament we ought to have a similar provision? As I understand it, one of the companies that has gone into liquidation made a substantial donation to Monash University, and allegedly somebody got an honorary doctorate in return—but that is a side issue. Does that therefore mean that, because Monash University is not-for-profit, like a political party, as Senator Ludwig indicated, next time we have a tertiary education bill before the Senate we will amend it in similar terms?

I also understand—and I have to be careful because I know Senator Alston is a very keen supporter of the Collingwood Football Club—that one of the companies that has gone into liquidation in recent times made a substantial donation to the Collingwood Football Club, also a not-for-profit organisation. As a result, does that mean that the next time we have legislation dealing with sports matters we ought to insert a specific provision into that legislation to deal with the possibility of a corporation giving money to a sporting organisation such as a football club?

When you start extending the argument put forward in support of the amendment, you can see how hollow and shallow it is. This issue is about Corporations Law and donations being made by corporations not only to political parties but also to football clubs, to universities—and so the list can go on. The place for dealing with these sorts of donations is clearly in the Corporations Act. That is where it is at the moment and where it ought to be, with a lot stronger and stricter provision than that being envisaged by those supporting this amendment, which was made on the run. It was suggested that there be a claw-back period of three years, then a claw-back period of one year. We have now had to change the wording from ‘donation’ to ‘gift’, and that in itself is another issue—that is, the definition of ‘gift’ in relation to the Commonwealth Electoral Act.

What we have just witnessed has been a shameless filibuster. Given that it costs the Australian taxpayers $10,000 per hour to run this Senate, I would invite honourable senators opposite to search their consciences and ask themselves whether it is a reasonable expenditure of taxpayers’ funds to have thrown up all these speakers for what is a very concise bill.

Progress reported.

DOCUMENTS

Western Australian Fisheries Joint Authority

Senator WEBBER (Western Australia) (6.50 p.m.)—I move:

That the Senate take note of the report.

I wish to take note of the annual report from the Western Australian Fisheries Joint Authority, 1 July 1999 to 30 June 2000, section 70 of the Fisheries Management Act 1991. In doing so I would like to quote from page 9 of the report, which says: This study also indicated that although reported domestic catches of blacktip sharks are below the sustainable yield estimate, catch per unit effort is
declining. It is suggested that either there is a large unreported catch of these sharks...

And it goes on to talk about the state of our fisheries. Recently, I was involved in a number of discussions with representatives from the WA fishing industry. In fact, a group of us from Labor spent a day being briefed on all elements of the WA fishing industry—prawning, long-line tuna fishing and the like. As we came to learn, the industry is a vital part of the Western Australian economy and it contributes enormously to our export income. As I mentioned in my first speech in this place, I believe that industries such as aquaculture and fishing are increasingly important as renewable resources that are not subject to the climate variations that affect so many other agricultural enterprises. The important word in all of that is ‘renewable’.

The report tabled today illustrates that there is a risk to the blacktip shark fishery in Western Australia. This corresponds with the information that was provided to us by the representatives from the WA fishing industry. The threat to that industry is easily identified as one of illegal fishing. Illegal fishing puts Australian jobs and Australian exports at risk. Anyone that comes from my state—and I note that you do, Madam Acting Deputy President Knowles—will be well aware of the impact that any threat to that industry would have on our economy.

What is the government’s policy response to this threat to the industry? If the Australian government happens to catch an illegal fisherman, we give them a legal slap on the wrist—that is, we fine them, and the fine is not commensurate to the profits that they make. We then sell them their boats back—or we cannot guarantee that we will not. Maybe we should focus on trying to avoid them returning to their illegal trade. We are now not sure how we can do this, because the government still has not released any details of the tender process. This is user-pays taken to its illogical conclusion. The answer from the WA fishing industry people I met with was quite simple: destroy the seized vessels. After all, that is what the government does with the people-smuggling vessels that are seized in this country. (Time expired)

Senator O’BRIEN (Tasmania) (6.55 p.m.)—In relation to this report on the Western Australian Fisheries Joint Authority, it is interesting to note that the authority was established under the provisions of what is now the Fisheries Management Act 1991—an act of the federal parliament—and what was the Western Australian Fisheries Act 1905, which has since been replaced by the Fish Resources Management Act 1994 of the Western Australian parliament. The Fisheries Management Act, which was enacted by the Hawke Labor government in 1991, created a new architecture for fisheries management in
the 1990s—an architecture that remains essentially intact.

The Hawke government introduced the legislation following the most exhaustive review of fisheries management in Australia since the 1950s. That review established three major objectives: to ensure that exploitation of fisheries resources is sustainable, to enable commercial fishing operations to be as economically efficient as possible and to create conditions where fishers are able to earn significant profits from which to make a payment to the community for the right to exploit a public resource. These objectives informed the Fisheries Management Act and supporting legislation, and these objectives are sound, but, 13 years on, new challenges have arisen and the fishing and aquaculture industries have grown. Additionally, the community’s environmental expectations have grown over the past decade. It is time to look at the industry again and build a policy platform for the future. The reason for this is that Australia needs a comprehensive review of existing opportunities and challenges in fisheries policy.

In June 2000, the Minister for Agriculture, Fisheries and Forestry announced a Commonwealth fisheries review and promised a final statement in mid-2001. It is now more than two years since the review was announced and 12 months beyond the minister’s announced deadline. Many industry members have participated in consultations over the past two years, but the government’s review process has stalled. I welcome the recent indication from the Minister for Forestry and Conservation, Senator Ian Macdonald, that he has some interest in completing the review. This is welcome news but comes after a loss of much confidence in the government’s review process. Responsibility for this rests with neither Senator Ian Macdonald nor his underperforming predecessor, Mr Wilson Tuckey; rather, responsibility rests with the Minister for Agriculture, Fisheries and Forestry, Mr Warren Truss.

Mr Truss has always been at best reluctant about the fisheries portfolio. Whereas some ministers in this government are competent at hiding their incompetence, Mr Truss lets it all hang out. Last week, Mr Truss issued a media release where he proudly described one of his ‘virtual’ performances. It related to a visit, via video link, to a National Party stand at the Ag-Quip field day. It is a shame the fishing industry does not get the same access to the minister as National Party branch members do. At least the Nationals do not discriminate on these matters: appointments to the sham Telstra inquiry were made on the same basis. It will come as no surprise to senators that Mr Truss takes pride in his virtual performance. He gave a virtual performance on US beef quotas that just about brought the industry to its knees. His virtual performance on sugar has seen the government’s response to the Hildebrand report delayed and the future of the industry threatened.

But I digress. In the area of fisheries, Mr Truss has spectacularly failed to deliver leadership in policy development and administration. In respect of this annual report, it is no surprise that the authority did not meet during its reporting period. Despite the stated enthusiasm of Senator Ian Macdonald for his new responsibilities, it is regrettable that the fishing industry and Australian fisheries lack a committed minister at cabinet level, because fishing and agriculture are amongst our most valuable rural industries. They contribute more than $2.5 billion each year to Australia’s gross domestic product and generate annual export income of $2.2 billion. There are probably further things that I could say, but I propose to continue my comments in relation to the Queensland Fisheries Joint Authority Report.

