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RADIO BROADCASTS

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

PETITIONS

The Clerk—A petition has been lodged for presentation as follows:

United Nations: Water

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

The Petition of residents of the Nation of Austra-
lia draws to the attention of the Senate to recon-
sider the implications of the United Nations
Agenda 21 section 18. The agreement as we un-
derstand acknowledges that the United Nations
controls all water including surface and under-
ground water resources in Australia.

Your Petitioners therefor pray that the Senate
revoke the said agreement with the United Na-
tions.

We believe that this agreement undermines the
very autonomy and Sovereignty of our nation.

by Senator Harris (from 1,773 citizens)

Petition received.

NOTICES

Presentation

Senator Nettle to move on the next day of
sitting:

That the Senate—

(a) condemns:

(i) three nurses have recently been
retrenched from the Flinders
University health and counselling
services,

(ii) this will result in the closure of the
drop-in service that Flinders
University health and counselling
services currently provide, as well as
the loss of other services associated
with the health and counselling
services, and

(iii) health services are essential to
university students, and must be
adequately funded; and

(b) urges the Government to target its higher
education funding more specifically to
ensure that funding to student services is
increased.

Senator Brown to move on the next day
of sitting:

That the Senate—

(a) condemns the judicial killing of
Buddhist monk Lobsang Dhondup in
Tibet in January 2003; and

(b) calls on the Minister for Foreign Affairs
to seek an explanation for his death from
the People’s Republic of China.

Senator Brown to move on the next day
of sitting:

That the Senate, recognising that the blue
whale, the largest creature ever to move on the
face of our planet, faces extinction (its numbers
are less than 10 000) and heeding scientific
advice that seismic testing at sea may damage the
ability of blue whales to feed and breed in
Australian waters, calls on the Government to
immediately prohibit seismic testing and other
sonic activities in areas affecting blue whales or
other whale species.

BUSINESS

Rearrangement

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

That the following government business orders of the day be considered from 12.45 pm till not later than 2 pm today:

No. 6 Migration Legislation Amendment (Migration Advice Industry) Bill 2002
No. 7 Broadcasting Legislation Amendment Bill (No. 3) 2002 [2003]
No. 8 National Gallery Amendment Bill 2002 [2003]
No. 9 Commonwealth Volunteers Protection Bill 2002
No. 10 Australian Capital Territory Legislation Amendment Bill 2002
No. 11 Transport Safety Investigation Bill 2002 and a related bill.
Question agreed to.

Rearrangement

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

That the routine of business from not later than 4.30 pm today be as follows:
(a) general business notice of motion no. 341 standing in the name of Senator Carr, relating to the proposed low-level radioactive waste repository in South Australia;
(b) from 6 pm, valedictory statements relating to Senator Reid may be made for not more than 65 minutes;
(c) at the conclusion of valedictory statements, consideration of government documents, and
(d) at the conclusion of government documents, consideration of committee reports, government responses to committee reports and reports of the Auditor-General.

Question agreed to.

NOTICES

Withdrawal

Senator CROSSIN (Northern Territory) (9.33 a.m.)—I withdraw general business notice of motion No. 330 standing in the name of Senator Forshaw for today, relating to Australian Film Institute awards.

Postponement

Items of business were postponed as follows:
Business of the Senate notice of motion no. 1 standing in the name of Senator Nettle for today, relating to the reference of matters to the Community Affairs References Committee, postponed till 4 March 2003.

General business notice of motion no. 327 standing in the name of Senator Stott Despoja for today, relating to the commercial release of genetically-engineered crops, postponed till 4 March 2003.

General business notice of motion no. 342 standing in the name of Senator Cherry for today, relating to the Government’s response to a report of the Rural and Regional Affairs and Transport References Committee, postponed till 3 March 2003.

ZIMBABWE: CRICKET WORLD CUP

Senator FERGUSON (South Australia) (9.35 a.m.)—I, and also on behalf of Senators Murray, Sandy Macdonald and O’Brien, move:

That the Senate—
(a) notes the continuing abuse of human rights, violence, political unrest and deteriorating economic situation in Zimbabwe;
(b) notes the intention of the Australian Cricket Board (ACB) and the International Cricket Council (ICC) to proceed with its scheduled World Cup match in Bulawayo, Zimbabwe, on 24 February 2003, despite the heightened political and security situation and warnings of protests and other political activity; and
(c) urges the ACB and ICC not to play scheduled World Cup matches in Zimbabwe.

Question agreed to.

COMMITTEES

Economics Legislation Committee

Reference

Senator BROWN (Tasmania) (9.35 a.m.)—I move:

That the provisions of the following bills be referred to the Economics Legislation Committee for inquiry and report by 20 March 2003:
(a) Medical Indemnity (Prudential Supervision and Product Standards) Bill 2002; and
(b) Medical Indemnity (Prudential Supervision and Product Standards) (Consequential Amendments) Bill 2002.

Question put.
The Senate divided. [9.40 a.m.]
(The President—Senator the Hon. Paul Calvert)

Ayes……………  5
Noes……………  51
Majority………  46

AYES
Brown, B.J. * Harradine, B.
Harris, L. Lees, M.H.
Nettle, K.

NOES
Allison, L.F. Barnett, G.
Bartlett, A.J.J. Bishop, T.M.
Brandis, G.H. Backland, G.
Calvert, P.H. Campbell, G.
Campbell, I.G. Carr, K.J.
Chapman, H.G.P. Cherry, J.C.
Colbeck, R. Collins, J.M.A.
Cook, P.F.S. Crossin, P.M.
Denman, K.J. Ferguson, A.B.
Ferris, J.M. * Forshaw, M.G.
Greig, B. Heffernan, W.
Hill, R.M. Hogg, J.J.
Kirk, L. Knowles, S.C.
Ludwig, J.W. Lundy, K.A.
Macdonald, I. Macdonald, J.A.L.
McGauran, J.J.J. McLucas, J.E.
Moore, C. Murphy, S.M.
Murray, A.J.M. O’Brien, K.W.K.
Payne, M.A. Ray, R.F.
Reid, M.E. Ridgeway, A.D.
Santoro, S. Scullion, N.G.
Stephens, U. Stott Despoja, N.
Tchen, T. Tierney, J.W.
Troeth, J.M. Vanstone, A.E.
Watson, J.O.W. Webber, R.
Wong, P.

* denotes teller

Question negatived.

Employment, Workplace Relations and Education References Committee

Extension of Time

Senator GEORGE CAMPBELL (New South Wales) (9.43 a.m.)—I move:
That the time for the presentation of the report of the Employment, Workplace Relations and Education References Committee on the refusal of the Government to respond to the order of the Senate of 21 August 2002 for the production of documents relating to financial information concerning higher education institutions be extended to 15 May 2003.

Question agreed to.

IMMIGRATION: DETENTION CENTRES

Senator BROWN (Tasmania) (9.44 a.m.)—as amended, by leave—I move:
That the Senate—

(a) notes, with concern, the report on the SBS Dateline program of the withdrawal of the International Organisation for Migration from a detention centre on Nauru, and the allegations that this left detainees with no running water and only enough food for one meal a day, and needing to boil milk that had passed its use by date;

(b) notes that the Minister for Immigration and Multicultural and Indigenous Affairs (Mr Ruddock) effectively conceded that there is no control at the centre when, on 31 January 2003, he described the facility as ‘being self-managed for the moment’; and

(c) calls on the Minister to:

(i) immediately facilitate a visit and inspection by the appropriate parliamentary committee of the facilities on Nauru and Manus Island, and

(ii) end the so-called Pacific Solution.

Question agreed to.

AUSTRALIAN BROADCASTING CORPORATION

Senator CHERRY (Queensland) (9.44 a.m.)—I move:
That the Senate—

(a) notes that the term of Michael Kroger as an Australian Broadcasting Corporation (ABC) director expired on 5 February 2003; and

(b) calls on the Government to ensure that the next person appointed as an ABC director has expertise in broadcasting or communications in line with the spirit of section 12 of the Australian Broadcasting Corporation Act 1983, rather than political connections.

Question agreed to.

IRAQ

Senator BROWN (Tasmania) (9.45 a.m.)—I move:
That the Senate—
(a) calls on the Prime Minister (Mr Howard) to personally convey to the President of the United States of America (Mr Bush) and the Prime Minister of England (Mr Blair) Australia’s total and unreserved opposition to the threat or use of nuclear weapons in Iraq; and

(b) asks the Prime Minister to make public the leaders’ responses to this message from Australia.

Question agreed to.

Senator Brown—I want it noted that the Greens, the Democrats and the ALP supported that last motion.

COMMITTEES

Legal and Constitutional References Committee

Extension of Time

Senator CROSSIN (Northern Territory) (9.46 a.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 progress towards national reconciliation be extended to 17 June 2003.

Question agreed to.

Privileges Committee

Report

Senator ROBERT RAY (Victoria) (9.46 a.m.)—I present the 112th report of the Committee of Privileges entitled Possible unauthorised disclosure of report of Environment, Communications, Information Technology and the Arts Legislation Committee, together with a volume of submissions and documents and the Hansard transcript of proceedings.

Ordered that the report be printed.

Senator ROBERT RAY—I move:

That the Senate endorse the findings at paragraph 1.48 of the 112th report of the Committee of Privileges.

In brief, the committee has concluded that it cannot find a contempt in respect of the matter referred to it, and I seek leave to have the remainder of my speech on behalf of the Committee of Privileges incorporated in Hansard before I make my own remarks on this matter.

Leave granted.

The speech read as follows—

On 27 June 2002 the Senate referred the following matter to the Committee of Privileges, on the motion of the Chair of the Environment, Communications, Information Technology and the Arts Legislation (ECITA) Committee, Senator Eggleston:

Having regard to the matter raised by the Environment, Communications, Information Technology and the Arts Legislation Committee in its letter of 26 June 2002 to the President, whether there was an unauthorised disclosure of a report of that committee, and whether any contempt was committed in that regard.

On 17 June 2002, The Age featured an article by Ms Annabel Crabb entitled ‘Senators tinker with media bill’. The article contained references, including summaries of two of four recommendations, to the contents of the ECITA Committee’s report on the Broadcasting Services Amendment (Media Ownership) Bill 2002, which was to be tabled the next day.

The ECITA Committee followed the appropriate procedures to ascertain the source of the disclosure before making a decision that the disclosure had caused substantial interference with its work.

Having considered written submissions before it, the Committee of Privileges decided to conduct a public hearing on 24 October 2002 and received evidence from all members and the secretary of the ECITA Committee, and Mr Michael Gawenda, Associate Publisher and Editor of The Age.

As a result of the evidence, the committee has been forced to conclude that it cannot find that a contempt was committed, for the reasons set out in paragraphs 1.42 to 1.45 of the report.

Senator ROBERT RAY—This particular case is a typical one. It is one in which premature leaking of a committee report occurs, it is published in a newspaper and it is referred to us. But I want to draw the Senate’s attention to one or two particular matters. Firstly, before committees send these matters to the Senate and then to the Privileges Committee, they should take into account whether the second part of the criteria is met.

We all know that the matter was leaked, but it also has to constitute an improper act tending to substantially obstruct the Senate or its committees in the performance of its functions. The committee in this case resolved that; yet, when we had the committee
members come before us, only the chairman was willing to back up that assertion. The other five said that no, it did not affect the committee. I do not cast any bad faith on any members of the committee, but they did leave the committee chairman, Senator Eggleston, out to dry on this particular matter. They probably did not give it sufficient thought when they had the matter sent to the President for reference to this chamber and then to the Privileges Committee. Any committee that is dealing with a premature disclosure should take into account whether it materially affected the conduct of that committee, before they take further action in terms of having it referred to the Privileges Committee. I put them on warning on that, because it would be most helpful and it would mean that an honourable senator such as Senator Eggleston is not left out on his own trying to fight the good fight when his other colleagues are not then in a position to back him up in evidence.

Secondly, I have been associated with the Privileges Committee in broken service since 1981 and I must say that the Age newspaper approached these matters in a very conscientious way. Their submissions were well thought out. Their legal advice was very well based, on this occasion. It was one of the best presentations to a parliamentary committee dealing with these sorts of matters that I have seen in my time in the Senate, and I commend the Age for their approach.

But the one thing that I do take issue with the Age newspaper is that they claimed that they have a very good education process for their journalists, including a process through which they understand privilege issues. I frankly do not believe that. It is hard, because probably only five per cent of journalists in their time ever deal with matters of parliamentary privilege. But I want to go to another example that I raised only obliquely at the committee. That is, if their educative process is so good, how could you have a gossip columnist in the Age, Mr Lawrence Money, actually name a minor in a family law case? How does that slip through into a newspaper—into a gossip column and then past the editor—if they have this educative process?

Of course, what also annoys me in this case with this particular person is that there is no publicity in the Age newspaper whatsoever as to what he has done. You can read about it briefly in the Herald Sun, but of course the Age itself does not say anything about this particular error. The editor, to give him his credit, told us that that particular individual had been counselled. The fact is that he is a criminal. The fact is that he pleaded guilty. The fact is that he was given community service. None of these facts would you know if you read the Melbourne Age. In fact, the Herald Sun did not pick up the latter part of this particular story, because it was all done behind closed doors. So, if the Age is going to have a good education process for its journalists and educate them not to break the law or not to breach parliamentary privilege, they are going to have to beef up that process and not just tell us that they are doing it and they are quite proud of it. It is, in fact, ineffective.

It is quite possible of course that Mr Lawrence Money, this criminal, did not go through this process—because, let us face it, he is a gossipmonger. He is not a journalist. He is at the bottom of the food chain of human life in this country: a snearing, anti-Semite sort of journalist that I detest, every Sunday writing sneering pieces about individuals. He dishes it out; I am dishing it back today, because that is what he is—a convicted criminal. But that will not get publicity in the Age. Again I say that I think the Age’s approach to the particular privilege matter that we have been dealing with has been commendable. I think they have approached it seriously and have taken issue seriously.

I end on this note. The Senate now has a problem with leaking from committees. Having regard to the way our current rules are written we can only find a conviction and a contempt if we can prove that a leak has done material damage to a committee or the Senate. We might have to revisit the 1988 legislation and resolutions and we might have to amend them in the future, because the very act of publishing prematurely a Senate committee report should constitute a contempt in itself and should in fact be the
only criterion we use in future. Then we may take into account whether a leak has materially affected the committee, in terms of the penalty that we issue. We will have to make that distinction, otherwise every newspaper will seek to prematurely publish a report and then claim that it did not materially affect the committee.

The other point we have to make is that we expect some reciprocal rights in these matters. We did not call the journalist concerned; we did not demand that the journalist concerned divulge her source or sources. The reason for that is that we respect that journalists have a code of ethics and behaviour. We want some respect back. We want some respect for the fact that we have rules about the presentation of reports. At least to its credit the *Age* did not claim on this occasion the public’s right to know, because the only thing affected was whether the public knew on the Monday or on the Tuesday because that was the difference in publication dates. All we saw in this case was one journalist—through getting this information, probably from a senator, and getting it without authorisation—scabbing on the rest of her colleagues to get a scoop. That is what it was all about. It was not that the actual disclosure was that brilliant; it was all about getting a scoop, getting brownie points, doing over the rest of the press gallery to publish first. We will have to consider some of these issues in the future.

To reiterate: committees should only send these matters to the Senate and the Privileges Committee if there is disruption, but we might think about amending that rule in the future. I do hope the *Age* bolsters its education process for all its journalist employees so that mistakes are not made. Mistakes will occasionally be made. I put this challenge to them: when it is a mistake by one of theirs, by some low-life like Lawrence Money, they should publicise it themselves.

Senator Knowles (Western Australia) (9.55 a.m.)—I, too, would like to make some brief comments in support of much of what Senator Ray has said. I think this event really did highlight a thumbing of the nose by many sections of the media at the parliament. When Senator Ray talked about the reciprocity—that we respect the fact that journalists have their code of ethics—as the Privileges Committee we are not seeing their reciprocity regarding our situation. Quite clearly, our privileges law says: you shall not prematurely disclose anything—any committee report—and yet we have now had a number of instances where the media have quite willingly and knowingly disclosed information early. On this occasion the journalist concerned in fact bragged about the fact that she knew that she was breaching privilege. She bragged about the fact to Senator Eggleston in a telephone message that she had left on his mobile while he was flying from Perth to Sydney, and yet it made no difference.

Quite frankly, I think Senator Ray is probably being very generous to the *Age*—somewhat more generous than I would be—in terms of their attitude to this particular matter. The editor of the *Age* came before the committee and suggested that had Senator Eggleston phoned him late that Sunday night he would have stopped their very aged presses—‘aged’ as in old—going to press on this particular issue. I believe that is absolutely whistling Dixie in a west wind. What nonsense! I cannot believe that if Senator Eggleston had said, ‘Do you realise that there is a problem with privilege here?’ that editor would have said, ‘Stop the presses! Pull that article and hold it for a day,’ and yet that is what they tried to make the committee believe. I think it is about time that the media did decide that they need to train their journalists better.

Senator Ferris interjecting—

Senator Knowles—I just overheard Senator Ferris mumbling that the journalists know but they do it willingly, and I think that is right.

Senator Ian Macdonald—You’ve got great hearing.

Senator Knowles—I might be getting creaky but my ears still work. I think that is exactly right and I think many of them just thumb their nose and say, ‘Well, we can get away with it. We know we can get away with it because it hasn’t done any damage to the committee and the committee process.’ I
think it is about time that the media outlets decided to train their journalists in such a way as to say that employers will impose penalties upon journalists if they continue to breach privilege. If that is not something that they wish to impose on them, I would like to know what they do intend to do to cease this practice.

As Senator Ray quite rightly said, the only purpose that this journalist had was to get the beat on her colleagues. It was not to reveal something that was going to change the course of the nation; it was not going to mean that there would be some ongoing headline for weeks in advance and that the revelation would continually be referred back to this wonderful piece of journalism. It was just about getting the beat on somebody else.

I also want to endorse the fact that I believe that Senator Eggleston, as chair of this committee, was charged with the responsibility of going into the trenches and defending the decision of the committee; and yet when he took off headlong into the trenches and turned around, the troops were no longer there. It was a decision of the committee that this matter be referred, and therefore there had to be that material breach and material effect on the workings of the committee. Unfortunately, I think Senator Eggleston was, as committee chairman, left to hang out to dry. I hope that future committees will in fact be able to demonstrate that before they refer such a matter; nonetheless, that does not mean that committees should not look at the way in which some committees and some committee members obviously have an ability to leak in the first place. That is the problem too.