The DEPUTY PRESIDENT—Senator O’Brien, you need to seek leave to continue your remarks.

Senator O’BRIEN—I do not want to continue on this document; I am going to speak on the next document.

Question agreed to.

Queensland Fisheries Joint Authority

Senator O’BRIEN (Tasmania) (7.01 p.m.)—I move:

That the Senate take note of the document.
Act, which provides for cooperation with the states and territories in the management of fisheries. The Queensland Fisheries Joint Authority is provided for under the Fisheries Management Act and corresponding Queensland legislation. It was established in 1995 and assumed responsibility for the management of all northern dimersal and pelagic fin fish in the Gulf of Carpentaria, with some exclusions, including tuna and inshore fin fish.

The Queensland Fisheries Joint Authority comprises the relevant federal and state fisheries ministers. For the period in question—1 July 2000 to 30 June 2001—the members were: between 1 July and 5 February, the Minister for Agriculture, Fisheries and Forestry, the Hon. Warren Truss; between 6 February and 30 June, the Minister for Forestry and Conservation, the Hon. Wilson Tuckey; and for all of the period the Queensland Minister for Primary Industries and Rural Communities, the Hon. Henry Palaszczuk. No meetings of this authority were held during the reporting period, although I note that meetings were held in the months immediately preceding and following it.

The fishing industry has languished at the hands of this minister. As I said earlier, this industry is responsible for more than $2.5 billion each year in its contribution to Australia’s gross domestic product and it generates $2.2 billion in annual export income. It is important to note that the fishing industry employs more than 30,000 people directly in fisheries and aquaculture and that it makes a significant contribution to the economic wellbeing of dozens of regional coastal communities. It is crucial that the Commonwealth recognises the significance of our fisheries and develops good policy. For this purpose, I have released a discussion paper entitled Sustainable fisheries: sustainable jobs, which forms the basis of Labor’s consultations on future fisheries policy. That paper has been distributed widely. Already it has been the subject of a number of consultations in four states and in the Northern Territory. The reason for that is that Labor is committed to the development of good fisheries policy that secures the economic base as well as the ecological sustainability of this industry and resource into the future.

It is important to note that the previous reform process started by this government has stalled and languished for some time. I encourage the government to rethink its feeble commitment to fisheries. I think it is regrettable that this portfolio sits in the hands of the National Party in this government, with a minister who is clearly not interested in policy relating to the fishing industry. The industry clearly does not fit the profile for what the minister believes should be the responsibility of the National Party. The Labor Party established the existing act upon which fisheries management is based. We believe there is a need to take the industry forward. We have established a process to develop a policy, which we will present following our consultation process. We will attempt to lead this government, as it has obviously failed in its process of updating a policy that is important for this important industry.

Question agreed to.

Australia and the Asian Development Bank

Senator MARSHALL (Victoria) (7.05 p.m.)—I move:

That the Senate take note of the document.

Senator McGauran—Don’t do it. You haven’t got economic credentials!

The DEPUTY PRESIDENT—Order! Senator McGauran!

Senator McGauran—I know what he is going to do!

The DEPUTY PRESIDENT—Senator McGauran, if you wish to participate in the debate you will get your time.

Senator MARSHALL—The tabling today of the 2000-2001 Asian Development Bank Annual Report by the Treasurer outlines Australia’s strong support for the reform agenda undertaken by the ADB over the past few years in improving governance within its own institution and within its member countries. The report says that Australia ‘sought improvements to the ADB’s transparency, accountability and effectiveness’ and it states that ‘good governance in the ADB’s countries of operation was im-
perative for successful poverty reduction and development'. The report highlights the need for the ADB to improve its internal governance and the governance of member countries.

So, while the Australian government is happy to encourage financial sector reform overseas, why is it not acting to ensure better financial sector governance at home as well? Today's announcement by the Reserve Bank recognises that reform to the credit card system is required and achievable. Between $350 million and $400 million worth of bank and credit card company profiteering has been detected through charges associated with credit card usage. This profiteering has been at a cost to retailers and consumers regardless of credit card use. The proposed reforms outlined by the Reserve Bank would likely lead to improvements in efficiency, transparency and increased competition, as they would allow further entrants into the market. Transactions using credit cards have risen to 36 per cent. With interest rates rising, and expected to rise further, it is imperative that these proposals are adopted in order to protect consumers and retail groups. Fees associated with credit cards impact most on those who can least afford them. Those on lower incomes are unable to pay off credit card debt within the interest-free period as effectively as those on higher levels of income, therefore effectively subsidising those higher-income credit users.

While those on this side of the chamber support the proposals of the Reserve Bank, we call on the government to empower the ACCC to oversee their implementation to ensure that benefits flow through to consumers and retailers. A precedent for such action already exists, as the ACCC was authorised to conduct similar price surveillance during the implementation of the GST. The Treasurer and the government must start acting progressively on these issues rather than waiting for reports to get them moving. The Treasurer must take the initiative to protect consumers and retailers, not just naively trust the banks to treat their customers fairly, as it appears he intends to do. Labor welcomes the report and we urge the Reserve Bank and the Treasurer to progress reforms that benefit debit card and ATM users, similar to the credit card reforms that have been proposed. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

National Health and Medical Research Council

Senator WONG (South Australia) (7.09 p.m.)—I move:

That the Senate take note of the document.

I want to draw the Senate's attention to the work that the National Health and Medical Research Council is doing in relation to Aboriginal and Torres Strait Islander health, and particularly to the fact that a research group has been formed which will identify a road map for the future of Aboriginal health. It is a timely point for us to consider the parlous state of Indigenous health in this country and the lack of sufficient action on the part of this government to address that issue.

I will briefly outline some of the recent statistics on Aboriginal health in this country. On almost every measure that you can utilise, Indigenous people in this country suffer worse health outcomes than non-Indigenous people. Firstly, in their access to services many Indigenous people living in discrete Indigenous communities live significant distances from their hospitals—in 1999 over 60,000 of them lived 100 kilometres or more away. A particularly sad statistic is in relation to Indigenous babies. Statistics from a couple of years ago show that babies of Indigenous mothers were more than twice as likely to be of low birth weight than babies of non-Indigenous mothers. As most people know, if you have a child who is of low birth weight that child is more prone to ill health both as a child and as an adult. Children of Indigenous women are also more likely to be stillborn or to die soon after birth than children of non-Indigenous women. With hospitalisation rates, a couple of years ago statistics demonstrated that Aboriginal and Torres Strait Islander people were about twice as likely to be hospitalised as people in the general community.

Another parameter that one can utilise is the incidence of type 2 diabetes, and the statistics here are really quite alarming. In the age bracket between 45 and 54, Indigenous
persons report diabetes almost at levels of 25 per cent compared with around three per cent for non-Indigenous people. It really is an indictment of our community and our society that we allow this poor level of health in a developed country such as Australia to continue. Similarly, life expectancy for Indigenous persons is significantly lower—around 19 to 20 years lower than for other Australians—and we simply cannot allow this to continue.

I want to talk briefly about what this government is or is not doing in relation to Indigenous health, and there are two timely issues I would like to raise. The first is on aural health—that is, of the ear. It is Hearing Awareness Week this week, and in the other place the Minister for Ageing, Mr Andrews, talked at length about Hearing Awareness Week without once mentioning Indigenous health, despite the fact that Indigenous Australians face the most chronic hearing problems of any particular cultural group in Australia. Middle ear infection, and damage from that, is a major problem for Indigenous adults and children and obviously has significant impact on their education, speech and other areas of development. However, this government has no formal system of data-sharing on the number and location of Indigenous people with treatable hearing loss. This is entirely inadequate; you cannot respond to a problem if you do not know where the problem is. Australian Hearing, which provides hearing checks to Indigenous peoples, only visits remote communities for half a day, once a month. That is an entirely inadequate level of service to Indigenous communities.

Finally, I want to speak about the issue of domestic violence in Indigenous communities, which has had some recent publicity. It is the case that the Prime Minister has said that ATSIC should be redirecting its funding to Indigenous family violence. I make the point that 82 per cent of ATSIC’s budget is already quarantined to particular programs. That leaves only $165 million for expenditure in other areas. ATSIC has said it has advocated constantly for increased effort in the area of Indigenous family violence, and the demand is much greater than the current annual budget of $4.9 million allows. It seems strange that this government talks about family values but, in the area of Indigenous family violence, fails to provide sufficient funding for those communities to be supported in its attempts to address this significant problem. It really is a shameful thing. (Time expired)

Senator LUDWIG (Queensland) (7.14 p.m.)—The National Health and Medical Research Council annual report leaves out one of the most important things we face in dealing with strategic research, from what we have heard Senator Wong say in relation to Aboriginal health and from what we have heard in relation to the council’s direction on medical research. What the report does not address and is silent on—and it is not the fault of the National Health and Medical Research Council itself but the fault of this government—is bulk-billing. One of the important bulwarks of this community is to be able to ensure that bulk-billing is available to the disadvantaged, to groups who cannot otherwise afford to pay. The report demonstrates that this government is failing to ensure that bulk-billing rates are kept where they presently are.

Today we heard Senator Patterson refuse to release the new general bulk-billing figures, which are expected to show a further decline in bulk-billing throughout Australia. If they do show a decline—and I understand that her point was that there is a decline—then we are looking at families maybe not being able to afford to visit a doctor, placing their health at risk and increasing the prospect of greater health problems which might require hospitalisation down the track. It is an important issue that needs to be put before this Senate. Senator Patterson tried to answer the questions that were put to her in question time, but she did not put clearly what the figures were. We understand the official June quarter figures produced by the Health Insurance Commission had been sitting on her table. It was unclear from her answer whether they were resting there, whether she had examined them, whether she had seen them or whether, having seen them, she had failed to produce them and tell us what the figures were.
Senator Kemp—Big Bill would be ashamed of you.

Senator LUDWIG—I am positive that, if those figures were on your table, Senator Kemp, you would produce them. Senator Patterson has not produced them. Senator Patterson has in fact not provided the figures on bulk-billing. You might laugh at this issue, but it is a serious issue that families have to face and it is very unkind to take that point and take that issue.

Senator Kemp—Mr President, on a point of order: I ask that you ask the senator to be relevant to the matters which are currently before the chair.

The PRESIDENT—Senator Kemp, there is no point of order. In fact, if you had been here earlier, you would have heard what the document was. I believe he is very relevant.

Senator LUDWIG—It is clear that the document is about the strategic direction of the National Health and Medical Research Council and it is clear that Senator Patterson has not produced the figures on bulk-billing which demonstrate a decline. It is high time that this government was accountable for its actions, that it put in train actions to address this decline and that it did not simply let families be abandoned. That is what this government is doing in allowing this to occur. The privilege of being a parliamentarian is one which I have taken seriously. My 5½ years in opposition were not wasted. I played a major part in two groundbreaking Senate inquiries—into breast cancer screening and treatment and into the tobacco industry—and was the initiator of my most enduring memorial to date, the limitation on sitting hours in the Senate. I also helped to develop my party’s health policy and the Lyons Forum. The five years I spent as Minister for Aboriginal and Torres Strait Islander Affairs were the most fascinating years of my life. It gave me an unparalleled opportunity to change the direction of policy from paternalism to the encouragement of self-sufficiency, and I believe we are now firmly on this path. Separatism, as promoted by those who wish to live off the cause rather than for it, has no place in a modern, democratic, vibrant multicultural Australia. There could be no more practical reconciliation than the fact that two-thirds of Indigenous people in cities are living with non-Indigenous partners. We are now celebrating integration.

To my colleagues on both sides of the chamber, I bid you farewell. Your friendship and camaraderie have sustained me on many occasions. I know I have made friends on all sides. It may be invidious to single out indi-
individuals, but I would especially like to pay tribute to our leader, Robert Hill, and the Leader of the Opposition, John Faulkner. Rob Hill has been a friend for over 20 years, and he gives true meaning to the word ‘equanimity’. John Faulkner is a worthy adversary, but I am one of the few that can attest that he has a heart. I will never forget his kindness when he gave me a condolence card signed by his Labor colleagues on the death of my daughter, Maryann, five years ago.

I pay tribute also to the wonderful democracy we have in Australia. We have no secrets. The gleeful media pounce on every nuance, stomp all over everybody, including each other, build people up and then cut them down. Party rooms leak and stories are invented, denied, then confirmed, but through it all democracy flourishes. I love Australia. I firmly believe in the commonsense and good judgment of the Australian people. This good judgment saw the return of John Howard as Prime Minister. In a small way, I feel that I was able to contribute to his victory by serving as Queensland Liberal Party president in the lead-up to the last election. History will record him as one of the great prime ministers of this country and I will always remember his unyielding support and outstanding leadership. It has been a privilege to serve in his government and I value his friendship.

There are many others that I wish to thank for a wonderful 12 years: my friends on both sides of the chamber and the House; the Clerk of the Senate, Harry Evans; the Deputy Clerk, Anne Lynch; the Clerk Assistant; the Black Rod; the attendants; the security officers; and the drivers for their unfailing courtesy and assistance. My previous ministerial staff, in particular Greg Hunting and Helen McLauchlin, were outstanding. Additionally, Diane Young, Leonie Stewart, Jill Lacey and Vivienne Johnson have been tremendous; I could not have wished for better. Ian Loudon and his staff in the Department of Administrative Services in Brisbane have always been helpful. I thank the Queensland division of the Liberal Party for selecting me and I thank the people of Queensland for their vote. I have done my best to represent them. I have no illusions; my personal vote was 0.1 per cent of a quota—98 per cent marked the Liberal Party box.