I am not just pointing the finger of blame at a journalist. I think it is now getting all too commonplace for senators—one can only presume in many cases that it is a senator—to want to leak information prematurely. We have had some open-and-shut cases when certain senators have actually called a press conference and done so—it is pretty open and shut when it is on TV—but the fact of the matter is that it is very hard to get to the bottom of these issues. There is very much a responsibility on the media outlets now to educate their journalists, put in place some regime whereby there is going to be a penalty and/or make sure that there is reciprocity in respecting the parliament in the way in which the parliament respects the media.

Question agreed to.

Employment, Workplace Relations and Education References Committee

Report

Senator GEORGE CAMPBELL (New South Wales) (10.01 a.m.)—I present the report of the Employment, Workplace Relations and Education References Committee on small business employment, together with the Hansard record of proceedings and documents presented to the committee.

Ordered that the report be printed.

Senator GEORGE CAMPBELL—I move:

That the Senate take note of the report.

Small business is integral to the economic and social fabric of the nation. There are now more than 1.2 million small businesses, accounting for 96 per cent of all businesses in Australia and approximately a third of the nation’s GDP. Almost half of all those employed in the private sector work in small business either as owners or employees. Small business is entering the export market at a faster rate than other business. The focus of this inquiry was on employment in small business, including measures to enhance the capacity of the sector to employ more people and the effect of regulation. The committee found that while employment in the small business sector increased at a faster pace than employment in medium and large business from the mid-1980s to the mid-1990s we need to be careful in the conclusions we draw from this experience.

Statistics on small business can be misleading. An increase in the proportion of people employed in small business does not necessarily mean that the sector is creating more jobs; it may be the result of downsizing or outsourcing by larger companies. Statistics on business start-ups also tell only part of the story. The small business failure rate is unacceptably and unnecessarily high and cannot be measured solely in terms of bankruptcy figures. The loss of owner’s capital,
through bankruptcy or the erosion of equity, also results in costs to society. Many business failures are not simply the inevitable result of competition; many could be avoided by improving the business management skills of proprietors.

Many factors determine the level of employment in small business. The single most important is the demand for goods and services. Profitability and productivity and competition policies are also significant. Employment growth is not evenly spread across the sector. Not all small business owners want to grow their business or employ. More than 65 per cent of all small businesses are home based and more than half do not employ people other than the owners. Most of the new jobs in the sector come from the establishment of new businesses and the minority of fast growing businesses. Statistics on business start-ups also tell only part of the story. The small business failure rate is unacceptably and unnecessarily high and cannot be measured solely in terms of bankruptcy figures.

Effective policy development requires a better understanding of the dynamics of small business growth and employment creation through longitudinal studies rather than one-off or regular surveys of a selection of business opinion. The committee has recommended that the Commonwealth resume the business longitudinal study which was discontinued in 1999.

Witnesses identified some significant impediments to small business employment, including cash flow fluctuations, the shortage of skilled staff, a reluctance or unreadiness to assume management responsibilities, and the onerous compliance obligations associated with taxation and employment. Unfair dismissal laws did not figure prominently in the inquiry, notwithstanding some concern and uncertainty and a desire for simpler processes and better information and support. Concerns about unfair dismissal also highlight the more fundamental challenge of developing the human resource management skills of small business owners.

Small business today operates in a complex, highly competitive and increasingly deregulated environment. Hard work, long hours and excellent technical skills and products are no longer enough to ensure survival and success. Business management skills are essential. Many small business owners who appeared before the committee argued, often passionately, about the need for governments to do more to ensure that people receive at least basic training in business management before they start a business. The committee has recommended that governments assist all new business owners with improved information and access to appropriate business management training. Established businesses also need better access to business management training and advice, including more flexibility and continuity of access to business mentors and advisers. The committee has recommended that the Commonwealth examine the feasibility of establishing a national mentoring service for small business and other measures.

Policy and program development needs to be improved. The respective roles and responsibilities of the Commonwealth and the states and territories are not well defined and a long-term vision for the sector is lacking. The committee has recommended that the Small Business Ministers Council develop a coherent national policy framework and a long-term strategy for small business development, backed up by sound research and a needs analysis. Small business finds confusing the current program delivery arrangements, involving a large number of programs and service providers.

The committee has recommended a whole of government, national approach to program development and delivery and a pilot of one-stop shops for government assistance to small business. Other recommendations include examining ways to strengthen institutional capacity, for example, through pump priming centres of excellence and improving the capacity of the sector to contribute to policy development and put its case to government.

Access to finance on reasonable terms remains a problem for many small businesses, particularly in regional areas. The committee has recommended that the Commonwealth government examine the feasibility of introducing an income contingent loan scheme
for small business, modelled on the Higher Education Contribution Scheme but with an interest rate in line with the lower end of prevailing market rates, as well as other options to improve small business access to finance. Enterprise development can be an important path to better economic and social outcomes for Indigenous Australians, who face even greater obstacles in obtaining the necessary information and support. The committee has recommended support for the formation of an Indigenous small business association and improved arrangements for advice and assistance to Indigenous entrepreneurs.

All businesses are concerned about the effect of regulation on their operations. Small business proprietors face particular problems because they lack the resources to keep up to date with regulatory changes, to assess the implications and to meet the sometimes onerous compliance obligations. Small business and their advisers believe that the burden of regulation is increasing and is a major deterrent to employment. The introduction of the new taxation system, including the GST, has increased the time and money that small business spends on government paperwork. Regulations and requirements associated with employment are also becoming more complex.

Past initiatives to reduce regulatory burden, while constructive, do not go far enough. There is a need for a renewed effort and stronger focus on minimising the burden. The committee has recommended improvements to the regulation impact statement arrangements; rolling programs of regulatory review at all levels of government; better information, advice and assistance on new and existing regulations; further education and assistance on the new taxation system; and an assessment of the extent to which the simplified taxation system is reducing the compliance burden of the taxation system for small business. Local governments need to adopt more consistent and, ideally, best practice approaches to regulation. The committee has recommended that the Commonwealth, state and territory governments develop model legislation for home based businesses and that all states and territories develop model or template legislation for use by local governments in introducing regulations governing or affecting business activities within their jurisdictions.

The committee would like to thank the many small business owners and advisers or service providers who contributed to its work through the roundtable discussions, as well as all those who provided submissions and oral evidence. On behalf of the committee, I wish to express our appreciation to the committee secretariat for the work that they undertook in servicing this inquiry. In particular, Margaret Blood had a key role not only in preparing the documentation for the inquiry but also in chasing up small business organisations to participate in the inquiry. I think that roundtable process, particularly for an inquiry of this nature, was a fundamental contribution to the successful outcome of the inquiry. There are a lot of detailed proposals in this inquiry and it is hoped that the government will pick them up and implement them. If you look at the details of the report, it explodes many of the myths that are perpetuated around this chamber and in the House about small business and its capacity to employ.

Senator BARNETT (Tasmania) (10.11 a.m.)—I also rise today to make some comments in regard to the report of the Employment, Workplace Relations and Education References Committee on small business employment. I support the thrust of the comments made by Senator Campbell and commend him for his chairmanship of the committee and for the manner in which it was conducted around this country. I also commend the other members of the committee and thank them for their involvement and participation. I endorse the thanks given to the secretariat for their work in making the inquiry a rewarding and fulfilling one. In particular, I want to acknowledge the hard work put in by small business and the time and effort they took to make their submissions. They have been a vitally important
part of our deliberations in terms of preparing the report.

In particular, I want to say something about the comments made by government senators regarding the report, which can be found on page 147 of the report. Although we are in general agreement with the report’s findings and recommendations, we would have given more prominence to the concerns of small business about workplace relations issues. Whilst we also agree with the committee’s decisions that public liability insurance and the need for stronger trade practices powers are complex issues that are best dealt with by the specific inquiries into those issues during 2002, we think it important that this report records the need for governments to give the utmost priority to implementing policies to address small business concerns in those areas. There are several issues where government senators would have taken a different approach or produced stronger or different recommendations. In particular, government senators believe that the report’s treatment of the unfair dismissal issue is not sufficiently balanced and does not provide a comprehensive assessment of the evidence on this issue.

The report should be looked at in the context of the government’s impressive achievements on behalf of small business over the past six-odd years, and any limitations on government policy should be looked at in that perspective. I will not outline to the chamber today all those initiatives that have taken place since then, but I will highlight the fact that we now have some of the lowest inflation rates in two decades and the lowest interest rate environment in three decades. That has been as a result of good economic management by Mr Howard, Mr Costello and the government. Over 600,000 of the 1.2 million small businesses in Australia now were established since the coalition came to government in 1996, and over 34 per cent of small businesses are in rural and regional Australia. It highlights the proportion of small business employment and that Tasmania, in fact, is the small business capital, in terms of the states around this country, with 50.5 per cent of the private sector employment coming from small business—so I acknowledge Tasmania in that regard.

On the issue of unfair dismissal, government senators believe that the submissions and evidence to the inquiry reinforce previous evidence on the adverse effect of unfair dismissal legislation on small business employment, productivity and profitability. The inquiry identifies that small business is different. It is the jobs generator and it is the cash generator, particularly in rural and regional Australia. Sadly that has not been properly acknowledged in this chamber by the Labor Party and the other opposition parties.

Small business owners often invest their life savings or mortgage their homes to finance their business so the consequences of any unfair dismissal claim, including the time, worry and legal costs involved with court action, the costs of any settlement or even the costs of retaining underperforming employees, can be devastating for them and their families. Unfair dismissal claims also result in significant and high costs for small business owners. The Restaurant and Catering Association told the committee that its survey of restaurant owners found that 38 per cent had defended an unfair dismissal claim at an average cost to the employer of 63 hours of their time and $3,675 in legal or settlement costs. These estimates translate into $18.2 million in direct costs and $15.5 million in indirect costs for the industry as a whole.

The evidence collected during the course of the inquiry is consistent with the findings of the recent study by Dr Don Harding of the University of Melbourne. He found that the laws translate into more than 70,000 job losses where unfair dismissal laws played a role, of which 60,000 jobs are in small business. The report also found that unfair dismissal laws cost small and medium businesses $1.3 billion each year.

Government party senators support the federal government’s proposal to exempt small business from the Commonwealth unfair dismissal legislation as the most effective way of addressing the concerns of the small business community and the adverse effect on employment and productivity in
small business. Without that exemption from unfair dismissal laws many small businesses are likely to continue to decide that employing staff or dismissing non-performers is simply not worth the risk. The losers will be those most disadvantaged in the labour market, including the long-term unemployed, those seeking entry level employment or less highly skilled jobs and people in regional Australia.

Government senators also believe that moving to a single jurisdiction for industrial relations could do much to remove the complexity and uncertainty from the employment framework and that this would be of significant benefit to small business. We would also like to record the views on some other matters raised in the report. The report highlights that there is an urgent need to reduce the burden of government regulation on small business. We support the recommendations in the report for systematic review of regulations, but are concerned that the commitment to review may falter over time. In particular, I am a vigorous advocate of the view that there is a case for considering other measures that would provide a stronger discipline for ensuring review. For example, governments should consider including sunset clauses in new regulations wherever appropriate. Government senators also support regular and systematic reviews of legislation with a major impact on small business. We also strongly support the government requirement that all cabinet submissions affecting small business include a small business impact statement prepared by the Office of Small Business.

We have made reference to superannuation and note that small business owners raised concerns about the current operation of the superannuation contribution arrangements, including the fact that employees can have small amounts accumulating in a range of different accounts. Nationally $7 billion is in superannuation accounts where the owner cannot be located. We acknowledge the hard work that Senator Coonan in particular is doing to ensure the retrieval of that money and we applaud her for that. We also support measures that would increase the recognition of the value and cost of employer contributions to superannuation. We support the government’s proposals for full disclosure and the choice of superannuation fund.

Payroll tax is another area where the on-costs of employment are very high and, in the view of many small business owners, a deterrent to increasing employment. Government senators consider that state governments should review payroll taxes with a view to phasing them out as a state and territory government revenue as the GST windfall gains for the states increase over time.

Government senators would like to note that, while we support the report’s recommendations for changes to small business programs to improve their effectiveness, we believe that ultimately the most effective way for governments to support small business is to provide an economic environment within which business can achieve its full potential. This means an environment characterised not only by low inflation and low interest rates but also by minimal government taxation or intrusion into the affairs of business and individuals. Most small business people are risk takers who are prepared to place their necks on the line and take responsibility for their business and investment decisions. They do not look to governments for assistance, support or handouts. Rather, in the words of one of the small business owners at a roundtable in Western Australia, they are looking for governments to get off their backs and intrude as little as possible. He said: ‘If you really want to help us, and I sincerely mean this, leave us alone. Do not get involved.’ Government senators support a policy framework that minimises government expenditure and taxes, and promotes an ethos of individual responsibility. Such an approach provides the best environment within which individuals and small business can flourish.

Finally, I commend those small businesses that made a contribution. I thank them for it. Without that contribution the report and recommendations would not be as comprehensive, full and vigorous as they are. I support the report and in particular the government senators’ aspects of that report.

Question agreed to.
MARITIME LEGISLATION AMENDMENT BILL 2002

First Reading

Bill received from the House of Representatives.

Senator IAN CAMPBELL (Western Australia—Parliamentary Secretary to the Treasurer) (10.21 a.m.)—I move:

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

Question agreed to.

Bill read a first time.

Second Reading

Senator IAN CAMPBELL (Western Australia—Parliamentary Secretary to the Treasurer) (10.22 a.m.)—I move:

That this bill be now read a second time.

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

Leave granted.

The speech read as follows—

The Maritime Legislation Amendment Bill 2002 will amend four Acts and repeal another Act which is no longer of any effect. The Bill does not attempt any major reforms. Rather, it is primarily intended to ensure that some recent decisions taken by the International Maritime Organization are reflected in Australian legislation.

The most significant amendments in this Bill are the amendments contained in Schedule 1 to the Protection of the Sea (Civil Liability) Act 1981 and to the Protection of the Sea (Oil Pollution Compensation Fund) Act 1993. Those amendments relate to compensation for pollution damage resulting from spills of “persistent” oils from oil tankers. Persistent oils are heavy oils which do not evaporate readily such as crude oil, fuel oil, heavy diesel oil and lubricating oil.

Australia is a party to the two-tier international scheme for providing compensation for pollution damage resulting from oil spills from oil tankers. Under this scheme, risk is shared between tanker owners and cargo interests.

Following an oil spill, a tanker owner is required to pay compensation up to a specified limit, that limit depending on the size of the tanker. If damage exceeds the amount obtainable from the owner, or the tanker owner cannot be identified, is uninsured or is insolvent, then the International Oil Pollution Compensation Fund will make payments on top of any payments made by the tanker owner so that the total maximum compen-

sation payable for a single pollution incident is approximately 320 million Australian dollars.

The International Oil Pollution Compensation Fund is funded by levies imposed on companies which receive by sea more than 150,000 tons of persistent oil in a calendar year. The combined annual contributions for each of the last three years from the five Australian companies which contribute to the Fund has averaged about four million dollars.

In October 2000, the Legal Committee of the International Maritime Organization passed resolutions to amend the applicable conventions so that, following an oil pollution incident involving a tanker, the limits on the amount of compensation available from the tanker owner and the International Oil Pollution Compensation Fund will be increased by approximately 50 per cent, with effect from 1 November 2003. The amendments made by items 1 to 6 of Schedule 1 of the Bill will implement these increased limits.

There have been only two cases world-wide where the applicable conventions applied and where the eligible compensation claims have exceeded the current limit. These were the breaking up of the Nakhodka in the Sea of Japan on 2 January 1997 and the breaking up of the Erika off the coast of Brittany, France on 12 December 1999. In putting forward these amendments, the Government is demonstrating its commitment to ensure the payment of full compensation in even the most catastrophic of pollution incidents, however unlikely such an incident may be. The vigorous and thorough port State control inspections by the Australian Maritime Safety Authority of ships entering Australian ports helps ensure that those tankers that are most likely to cause such an incident do not trade with Australia.

While the increased limits for tanker owners have the potential to increase insurance costs, advice provided by the International Group of Protection and Indemnity Associations indicates that, as premiums are based on historical claims data, the increased limits would not result in an automatic increase in premiums. If there are any premium increases, they are likely to be insignificant.

These amendments are supported by the shipping and oil industries. While acknowledging the possibility of a major oil spill, industry recognises its responsibility to prevent pollution as far as possible and to provide for adequate compensation in the case of an incident. It should be noted that there has not been an oil pollution incident in Australian waters where the compensation costs have required a contribution from the International Oil Pollution Compensation Fund.
The amendments made by this Bill to the Protection of the Sea (Prevention of Pollution from Ships) Act 1983 serve three minor purposes. There are currently restrictions on the disposal of garbage from ships into the sea. In accordance with a resolution of the Marine Environment Protection Committee of the International Maritime Organization, item 7 of Schedule 1 of the Bill will further restrict the disposal of garbage from a ship by placing an absolute prohibition on the disposal of incinerator ashes from plastic products where there is a risk that those plastic products may contain toxic or heavy metal residues. Such incinerator ashes will be required to be stored on a ship for disposal in a proper facility when the ship is at a port.

Ships of 12 metres or more in length are required to display placards setting out the kinds of garbage that may be disposed of from the ship and the conditions to which such disposal is subject. The placards must be written in the language of the flag State of the ship. If that language is not English or French, the information must also be written in either English or French. In accordance with a resolution of the Marine Environment Protection Committee, items 8 and 9 of Schedule 1 allow the placards to be written in Spanish as an alternative third language.

The final amendments to the Protection of the Sea (Prevention of Pollution from Ships) Act are made by items 2 to 28 of Schedule 3 of the Bill. Those items convert penalties in the Act from monetary amounts to penalty units. These are direct conversions without any change at all in the level of penalty.

Schedule 2 of the Bill will make a minor clarificatory amendment to the Trade Practices Act 1974. Under Part X of the Trade Practices Act, liner shipping is given limited conditional exemptions from the general prohibition on anti-competitive conduct in order to allow shipping lines to collaborate as liner “conferences” in setting shipping charges. Section 10.24A of Part X could possibly be interpreted as allowing stevedoring operators to collude in determining the terms and conditions of a stevedoring contract to be negotiated with a shipping conference. The amendments made by Schedule 2 will explicitly state that the exemptions that apply to liner shipping in relation to negotiating stevedoring contracts under section 10.24A do not apply to stevedoring operators.

The final amendment in this Bill is the repeal of the Bass Strait Sea Passenger Service Agreement Act 1984. The purpose of this Act was to approve an agreement made in 1984 between the Commonwealth and Tasmania. Under the agreement, the Commonwealth provided financial assistance to Tasmania to allow for the replacement of the Bass Strait ferry Empress of Tasmania with a newer vessel, the Spirit of Tasmania, and also for the upgrading of terminal facilities. The grants have been made and all conditions of the agreement have been complied with. As the Act no longer performs any useful function, it is being repealed by item 1 of Schedule 3 of the Bill.

Debate (on motion by Senator Buckland) adjourned.

ADVANCE TO THE FINANCE MINISTER

Senator IAN CAMPBELL (Western Australia—Parliamentary Secretary to the Treasurer) (10.22 a.m.)—I table the Issues from the Advance to the Finance Minister as a final charge for the year ended 30 June 2002. I seek leave to move a motion in relation to the document.

Leave granted.

Senator IAN CAMPBELL—I move:

That—

(a) the Issues from the Advance to the Finance Minister as a final charge for the year ended 30 June 2002 be referred to legislation committees for examination and report in conjunction with documents previously referred to legislation committees as part of the additional estimates process; and

(b) consideration of the Advance to the Finance Minister as a final charge for the year ended 30 June 2002 in committee of the whole be made an order of the day for the day on which legislation committees report on their examination of the additional estimates.

Question agreed to.

WORKPLACE RELATIONS AMENDMENT (FAIR DISMISSAL) BILL 2002 [No. 2]

Second Reading

Debate resumed from 5 February, on motion by Senator Ian Campbell:

That this bill be now read a second time.

Senator FAULKNER (New South Wales—Leader of the Opposition in the Senate) (10.23 a.m.)—The government has reintroduced the Workplace Relations Amendment (Fair Dismissal) Bill 2002
[No. 2], ignoring the Senate’s amendments, in the full knowledge that the Labor Party cannot and will not accept legislation that strips Australian workers of fundamental employment rights. This is the seventh attempt by this government to prevent a large group of Australian workers from getting justice when they have been unfairly dismissed. On this occasion, as on the sixth occasion, in the interests of political spin, the syllable ‘un’ has been removed from the bill’s title. Thus, we are dealing not with the previously named Workplace Relations Amendment (Unfair Dismissals) Bill but now with the Workplace Relations Amendment (Fair Dismissal) Bill.

Small business employees across Australia must have heaved a sigh of relief when they heard about that change. They might well have thought that being denied protection from harsh, unjust and unreasonable dismissal simply because they happened to have 18 workmates and not 19 was unfair. But now they can rest easy. It is not unfair, according to the government; it is fair. But who knows? Perhaps the word ‘fair’ in the title of this legislation is supposed to refer to fairness to small business owners rather than to their employees. After all, the government is always saying how much it takes the interests of small business to heart. Small business owners might have thought that legislation requiring that claims for unfair dismissal be assessed on the circumstances and profitability of the business was fair. They might have thought that having claims for unfair dismissal assessed on the principle of a fair go all round was exactly that—fair. They might have thought that being removed from that system and placed back in the realm of common law and court action where no protection applies was unfair. Yes, the government says that this is fair. I think we know how much weight to place on the government’s claims.

The government asserts that this legislation will remove barriers to employment. Anyone who questions that is, according to the government, a mouthpiece of the union movement. That means that Professor Mark Wooden, called as an expert witness by the government in the case of Hamzy v. Tricon International Restaurants trading as KFC, must be a mouthpiece of the union movement, because Professor Wooden agreed that the growth of employment is dictated by economic factors. He agreed that employment growth was stronger between March 1994 and December 1996 than in the following three years—stronger, that is, when the unfair dismissal laws were at their most stringent, and weaker when they had been watered down. This is the government’s own expert witness. It does not do much for the credibility of the government’s claims that this legislation will create 50,000 jobs. What does it mean for these claims when even the government’s own expert witness has to admit that the growth of employment has nothing to do with legislation of this kind? The figure of 50,000 jobs was whistled up from nowhere by the then minister, Peter Reith, to back up his argument, in just the same way as he whistled up photos of children who were thrown overboard to back another argument that he was running. Mr Reith was as truthful when he was Minister for Employment, Workplace Relations and Small Business as he was when he was Minister for Defence.

The government claims that unfair dismissal laws are the main concern for small business owners. It also claims that unfair dismissal laws are the main barrier to small businesses employing more staff. I think this is a very unflattering view of a group that the government considers to be part of its core constituency. Minister Abbott has said:

... this government has confidence and faith in the decency of Australian managers.

He said that in a speech arguing that Australian managers will only employ staff if they are assured that they can unfairly dismiss them—sack them without a fair hearing, without a fair go. It does not seem to me like much faith in the decency of Australian managers. It seems the government thinks that small business owners are already planning to dismiss their staff, harshly, unjustly and unreasonably, before they even hire them.

Mr Abbott of course, as usual, is wrong. Small business owners are doing nothing of the sort. They say that unfair dismissal is the
last thing on their mind when they think about the problems they face. They are much more likely to nominate the BAS form as small business enemy No. 1. Small business owners are right not to worry about unfair dismissals legislation. They are massively underrepresented in unfair cases. In fact less than 0.3 per cent of small businesses will experience a federal unfair dismissal in any year and only a quarter of federal unfair dismissal cases cannot be settled by conciliation. Of those very few cases that proceeded to a decision, only 27 per cent resulted in an order for compensation or reinstatement. This hardly seems like the crisis the government says exists.

On all evidence unfair dismissals are not a major problem for small business; there are seriously worse aggravations for small business. Small businesses tell us that although unfair dismissals legislation is not a barrier to hiring more staff, some real barriers do exist. One is the lack of work or sales. Small businesses also told the Telstra Yellow Pages business index survey that cash flow was a real problem for them in considering taking on new staff. And what is the single biggest contributor to cash flow problems for small businesses? It is the GST—and that, of course, is wholly and solely the responsibility of the Howard government.

The government’s lack of investment in education and training—indeed, its savage cuts to education and training—is another real barrier to finding suitably skilled staff. The government’s savage cuts in that area are hardly the actions of a government interested in employment growth. The government has done nothing towards supporting small business owners in their need to develop effective strategies to hire, train and manage their staff. It has done nothing to support job seekers in their need to learn new skills in today’s rapidly changing economy. Its only actions in this regard have been negative ones, destroying programs that gave job seekers genuine training—as the Senate knows. You could draw the conclusion that the government is not actually concerned with employment. It would be easy to draw the conclusion that the government is ignoring the real problems of small business and job seekers in order to indulge in yet another wedge politics scare campaign.

This bill, which will apply to only a very small percentage of small business owners, may well make them worse off. Indeed, in terms of the regulated system under the current legislation—with conciliation, expert decisions and a legally mandated fair go all round—the small businesses affected by this legislation will be exposed to the possibility of actions under the common law of contract that are more complex, more costly and without any of the safeguards provided by the current legislation.

Small business owners might think that it is unfair for small businesses covered by federal legislation to be subject to different conditions and liable to different penalties from all other small business. Small business owners might think it is unfair that this bill assumes that size is a determinant of ability to pay damages. This bill would take away the right of employees in some businesses with fewer than 20 employees to be treated in a decent and reasonable manner. It would take away their right to be told if the reason for their dismissal was related to the operation of the business, and it would take away their chance to defend themselves if they are dismissed for cause.

In debate on this bill and its predecessors, speakers on behalf of the government have been eagerly relating anecdotes to support this supposedly ‘fair’ legislation. Of course, as you would expect, the stories have been incomplete and one-sided. You would think, listening to the stories, that employees in small businesses have no other aim than to get themselves sacked so they can bring an unfair dismissal case and bankrupt their employers. Commonsense might indicate otherwise. Commonsense might tell you that the vast majority of employees want to do their job well and they want to hang onto it. Government speakers have made no effort to present the broader picture. They have made no attempt to give both sides of the story in these cases. The government, as usual, has presented a pack unsubstantiated assertions in an effort to make cheap political capital out of them.
The Senate amendments that the government has rejected are good amendments. They are constructive suggestions to make the unfair dismissal regime simpler by increasing the emphasis on reinstatement to reduce the amount of litigation purely for compensation, by reducing legal costs and by regulating paid agents who appear before the AIRC to ensure ethical standards. These measures would go a long way towards solving the problems of small business. The government does not seem to be remotely interested in any of the suggestions.

Of course, politics, not policy, is their only consideration. It has been suggested in this debate that the government has brought this bill back to the Senate to provide itself with a double dissolution trigger. If the Prime Minister wants to go to an election on the basis of whether this bill has been passed or not, so be it. I want to say this: although our differences with the government have been many and have been very deep, nowhere will you find a deeper and clearer divide between the Labor Party and the anti-Labor parties than on the question of a fair go. Let us not forget that in his second reading speech on this bill, the Minister for Employment and Workplace Relations, Mr Abbott, expressed his view on the possibility of unfair dismissal in three words. ‘That is life,’ he said. If you are sacked from your job for no good reason, that is life, according to Mr Abbott. If you are without a job and you cannot pay your mortgage, you cannot pay your rent and presumably you lose your home, that is life, according to Mr Abbott. If you have, through no fault of your own, a black mark against you with future employers, the black mark of ‘sacked’ beside your name, according to Mr Abbott again, that is life.

It has never been the Australian way to stand by while someone is mistreated—to stand by, shrug your shoulders and say, ‘That is life.’ It has never been the Australian way to turn a blind eye to unfairness. It may be this government’s way but it is not the Australian way and it is not the Australian Labor Party’s way. On each occasion of the government’s introduction of this or similar legislation, the inherent flaws have been pointed out. It is perfectly clear that the government is not listening. It is perfectly clear that the government does not want to listen. It is perfectly clear that the government does not have any interest in sound, sensible, sane industrial relations legislation. It does appear to be perfectly clear that what the government is interested in is a double dissolution trigger.

The government may think that the ALP can be bullied into passing bad legislation with the big stick of a double dissolution election on industrial relations being held over its head, but it is as wrong in that assumption as it is in its ideological pursuit of a workplace in this country where employees have no security and where employees have no rights. The Labor Party stands in this parliament in defence of the civil, political and industrial rights of Australians. Already in the first period of this parliamentary term we have prevented the government from stripping Australians of their civil rights through sloppy security legislation. We have prevented the government from disenfranchising tens of thousands of Australians through electoral regulations that would have prevented the most marginalised of our citizens from exercising their fundamental right to vote in an election. And now, in relation to this legislation, we will prevent this government from stripping away the protection Australian workers have from unfair, harsh and unreasonable sacking. The Australian Labor Party has always stood firm on these issues. The Australian Labor Party will continue to oppose this attack on Australian workers and will oppose this bill.

Senator GEORGE CAMPBELL (New South Wales) (10.43 a.m.)—When I first saw the Workplace Relations Amendment (Fair Dismissal) Bill 2002 [No. 2] on the Notice Paper, I thought: what type of contribution do I want to make to it? Should I go back through the Hansard, pick up the six submissions I have made previously and have them incorporated in this debate? It would have saved us all time in repeating the same messages that have been repeated ad nauseam in this chamber on this issue on six, and now seven, occasions. In some respects I have been fortunate, because I tabled this morning in this chamber a report on small business
employment on behalf of the Employment, Workplace Relations and Education References Committee. That inquiry was set up—after the last time this bill was brought into this chamber—to look at some of the rationale that has been preached on the other side of this chamber for the need for unfair or fair dismissal, whichever of those terms you want to use. The committee also went to the constituencies that are confronted with these issues to get their point of view on what they believed were the impediments to small business employment.

We visited all of the states in the process of conducting that inquiry. Not only did we hear from the organisations that represent small business; we also held a series of roundtables with small business proprietors themselves. Some of them were employers of labour, some of them were not. It is fair to say that, despite what the government senators on the inquiry say, the issue of unfair dismissal did not rank highly in the number of issues that were raised with us in those discussions. It was well down the list. The issue that was raised with us which was of major concern to small business was government regulation. Senator Faulkner referred to the statements that Peter Reith has made on these issues. Peter Reith, when he was the small business minister back in 1997, made a commitment to cut red tape on small business by 50 per cent. He was never able to identify how he was going to do it, the processes involved in doing it and what measures would be taken to achieve that outcome.

When we raised this question with the small business proprietors they laughed. They said that regulation—red tape—is continuing to grow and is one of the major impediments to them being able to grow their businesses. Having to spend time in the backroom, hunched over computers or typewriters or whatever other bit of equipment they have, preparing documents—whether it is their BAS, tax returns, WorkCover requirements or what have you—absorbs enormous amounts of their time and constrains their ability to get out to operate at the coalface of the business. We heard that from people who had cafes and people who were running hotels. They said, ‘My skills are to be out there meeting and greeting my customers who want to stay in my hotel. What am I doing? I am spending all week stuck in a room at the back of the counter trying to complete and fill in forms and meet the requirements of government for regulation. We understand that not all the regulation that they have to confront is federal regulation—some of it is state, some of it is local government. The reality is that the burden of regulation is continuing to grow and it is continuing to become a major impediment for small businesses in their capacity to grow.

The second myth is that small businesses are out there all waiting with bated breath for this legislation to go through this chamber so that they can rush down to Job Network, get an application in and get the staff on that they otherwise could not employ. What an absolute nonsense. What was clearly identified in this inquiry—and the statistics are there—was that the vast majority of small businesses do not want to employ anyone. They are family businesses and lifestyle businesses and they are focused on essentially providing income for themselves. They are not interested in taking on employees. There is certainly a group of small businesses that are growing, that are focused on exports and not on employing. But the greatest driver for them is demand for goods and services. It is not unfair dismissal laws but demand for goods and services that is determining whether or not they will employ. That was the second aspect that came out in this report. That is a key element for small business employment.

The reality is that there is a range of issues that small businesses confront that are a major impediment to them employing more people. They are listed in part on page 43 of the report under paragraphs 3.59, 3.60 and 3.61. I will read them out because, as Senator Alston has previously identified in the chamber, he does not bother reading reports. The report says:

3.59 The full employment potential of businesses with growth aspirations and capacity may not be realised if there are barriers to employment. According to Pacific Access, companies
with growth aspirations are more likely to identify impediments to employment, presumably because they satisfy the other preconditions for employment growth. Pacific Access submitted that the government should give greatest weight to the issues and concerns of growth-oriented businesses and focus on the key barriers they have identified, mainly lack of sales and finding suitable staff.  

3.60 A similar approach was taken by Mr Brian Gibson who argued that:

While business owners may express concern about issues such as employment it is unlikely that correcting the problems will result in significant changes in employment levels. The problems identified by small firms are undoubtedly identified in good faith. However while they may inhibit additional employment at the margin or encourage an alternate employment mix (full time or casual), they are unlikely to overcome the capped growth approach to business operations that is so dominant in the sector. Even if all the apparent barriers to employment were removed, the vast majority of small firms in Australia would not actively pursue growth resulting in employment generation.  

3.61 With those caveats in mind, evidence to the committee identified a number of impediments to employment across the sector. These generally included both external and internal factors. One list comprised:

- time-poverty—this is where government regulation really hits;
- limited access to personal and investor capital;
- uncertain cashflow streams—this is amplified in regional economies by fluctuations in commodity markets;
- a shortage of skilled tradespersons and professional skills;
- the costs of employing, including recruitment, training, leave and conditions, insurance and superannuation, and payroll tax;
- the potential negative consequences of employing staff if problems arise;
- a shortage of the enterprise skills required to grow businesses ...

1 ibid., pp. 1–2
2 Submission No. 77, op. cit., p. 4

On that point, one of the major impediments that was identified in this inquiry was the fact that small business owners themselves lack basic business skills. There are many small business proprietors out there today who are running small businesses and who have not done any formal training in business skills. They do not have a command of how to operate cash flows. They do not have business plans and do not plan. They do not understand how to employ staff, what regulations are required when employing staff and the legal requirements in respect of WorkCover and other commitments. They go into business with the expectation that, having come up with a good idea, they will be successful.

There are literally thousands and thousands of small business proprietors who are losing substantial equity in the businesses that they have bought into because they do not have the skills and the competencies to run those businesses effectively. One set of surveys—which I think was by the CPA of Australia—clearly identified that the problem in the area of employment was that many small business proprietors did not know the basic requirements that they had to meet when employing people and that, if they did, a lot of the problems associated with employment would go away. One organisation—I think it was the business enterprise centres in South Australia—actually set up a program to enable small businesses to use its consultants, who were operating out of the business enterprise centres, to deal with their employment type issues. This has resulted in a significant reduction in the number of industrial problems that those small businesses are confronting.

I suppose the greatest myth of all, perpetrated by Tony Abbott, is that of the 50,000 jobs. As Senator Faulkner indicated, this was first raised by Peter Reith when he was the minister. But Minister Abbott went even further—Minister Abbott actually indexed it to inflation, from 50,000 to 53,600. No one—none of the employer groups or small business people we talked to—was able to identify where any of these 53,600 jobs were going to come from. It is an absolute myth.

Another point that I want to raise in respect of my contribution is an issue that is a major impediment to employment for small and medium enterprises—the lack of skilled employees. There was a universal cry in all of the submissions we received from small business proprietors and their organisations...
that they had difficulty getting skilled employees. But, of course, when we asked them, ‘What are you doing to train skilled workers; what contribution are you making to the training of skilled workers?’ there was deathly silence. The reality is that the small business community has never trained skilled workers in any significant numbers. Historically, the skilled labour force in this country has come out of the public sector. It has come out of the public utilities: the gas and electricity organisations, the railways and the shipyards. It has never come out of small business. The public utilities were the supply chain for the small business community and that supply chain has been considerably constrained in recent times for a whole range of factors, which I do not necessarily want to go into today.

If the government is serious about trying to address the issue of creating employment opportunities in small business, it needs to talk seriously to its Minister for Education, Science and Training and get him to have a hard look at what the government is doing to provide opportunities to train skilled workers for the small business sector, because they will not do it. They have not done it. They have never done it. They will not do it. They will not train them themselves.