Finally, I pay tribute to my wife, Jan, who has given me unconditional love and support. Without her, none of this would have been possible. My nine children have at times looked at me askance, but their support, too, has been unwavering. Elizabeth, Nicholas, Samantha, Maryrose, Catriona, Annabel, Wilhelmine, Thomas and John are fine people, as are my sons-in-law Mark, Robert and Peter, my soon to be sons-in-law Patrick and Richard, and my daughter-in-law, Naomi. For the sake of brevity I will not name all of my grandchildren.

Mr President, I cannot end my final contribution without paying tribute to my now-deceased parents and grandparents. My four grandparents were born in Ireland, as was my father, who came to Australia as a young man and went to Home Hill in North Queensland, where I was born. Having this heritage, you will not be surprised that I leave you with an Irish blessing:

May the road rise to meet you
May the wind be always at your back
May the sun shine warm upon your face,
The rains fall soft upon your fields
And until we meet again
May God hold you in the hollow of His hand.

Herron, Senator the Hon. John:
Resignation

Senator HILL (South Australia—Leader of the Government in the Senate) (7.26 p.m.)—On behalf of government senators I would like to say a few words in acknowledgement of Senator Herron’s notice of pending retirement. As usual, Senator Herron is doing it slightly differently to others. He leaves this place after quite a long period—some 12 years—of very meritorious service.

It is interesting to reflect on the basis of Senator Herron’s quality contribution, and I think it came through in the contribution that he just made. He came to us with a very successful career behind him as a leading surgeon. He also came to us as a family man extraordinaire, with nine children and all those life experiences that come from that. He came to us as somebody who had already
made a major contribution to his political party; in fact, he had been president of the Queensland division of the Liberal Party. So it is not surprising that with John Herron we got someone in the Senate who was clearly going to hit the road running and make a very significant contribution, and that he did.

I remember the contribution that he made to our health policy during our years in opposition. He was always pushing at the boundaries in terms of what could be done to provide better health care and for the funding of it and so forth, with a particular concentration on the elderly. As he indicated, I remember the contribution that he made to that health debate within this chamber through the committee system. As a combination of a health professional and political professional, I will never forget what he related to us of his experience in Rwanda and how proud we all were of the contribution he had made in that extraordinarily difficult circumstance.

As a minister he got the short straw, some might say, in the Aboriginal affairs portfolio, which was always seen as one of the most difficult of portfolios. He got it at a particularly difficult time. But rather than just take the political rhetoric of the day, John Herron, in his typical way, went out and visited the communities and assessed in his own mind what their real needs were. He talked with them. He and Jan went together. They were much loved as they travelled around Aboriginal communities across Australia. What he realised was that to give Aboriginal people the real opportunity of better living standards, what was needed was to address jobs, health, education and housing—all those basic needs. That was really the concentration of the years that he had as minister for Aboriginal affairs and the contribution that he made in really turning around the debate on Aboriginal affairs in this country—so much so that now everybody says that they are the critical issues, and what is really important is not the politics or the rhetoric but actually delivering better outcomes in those areas. John Herron can be very proud of the contribution he made to public life in this country.

Lastly, I commend him because when his political party was in trouble he went back to the organisation. He would have known from previous experience that it is not something that you do wantonly. But there was a need there and he went back and served the organisation again as party president and made a very significant contribution to that tremendous result that we got in Queensland. It might not be appreciated by others, but it was certainly appreciated by the Liberal Party, the government and all of those who wanted to continue as ministers.

When we look at John Herron’s career in the Senate and his contribution to public life we really do see an exceptional record and something of which he and his family must be extremely proud: his concentration on the family, on health care, on children and on the elderly—all of those who need the support of government. That was his focus. He said it in his maiden speech and he stuck by it throughout his career in this place. Public life in Australia has been the beneficiary of that contribution. So in the Irish theme that he ended with, all I can do, on behalf of my colleagues, is to wish him and all his family the best of Irish luck.

Herron, Senator the Hon. John: Resignation

Senator FAULKNER (New South Wales—Leader of the Opposition in the Senate) (7.31 p.m.)—On behalf of the opposition I wish John Herron well in his future career. It is certainly true that John Herron is a pretty avuncular sort of bloke. He is affable and easygoing around this building, as I am sure everyone in the chamber knows. I think it is a terrible thing that John would choose his last speech in the Senate to mislead the Senate and suggest that I had a heart, but I will forgive him for that. I just hope that my political reputation can stand that vicious attack.

It is true, Mr President, what John has said about the sitting hours in the Senate. I recall the struggles about changing the sitting hours of the Senate. I will not say what the views of Senator Hill and a few other senators were when we tried to get some reasonable sitting hours. I of course was the manager of government business in those days—I always describe them as the good old days. On all but one occasion, I think, Senator Herron
was a very solid supporter in trying to get some reasonable sitting hours that I think made a difference not only to senators in this chamber but also, I think it is important to say, to the many people who work here—the staff in this chamber. I think a lot of staff did appreciate his efforts in that regard. I would like to acknowledge his service in parliament. Of course there were very many occasions when we did not agree. I am delighted that he is going to be the Ambassador to Ireland and the Holy See.

Senator Hill—Where did you hear that?

Senator Faulkner—I read it in the newspaper, Senator Hill. The thing about this appointment is that it has been announced and reannounced more often than any other appointment I know of. I assume that John Herron could not find a place further away from the Queensland division of the Liberal Party to go. And who could blame him for that? He leaves the Queensland division of the Liberal Party behind him. People talk about his career as a surgeon prior to being in parliament. I have always thought there was real symmetry in being a surgeon and president of the Queensland division of the Liberal Party, because there is so much scalpel wielding that goes on up there. John, on a serious note, to you and your wife Jan, who is in the gallery tonight, I say on behalf of the opposition: we wish you well for the future; we hope there are very many happy years ahead.

Herron, Senator the Hon. John: Resignation

Senator BOSWELL (Queensland—Leader of the National Party of Australia in the Senate and Parliamentary Secretary to the Minister for Transport and Regional Services) (7.35 p.m.)—On behalf of my National Party colleagues I also wish John and Jan a very happy and successful retirement. John and I have been friends and warriors when things were not that good between the Liberals and the Nationals long ago when he was president.

Senator Faulkner—that’s now, isn’t it?

Senator BOSWELL—No, we have both mellowed over the years, and I think we have both become very firm coalitionists. You have come into this place, John, from a very successful career in surgery. You probably made huge financial sacrifices to come here. You have served your community well. You did a great job as Aboriginal affairs minister; you really put your mark on that portfolio. As someone who has probably known you for a lot longer than most people in the chamber, I will miss you. I always found you to be a great person to have a bit of a laugh and a joke with. I have always used your professional skills to administer my health. I will have to transfer that business to Senator Eggy. Once again, all the best. I know you will make a great success of your position as the Ambassador for Ireland and the Holy See and I know Jan will help you tremendously with all the duties that require two people to do them.