There are some 29 recommendations in that report aimed at dealing with the issues that have been identified as being the major impediments to employment in the small business sector. Some of them require action by the federal government, some require action by federal and state governments, and some require action by all three tiers of government. But the important message is that they require action. They require that a constructive approach be taken to deal with the issues that have been identified by the sector—not the perpetration of myths as to why the sector will not employ.

The fair dismissal issue is not an impediment to employment in that sector. It is not the single issue that determines whether or not they employ. We had a couple of examples of unfair dismissals given to us by proprietors of small businesses. We heard some of them recited here yesterday. Senator Boswell went on at length about some mate of his and the tale of woe he had with someone he had employed. But the reality is that, when we talk to these proprietors about the circumstances of their unfair dismissal cases, in many instances they did not know that they were not covered by federal law. We pointed out to them that, even if this bill had passed, it would have made no difference in terms of their issue because they were employing people under the state system. They were not aware of that.

There is a grave lack of understanding out in the small business community about the laws that apply with respect to unfair dismissal and, more importantly, about the laws that apply generally to employment by businesses. There is a crying need in the small business sector for the introduction of training programs that can provide proprietors of small businesses with the necessary skills to be able to operate their businesses effectively. If that were done, in my opinion, there would be a lot fewer failures in the business sector and a lot more potential for businesses to grow and create the employment opportunities that will arise out of a greater demand for their goods and services.

The lack of training for business proprietors or managers in this country is an area that was reported on in the Karpin report, which was presented in this parliament back in 1994. That report had a number of important recommendations that have never been acted upon. They have not been picked up and pursued by this government since it came to power in 1996. But it is in that area that there is real potential to do something about creating the circumstances and giving the confidence to small business proprietors to be able to grow their businesses, to get smarter about how they operate those businesses and for them to employ more Australian workers.

It certainly will not be done by the passage of this bill. But, as Senator Faulkner said, this bill is not about making it easy to employ people, it is not about making dealing with unfair dismissal claims easier. There are a number of recommendations in the bill by the Labor opposition which could have dealt with some of the problems that were raised with us in the inquiry. Has this gov-
ernment picked them up? Of course not, because it might actually make the legislation work. The last thing this government or this minister wants is for it to work because industrial relations is a convenient whipping boy—as always, they see industrial relations as being a convenient whipping boy. They want something that they can go out to the small business community with and say, ‘See, those awful people in the Labor Party won’t pass these laws, they won’t make your task easier. Therefore we are your great protectors and therefore you should vote for us.’ This is about setting up the circumstances for a double dissolution. This is a political bill. It is not a bill about fixing a problem; it is a bill about creating political circumstances that, at some stage in the future, will favour the government if it feels it has to go to an election and if it wants to have an election based on a double dissolution.

Senator KIRK (South Australia) (11.03 a.m.)—I am pleased to have the opportunity to speak on the Workplace Relations Amendment (Fair Dismissal) Bill 2002 [No. 2]. It is vitally important to the integrity of our industrial relations system that this bill does not pass. As has been said by a number of other speakers today, this bill is a cynical attempt at policy from a government devoid of a third-term agenda. While it is the first time that I have encountered this bill in this place, my colleagues inform me that this government has been vainly attempting to pass this type of legislation for many years. In fact, this is the seventh time that the government has introduced into the Senate a bill that seeks to exempt small business from unfair dismissal laws. Each time, however, the government fails because each time the Senate sees through the rhetoric and the doublespeak of this government. An example of the doublespeak is the title of this bill, which contains the words ‘fair dismissal’, when the process of fairness is what this government opposes and seeks to remove from the industrial relations system in this country. The bill’s intention, which is quite clear from the explanatory memorandum, is to:

... prevent small business employees (other than apprentices and trainees) from applying under the WR Act for a remedy in respect of harsh, unjust or unreasonable termination of employment ...

The bill would exempt employers with fewer than 20 employees from claims by dismissed employees on the grounds that their dismissal was harsh, unjust or unreasonable. The bill, if it is passed, will see every Australian working within a small business have their current legal rights and job security diminished. There is no doubt that this bill simply seeks to make it easier for employers to dismiss their employees, even if their dismissal is harsh, unjust or unreasonable.

The arguments against this bill have been put persuasively by my colleagues in the debate on this bill and in earlier debates on similar bills. I do not seek to repeat their arguments, as they continue to remain most persuasive. But there are a few points I wish to make about the bill. The first point I wish to make is that the bill operates on an arbitrary basis, stripping employees of their rights, dependent only the size of the organisation in which the employee is employed. In its submission to the Senate inquiry into the first bill, the Transport Workers Union argued:

The bill operates on a policy based not on whether a company has acted lawfully, but solely upon the size of the employer. It seems to us a very strange outcome that the size of the employer can be used to alter what would be clearly in other circumstances harsh, unfair or unjust treatment of its employees.

Or, as the Shop Distributive and Allied Employees Association said in their submission to the same inquiry:

... small businesses should not be differentiated from any other businesses when it comes to the need to act fairly, justly and reasonably in relation to an unfair dismissal. There are no grounds to allow some employees to be sacked unfairly without redress. This issue goes to the heart of the notion of the principles of natural justice.

The government seeks to create here one rule for big business and one rule for small business. Employees of both large and small organisations are no different: they do a good day’s work for a day’s pay regardless of whether their employer is the small corner store or a large national operation. The rights of these employees should be no different and they should not be able to be unfairly discriminated against by their employers. The government’s bill excludes the employ-
employees of small businesses from the right to make an unfair dismissal claim. However, the government’s arguments for doing so are extremely weak, to say the least. The Federal Court, in the case of Hamzy v. Tricon International Restaurants, trading as KFC, dealt with this particular area and looked at the connection between lower unemployment and an exclusion of unfair dismissal. In this case the workplace relations minister attempted to argue that a regulation excluding casual employees from unfair dismissal laws was justified because the provisions would operate against the interests of casual employees. In response to this argument, Justices Wilcox, Marshall and Katz concluded:

... [It] seems to us the suggestion of a relationship between unfair dismissal laws and employment inhibition is unproven. It may be accepted, as a matter of economic theory, that each burden that is placed on employers, in that capacity, has a tendency to inhibit, rather than encourage, their recruitment of additional employees. However, employers are used to bearing many obligations in relation to employees (wage and superannuation payments, leave entitlements, the provision of appropriate working places, safe systems of work, even payroll tax). Whether the possibility of encountering an unlawful dismissal claim makes any practical difference to employers’ decisions about expanding their labour force is entirely a matter of speculation. We cannot exclude such a possibility; but, likewise, there is no basis for us to conclude that unfair dismissal laws make any difference to employers’ decisions about recruiting labour.

Those were the words of three justices of the Federal Court—impartial judges making their judgment on the claims of the workplace relations minister in this regard, rejecting them entirely. In this same case in the Federal Court, the minister’s expert witness, Professor Wooden, claimed:

There certainly hasn’t been any direct research on the effects of introducing unfair dismissal laws. That is the case. It was reported in the AWIRS survey of 1995 that only 0.9 per cent—so less than one per cent of those surveyed—of small businesses stated that the unfair dismissal legislation was a reason for not hiring more staff. Despite this, the government claims that this is one of its primary motivations for introducing this bill. It argues that the bill will reduce Australia’s unemployment rate. The government says that the prospect of an unfair dismissal action against an employer is a disincentive to hire additional staff and therefore unfair dismissal laws hinder job creation. The problem for the government though is that it has no evidence that this bill will reduce unemployment. The government speaks proudly of how unemployment will tumble downwards after worker’s protection is removed, although it cannot show how. The total absence of any data to prove the government’s case is a monumental weakness in its argument for this bill. The government expects us to take it on its word and its word alone.

In its submission to the Senate inquiry that I referred to before on an earlier yet similar bill, the Shop Distributive and Allied Employees Association made another important point that the government has overlooked in this debate. The SDAEA said in its submission:

A constant theme articulated by the advocates of this Bill is that small business costs are exacerbated in fighting unfair dismissal claims where the worker is supported by a union. Much of this rhetoric is premised on the assumption that invariably a union will represent the dismissed worker.

The reality is that most workers in small business are not unionised and do not have the benefit of union representation when unfairly dismissed.

In most respects, the only protection that employees in small business have is the fact of the existence of unfair dismissal laws and the hope that the employer will pay some (even slight) lip service to those laws.

The removal of the existing unfair dismissal provisions, as proposed by the Bill, will dramatically increase the balance of power in favour of employers and dramatically decrease the fundamental protections available to workers.

So, while it is well known that the government has a long-term agenda to dismantle the right of working Australians to join unions, this legislation will have the effect of cutting deep into an area of the Australian workplace that is largely unrepresented and therefore vulnerable to harsh and unreasonable treatment by employers.

The Australian Labor Party are not anti small business. We do not seek to oppose these measures because we do not value the
interests of small business people. Small business people are the lifeblood of our employment market. They provide a substantial number of jobs and contribute significantly to productivity in Australia, and we all owe them a great deal. The Australian Labor Party support finding ways of making small business operators less burdened by the chains of regulatory regimes, especially since they have suffered so much throughout the life of this government under the GST and the business activity statement. Labor will also back legislation that reduces the burden of red tape under the unfair dismissal legislation. Labor will support amendments, as we did with the previous bill, to create a system that will give small businesses quicker resolutions, greater certainty of outcomes and reduced legal costs.

We in the Labor Party will ensure that there are unfair dismissal laws that benefit both small business operators and employees. We in the Labor Party want to ensure that there are fair laws for all in the workplace. Of course, most small businesses in Australia will not be covered by this bill. This is due to the limited constitutional power of the Commonwealth in this area. In fact, to be covered by the federal unfair dismissal laws, a small business must be covered by a federal award and be a corporation—unless in the case of the ACT, the Northern Territory or Victoria. It has been estimated that probably only 27 per cent—so just over a quarter—of small businesses fit into this category, which does create somewhat of a fallacy about how much this bill is actually going to achieve out there in Australian workplaces.

It is now well and truly time for the government to move past partisan politics on this issue and support a real system of support for small businesses and job security and protection for working families in this country. Perhaps, as has been said by other contributors this morning, the true reason for this legislation is to force this chamber to dissolve. Since the Senate has already rejected this particular bill and is perhaps likely to do so once again, the government no doubt is seeing the opportunity to dissolve both houses of parliament to force an election on this issue. This would mean that, just over a year after the last election, the government would be forcing Australians to the polls over a law which strikes down workers’ rights to have a sense of job security and a defence against harsh and unfair dismissals and other terminations of employment.

The Australian people will not accept this attempt to diminish the employment rights of workers in small businesses. This bill has nothing to do with good policy and everything to do with politics, although it is certainly not good politics. Australians will not accept this bill. They will not accept this kind of laissez-faire intervention into the Australian way of life and the Australian fair go. As other speakers have said, this bill is a waste of an opportunity to reduce the burden on small business while keeping protection for working people in place. It is again a cynical attempt by this government to attack the protection of employees while securing a political advantage for itself in the form of a double dissolution trigger.

In conclusion, this bill is bad policy and bad law and fundamentally unfair. It is an attempt by the government to remove from workers a fundamental employment right: to challenge their dismissal on grounds that it was unfair, unjust or unreasonable. This is a fundamental right of workers that is a feature of our industrial relations system in this country. This bill seeks to remove this fundamental right from workers on the sole basis that they are employed by a small business. Labor will oppose this bill and in the committee stage will move amendments to it that will afford justice to all employees and introduce simpler procedures for the processing of unfair dismissal claims.

Labor’s approach on this issue is, as always, balanced, fair and just. It preserves the right of employees who have been unfairly dismissed to bring an action in the Industrial Relations Commission, whilst at the same time it will give businesses a straightforward, low-cost and simple procedure through which they can defend any claims brought against them. The rights of workers in small businesses must not be sacrificed for the political advantage of this government. I urge senators to oppose this bill and to support the
opposition’s amendments in the committee stage of the bill.

Senator WONG (South Australia) (11.18 a.m.)—One might have thought that George Orwell really got things right if one were looking at the rhetoric of the government over the last few months and the names of the various industrial relations bills that have been presented to the Senate. We have the Prime Minister of this country participating in what he calls a peace mission—a visit to various government heads, including President Bush, in support of the United States’ clear agenda for a war on Iraq. One wonders how that can be called a peace mission. Equally, one wonders how a bill that really seeks to allow more people to be dismissed unfairly can possibly be entitled the ‘fair dismissal’ bill. But that is what we have before us today: a piece of legislation that seeks to ensure that Australians can be dismissed unfairly if they happen to be employed by an employer who employs fewer than 20 employees. One wonders why the magic number is 20—why not 19; why not 15; why not 25? What is the significant legal and economic argument for 20 employees?

This legislation is unusual in that it seeks to abrogate rights of a particular class of Australians, allegedly on the basis that it has an employment-creating effect. I, with the rest of the Labor senators on this side, take the view that there is a general principle—a very good principle—in Australian political life and civil life that the law should apply equally to all, unless there is a significant and weighty reason for that not to occur. If you analyse the reasons that this government is putting forward as an argument why the law in this particular case ought not apply equally to all, we say that they are spurious, they do not bear close scrutiny and, as Senator Kirk has said, they really are about politics—but not good politics. I think this is the seventh attempt by this government to seek to place this or similar legislation before the parliament. Presumably, it will have the fate of the number of previous bills in this regard.

The government trumpets two reasons for the legislation that is proposed. The first reason, as I have said, is that it is supposed to have an employment-creating effect. For the reasons outlined by previous speakers and some which I will touch on subsequently, we say that does not bear up to close analysis. The second reason trumpeted by this government is that it is a small business measure. It is one of the central planks of their small business agenda. As I said, there is a principle in this country that the law should apply equally to all, that we should have rights that are equally gained by all citizens unless there is a good reason to the contrary. We say that is not the case in relation to this legislation. It is a bill which has been introduced for political advantage. There is some talk of a double dissolution trigger. It will be interesting, if that is the case, if those opposite wish to go to the election and say to the Australian people that part of their political agenda is to allow your employer to sack you unfairly.

Let us first look at the primary basis on which the government seeks to justify this bill—that is, that it is an employment creator. First, because of the legislative and constitutional limitations of the Commonwealth, estimates are that only some 27 per cent of small businesses in this country will actually be covered. That means that even if one accepted—which I do not—that this exemption would have an employment creating effect, only marginally over a quarter of Australian small businesses would in fact be affected, and one would have to question which of those would indeed employ additional people as a result of this legislation. The actual effect of the bill, however, is not only limited by constitutional limitations of the Commonwealth but by the fact that there are obviously other remedies employees could take if this legislation were passed.

Employees could take other remedies under the Workplace Relations Act; they could take other remedies in relation to common law; they might have other remedies, for example, if they have been sexually harassed and that was relevant to their dismissal. There are a number of other legal remedies which are not excluded by this legislation. So even from the government’s own perspective they have a bill which would only affect at most around 27 per cent of Austra-
lian small businesses. But even within that we see that employees would obviously have remedies, as they should, for dismissal if the dismissal involved other grounds or grounds which would enable them to take other actions, whether under federal or state law.

We on this side of the Senate say what many small business operators are saying to us: there are many factors other than the dismissal laws that impinge upon their financial position. There are many factors which one can identify as impediments to additional employment by small business. Previous speakers in this place and in the other place have echoed the views which have also been put to me by small business operators as to the major factors which impinge upon their ability to trade profitably in the Australian economy. The primary and major factor which has been put to me is government regulation and red tape. There has been far more outcry by the small business sector regarding the unfairly weighty GST reporting requirements imposed by this government than in any lobbying I have had in relation to unfair dismissal. Surely all Australians will remember the outcry by the business sector, particularly the small business sector, about the reporting requirements under the GST and the BAS. All of us would know, either through our political position or through personal experience, of small business operators who have expressed their real concern at the significant number of additional hours they have had to put into their small business to administer the government’s GST. That is the primary issue that many of them have raised with us.

The Minister for Employment and Workplace Relations, Mr Abbott, in his second reading speech to the House claimed as evidence for the employment creating effect of this bill that a CPA survey found that some 27 per cent of small business owners thought they were unable to dismiss an employee even if the employee was stealing from them, and that 30 per cent of small business owners thought that employers always lost unfair dismissal cases. Minister Abbott said that these small business concerns would persist unless the law was changed. The logic of that is that if people are ignorant of the law and ignorant of their rights under it then that is a reason to change the legislation and to take rights away from a particular group of Australian workers. We say that is not a sufficient basis.

Other speakers have referred to the Hamzy case in which the government’s witness, Professor Mark Wooden, was called to give evidence regarding the impact of the unfair dismissal laws on employment—the assertion that they are somehow job killers. As people have said, the Federal Court said that it seemed that the suggestion of a relationship between unfair dismissal laws and employment inhibition was unproven. We say that is not a particularly resounding endorsement of the government’s contention that there is evidence of significant employment inhibiting effects by providing Australian workers with a uniform set of rights if they are unfairly dismissed. We say this is an attempt by the government to distract attention from other areas of policy where it is quite happy to impose further requirements on small business to their detriment or where the government has failed and continues to fail to act to protect the interests of small business.

The first example of that, as I previously indicated, is obviously the GST and the administrative requirements which have been imposed by this government upon small business. No-one in this country has been untouched by it. All of us deal with small business in our lives and know how many of those small business proprietors are still complaining about the additional workload that has been imposed on them by the government. The GST has not been good for the majority of small businesses in Australia in terms of their workload.

The second area where the government has been quite happy to seek to impose additional requirements on small business is in the area of superannuation. Honourable senators might recall that the government was keen to proceed with its choice of fund legislation. The bill proposed by the relevant minister in relation to choice was pretty amazing in terms of the requirements upon small business. It was a choice maze. It required 35 steps to be entered into and passed
by employers, with significant compliance costs if the small business operator failed to observe those steps. It led to the Queensland Retail Traders and Shopkeepers Association asking, ‘When will bureaucrats and politicians realise there is a limit to the ability of a small business to cope with all of this?’ That really sums up the public criticism of the impact of the choice regime on small business.

The government’s own modelling by Treasury officials of the costs associated with the proposed choice regime was around $27 million more in administrative costs in the first year and $18 million a year for the three years after that. That was the cost impact of the choice regime the government was proposing. In fact, the Australian Chamber of Commerce and Industry suggested that the costs of compliance estimated by Treasury were a stab in the dark and that compliance costs would be significantly more. The government on the one hand says, ‘We are pro small business; we want to free them up in terms of allowing them to sack people unfairly. But we are quite happy, because we have an ideologically driven agenda in relation to superannuation, to impose upon small business a 35-step choice maze with significant compliance costs against the interests and wishes of small business.’

Another area where the government has shown its failure to act in relation to the interests of small business is the late payment of commercial debts. For many small businesses cash flow is a significant issue. Many small business operators have identified the failure by large business to pay their debts on time, with consequent implications for the cash flow of the small business as being a significant impinging factor upon their ability to trade profitably. For this reason Labor has put out for consultation a private member’s bill, the late payment of commercial debts interest bill 2002, which is likely to be introduced later this year. We have had very good feedback, I understand, on the consultation process.

We have not had from the government much indication of its views, other than Senator Abetz, in response to a question from me last year, indicating his view about the issue. I pointed out to the minister that the Motor Trades Association of Australia, a significant small business association, stated that Labor’s draft private member’s bill to crack down on late payments should be passed as soon as possible. I pointed out to the minister that the MTAA stated that the bill would be of significant assistance to the many hundreds of thousands of small businesses who find that payments to them by their suppliers and purchasers now regularly exceed normal commercial terms. The response by the minister was relatively predictable. He stated that the ALP was seeking to over-regulate everything, that the government believed in a free market and that businesses had to come to arrangements with their suppliers. He went on again to talk about the unfair dismissal laws.

The continuing tactic by the government is to not do things which might actually assist small business in a real sense to run more profitably; to continue to seek to impose on them for your ideological reasons additional regulatory requirements, additional administrative burdens and additional costs in relation to those two areas; and to continue to trumpet as your small business policy a piece of legislation which seeks to remove rights from a particular class of workers. I say that Australians will see through that. They understand that at the end of the day we are talking about a policy which should present a balance for employers and employees. Yes, governments should do things which encourage and support small business—it is an extremely important part of our economy—but we should also ensure that Australian workers have access to appropriate and, we say, uniform rights in relation to dismissal.

In closing, we say that this bill offends the general principle that all Australians ought to be equal before the law unless there are weighty reasons for that not to be the case. There are no weighty reasons. There is insufficient evidence for the government’s argument but there is significant political rhetoric in the government’s argument. We say that this bill offends the Australian principle of a fair go for all.
Senator COOK (Western Australia) (11.34 a.m.)—We are debating the Workplace Relations Amendment (Fair Dismissal) Bill 2002 [No. 2]. I must say that you have to give the government credit for having a sense of black humour. Someone with a penchant for black humour dreamt up the title of this legislation as ‘fair dismissal’. It is anything but fair; it is about removing rights rather than bestowing rights. It is about complicating the industrial relations system rather than simplifying it. To call this legislation ‘fair dismissal’ is a joke that the whole industrial relations community in Australia understands. It is a joke in which irony is the principal character—the sort of irony that Robin Hood used when he called the tallest member of his clan Little John and the sort of joke that the Australian community understand when they refer to the Prime Minister as ‘honest John’. This bill is not about fair dismissals; it is about making the dismissal system unfair.

It has to be said that this legislation is no stranger to this chamber or to this parliament; we have seen it before. This bill has been before us on two other occasions, and legislation of a similar sort with similar provisions has been before us on about seven separate occasions in the life of this government. This government has a fanatical view on this issue and it insists on running up this legislation even though it knows what the Senate’s considered views are about it and it knows and can easily anticipate that it will reject the legislation, which I imagine it will do on this occasion. But the government is not naive. A cynical commentator would think that that is indeed exactly what the government wants.

The Prime Minister himself—no less an authority than the PM—has described this legislation as a double dissolution trigger. This legislation is being dished up to the Senate in the first week back after the Christmas recess in order to create the possibility of a double dissolution so that the Prime Minister can keep the leadership challenge of Mr Costello further at arm’s length; and the hope that somehow, having regard to his penchant for thinking of himself as a historic figure in recent months, he will etch his reputation into the history books of Australia.

That is not what industrial relations should be about. That is cynical manipulation of industrial relations for political purposes. The relationship between workers and employers in the workplace should not be abused and exploited for political purposes. The greatest asset this country has is a workforce working constructively and enthusiastically in the workplace, not a workforce used for political purposes and cynically manipulated for that purpose. This legislation is aimed not at the first proposition but at the second proposition.

More importantly, what this government does not do is give any thought at all to what should be the ideal relationship in the workplace. It makes a lot of speeches about choice. It passes a lot of legislation that, theoretically, confers choice but which actually limits the opportunity of Australian workers to properly and fairly negotiate remuneration in the workplace, and it limits the opportunity in some respects of employers to bestow on their workforce the conditions and wages that they want.

I just want to spend a moment to talk about that last proposition. I am not one who thinks that all employers in Australia are rapacious and have no view in mind other than to sweat their workforce for the bottom line. There are many employers in Australia who regard their workplace as the place where the team they work with to produce the output of their company or enterprise is employed. They want teamwork, cooperation and enthusiasm from their workers. They do not want division; they do not want bitterness; and they do not want to be exploited by this government to pit themselves, in Mr Abbott’s arcane view of the old class struggle, against their workers.

There are many enlightened employers in this country, but they may be competing with other employers down the road who can skin their workers, cut wages, reduce working
conditions and hold over the heads of their workers the sort of provision that this legislation would enable them to have, and then cut the cost of the wage input into the product they produce and undercut the good employers. The reason we need uniform and widespread proper industrial regulation is to encourage the good employer to bestow fair conditions and not be undercut and driven into bankruptcy by employers who—and this is one way in which the system conceived by this government would work—exploit the system to undermine proper principles in the workplace.

We know, as I have said, that this is a double dissolution trigger. We know, too, that this government regards this legislation as something that might appeal to small business sentiment in Australia. They think that way because, for them, wedge politics in this country is an article of faith. One does not have to go any further than to consider the last federal election and how the people of Australia were misled about children thrown overboard. We know those photographs were not true—they were not. The government used that incident and others like it to drive a wedge into the Australian community and ask people to choose which side they were on—were they in favour of immigration or were they not; were they in favour of refugees or were they not—and pretended that there was a real issue and used that division in order to be elected. Wedge politics is its stock in trade and wedge politics in the work force is part of what this legislation is about.

Australian small businesses are not confused by this government. If you talk to an Australian small business proprietor about the record of the Howard government, be prepared to take a step back as they give this government a spray about the GST and the weight of red tape imposed on them by the Howard government and by the Costello legislation on the GST.

The GST is the single biggest factor that has damaged the ability of the Australian small business sector to remain competitive. It is the single biggest reason why we have high levels of bankruptcy among small business. It has turned small business proprietors, for whom time management is the most difficult constraint, into tax collectors for the government. It has meant that not only do they put in a full day’s work that is often longer than most of us would regard as reasonable, but when they finish work at the end of the day they have to fill in their forms and comply with the red tape this government has imposed on them in order to ensure that their GST obligations are met. You do not have to talk for very long with the small business sector to learn that they are not at all enthusiastic about how the government has managed their business life and imposed red tape and extra provisions on them.

The other reason this legislation should be rejected is that it creates a situation in which complications are created in a system that should be made simpler. It creates a different class of employers, defined as small businesses with 20 employees or less, who work under a different set of regulations than other employers. It creates a different class of workers who have a different set of rights and entitlements under this legislation, should it be adopted, than the rest of the work force. Because of the particular carve-out of a uniform standard that this legislation would impose, it adds transactional costs and complications in trying to manage where the line is, who is entitled to what, and so forth. As a consequence, this confuses small businesses—who, as I say, do not have time for red tape, who only have time to do their job—who have to work out whether they are in compliance or otherwise with this legislation. From that point of view, the fact that the government markets this legislation as an aid to small business misrepresents the effect of it. This legislation would be a complication for small business and would be a blight on the management ability of many small businesses to effect their tasks.

The shadow minister for industrial relations, Mr Robert McClelland, speaking in the other place, gave an illustration of this point. Referring to how this legislation would work against the need for uniformity and com-
monly understood standards around Australia, he said:

The imperative of achieving uniform standards around Australia is demonstrated by these figures. For the financial year ending 2001—and leaving aside the state of Victoria because they only have the federal provisions applying there—there were 2,534 claims filed under the federal legislation that this bill is proposing to amend, but—and he goes on to make the distinction—there were 8,485 filed under the state systems in the rest of Australia.

That is a very good illustration of how, if you walk away from uniformity and introduce complexity and different standards, you get more disputes, more complications and more settlements that have to be entered into in the industrial relations arena. That is simply time wasting for business. Rather than getting on with business, this means that business has to constantly be involved in interpreting a wad of legislation which, on those figures, clearly leads to a series of disputes that could otherwise have been avoided.

There is no reason why—and the High Court has made this quite clear—the arbitration system or the industrial relations system in this country cannot be the effective agency through which matters of fairness and justice in dismissals can be settled. The commission can look at the particular circumstances of each case. When we are talking about relations in the work force, a set of legal criteria that turns the balance pro the employer means that you create an aggrieved work force with justifiable grievances that cannot be ventilated because the system is against them. On the other hand, if you turn that advantage too far to the worker, you create a system in which some employers are justifiably aggrieved because the system is against them.

Labor is in favour of a balanced system in which both parties have the chance to work through the problems and, where there is a need for dismissal, for that to be done in a way in which a sense of justice applies in those circumstances. If there is an argument, the way to do that is through the industrial commission where the commission is able to weigh the particular circumstances and make a fair decision in each case. The High Court has said that the commission is set up to do that. This government would take that ability from the commission, impose a set of regulations that disadvantaged workers quite considerably, impose extra costs and red tape on employers and pretend that the outcome is something that benefits the economy when of course it would be a drain on economic management. The legislation founders for those reasons.

In the few minutes left to me, I want to talk about the impact of this legislation on a part of Australia I know well. My electorate office is situated in the mining city of Kalgoorlie. In Kalgoorlie we have seen up close and personal the ravages that the federal industrial legislation has wreaked on the Australian work force. Kalgoorlie is a big community where a lot of people know each other and it is a big enough community to be a test bed for whether this legislation works.

The Commonwealth government’s legislation on bargaining and individual wage contracts applied in the Kalgoorlie sense has meant that, in the first case, there was a belief that by trading working conditions for more wages, the illusion was that workers were better off. Many of them crossed from an award or a collectively bargained agreement into an individual work contract. They thought that the extra wage somehow advantaged them. They got a shock when they realised that they were in a higher tax bracket and the take-home pay was far less than they thought it was going to be. They also got a shock when they realised that they had lost some of the advantages that they would have had working under an award no longer applied. They also got a shock when the hours started to stretch out so that a 60-hour week is now a common feature of the employment of those workers.

When wage earners who are heads of families work a 60-hour week, the time they can spend with their family, the quality time they need to raise young kids, their participation in the life of the community—down to playing for the local footy or cricket team or going to the swimming club—is reduced.
Community activities in Kalgoorlie have fallen because workers no longer have the same discretionary time to indulge in those community activities or to be part of the local community. They no longer have time to play the parental roles that they would have played had they been working a 35- or 40-hour week. Added to this in Kalgoorlie is the fly-in fly-out issue where many of the workers in the region do not live in the region. This has led to deterioration in the quality of family and community life because people are forever at work.

The use of unfair dismissal laws and things of that nature to intimidate workers could be seen last Christmas when Kalgoorlie Consolidated Goldmines, a joint venture operator of the Kalgoorlie Super Pit, owned by two US employers, Barrick and Newmont Mining, demanded and required that all workers turn up for work on Christmas Day. If you did not turn up for work, you were in default and could be dismissed. Of all days of the year, the family day is Christmas Day—but not so in Kalgoorlie. Workers were required to be at work. They could not share the joy of opening presents in the morning with their children and could not share the family interaction of Christmas lunch. They were at work and they had to be at work. That is the sort of outcome that the industrial legislation imposed by this government on communities such as Kalgoorlie has brought.

It used to be said that the mining industry was a high wage employer and that workers in the mining industry received something like 130 per cent of average earnings. Lately, it has been said that workers in the gold-mining industry receive something like 160 per cent of average earnings. Those figures sound fine, but the extra money has come because of the extra hours they spend at work. The casualties have been family life and the community life of that town. There is a high level of divorce and family breakdown. There is a high level of illness because of the pressure cooker situation. If those workers who have opted in the past for these types of individual work contracts had a choice now, they would choose to go back to the award. They would choose to go back to normal working hours. They would choose to go back to standard working conditions and to have some pride in their jobs and some pride as family members and community citizens in the Kalgoorlie area. This legislation only adds to the woes of workers. This legislation should once again be rejected. I commend a rejection of this bill to the Senate.

Senator LUDWIG (Queensland) (11.54 a.m.)—I rise to speak on the Workplace Relations Amendment (Fair Dismissal) Bill 2002 [No. 2]—or so-called ‘fair dismissal’ bill. There have been a number of speakers from this side and, I suspect, from the Greens and the Democrats, in relation to this bill. This is not the first or the second time that this bill has been here. The import of it has been here for some considerable time and has been rehashed and thrown up again and again. What is interesting now is that the Liberal Party are not even trying to support it. They do not want to speak on it. Senator McGauran does not want to speak on it. Senator McGauran does not want to support it. They bring it here simply to say, ‘We will have another run-up.’ That is all it is: another run-up. It is actually wasting the time of the Senate. The Liberal Party know our position in relation to this bill. They know our view in relation to the real issue, which is unfair dismissal. They understand that they should do something about unfair dismissal procedures. They should make them fairer and simpler. They should ensure that processes are put in place to ensure that small business and large business can access unfair dismissal procedures. They should adopt the suggestions that we have put forward. But instead they run the legislation up again. It leads to a couple of conclusions: one, that they want to waste time in the Senate—and I have not heard from their side during this debate that that is not their intent—or, two, they like to hear the ALP speaking on unfair dismissals. They understand that they should do something about unfair dismissal procedures. They should make them fairer and simpler. They should ensure that processes are put in place to ensure that small business and large business can access unfair dismissal procedures. They should adopt the suggestions that we have put forward. But instead they run the legislation up again. It leads to a couple of conclusions: one, that they want to waste time in the Senate—and I have not heard from their side during this debate that that is not their intent—or, two, they like to hear the ALP speaking on unfair dismissals. I do not think it is the second option, so we are left with the first—that it can only be a time waster on behalf of the Liberal Party. They have no direction this year. They have no bills they want to progress. They have no policy that they want to pursue. They have no policy that they want to pursue this year. We can only assume that all they really want to do is to listen to the Labor
Party talk about how unfair they are in relation to unfair dismissal.

I had the opportunity to listen to Senator George Campbell this morning when he presented the Senate Employment, Workplace Relations and Education References Committee report entitled Small business employment. That report provided a very good overview of the issues that present to small business, which this government has done nothing about since 1996. This government has not been able to grapple with the issues that face small business. It has not been able to deal with the issues that face small business. All it can simply do is present a disappointing rehash of Mr Reith’s legislation now stamped with the name ‘Mr Abbott’. It seems that all this government can do is swap names. It can genuflect to small business and say, ‘We are actually trying to do something to assist small business,’ but does nothing. It sits on its hands.

You can see that clearly when you look at some of the issues that small business have raised in the report. Rather than look at those issues, this government is fixated on an unfair dismissal provision which does not actually help small business. Page 11 of the report contains a short overview of the issues:

These inquiries were prompted by perceptions of an increasing body of regulation affecting business and a growing recognition of the disproportionate burden on small business and the flow-on effects of business performance and productivity.

They are the issues—in other words, the red tape that this government is imposing on small business. We have heard from Senator Cook about the amount of red tape that the GST has imposed on small business. During this debate we have not heard from the government about how it is going to alleviate some of those concerns. We have not heard much from members of the Liberal Party today or yesterday in defence of their unfair dismissal legislation. Perhaps they know it is no good. Perhaps they are sitting in the wings, hoping above all else that they do not have to be heard or quoted and that they do not have to come into this chamber and argue about unfair dismissal. All they are intent on doing is bringing back this legislation and putting it before this parliament for us to point out its inadequacies and flaws.

The idea of this amendment—and I will repeat what many of my colleagues have already said—is to exempt those small businesses with fewer than 20 employees bound by federal awards, and which are constitutional corporations, from the dismissal laws of the Workplace Relations Act 1996. The plan is to have new employees who only have the right to contest a termination where it appears to have been made on discriminatory grounds. This is not the first time this legislation has been brought before the Senate. It was here last June when the House of Representatives failed to agree to the Senate’s amendments. This chamber, in fact, tried to pick up your piece of legislation and improve upon it, and you could not see your way clear to support it. Essentially, underpinning the bill—and this is the rub—is the question: is there a valid public policy choice? Does one exist? Namely, can you trade the public good of job creation, as claimed by the Liberal Party, against the loss of rights of employees under federal awards in dismissal matters? That is the policy choice that is being proffered.

To accept this proposition it must be able to be demonstrated that such a public policy choice, firstly, exists. The question that is posed then is: will removing the right lead to a significant increase in employment as a direct consequence? That is the point. Otherwise there is no point to the whole exercise other than the first point that I put forward, which I think, at the end of the day, is the right one. But to accept this argument the government, for all their rhetoric, have not been able to provide evidence that the intended result will occur. All you may do then is remove the right of employees. I cannot imagine in those circumstances that the government, for all their rhetoric, would then go back and say: ‘We made a mistake. We admit that we made a mistake and therefore we will remove or otherwise put back the right.’ In other words, I cannot imagine you will reverse this bill’s effect. You know you
would not, because it is effectively a milksop to small business. That in truth is what it is.

There are many issues that affect small business when they turn to decide whether they are going to employ people or not. It is not whether this piece of legislation is passed in the Senate which will affect their decision making, notwithstanding the fact that most employees in the small business area are not even covered by federal awards in any event. The government knows that. I am open to correction, but I think the figure is around 27 per cent. Therefore, when you look at the sum total, what the government are saying is that for a small proportion of corporations that we can affect, we want to ensure that businesses with 20 or fewer employees have no cover and no right to look at dismissal laws that we set up under the Industrial Relations Commission. So those small businesses that are sole traders or partners still have the dismissal laws applying to them through the various state tribunals. By and large, all this amendment does is create two classes of employees: those that have no rights in ordinary dismissal matters under federal awards and the majority of employees who are covered by state regulation. Those are the two classes you set up. It is unfair. It is discriminatory. You know it and you should not be doing it.