Herron, Senator the Hon. John: Resignation

Senator HARRIS (Queensland) (7.37 p.m.)—Mr President, thank you for the indulgence of the chamber. I would like to personally add my congratulations to Senator Herron and his family. In the short period that I have been in this chamber, Senator Herron has stood out as one of the impeccable senators—and that is no disregard to anybody else who is in this chamber. In life we have the fortunate chance of meeting somebody who does stand out and to Senator Herron I say: I dips me lid; you’re one of them. Congratulations.

Herron, Senator the Hon. John: Resignation

Immigration: Christmas Island

Senator CROSSIN (Northern Territory) (7.38 p.m.)—Before I go to the substantive content of my speech in the adjournment debate tonight, I would like to place on record my thoughts of and thanks to Senator Herron. Coming from the Northern Territory, where 28 per cent of the population are Indigenous people, I know that it was recognised that Senator Herron did make a significant contribution to Indigenous people in the Territory in what he tried to achieve and what he did for those people—particularly during his time as the Minister for Aboriginal and Torres Strait Islander Affairs—de-
spite the constraints and the attitudes of the
government under which he worked as min-
ister. So, from the people in the Northern
Territory, Senator Herron, thank you and the
best of luck for your future.

Tonight I want to make some comments
about what this week means in the history of
this country and, in particular, the effect it
has on a unique and significant group of
people in my electorate. This week marks the
first anniversary of the arrival of the MV
Tampa across the horizon of our seas. No
doubt there will be many articles written this
week and stories on radio and television
about the impact the events of the sighting of
the MV Tampa has had on the history of this
country. But there will be very few people
who will actually take the time to take stock
of the dramatic impact that it has had on my
constituents on Christmas Island. That is
what I want to focus on tonight because I
believe that those 1,500 people will be for-
gotten during this week.

Christmas Island is 2,600 kilometres from
Perth. It is a unique island in terms of its
fantastic environmental attributes. It is
unique in the sense that to get there you need
to go through an international terminal out of
Perth and a passport, and you can get there
only three or four times a week. It is an is-
land that has a Chinese population—about
60 per cent of the island’s population are
Chinese—a Malay population and a Euro-
pean population, which makes up only about
15 per cent of the island’s population. No
doubt the events of the coming months will
see a dramatic change in these numbers.

The island is also known for its very
strong and widely representative Christmas
Island Shire Council and for the Christmas
Island Union of Workers—a union that was
born out of the need to protect one of its
workers, Teo Boon How, who was probably
going to be deported by the federal govern-
ment so many years ago. The workers of
course rallied on Christmas Island to protect
this person in his employment, and out of
that came one of the strongest and most vi-
brant unions that I have seen. There is in-
credible loyalty to this union amongst the
people on the island.

I want to focus on the events of last
August when the Tampa arrived over the
border. Of course, the first people in this
country to see that were those on Christmas
Island. What happened during that time?
Under instructions from this government, the
then Administrator of Christmas Island, Bill
Taylor, closed the port for eight days. Boat
people have been arriving on Christmas Is-
land for years. Before the Tampa, of course,
there was an accepted procedure there. Peo-
ple will tell you that they used to take the
barge out with one of the police. He would
read them their rights, and they would tran-
sfer the people to the barge and bring them
onto the island. There was no fuss, people
were sympathetic and the islanders wel-
come these people.

When the captain of the Tampa, Arne
Rinnan, was refused permission to land the
460 asylum seekers last August, the Christ-
mas Islanders were outraged and upset and
could not understand the actions of this gov-
ernment at the time. In fact, one of the social
workers on the island said: ‘Before Tampa, it
was all done with care and courtesy. We
looked after people who turned up here. The
police were really good to them.’ During my
trips to Christmas Island, one person told me
that the first time she witnessed people being
brought ashore from a dilapidated boat it
made her cry. She said: ‘This group of peo-
ple just ran for the closest tap, threw them-
selves under it and drank the water. Nothing
but your heart could go out to these people.’

In recent years, Christmas Island has seen
about 900 people arrive each year seeking
asylum. It used to be that the islanders would
go down to the cove when a boatload was
brought in. When the refugees came ashore,
people would call out, ‘Welcome to Christ-
mas Island, glad you made it.’ They would
be taken to the sports hall—the only place
the community had to house them—and the
police would put up plastic tape around the
outside of the shed to demarcate the area that
the boat people were meant to stay in for
health reasons. The local residents looked
after them by doing the initial processing,
getting their names and asking them where
they had come from. Then, after a week or
so, the asylum seekers would be transferred
to the mainland. But all that has dramatically changed so much with the arrival of the *Tampa*.

I guess at the time a lot of people on Christmas Island had no idea exactly what this new refugee situation would mean, not only for them but also for this country. People up there did not understand why this sort of cruelty was now going to happen. That is why so many people then took to demonstrating on the island. We will never forget the demonstration of 200 islanders down at Flying Fish Cove when the wharf was closed. With the port closed, the local fishermen could not go out fishing. For people in the Malay community it was like a reminder of colonial times. One of the organisers of the protest at the cove was Gordon Thomson, organiser of the Union of Christmas Island Workers. I remember his comment at the time on ABC radio: ‘Where else in Australia would a government get away with closing the one and only port in a community to the people of that community?’ The demonstration, I remember at the time, was an emotional event. Some people wore T-shirts with the words ‘let them land’ written across them; others just stood crying. Certainly there were many emails to me, as the senator for the Northern Territory who has responsibility for Christmas Island. There still continue to be many emails to me from people on the island who are distressed about what is happening there.

There is no doubt that the whole island was traumatised by the *Tampa* episode. It was said, ‘The big boat was right in front of your very eyes every time you stepped out of the door’—and if you have been to Christmas Island, that is exactly right. Of course, all you can see now are Navy patrol boats going up and down that coastline 24 hours a day. People on the island felt sick at what was being done to those people. As one person said to me earlier this year: ‘It just kept going on and on. We wanted to bring them to shore, but we were entirely helpless.’

The people on board the *Tampa* never made it onto Christmas Island—but several hundred others did in the following weeks and months. Even now, I think there is a group of about 80 people from Sri Lanka there, waiting to hear of their outcome. Some have been transferred to Christmas Island from Ashmore Reef or the Cocos Islands. Arrivals on those islands have been excluded, of course, by the migration zone excision legislation. I remember once sitting with Minister Ruddock on a plane from Darwin to Sydney and trying to pressure him into acknowledging that the people on Christmas Island needed some sort of permanent building to house these people—because each time these people arrived on the island their sports hall was being used. The people pressured this government into acknowledging that a temporary detention centre needed to be built. Of course, they never imagined that what they were going to end up with 12 months later was a $225 million detention centre in the shape and form proposed by this government.

I realise I do not have much time left in making this speech, and there are many things I would like to say. Perhaps I should continue in the coming weeks, because it is an interesting saga about how these people felt about the events of that week. This government still continues to ignore the impact this has had on those people on Christmas Island. It refuses to acknowledge the wishes of the Christmas Island Shire Council, and it refuses to accept that these events, without consultation, have had a dramatic impact on these people and will continue to do so for many months to come. Decisions made down here in this capital city have a major impact on the people on this island, an impact that they are not going to forget for many years to come.

**Centenary of Women’s Suffrage: Federal Parliament**

**Senator PAYNE (New South Wales) (7.48 p.m.)—**Mr President, I do not believe I have had the opportunity to extend my congratulations on your appointment by this chamber to the position of President, and I wish to do so this evening.

**The PRESIDENT—**Thank you, Senator Payne.
Senator PAYNE—Before I begin my substantive remarks, I want to acknowledge and pay tribute to my colleague Senator Her- ron, who has recently been my benchmate. I can say with absolute confidence that Senator John Herron has always been a gentleman of the political world. I say, with great respect to the vast number of parliamentary representatives in this nation, that that is not something you can say of everybody, in my experience. It is also very important to acknowledge John’s wife, Jan, a woman of enormous strength, grace and style. We will miss them both.

I reflect tonight on a centenary of women’s suffrage in Australia and, more broadly, in the international context. This year is the anniversary of women attaining the right both to vote and to stand for election in our national parliament. Australia has the proud record of being the first country to achieve these twin rights for its citizens. Many of the issues that have been discussed in Australia this year are also the focus of women’s groups around the world. Clearly, by comparison, some other countries have a very real need to focus on issues such as women’s empowerment. In 2002, in Australia, the situation for women in parliament compares favourably to other countries. Women now comprise 27 per cent of Commonwealth parliamentarians—with 22 senators and 38 members of the House of Representatives. This is a very significant increase, from just 14 per cent in 1995, and it is more than double the 2001 international average of 13.8 per cent.

These statistics should be seen, though, in the context of improving women’s participation in leadership and decision making generally. In fact, in report card terms, the United Nations Human development report 2002 ranked Australia as No. 1 on the gender related development index. The index measures gender inequalities in terms of educational enrolments, adult literacy, income earnings and life expectancy. More broadly, though, there are organisations like the Institute for Democracy and Electoral Assistance that rightly point out that there are challenges to women’s civic and political participation worldwide. They include things like society’s perception that politics is still a man’s game, that there is occasionally a related lack of will by political parties to support women, that there is occasionally a lack of media support for change and that there is a real need in many nations for education and training for women to make political progress.

Certainly, Australia has benefited as a nation from having female cabinet ministers who have had carriage of important policy objectives. However, as Senator Vanstone said in her recent address to the Women in Power conference, she is still only the seventh woman to be entrusted with a cabinet ministerial portfolio in the 101 years since Federation. Now, in 2002, over 95 per cent of all countries in the world have granted women the two most fundamental rights: the right to vote and the right to stand for elections. New Zealand was the first country to give women the right to vote. It did so in 1893. On 12 July 1902, Australia became the first country in the world where most women—at that stage, not including Ab-original women—were given the right both to vote and to stand for the national parliament.

The right to vote is one thing, but without the right for women to stand for office its value is obviously limited. In those countries where women’s candidacy is a right, socio-economic conditions still play a significant role in women’s legislative recruitment in both old and new democracies. Clearly, the socioeconomic status of women in society has a direct influence on their participation in political institutions and elected bodies. The sorts of socioeconomic obstacles which impact on women’s parliamentary participation around the world include poverty and unemployment, a lack of adequate financial resources, illiteracy and limited access to education and choice of professions, and the dual load of domestic tasks and professional obligations.

Women comprise 31 per cent of the total official labour force in industrially developed countries and 46.7 per cent world wide. With globalisation and restructuring, some of the economic gains that women made in recent decades are now in danger of being eroded. There is a slowing, for example, of the long-
term trend of women entering the work force. For the first time in more than 25 years, the 1990s witnessed a drop in women’s labour force participation rates. In the majority of countries, women’s unpaid labour activity is twice that of men’s, and the economic value of women’s unpaid labour is estimated to be from 10 to 35 per cent of the world’s GNP, or $US11 trillion. A significant gap exists between the status of women and men in many nations. Surveys continue to reveal increasing gender discrimination in salaries, recruitment, promotion and dismissal, as well as growing professional segregation.

Women, of course, are major contributors to national economies through both paid and unpaid labour. As far as the latter is concerned—and I am sure Senator Troeth will agree with me here—rural women’s input and their role as a very significant female electorate can never be underestimated. If Senator Troeth does not agree with me, my mother most certainly will.

Senator Troeth—I do.

Senator PAYNE—Thank you. Eradicating poverty will have a positive effect on women’s increased participation in the democratic process, most particularly in developing nations. The economic empowerment of women, along with education and access to information, will inexorably take women to greater participation in politics and political elections. For example, Mr President, did you know that two-thirds of the world’s illiterate adults are women? There is no gender basis for illiteracy, but the fact is that two-thirds of the world’s illiterate adults are women. Improving the disparity between male and female literacy is one of the keys to full participation by women in politics, in business and in any aspect of community life.

I am pleased to see in the 2002-03 budget figures that Australia will provide an estimated $65 million for overseas development aid activities that directly address gender equality, with an additional $505 million of indirect expenditure. It is important to note that every Australian overseas aid program is evaluated according to both environmental and gender benefits.

In both the developed and the developing world, ideological and psychological hindrances to women entering parliament, particularly in developing nations, include the following reasons: gender ideology and cultural patterns, as well as predetermined social roles assigned to women and men; lack of confidence to run for elections by some women; a perception of politics as a dirty game by some women; and the way in which women are often portrayed in the mass media. In some countries, particularly again in developing nations, politics really is perceived as a very dirty game, which may have a negative impact on the confidence and willingness of women to confront political processes. In fact, that perception is prevalent world wide. Unfortunately, it reflects the reality in many countries. Although the reasons for that differ, there are some common trends. Two very simple examples are corruption and political intimidation.

The mass media have come a long way and notably in Australia. They report and tell stories about women politicians and businesswomen and their successes. They cover women’s sport more than previously, though there is some distance to go. However, still typical is the presentation of women through the prism of fashion competitions or music and the secrets of eternal youth. Not surprisingly, those views hardly promote a strong sense of self-worth and self-respect or encourage women to take on positions of public responsibility where scrutiny often still walks the very fine line between what they say and how they look.

I want to make the point that, worldwide, elites, both male and female, gain access and elevation. I know some people will be saying that this is absolute nonsense and that women can do whatever they want, but if you cannot read and cannot earn your own income, and if you do not have the support of your society or your community, the very simple point is that for everyone it is not that easy. The main mission of those who support and encourage women is to instil the right type of confidence and belief amongst women. Nothing comes on a silver platter—not to men or to women. Women can assist in building a civilised society according to a
paradigm that reflects their values, strengths and aspirations, and that reinforces their ability to be attracted to and to participate in political processes.