There is no evidence to support the claims by this government that unfair dismissal laws have stopped employers from employing people. When you turn to the small business employment book, why don’t you examine some of the issues that small business have put up in a serious way and look at the ways you can help small business. There is more to be done, but this government is not doing it to improve the ability of small business to employ people and continue to contribute to the growth of the economy. This government—as I have said and I will say again—is doing nothing.

One wonders also whether your second idea is simply to put it up as another double dissolution trigger. That was said this morning. I have not heard the government respond either today or yesterday. It is simply going through the motions. It is not a government with any consideration for what these issues are. It is not a government prepared to debate. It is a government that simply wants to hide behind harsh, unreasonable and unjust legislation. That is what this government is about.

It is vital, however—and I urge the government to do so—to address the concerns of working people in Australia. There is now more than ever before a greater need to identify and introduce measures that better balance work and family. But it does not stop there. The Howard government should support issues like—and perhaps I could name a few that this government might be able to take the running on, or at least follow our agenda for—protecting volunteer firefighters by supporting Labor’s proposed laws in that area. In addition, you could look again at your employee entitlement scheme, because the Auditor-General had a very good look at it and it presents a dreadful picture of incompetence and delay by your government. The Auditor-General’s office said that the rules and procedures are incomplete and those rules that are in place are difficult to follow. It simply is not good enough that you put a scheme in place knowing the scheme is flawed. There is a need for the government to fix that problem. Labor has proposed that 100 per cent of workers entitlements be protected. Why don’t you pick that up? It is not that hard for this government to take a look at those issues and say, ‘We will do something about them.’

It would seem that there can only be one of two things preventing it: this government is either more interested in using this bill as a double dissolution trigger, or it is lazy—one or the other. I actually prefer the lazy option. You have not spoken in this debate. It does not appear that you will. Therefore I think you are lazy in relation to this bill. Supporters of this bill argue that the unfair dismissal laws adversely affect small business, but this clearly ignores the fact that the Industrial Relations Commission is in a position as the independent body to recognise these issues and work through them with the parties. Of course more can always be done, but not with such a blunt instrument as proposed in this bill. It would be far more effective to
improve the commission’s ability to deal with unfair dismissals in small business.

The ALP does recognise that there is a need for a simplification of the procedures. Clearly, costs can and do arise for small business in defending dismissal cases. There is, then, a need for simplified provisions to ensure these costs are minimised. One such move could be to consider some of the proposals we have put forward, rather than being lazy and hiding behind this bill. You could look at the artificial line that you have put in place, an artificial line of 20 employees, which does not take into account the nature of the business or the experience or expertise of the business to adequately address workplace relations issues. This is being lazy again. All you have done is put in a line and a number. You have not considered the expertise of small business, the size of small business or whether small business can deal with issues of workplace relations.

Of course, what this bill does is amend the act by excluding small business. It does this by introducing a new provision in the act which provides that an application for unfair dismissal may not be made where at the relevant time the employer employed fewer than 20 people. In addition, in calculating the number of employees in the business, you talk about casual employees. So you again create this other fiction. You say, ‘What will we do with casual employees? Perhaps if they are regular and systematic then they can also be counted, but if they have not been regular and systematic for the last 12 months perhaps they should not be included in that provision.’ You then sub-discriminate between casual and weekly employees in this area. The line becomes a little blurred. But rather than face up to the fact that the piece of legislation is flawed, you press it again, perhaps as I have said for those two issues and not for the arguments that you put forward in the bill to support it. That makes this job a little bit harder, but I will argue the rational issues first because it seems that you do not want to argue those yourself.

With the line that you have drawn, it is difficult to understand how it can work in any event. There are a number of devices that have been highlighted which throw up ways to get around the 19 or 20 employees a business could have each year: a new company could set up with 19 employees; or it could set up as company 1, company 2 and company 3 in a shop area that is divided up so that each company employs 19 employees to escape the legislation. You might ask: would business do that? Unfortunately, I have some experience of it doing that in the past. In relation to trading hours legislation, which I was involved in many years ago, there were ridiculous positions whereby, to avoid the trading hours legislation, companies would set up places with a number of companies on a shop floor and divide it up so that they could fall under the number of employees and could continue to open and trade. Clearly, business will find ways and means to avoid the artificial line that you have drawn.

This of course creates a knock-on effect in other areas. The bill would mean that, where an employee is told they cannot make a valid application in the commission, people may choose to exercise their rights in other places. That could mean that, rather than the intent of this government in trying to reduce the costs to small business—or the so-called intention to reduce the costs—what could happen is that the employer could end up defending their action in the Supreme Court, or perhaps even the High Court, as these matters are tested in common law or outside the jurisdiction of the commission. It has already occurred, not so much close to this area but, for example, in Pettet v. Readiskill LMT Mildura, where an application was made by a previous employee. Whilst it was unsuccessful, the point is that it demonstrated that this employee did not accept unfair dismissal and did not accept that the right of the employer was unfettered, and he took the matter to the Supreme Court to have his issue aired. Three judges decided—on appeal, I should say, after considerable cost and expense by all parties, I suspect—that there was no valid case for the matter. But the point I make is that the employer had to go through that process. Why do that? The Industrial Relations Commission has always been demonstrated to be the low-cost alternative where grievances can be aired and dealt with. Why do you want to remove the
Industrial Relations Commission’s ability to deal with it? You have not argued why. You should argue why and you should argue it in here.

The real concern is that, where a specialist tribunal is set up to deal with these issues, you should allow it to deal with them rather than put in artificial lines and draw in artificial numbers to remove their ability. What you lead to is not that a dismissal can be unfair or harsh or unjust but the reverse. What you are saying to those 19 employees is that the employer can be unfair, harsh and unjust in their treatment in relation to dismissal but there is no right of redress for any of that.

Other matters that you could look at, rather than bringing in this bill, include paid maternity leave. We already know that the Human Rights and Equal Opportunity Commission has produced a proposal for a national paid maternity leave scheme. The Labor Party has called for it and this government has equivocated. You have sat there on your hands again and equivocated. I think the government is hoping that these issues will disappear if it says nothing. I really think that, at the end of the day, you believe that if you sit there and say nothing these issues of workers’ entitlements, unfair dismissals and small businesses dealing with growth and red tape will disappear and you will not have to do anything about it. Then you can get back onto your third term agenda, which is to sit there and do nothing. It seems that what you want to do is nothing. That has been the start of the argument and the end of the argument—this government is about doing nothing.

Senator McGAURAN (Victoria) (12.14 p.m.)—There is certainly no exhausting the previous speaker, Senator Ludwig, because I think he has contributed every time the Workplace Relations Amendment (Fair Dismissal) Bill 2002 [No. 2] has come before the Senate—and we know it has been many times, I think we could be up to our sixth occasion. But while he has spoken on every occasion—and he is one of the better performers but he has been unimaginative on each occasion—I think he ran out of material on this occasion. He raised the new argument that the government is putting this up because it is time wasting and seeking an extension of time in this Senate. How absurd.

I would like to bring to Senator Ludwig’s attention the government’s program. Merely for the autumn session there are dozens and dozens of bills log jammed, waiting to come into this Senate. Since we first came in in 1996 we have faced the most obstructionist Senate in the history of the Senate, I would say. In the 13 years that we were in opposition, even in the most frustrating and obstructionist moods that we would have from time to time, we were never so consistently frustrating as the opposition. You have consistently frustrated this Senate since 1996. I would like to point out to the other side the program the government has waiting to introduce. This is the first week back since the spring session. This is termed the autumn session. Who can forget the last day of the spring session? We had a marathon sitting of 27 hours to deal with one piece of legislation that was crucial to the government’s program. We left that place at 10 o’clock in the morning. It was a 27-hour sitting. You think you are not time wasting?

This government is not after any time. This government is trying to get its job done. You wasted 27 hours straight on one piece of legislation and we still did not get it through—and you come in here and tell us that we are time wasting. We are approaching the next May budget and we have not even got our previous budget through yet. This government cannot even get their budget through. We are about to put out our 2003 budget and the Senate is still looking at rejecting, debating and committeeising all the government’s previous budgets. And you tell us that we are wasting time by putting up this piece of legislation.

Every minister will tell you—and the one in the chamber today will surely tell you—that if they want a piece of legislation from their department to go through the parliament they have to book it 18 months ahead. No matter how small, no matter how technical, no matter how uncontroversial, they have to book it 18 months ahead because they know that when it lands in this place it will grind to a halt. The suggestion of the
previous speaker that the government are time wasting just provoked me to stand up and challenge it and put on the record what an absurd claim it is. He is the one running out of material. Why didn’t he just not get up? You are asking us why we are putting this legislation forward. That was his second claim, actually, that the government are not speaking and that we just like to hear the Labor Party speak. I believe that was your second claim. That is even more absurd than the first, of course.

But I tell you what: the same old speakers are getting up. You feel that every time it comes in you must get up.

Senator Hogg interjecting—

Senator Forshaw interjecting—

Senator McGauran—How many times have you spoken on this, Senator Forshaw and Senator Hogg? All the old unionists are getting up and rehashing their old speeches. We heard from Senator Campbell. Well, he must get up, of course. If there is anything to do with industrial relations he immediately gets up, puts his pro forma speech down, whacks a 50 cent stamp on it and sends it straight off to his union bosses to say, ‘Look, I’m doing your work for the fifth or sixth time.’ There is nothing new out of Senator Campbell. We know Senator Ludwig tried something new, absurd as it was. It has been well and truly countered.

He is talking about time wasting. Why do you feel that you have to get up and speak your full 20 minutes anyway? Do not talk about time wasting. Each one of you has spoken for the sixth time on this legislation and you have all taken your full 20 minutes. You feel you are obliged to because the union has asked you to do it on each and every occasion—show your form, show your masters that you are doing your job. It is all pre-selection stuff. It is a crushing bore listening to you rehash the same stuff six times—I believe it is as many as six times—just to keep your preselection in place. If you really know your position, do not get up. Or get up for three or four minutes. I said I would get up only for five minutes myself. In fact your whip is the only diligent one amongst you who does want to go about the business of things. He asked me to keep it strictly to five minutes, so I will. I will simply conclude by saying that the government’s motivation is that we actually believe in this legislation and we are putting it up for that reason. Small business want it. And yes, it, amongst a whole heap of others, does become a double dissolution trigger.

Senator Hogg (Queensland) (12.20 p.m.)—On a number of occasions I have, not by design, followed Senator McGauran in this debate, or he has spoken at or around the time I have been scheduled to speak. On each occasion I must say it has provided some comedy relief in the debate. Senator McGauran knows nothing about industrial relations, obviously, and knows nothing about the Workplace Relations Amendment (Fair Dismissal) Bill 2002 [No. 2]. He just wants to embarrass himself by trying to participate in this debate.

If one looks at the inefficiency of the government, one would see why the legislation is stacked up as per the claim of Senator McGauran. But in terms of the crucial piece of legislation he referred to that we considered at the end of the last session, it is interesting that, when Labor have made approaches to the government about that piece of legislation, Labor have not heard back from the government as to any further progress that can be made with that legislation, Senator McGauran. Do not blame us for being obstructionist. The government have not got off their own backsides to do anything about it. As for the passage of legislation through this place, one only has to look at what is called typically the non-controversial legislation that will go through this parliament today. There are no fewer than six bills—as I was advised recently, and I think that is correct—that will go through this parliament today. They will be passed and become law in the not too distant future.

This parliament is about debating, in many cases, the controversial issues—the issues that get to the very essence of the beliefs of people in this place. One cannot be critical of the beliefs of people on any side of the political spectrum in this place. They have beliefs and are entitled to express those beliefs. If we have legislation, such as that
before us today, that gets to the very basic rights of people, then people such as me will continue to stand up to see that such legislation is defeated on as many occasions as the government puts the legislation before us. The fact is that this is reprehensible legislation. This legislation seeks to take away the basic and fundamental rights of people in this country.

I have no problem with having been a former full-time trade union official. I am proud of the fact that I am still an honorary official of my union to this very day. I am very proud of that because I am proud to defend the rights of people who are not necessarily in the best position to defend their own rights. If it takes people such as me and other colleagues on this side of the chamber to stand up and knock back the nonsense that has been put up by Senator McGauran, so be it. We will continue to do so.

If one looks at the explanatory memorandum that the government have once again put up, one will see that there is nothing different in the explanatory memorandum. It is laziness, as my colleague Senator Ludwig alluded to earlier. Look at the basis of this bill. Why are we here arguing and debating this bill? It is because, as the explanatory memorandum states, the bill proposes to:

... prevent small business employees (other than apprentices and trainees) from applying under the WR Act for a remedy in respect of harsh, unjust and unreasonable termination (“unfair dismissal”) ...

So the legislation is a denial of people’s basic rights—their fundamental rights.

We are looking at a turning back of the clock—something that no-one wants under any circumstances. We are not looking at people in respect of any minor transgressions or normal misdemeanours that might take place in the workplace; we are looking at people being denied their rights in terms of ‘harsh, unjust and unreasonable termination’. Those words have been determined either in the industrial relations tribunals or in courts of law to not mean petty misdemeanours at the workplace; they mean transgressions of the most serious nature where a person has a right—a right in natural justice—to go and seek redress.

This legislation, by its own explanation in the explanatory memorandum, seeks to deny that basic right to a class of employees. If people do not speak up against this sort of nonsense, who will defend them? Who will put up the arguments to stop the passage of this legislation, which the government have once again presented? Their legislation is based, of course, on their ideology. I understand that. But it is not a reasonable ideology. It is not a reasonable position and it is not a position that any fair-minded person could accept. This bill is seeking to go to an extreme in that it seeks to deny people the right to redress when they have been sacked on harsh, unjust or unreasonable grounds. That right seems to me to be eminently fair. Anyone in Australia with a sense of fair go and fair play would see it that way. The explanatory memorandum further says:

... require the Australian Industrial Relations Commission (the Commission) to order that an unfair dismissal application made by a small business employee is invalid ...

They are trying to ensure not only that the employee has no right but also that the role of the independent, impartial umpire, which has been the hallmark of industrial relations in this nation for the best part of a century—it will be a century next year—is eliminated from any determination of whether a dismissal has been harsh, unjust or unreasonable.

My lengthy experience in industrial relations has shown me that petty and minor misdemeanours never make it to an industrial relations tribunal. That is a fact of life; no-one can argue anything else. Get out there in the real world if you want to argue it and find out what it is all about. The fact is that those cases do not make it to the industrial relations tribunals. The only cases that make it to industrial relations tribunals are those that fall into the category of being harsh, unjust and unreasonable. If they are not judged to be harsh, unjust and unreasonable, they get the short, sharp shrift—they get pushed out of the system very quickly.

All of this, of course, is really about the government pandering to the small business community by building a straw man—or straw person, to be politically correct—and
then trying to knock the straw person down. It is a load of nonsense. This leads one to the additional discriminatory part in the explanatory memorandum, which says:

For the purposes of this Bill, a ‘small business’ is a business with fewer than 20 employees.

According to the explanatory memorandum, those 20 employees include:

... casual employees who had been engaged on a regular and systematic basis for a period or sequence of periods of at least 12 months (but not other casual employees) ...

So if a business has 19 employees—the vast majority of whom would be casual employees—who are not employed on a regular and systematic basis then there is a problem. You can have someone who artificially keeps the numbers down and does not employ casuals on a regular and systematic basis—that is one way around the legislation. They churn around the employment of casuals and turn them over. There is no justice in that. If you talk to people and find out what they want, you will find that they want secure employment and the opportunity to be able to earn an income so that they can have access to the fundamental necessities of life. They want access to a reasonable lifestyle. They want access to reasonable accommodation. They want access to credit. If you do not have a long-term sustainable job or find yourself locked into casual employment, you have no chance at all of gaining what many people accept as being the basic necessities of life.

This legislation is designed to take away the rights of people and encourage employers at the smaller end of the marketplace to take on practices that do not provide people with stable employment, do not provide long-term employment prospects and, as a result, do not provide the chance of a reasonable lifestyle. So this legislation is totally discriminatory. It seeks to pander to what is perceived to be the needs and the desires of the small business community in this country, when there is no indication anywhere that the initiative in this bill will, in any way, satisfy the needs of small business. Purely and simply: it is a political stunt. And we are being faced with it once again. The government know why we are being faced with it. The government know that it is a political stunt to set up the DD. I disagree with my colleague Senator Ludwig: I do not think the government are being lazy. I think it is a straight-out political stunt to set up the DD trigger.

Having said that, it is right and proper to answer Senator McGauran’s contribution in which he spoke out against this bill, because it seeks to attack a reasonably large class of people—a group of people who are among the most vulnerable in our community because either they are young or they are women. I happen to come from the retail sector—the fast food industry—where there are many of these workers who are subject to many unscrupulous employers who have no problems whatsoever in turning workers over—churning them around, using them up and spitting them out at the other end. It is all for their own profit motivated reasons, which have nothing to do with making a contribution to the long-term employability of these workers or giving them any chance of a career in a particular industry. That is the reality of life out there. This gives the employer an unfettered right to treat these people in a most objectionable and senseless way.

The only exemption in this legislation—and this is a bit of a joke—is that it exempts people on the basis of age, gender or religion. If there were not an employer who could get around age, gender or religion and set up some trumped-up charge to get rid of someone, then I would be surprised. The issue of age has been in many of the service industries ad infinitum, as far as I can remember, and the more unscrupulous employers can turn the employees over once they reach the ripe old age of 18 or 19 and, in some instances, as young as 17, when they lose their usefulness to that particular employer. Of course, the issue of age has always been a difficult issue to pursue. Finding the evidence in that regard poses many a problem indeed. Whilst the exemption is included in the legislation, it was put there with no real seriousness—it was put there really tongue-in-cheek.