When I came into this chamber in 1997 I quoted Burma’s Nobel Peace Laureate Aung San Suu Kyi in my first speech. As I quoted then, I will quote now. She said:

It is not the prerogative of men alone to bring light to this world. Women—with their capacity for compassion and self sacrifice, their courage and perseverance—have done much to dissipate the darkness of intolerance and hate.

Obstacles to political participation vary with the political situation in each country: in developing democracies, it might be access to the mass media or access to resources for conducting an election campaign; in military or authoritarian systems, it may be access to the political elite; in Australia, it might just be access to the numbers. Our historical leadership in women’s suffrage is important. This year’s centenary encourages us to turn our minds to Australia’s role, to encourage other countries to allow all women to stand for election and to be afforded the vote, and to celebrate those achievements.

**Senate adjourned at 7.58 p.m.**

**DOCUMENTS**

**Tabling**

The following government documents were tabled:

- Treaties—
  - **Bilateral**—
    - Text, together with national interest analysis (To replace documents tabled on 25 June 2002)—


**Multilateral**—Text, together with national interest analysis—


Amendment, adopted on 18 October 2000, to the Limits of Compensation in the Protocol of 1992 to Amend the International Convention on the Es-
establishment of an International Fund for Compensation for Oil Pollution Damage, 1971.


Tabling

The following documents were tabled by the Clerk:


Sydney Airport Curfew Act—Dispensations granted under section 20—Dispensation No. 5/02 [3 dispensations].

Indexed Lists of Files

The following document was tabled pursuant to the order of the Senate of 30 May 1996, as amended on 3 December 1998:

Indexed lists of departmental and agency files for the period 1 January to 30 June 2002—Statements of compliance—Industry, Tourism and Resources portfolio.
QUESTIONS ON NOTICE

The following answers to questions were circulated:

**Defence: Anzac Frigates**

(Question No. 276)

**Senator Chris Evans** asked the Minister for Defence, upon notice, on 22 April 2002:

(1) When is the last of the ANZAC frigates due to be commissioned into the Royal Australian Navy (RAN).

(2) Can the department indicate what ships and submarines will be commissioned in the RAN at that time.

(3) Can the department indicate the crew size for each of those ships and submarines.

(4) Can the department indicate the total number of personnel that will be required across the RAN to crew those commissioned ships and submarines at that time.

(5) Can the department indicate the total number of on-shore Australian Defence Organisation personnel that will be required to service and support those ships and submarines at that time.

(6) Can the department indicate the total number of personnel required across the RAN to crew all the commissioned ships and submarines for each of the past 5 years.

(7) Can the department indicate the shortage of personnel, if any, currently across the RAN in relation to ship and submarine crew (indicate the types of skills and professions where shortages exist).

**Senator Hill**—The answer to the honourable senator’s question is as follows:

(1) 31 March 2006.

(2) and (3)

<table>
<thead>
<tr>
<th>Crew Size *</th>
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<tbody>
<tr>
<td>8 x ANZAC Frigate</td>
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<tr>
<td>6 x Guided Missile Frigate</td>
</tr>
<tr>
<td>6 x Collins Class submarine</td>
</tr>
<tr>
<td>6 x Coastal Minehunter</td>
</tr>
<tr>
<td>1 x Auxiliary Oiler Replenishment</td>
</tr>
<tr>
<td>1 x Auxiliary Oiler</td>
</tr>
<tr>
<td>2 x Landing Platform Amphibious</td>
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<tr>
<td>1 x Landing Ship Heavy</td>
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<td>6 x Landing Craft Heavy</td>
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<tr>
<td>9 x Fremantle Class Patrol Boat</td>
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<tr>
<td>6 x Replacement Patrol Boat(1)</td>
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<tr>
<td>2 x Hydrographic Ship</td>
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<tr>
<td>4 x Survey Motor Launches</td>
</tr>
<tr>
<td>3 x Sail Training Ship</td>
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</tbody>
</table>

Please Note:

(*) The numbers provided in the response to question (3) are current numbers and could vary by mid-2006 due to operational tempo and equipment fit.

(1) This is the current estimate and does not reflect final numbers.

(4) 12,136. (Note: Excludes non-seagoing Training Force. Additional 14.5% approximately.)

(5) Approximately 1067.

(6) 1997 - 12,890

1998 - 12,872

1999 - 12,748

2000 - 12,394

2001 - 12,173

(Note: Excludes non-seagoing Training Force. Additional 14.5% approximately.)
The ‘requirement’ is based on the whole of Navy. Ships and submarines have the highest priority for personnel and are generally 100% manned with shortfalls being borne by the shore component. The figures below, relate to shortfalls across the whole of Navy. It requires the whole of Navy to keep the fleet at sea.

<table>
<thead>
<tr>
<th>Trade: Imported Motor Vehicles</th>
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</thead>
<tbody>
<tr>
<td>(Question No. 460)</td>
</tr>
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</table>

 Senator Harris asked the Minister for Justice and Customs, upon notice, on 17 July 2002:

(1) (a) How many used or second-hand or demonstrator motor vehicles (under heading 8703 of the Customs Tariff Act 1995) were imported into Australia between 1 January and 30 June 2002; and (b) can the following information for these vehicles be provided: (i) the country of manufacture or origin, (ii) the number of vehicles by month, (iii) the port of loading, and (iv) the port of discharge.
(2) (a) How many new motor vehicles were imported into Australia between 1 January and 30 June 2002; and (b) can the following information for these vehicles be provided: (i) the country of manufacture or origin, (ii) the number of vehicles by month, (iii) the port of loading, and (iv) the port of discharge.

**Senator Ellison**—The answer to the honourable senator’s question is as follows:

Information from the Australian Bureau of Statistics on the number of motor vehicles imported during the period 1 January to 30 June 2002 is set out in the following tables. As a number of the tariff classifications involved do not distinguish between new and used vehicles the information has been categorised as “Used”, “New” and “Undefined”.

Question 1(a) and 2(a)

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Question 1(b)(i) and 2(b)(i)


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Motor Vehicle Imports by Month – January to June 2002

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Question 1(b)(iii) and 2(b)(iii)

Motor Vehicle Imports by Port of Loading – January to June 2002

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1 The ABS does not distinguish between individual ports of loading for these countries.
2 For these countries, the ABS individually identifies only the more regularly used ports of loading for products destined for Australia. Other, less frequently used ports are collected into various groupings.

Motor Vehicle Imports by Port of Discharge – January to June 2002

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Telecommunications: East Gippsland

(Question No. 482)

Senator Brown asked the Minister for Communications, Information Technology and the Arts, upon notice, on 25 July 2002:
(1) Is the Minister aware of the problems being experienced by residents of East Gippsland with regards to provision of telephone services.

(2) Is the Minister aware that some residents are experiencing periods without telephone services of up to 10 days at a time.

(3) What steps are being taken to ensure that proper service is provided and that businesses are not adversely affected by the failure of telephone services in this area.

Senator Alston—The answer to the honourable senator’s question is as follows:

(1) Telstra has advised that customers in East Gippsland are generally experiencing standards of service similar to those experienced in other parts of Australia. However, there are two customers, one located at Gelantipy and the other in Noorimbee North who have had ongoing difficulties with service provision.

(2) Telstra CountryWide has advised that the customer located at Noorimbee North did experience a service outage of ten days. The customer resides in a lightning prone area and the fault was associated with a lightning strike. Unfortunately, exceptional circumstances led to delays in restoration of the service.

(3) Telstra has advised that Telstra CountryWide was established with the aim of improving Telstra’s services and business performance to the three million customers outside mainland cities. Its priorities are to improve basic telephony, Internet and mobile services for the country. The Telstra CountryWide Gippsland and Yarra Valley Region has been working closely with local residents and businesses to provide improved telecommunications services to the area.

Telstra has further advised that on 1 July 2002, it announced a $187 million upgrade of the rural telecommunications network with the approved spending designed to reduce faults, provide additional network redundancy and improve product availability for rural customers. As part of this process, local teams in the East Gippsland area are being used to identify locations where customers are experiencing ongoing concerns. These areas will then be targeted for network upgrades. Both Gelantipy and Noorimbee North have been targeted for upgrades under this process.

As a part of the Government’s commitment to achieve reliable telephone services, particularly in rural and regional Australia, the introduction of a new Network Reliability Framework (NRF) was announced on 16 July 2002. The NRF will address service reliability at both the network and individual levels. At the network level, the framework will provide data on Telstra’s fault performance with a view to identifying areas and services which are performing poorly for investigation and remediation. For individual services, Telstra will need to ensure that services with recurring faults are made more reliable and these services will be subject to follow-up monitoring. The NRF is expected to be operational by December 2002.

The NRF will complement the Customer Service Guarantee (CSG) safeguard. The CSG requires telephone companies to meet specified timeframes for the connection and repair of telephone services for residential and small business customers, or pay compensation. Timeframes under the CSG for service connection have been progressively tightened since its introduction. Generally high and improving compliance levels against the CSG standards are being reported.

In addition to the NRF and CSG, new Australian Communications Authority monitoring and investigation arrangements are being implemented for cases of extreme failure to meet the CSG standards.

Foreign Affairs: Illegal Fishing

(Question No. 492)

Senator O’Brien asked the Minister representing the Minister for Foreign Affairs, upon notice, on 29 July:

(1) Since July 1996, what diplomatic efforts have been made by Australia to establish effective controls over illegal fishing.

(2) (a) What form have these efforts taken; and (b) where have Australia’s diplomatic efforts been focused in trying to better control illegal fishing.

(3) Specifically: (a) what diplomatic efforts have been undertaken by the Australian Government to reduce the level of illegal fishing in Australia’s exclusive economic zone (EEZ); (b) which coun-
tries have been the focus of these efforts; (c) through what forums have these efforts been applied; and (d) what have been the outcomes from these efforts to date.

(4) If there have been no outcomes to date in relation to Australia’s efforts to reduce the level of illegal fishing in our EEZ in relation to each country, what is the timetable for achieving outcomes from these diplomatic efforts.

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

(1) Since July 1996, Australia has been engaging in bilateral, regional and multilateral diplomatic efforts to combat illegal fishing.

Bilateral diplomatic efforts by Australia have included direct representations to flag States of vessels suspected or caught fishing illegally as well as engagement with like-minded countries on a bilateral basis in order to enter into agreements and arrangements aimed at combating illegal fishing.

Australia has sought to combat illegal fishing through establishing, expanding and improving the effectiveness of regional fisheries management organisations (RFMOs). These have included the Commission for the Conservation of Southern Blue-Fin Tuna (CCSBT), and the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR). Australia has also strongly supported the development of the Central and Western Pacific Fisheries Convention.

Australia has sought to establish effective controls over illegal fishing in regional and global multilateral fora through the establishment of effective fisheries management and conservation measures, including vessel monitoring systems, catch documentation schemes, trade information and monitoring schemes, port and flag State measures, as well as scientific research. Global multilateral fora where these measures have been advanced include the Convention for International Trade in Endangered Species (CITES), the Conference of the United Nations Food and Agriculture Organisation (FAO), and the states parties to the United Nations Fish Stocks Agreement (UNFSA).

(2) (a) The form these efforts taken include the establishment of effective fishery management and conservation measures, vessel monitoring systems, catch document schemes, trade monitoring, port and flag State measures as well as scientific research. Regional fisheries management and cooperative surveillance and enforcement has also been pursued.

(b) Australia’s diplomatic efforts have been focused in combating illegal fishing in Australian waters and in relation to species of importance to Australian interests.

(3) (a) Diplomatic efforts undertaken by the Australian Government to reduce the level of illegal fishing in Australia’s exclusive economic zone (EEZ), have included making representations to flag and port States, lobbying fishing States and fishing companies, engaging non-government organisations (NGOs), cooperating with other countries in apprehending and prosecuting illegal fishers, consistently raising the problem of illegal fishing in relevant multilateral fora and creating opportunities to send a clear international message that illegal fishers will be caught and prosecuted.

(b) The focus has been on countries sharing similar interests in combating illegal fishing in our region and beyond, including particularly France and South Africa. In addition, Australia has focussed on key flag states of illegal or suspected illegal vessels, including Russia, Uruguay, Belize, and Togo, however, all countries that have been flag or port States or have been have been linked to illegal fishing activity in or products taken from Australia’s EEZ have been approached. States parties to international organisations and RFMOs have also been the focus of Australian efforts. The majority of countries, well over 100 around the world, have been the subject of Australia’s efforts.

(c) These efforts have been applied in multilateral fora listed above at (1) and bilaterally through diplomatic channels.

(d) Outcomes from these efforts to date have included: Port States refusing to allow illegal catches to be offloaded, seizing illegal catches, or not allowing illegal vessels to enter port. Flag States have prosecuted their illegal fishers and have tightened their own domestic legislation. Multilateral organisations have stepped up efforts in combating illegal fishing, including through introducing or improving inspection regimes as well as catch documentation.
and trade information schemes. Diplomatic efforts centred on Belize and South Africa led to cessation of illegal and unregulated orange roughy fishing just outside Australia’s EEZ in 1999. Cooperation with South Africa (including provision of vessels and logistical support by South Africa) led to the apprehension and prosecution in 2001 of the South Tomi, which had been fishing illegally in the Australian EEZ. Diplomatic dialogue with Russia is continuing following the apprehension and prosecution this year of the Lena and the Volga for illegal fishing in the Australian EEZ.

(4) This question does not require an answer, as there have been outcomes to date, as per (3) (d) above.