A look at the second reading speech sheds no new light whatsoever on the reasons for this legislation being brought back into this
place. A couple of spurious claims are made in the second reading speech such as:
If passed it will improve the employment prospects of people, particularly unemployed people, seeking jobs in the small business sector.
That is absolute nonsense. There is nothing to substantiate that. I would have thought that the report, which was handed down this morning, of the Employment, Workplace Relations and Education References Committee—chaired so well by my colleague Senator George Campbell—would dispel that myth completely. Some of the claims in the second reading speech are totally mythical. It states:
It will protect small businesses from the costs and administrative burden of unfair dismissal claims in the federal system.
Again, that is unsubstantiated—obviously someone has been sitting in a room that has been filled with some dubious smoke and has been writing some of these words. It goes on:
However, it will not exempt small businesses from the unlawful termination provisions of the act—
for a person being dismissed for discriminatory reasons—
such as ... age, gender or religion.
I have dealt with that. The second reading speech goes on to say that the bill will:
... free up the large number of small business jobs that are being lost because of the unfair dismissal laws.
Again, that is nonsense and is refuted by the report that I have quoted and that was handed down in this chamber this morning. Then the second reading speech talks rhetoric. The spin doctors have been at the jargon wheel and that is how this second reading speech has been put together, because the speech then states:
The unfair dismissal laws currently place a disproportionate burden on small businesses.
That is just a claim. There is no support for it whatsoever. Then the speech states:
Attending a Commission hearing alone can require a small business owner to close ... for the day.
Dear me! I do not think I have ever heard of that. If one goes to the more disturbing part of the second reading speech, one finds that it states:
Many small business owners are not confident that they know how to comply with the dismissal laws.
So, because the small business owners feel that they do not know how to comply with the law or because they do not know about the law, we change the law. This is mind-boggling. This is groundbreaking legislation. We will then find that when anyone has an ignorance of the law it will become a valid defence to change the law. I cannot follow it. In the second reading speech the government did try to offer a reason, which was that small businesses felt that they were unable to dismiss an employee or that they lost unfair dismissal cases—again nothing at all. But in a vain attempt they refer to research that has found that ‘small businesses are reacting to the complexity and cost’ of the laws—again there is nothing to substantiate that. So why do the government keep bringing this legislation back? There is only one reason: they need a double dissolution trigger. It is a cynical political stunt indeed.

Senator FORSHAW (New South Wales) (12.40 p.m.)—In addressing the Workplace Relations Amendment (Fair Dismissal) Bill 2002 [No. 2], I believe that this is the seventh time that this legislation, in one form or another, has been introduced to be dealt with in this parliament and in this chamber in particular. As previous opposition speakers have noted, there can only be one real purpose as to why the government has decided that this should be the very first piece of legislation dealt with in this parliament this year. The reason is, of course, to set up a double dissolution trigger for purely base political motives. That is clearly the purpose and that can be the only real purpose that the government, notwithstanding the many previous occasions on which the Senate has made it very clear that it will not pass this draconian legislation, has decided to bring it back again.

I am disappointed that Senator McGauran is no longer in the chamber, because prior to Senator Hogg’s speech Senator McGauran jumped up and gave us a six-minute rant about why this legislation should be passed.
Senator McGauran is the National Party senator who really has the job of being the court jester, although not a very funny one. He is like that character in the musical halls who comes on the stage between acts, cracks a few usually fairly lame jokes and then introduces the next act. Senator McGauran, in his very short contribution, demonstrated that he really had nothing at all to say about the bill and demonstrated that if you are going to speak about legislation in this parliament you should at least try to prepare yourself and understand what the legislation is about.

Senator McGauran made the quite ridiculous claim that we were delaying the government's legislative program and that, to paraphrase his words, ministers sometimes have to book their legislation in 18 months in advance. We all know that is outrageously untrue. Indeed, this government uses the program of this chamber in particular, and certainly the program of the other chamber, for its own political ends. Senator McGauran claimed that ministers need 18 months to introduce legislation, but it is interesting to reflect that not so long ago this government brought on in the other place a bill to do with border security and gave the opposition half an hour's notice of that legislation. Yet the government had known for more than 18 months prior to introducing that legislation that boatloads of asylum seekers were arriving in this country. That is just one instance—and there are many more—that puts the lie to the claims made by Senator McGauran.

I want to now turn to this legislation, and I see that I am going to be cut off in about a minute because we have to go to other business. As I said, this is the seventh time this legislation, in one form or another, has been introduced. As we recall, the government started out talking about unfair dismissal legislation but then decided, after it had been rejected a couple of times, that maybe if it changed the title to fair dismissal legislation it might actually get passed. That is how seriously this government treats this issue, and it demonstrates the ideological obsession that this government has with attacking workers' rights, particularly the rights of some of the workers in this country who are least able to protect themselves. As Senator Hogg so eloquently pointed out, workers in small businesses—in many cases casuals or part-time workers but full-time workers as well—have very little, if any, bargaining power. The other point I want to make in the few seconds before we have to move to other business is that this government's obsession with industrial relations has resulted in 42 pieces of legislation on this subject being introduced since it came to office. It has brought 42 bills into this parliament—

Debate interrupted.

MIGRATION LEGISLATION AMENDMENT (MIGRATION ADVICE INDUSTRY) BILL 2002

Second Reading

Debate resumed from 14 November 2002, on motion by Senator Ian Campbell:

That this bill be now read a second time.

Senator SHERRY (Tasmania) (12.45 p.m.)—The effect of the Migration Legislation Amendment (Migration Advice Industry) Bill 2002 is to indefinitely extend the current regulatory system for migration agents which would otherwise cease on 21 March. For many years there has been concern about the activities of unscrupulous migration agents. Their activities can cause great harm to vulnerable clients and can threaten the integrity of our managed migration program.

Labor first introduced registration of agents in 1992. Subsequently, the Liberal-National Party did a deal with the Democrats to replace the earlier system with a form of statutory self-regulation under which the professional industry body, the Migration Institute of Australia, is empowered by this parliament to operate as the Migration Agents Registration Authority, known as MARA, until 21 March next. The Liberal government then commissioned an external review of the system chaired by Mr Ian Spicer, which reported in July last year. The review found that the industry was not ready for voluntary self-regulation, as has been advocated by some in the Liberal government, and recommended that MARA continue, but with increased powers.
The Labor opposition supports the speedy passage of the bill so that MARA’s operations can continue without interruption. In doing so, we place on the record our view that the rest of the Spicer report’s recommendations, which would strengthen the protections available to consumers through regulation, must be implemented without undue delay. I note that the Minister for Citizenship and Multicultural Affairs, Mr Hardgrave, has undertaken to introduce a further bill to do so in due course. We would also expect MARA to address the criticisms that the Spicer report makes of its administrative procedures. The Labor opposition supports this legislation.

Senator BARTLETT (Queensland—Leader of the Australian Democrats) (12.47 p.m.)—The Democrats also support the Migration Legislation Amendment (Migration Advice Industry) Bill 2002, but I want to also take the opportunity to expand further on the Democrats’ view about the Migration Agents Registration Authority and the legislation surrounding it. The legislation before us today is fairly simple and, as Senator Sherry has said, extends the operation of MARA indefinitely. Previously, there was a sunset clause. This will remove that sunset clause. I think that is a very positive step, because obviously there is always the danger with a sunset clause that either the current or a future government would allow that to expire and have no legislated protection regime. The Democrats are of the view that a voluntary self-regulation approach is certainly not desirable at the moment and is probably not desirable at any stage. I think this bill improves the protection against any government trying to go down that path without getting the approval of the Senate.

I think it is worth noting the essential role that the registration authority plays. As Senator Sherry said, the authority was established following an agreement reached between the Democrats and the coalition. Whilst its structure and processes et cetera and some of the fees it charges were not and are not entirely to our satisfaction, the alternative faced by the parliament was to have no framework in place at all. The government and the minister had made it quite clear that that would be the outcome. Having dealt with Minister Ruddock for many years now, one thing I would say about him—whether it is positive or negative—is that when he makes threats he does tend to carry them out. I have no doubt that he would have in that case. So we have the authority, which I think has now operated for five years or so, and I believe it is developing more and more effectively in its role.

The authority’s annual report was actually just tabled earlier this week. I think that in itself highlights the important role that the authority plays. There are 2,773 registered agents in Australia now, so there are a lot of people to oversee. The issue of the resourcing of the authority is an ongoing one that needs to continue to be examined by government. I know there was a recent review in relation to how MARA operates and the whole system. That should provide a number of opportunities for improvement, but it does not matter how good the structure is if the resourcing is not adequate. There is always the balance that has to be made by the authority in making sure it operates effectively but also in managing its resources so that it does not run itself into bankruptcy.

In the last financial year, the authority received 362 new complaints against registered agents, which is more than a doubling of that of the year before. I think that is as much to do with growing awareness of the authority and growing effectiveness of the authority in doing its job of making people aware of those processes. Forty-two complaints were received against unregistered agents, which is also important. So there are a lot of complaints to deal with. Three hundred and thirty-three of the complaints were finalised. There were 10 agents who had their registration cancelled, eight who had their registration suspended and two who were cautioned. Importantly, 91 per cent of all registered agents did not have a complaint laid against them. So I think that, whilst those figures are significant, it should be noted that the vast majority appear to be operating in a way that is not attracting complaints, and that is certainly a positive sign.

In supporting this legislation the Democrats welcome the fact that it will give fur-
ther certainty and stability to the authority rather than having the uncertainty of a sunset clause hanging over it. Certainly, the Democrats are keen to keep working with the government and with the authority to assist it in being all the more effective. I know, having had a fair bit of contact with many of the board members and its president, Laurette Chao, that the board members are very committed and put a lot of time into their roles, outside of their own professional working lives, because of their commitment to having the migration industry develop and operate as professionally as possible. I think their work needs to be acknowledged along with that of the executive officer, Mr David Mawson, who runs the MARA office.

In supporting the legislation the Democrats indicate that we will continue to work towards getting this process—the oversight and registration of migration agents—operating more and more effectively as time goes by and getting better development of the whole area of that activity. It is a massive area that is often unacknowledged. Each year it affects the lives of millions of Australians with migration issues, as well as obviously many people from overseas. It is important that those consumers get the best possible outcome.

I note the immense difficulty that a migration agent has in being able to keep up to date with all the migration changes that occur. In addition to legislation that goes through from time to time, a massive number of regulations go through. Only yesterday new regulations to the Migration Act were tabled, making a huge range of changes to various visa categories and qualifications, as well as changes in criteria. It is very difficult for agents and the authority to keep across all that, so I think the complexity of this area needs to be acknowledged. Indeed, new regulations were tabled in relation to the authority itself and this particular act. I draw the Senate’s attention to them as they are worth examining for their effectiveness. It is a huge area and it is a very important area. We welcome this legislation as it represents a small step in making that area work more effectively.

Senator TROETH (Victoria—Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry) (12.54 p.m.)—I thank senators for their contribution to this debate on the Migration Legislation Amendment (Migration Advice Industry) Bill 2002. The amendments made by this bill will ensure that ongoing consumer protection will be provided to vulnerable clients and it will enable the industry regulator to continue to improve the effectiveness of the migration advice industry. As has been commented, further legislation to implement other key recommendations of the review will be introduced in due course which will further strengthen the integrity of the migration advice industry. I commend the bill to the chamber.

Question agreed to.

Bill read a second time.

Third Reading

Bill passed through its remaining stages without amendment or debate.

BROADCASTING LEGISLATION AMENDMENT BILL (No. 3) 2002 [2003]

Second Reading

Debate resumed from 11 December 2002, on motion by Senator Ian Campbell:

That this bill be now read a second time.

Senator CHERRY (Queensland) (12.56 p.m.)—The Democrats obviously will be supporting the Broadcasting Legislation Amendment Bill (No. 3) 2002 [2003], which is the latest attempt by the government to plug holes in their digital television policy. The bill contains a number of technical amendments which deal with allowing an annual averaging of digital television broadcasts, clarifying when only part of the television program is an HD program as defined so that only that part would be considered an HD program for the purposes of a quota, and other changes to quota arrangements.

The reason why I want to speak briefly to the bill today is to put on the record our continuing concerns about the government’s failure to develop a digital television policy which promotes access and equity at all levels. It is worth noting that last year only around 5,000 new decoders for digital televi-
sion were sold in Australia, compared with around 40,000 new DVD recorders a month. I think this highlights that the government has failed to ensure that there is a product of interest to consumers, notwithstanding the enormous amount of effort that has gone into promoting digital television.

At this stage, probably the biggest single development in terms of promoting digital television will be occurring in the pay television arena. The ACCC only last month issued a discussion paper on Foxtel's application for exemption from access undertakings in respect of pay television. Foxtel has made it clear that unless an exemption is granted from access undertakings it certainly will not be providing the digitisation of pay TV. That particular process will proceed. The Democrats are of the view that access to pay TV for independent operators, and also for the other free-to-air operators, is a fundamental principle which, until it is clearly delivered by government, will open up the prospect of a monopoly or an excess market position developing in respect of pay TV. It is something which certainly the Democrats are concerned about and we are looking to the ACCC and to the government to make sure that access to that platform by independent operators and by other free-to-air broadcasters is guaranteed.

The other thing which has concerned us about the ACCC and the Foxtel pay TV approach is the ACCC's approval of bundling by Telstra in respect of various products. We notice that the ACCC is yet to bring down its discussion paper on the future market position of Telstra in respect of pay TV generally. That will be a very interesting report. The expectation is that that report will focus on Telstra's 50 per cent ownership of the Foxtel company and whether it is appropriate for the infrastructure provider to continue to also own 50 per cent of the distribution company for pay television. I noticed that the competition authorities in Europe have largely precluded telephone companies from also owning the pay TV operators in that jurisdiction. That is something which I think the ACCC will be dealing with and which the government will have to consider later this year—that is, whether that creates a position of excessive market power which needs to be resolved. I noticed yesterday that the National Competition Council, in its submission to the inquiry in the other place into the structural separation of Telstra, recommended that structural separation of Telstra should proceed. Pay TV might be the area where we will see the first element of that debate played out later this year.

The second element I want to deal with very quickly is the government's failure to resolve the issue of set-top boxes for digital television. I think it was only last week that the Minister for Communications, Information Technology and the Arts wrote to all operators in the industry, making it clear that he would not be proceeding with developing a standard or requirement for set-top boxes to ensure dual tuners that would allow terrestrial free-to-air television stations to be able to broadcast their full digital signal into the pay TV arena. This is something which has concerned us for some time. We in the Democrats do believe that it is possible to develop a reasonable standard that ensures that the free-to-air operators are not precluded from full access to the pay TV platform, particularly if we are proceeding towards a situation of having pretty much a single pay TV operator in this country. It is something with regard to which the minister has dropped the ball, and it is something where we would like to see the minister pick the ball back up again and ensure that the situation of competition within pay TV is made as reasonable and appropriate as possible. That will require some regulation of the content of set-top boxes. I have seen some of the low-cost alternatives which could be provided for dual tuning, and it is something which the government should consider. One suggestion that has been put to me is that if Telstra became purely the infrastructure provider to pay TV, as opposed to the operator as well as the infrastructure provider, then the set-top box could be something which was part of Telstra's responsibility. It is not necessarily an option I endorse but it is certainly one which I think should be considered.

The third area which I want to deal with in terms of digital television is quite an impor-
tant one for government—again, over the next three to four months—and it is probably the one bright spot in promoting the uptake of digital television. It is the provision of multichannelling by the public broadcasters—the ABC and SBS. The ABC and SBS have been essentially providing multichannelling on their digital signals out of their current budgets. It is quite clear, as Russell Balding from the ABC has said and Nigel Milan from SBS has made clear, that they can no longer continue to do that unless there is some supplementation of their core budgets over the next triennium. It would be quite tragic if the ABC and SBS were unable to continue their trailblazing multichannelling options in the future. If the government is going to have a serious digital television policy dealing with the issue of the funding of the public broadcasters in the next triennium, then the recognition that the multichannelling which they are providing is one of the key attractions of digital television in this country at the moment is something which the government is going to have to really take on board. When talking with industry players it is quite clear that that is one of the key selling points for digital television at this particular point in time.

In summary, this bill is the latest of the measures the government has tried to put in place to slow, I suppose, the requirements of digital television, recognising that the demand has not yet developed in the consumer market for the products that television is currently offering. But unless we get the pay TV market arrangements right, the issue of the set-top boxes right and the issue of the funding for the public broadcasters right, then digital television in this country might end up being a continuing mess, the way it has been since the government introduced its policy some five years ago. It is something which the Senate needs to be aware of and that the government needs to be much more proactive about in terms of ensuring that we get decent policy settings to promote the uptake of digital television.

Senator TROETH (Victoria—Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry) (1.04 p.m.)—The Broadcasting Legislation Amendment Bill (No. 3) 2002 [2003] makes relatively minor amendments to the legislative framework for the introduction of digital television, which was put in place by parliament in 2000. The amendments provide greater clarity and some flexibility for broadcasters in the way in which they meet the high definition television quota. At the same time, the amendments ensure that HDTV programming is available to people who have or wish to purchase HDTV receivers. This bill represents a sensible adjustment to the regulatory framework while maintaining the government’s commitment to HDTV as a key component of the digital environment. I commend the bill to the Senate.

Question agreed to.

Bill read a second time.

Third Reading

Bill passed through its remaining stages without amendment or debate.

NATIONAL GALLERY AMENDMENT BILL 2002 [2003]

Second Reading

Debate resumed from 25 September 2002, on motion by Senator Ian Campbell:

That this bill be now read a second time.

Senator SANTORO (Queensland) (1.05 p.m.)—The National Gallery Amendment Bill 2002 [2003] will have a significant flow-on effect to regional galleries in Australia, and this is something that I am sure everybody in this place will commend. The promotion of regional excellence ought to be a central plank of any government’s policy and it is pleasing that in relation to the present government this is certainly the case. The bill is regarded as non-contentious, which is also pleasing. The parliament of the Commonwealth should be concerned at all times to facilitate the arts, particularly the functions and, in a sense, the outreach of the National Gallery of Australia.

On a visit that I made to Cairns in North Queensland last month, which was my first visit to that fine city as a newly elected Queensland senator, I had the pleasure of visiting the Cairns Regional Gallery. I visited it at the wise insistence of a good friend of mine, Councillor Deirdre Ford, who has been
one of the main instigators of that gallery, has been on its board from the very early days and is one of that gallery’s strongest advocates. Honourable senators might like to know that the Cairns gallery services an area that is almost as large as Victoria, from Cairns to the Torres Strait. It may also be of interest to some honourable senators who live within cooee of Canberra that Cairns is about twice as far from Brisbane as Canberra is. These are the realities of distance in regional Australia. Distance—not to be mistaken for remoteness—is a constant factor in Queensland life and something which I believe needs to be more fully understood for the impact that it has on daily life.

I am happy to report to the Senate that the Cairns Regional Gallery is a first-class institution that deserves the highest levels of commendation and resourcing, which was something that was put very strongly to me when I visited. Honourable senators may be interested to know that the gallery was a project that took shape over six decades of planning, lobbying and fundraising. It was opened in July 1995, and since then well over 250,000 visitors have enjoyed its offerings. The gallery is located in a very historic building, the state government public office building, which was constructed in around 1936. It is a very fine home for the great work that is displayed there.

When I visited, I had the pleasure of viewing the Listen to the Land exhibition. This was a very extensive collection of over 100 paintings, prints, bark paintings, carvings, sculptures, artefacts and textiles. This collection of contemporary and traditional Aboriginal art was a touring exhibition from the Edith Cowan University Art Collection in Perth. The exhibition showed different styles and techniques from more than 10 communities around the country and presented a very powerful statement on the richness and strength of Aboriginal culture in Australia today.

The ACTING DEPUTY PRESIDENT (Senator Hutchins)—Excuse me, Senator Santoro, could I interrupt you for a moment. I wonder whether my colleagues here on the right, if they want to continue their conversation, would either keep their voices down or go outside.

Senator SANTORO—Each of the pieces in the exhibition was selected for either its direct depiction or its demonstration of the link between the artist and the land. The artworks were even more impressive when one considers that they came from a wide geographic area, including the Kimberley, the south-west, the central desert, Arnhem Land, Melville and Bathurst Islands, as well as metropolitan cities such as Melbourne, Sydney and Perth. I have described the exhibition so extensively because it clearly shows the capacity and capability of the Cairns Regional Gallery to put on displays and events which are truly of world-class standard. I did not really have a great appreciation of the gallery before I visited. In fact, some people would probably say that I do not have a great appreciation of art—full stop. I can assure you that I thoroughly enjoyed visiting the gallery.

I would like to make particular mention of the people who received me: the chairman of the gallery board, Mr Ron Davis, and fellow directors, Councillor Deirdre Ford, who made sure that I got there, Shirley Overend from Port Douglas, Margaret Gill, the Deputy Mayor of Cairns, and Hal Westaway. When I visited, these people were very keen to advocate on behalf of the facility. They are unceasingly and firmly focused on the great future that they believe the gallery has.

Before I conclude these acknowledgments, I also mention the great work and the passion for the gallery by one of my former state colleagues and the former Treasurer of Queensland, Keith DeLacy. Apparently, the art gallery is one of his true great loves and passions and he worked tirelessly, both as the local member and as a government minister, to make sure that it came about and stands as I have described it today. The gallery director is Louise Doyle. I was very impressed by her enthusiasm, her management of the facility and her strong artistic credentials. These are all essential elements in the gallery’s day-to-day operations and in planning for its future. I also had the pleasure of meeting several other curators and, again, their dedication is to be commended.
Far North Queensland is a paradise for artists as much as for Australians and overseas tourists. The Australian tropics are a special part of the world. They are an alluring, unique and spectacularly beautiful part of the world and they have long been a powerful attraction for Australian artists, particularly the modernists. Who could ever forget the evocative words of the artist Donald Friend, who said in 1946:

When I got off the plane in Cairns I was immediately in a different world. The air was like warm treacle and scented with a number of half-familiar odours ... molasses, frangipani, mango and other things hard to recognise. It was night and steaming hot ...

And so he went on. Those of us in this place fortunate enough to come from Queensland are more familiar with the ‘different world’ that Donald Friend found all those years ago. It is still a different world—molasses, frangipani, mango and other things southerners might find hard to recognise still smell the same and are instantly identified with the tropics—but it is a different world in a wholly modern way. In this context, I inform the Senate that I have spoken to the Minister for the Arts and Sport, Senator Kemp, who has assured me that he will visit the gallery in the very near future. That is good news that the people up north would like to hear.

Cairns is now a major gateway to Australia through the Asia-Pacific, of which this country is such an important part. It is a vibrant city. It is a place that demands attention and deserves to get more attention than it does. This is particularly the case in the area of the arts. Assistance for projects and ongoing development in the arts is a major factor affecting regional Australia and, I believe, Far North Queensland. Due to its geographical position, Far North Queensland is in a prime position to do great things for itself and for Australia.

If Far North Queensland is to do great things in the most beneficial time frame, it will need expanded or increased support in the arts as in any other aspect of life. That is why the National Gallery Amendment Bill is so important. As noted in the second reading speech incorporated in Hansard when the bill was introduced by my friend and colleague Senator Ian Campbell, the Parliamentary Secretary to the Treasurer, it amends the National Gallery Act 1975 in a way that is expected to broaden the scope for the gifting of works to other institutions, including regional galleries within Australia. The bill will enable the National Gallery to have better long-term planning of the management of its collection and will also assist regional galleries with their own collection management. For Queensland and other ‘regional places’—and I put that in quotation marks because in a federation such as ours everywhere is a regional place—these measures should help to bring a greater variety of what one might call world works to places where people can see them. I know from my discussions with the team at the Cairns gallery that this would be a great boon to them and to the growing community of people interested in the arts in Far North Queensland.

Senator CHERRY (Queensland) (1.14 p.m.)—I want to place on the record some comments on the National Gallery Amendment Bill 2002 [2003] from Senator Ridges-way, who has had to leave today due to ill health. The Australian Democrats support the passage of this bill, which gives the Council of the National Gallery of Australia the power to gift works to other institutions, even when they have a saleable value. We would like to go on record as recognising the importance of the National Gallery as one of the nation’s pre-eminent cultural institutions and the quality of the collection it has built up since 1982.

Criteria for disposing of works exist in the gallery’s disposal policy. We would urge the National Gallery council to closely follow these criteria when it is considering the disposal of any works. The National Gallery holds a national collection in trust for the Australian people, to be maintained and used in the national interest. The public interest is served by ensuring access to Australian art by all Australians. Where possible, the Democrats believe public regional institutions should be given preference as recipients of works gifted from the National Gallery. This will enable improved accessibility
and education through the visual arts for Australians across the country.

In closing, I would like to commend the NGA for its longstanding dedication to sharing its works with Australia’s regional galleries through its loans program, bringing artworks to parts of Australia that would otherwise have little opportunity to experience them. I would also like to credit the NGA for its travelling exhibitions program last year, as part of its 20-year celebrations, which again gave a greater number of Australians access to our cultural heritage. We support the passage of these amendments on the understanding that they will be used to further this objective on a more permanent basis.

Senator TROETH (Victoria—Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry) (1.16 p.m.)—I thank senators for their comments, particularly Senator Santoro, whose evocative remarks about Cairns made me recall my own very pleasant visits there, which I hope to continue to make in the future. I am aware of the very hard work carried out by regional arts communities and I am very glad that the government has put forward the National Gallery Amendment Bill 2002 [2003] to enable the National Gallery to gift works to galleries in regional Australia.

With this bill, the government is fulfilling its responsibilities to ensure rural and regional Australians are participating in and accessing diverse and high-quality arts experiences. This is in comparison to the progress of the previous government, which ignored artists and audiences in rural and regional Australia in its arts policies. The fact that there have been six shadow arts spokespeople over the last six years proves that Labor is not committed to the arts. I am delighted that, with a bill such as this one, this government has proved that it is committed to the arts, particularly in rural and regional Australia. I commend the bill to the Senate.

Question agreed to.
Bill read a second time.

Third Reading
Bill passed through its remaining stages without amendment or debate.

COMMONWEALTH VOLUNTEERS PROTECTION BILL 2002
Second Reading
Debate resumed from 5 December 2002, on motion by Senator Ian Campbell:
That this bill be now read a second time.
Question agreed to.
Bill read a second time.

Third Reading
Bill passed through its remaining stages without amendment or debate.

AUSTRALIAN CAPITAL TERRITORY LEGISLATION AMENDMENT BILL 2002
Second Reading
Debate resumed from 19 September 2002, on motion by Senator Kemp:
That this bill be now read a second time.

Senator STOTT DESPOJA (South Australia) (1.18 p.m.)—Today I rise in my capacity as the Democrats’ spokesperson for the territories, including the Australian Capital Territory. We agree that the amendments to the Australian Capital Territory Legislation Amendment Bill 2002 before us are necessary to address technical issues in relation to the Australian Capital Territory (Self Government) Act 1988 and the Australian Capital Territory (Planning and Land Management) Act 1988.

I take this opportunity to briefly note two issues that have been of concern to the Australian Democrats with respect to both those acts. The first concern is the requirement that the ACT restrict the composition of its parliament and executive under sections 8(2), 8(3) and 41(2A) of the self-government act. The Australian Democrats have a policy—and obviously this is something we have discussed with our colleague Ros Dundas in the legislative assembly—that the ACT should be able to determine the size of its own parliament instead of being subjected to the Commonwealth structure of government. I note that a report from the ACT Standing Committee on Legal Affairs in June last year recommended that the ACT continue to lobby the federal government to devolve
from the Commonwealth the power to determine the size of the assembly.

The second concern, which the Democrats have raised previously, is the role and powers of the National Capital Authority, established under the Planning and Land Management Act 1988, which have been a source of continuing debate between the federal and ACT governments. The most recent example of bureaucratic authority being able to override the wishes of a parliament—one that has been raised in the media on several occasions—is the Gungahlin Drive extension. As I said, it has received quite a great deal of attention, so I will not go into it in any further detail in this place.

Finally, on behalf of my party, and I am sure all senators in this place, I would like to once again take the opportunity to extend our sympathy and support to the residents of the Capital Territory, especially those who have lost loved ones, those who have been injured and those who have lost their homes. The Australian Democrats and I as the spokesperson have pledged our total support to the territory, both to the minister on a federal level and the ACT Chief Minister, as well as to the emergency services and, most importantly, Canberra’s residents, to work with them in a constructive debate that examines the issues in relation to the recent bushfires. It is really important that we do that in a constructive manner, whether we are looking at measures that were taken recently or the resources required for future prevention of such attacks.

Senator TROETH (Victoria—Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry) (1.22 p.m.)—The Australian Capital Territory Legislation Amendment Bill 2002 consists of several technical amendments to the Australian Capital Territory (Self-Government) Act 1988 and the Australian Capital Territory (Planning and Land Management) Act 1988. The bill aligns the dates for ACT elections referred to in the self-government act with those established by the Electoral Act 1992 (ACT), as amended in 1997. The bill also removes transitional provisions in the self-government act that have been made redundant since the 1997 amendments to the

Electoral Act 1992 (ACT) were introduced. References to positions in the ACT Public Service which have undergone name changes since the introduction of the self-government act are addressed by this bill. Finally, the bill will allow a quorum to be formed at meetings of the National Capital Authority when the full-time member cannot participate in deliberations on a certain matter that they have declared a pecuniary interest in. I commend the bill to the Senate.

Question agreed to.

Bill read a second time.

Third Reading

Bill passed through its remaining stages without amendment or debate.

NOTICES

Presentation

Senator BROWN (Tasmania) (1.23 p.m.)—by leave—I give notice that, on the next day of sitting, I shall move:

That the Senate—

(a) recalls the following resolution, agreed to by the Senate on 19 November 2002:

That the Senate—

(a) notes that former Colombian Senator Ingrid Betancourt and Ms Clara Rojas have been held captive by Revolutionary Armed Forces of Colombia (FARC) guerrillas in Colombia since February 2002; and

(b) notes that the Government has failed to respond to this request; and

(c) calls on the Government to now seek action from President Uribe to secure the immediate release of Ingrid Betancourt and her fellow captives.

Sitting suspended from 1.25 p.m. to 2.00 p.m.

QUESTIONS WITHOUT NOTICE

Iraq

Senator CHRISS EVANS (2.00 p.m.)—My question is directed to Senator Hill, the Minister for Defence. Is the minister aware
that the Minister for Foreign Affairs in an interview yesterday stated that the only military forces Australia had in the Gulf in October last year were ‘the two ships and the support that goes with them’. Did you confirm yesterday that there was also an Australian headquarters element in the Gulf at the time in support of the US-led war on terror? Wasn’t the primary role of the headquarters to ensure that Australia was integrated into US military thinking in the region, a fact that was confirmed last year by the Australian national commander in the region? Hasn’t Defence also confirmed that we had personnel in Kuwait training and liaising with its defence forces? Did you confirm yesterday that there was also an Australian headquarters element in the Gulf in October last year by the Australian national commander in the region? Hasn’t Defence also confirmed that we had personnel in Kuwait training and liaising with its defence forces? Did you confirm yesterday that there was also an Australian headquarters element in the Gulf at the time in support of the US-led war on terror? Wasn’t the primary role of the headquarters to ensure that Australia was integrated into US military thinking in the region, a fact that was confirmed last year by the Australian national commander in the region? Hasn’t Defence also confirmed that we had personnel in Kuwait training and liaising with its defence forces? Did you confirm yesterday that there was also an Australian headquarters element in the Gulf at the time in support of the US-led war on terror? Wasn’t the primary role of the headquarters to ensure that Australia was integrated into US military thinking in the region, a fact that was confirmed last year by the Australian national commander in the region? Hasn’t Defence also confirmed that we had personnel in Kuwait training and liaising with its defence forces?

**Senator HILL**—I answered this question yesterday. I have to say that the press release subsequently put out by Senator Evans was somewhat misleading; it did not reflect what I had actually said in the Senate, but never mind.

**Senator Chris Evans**—You’re not my only source of information—thankfully.

**Senator HILL**—Unfortunately, in this instance your other source of information was incorrect. You were alleging at the time of the comments of Mr Downer that Australia had forces in the region that had some function in relation to Iraq, and that was not the case. The headquarters we had was basically to support the forces that we had in the Gulf that were engaged in the war against terror, which at that time were principally the ships in the Gulf, the special forces in Afghanistan and, for a time, the two in-air refuellers that were operating out of Kyrgyzstan. I think I said yesterday that there were some very small elements that had a supporting role for those forces, but that was basically what we had in the region at that time.

**Senator CHRIS EVANS**—Mr President, I ask a supplementary question. I think the minister has given a slightly different answer from the one he gave yesterday, but the information I relied upon yesterday was comments at Senate estimates by General Cosgrove and by the national commander of our headquarters in the region. Minister, is your reluctance now to provide full details of these deployments in the Gulf and where they are situated because of Mr Downer’s embarrassing gaffe? Are you concerned that—rightly, as it turns out—he might just blurt out the truth that in fact you have committed to military action in Iraq? Will you now provide a complete and full answer as to what forces were in the Gulf in October last year?

**Senator HILL**—That is nonsense, as I have just said, and I had it checked. I am relying on the advice I got from Defence yesterday after question time, when I asked that they check the answer that I had given. They said that we had no forces in the Gulf in relation to any preparatory contingencies relating to Iraq. In relation to the forces we had there—

**Senator Chris Evans**—What are the forces in Kuwait doing? It is misleading. You told me yesterday—

**The PRESIDENT**—Order! You have asked a supplementary question, Senator Evans.

**Senator HILL**—I actually did not mention Kuwait yesterday; you mentioned Kuwait yesterday. I said that our hosts in the Gulf prefer that they not be named. But I am prepared to provide for Senator Evans the detail that he wants of every individual we had in the Gulf region at that time. *(Time expired)*

**Senator Chris Evans interjecting**—

**The PRESIDENT**—Order! Shouting across the chamber is disorderly.

**Iraq**

**Senator FERGUSON** (2.05 p.m.)—My question is to the Leader of the Government in the Senate and Minister for Defence, Senator Hill. Will the minister inform the Senate of yet further evidence of the threat posed to the global community by Iraq’s
weapons of mass destruction? Does this new information further support the Howard government's determination to ensure that Saddam Hussein complies with the repeated requests of the United Nations to peacefully disarm?

Senator HILL—The address to the United Nations Security Council by Secretary Powell has provided further disturbing evidence of Iraq’s continued deception and defiance of the international community. The international community has been explicit in what it expects of Iraq: it must cease its program of developing weapons of mass destruction; it must account for the chemical and biological weapons we already know it has produced; and it must destroy these weapons in a manner that is accountable to the international community. This can still be achieved peacefully if Saddam Hussein does what the United Nations Security Council has demanded of him: he must fully cooperate with UN weapons inspectors.

We already have the first report in from Dr Blix, the head of the latest weapons inspection team. We know from that that Iraq is not giving the cooperation demanded by the United Nations Security Council. We know that Iraq has failed to account for 6,500 missing chemical warfare bombs; Iraq has imported banned items, including 380 rocket engines; Iraq has failed to account for supplies of anthrax it said it had produced; and Iraq has failed to provide information regarding its mobile chemical and biological warfare activities. These facts are on the public record.

The examples included in Secretary Powell’s address should come as no surprise to anyone. They include interceptions of actual phone conversations between Iraqi military officials which make it clear that Iraq is determined to continue its lies and deception. The conversations indicate a deliberate campaign to not cooperate with the inspectors but to conceal Iraq’s weapons from them. This is in direct defiance of the United Nations Security Council resolution 1441. Saddam Hussein has been defying and deceiving the world for more than 10 years. I recall what Senator Ray told the Senate just last year when referring to the weapons inspections between 1992 and 1998. He said:

They did a reasonably effective job but they were constantly interrupted, diverted and prevented from doing their job by the regime in Iraq, and that is a danger into the future.

Senator Ray went on to say:

... you cannot dodge the responsibility of bringing a regime like Iraq to account for its activities.

In the same debate, another Labor senator, Senator Hutchins, was even more blunt. He said:

... you simply cannot make deals with dictators. Saddam has shown in the past that he will frustrate attempts at weapons inspections.

He continued:

History teaches us that Saddam will not stop developing weapons of mass destruction. Like Hitler re-arming in 1935, Saddam is bound to use his weapons for some purpose.

Mr Crean’s backbench is telling him what we all know: Saddam will continue to deceive the United Nations. Mr Crean should be demanding that the United Nations take action to enforce its resolution. If the United Nations Security Council is to retain its credibility and authority, it must do as Senator Ray says: it must ensure that Saddam Hussein is brought to account.

Iraq

Senator FAULKNER (2.09 p.m.)—My question is directed to Senator Hill, the Minister for Defence. Does the minister accept that any attack on Iraq without UN Security Council approval would be a pre-emptive strike, given there is no evidence that Iraq is planning any attack on the US or its allies? Does the minister recall indicating in a speech in November last year that such attacks are currently outside international law and, specifically, that international law needed to catch up with the post September 11 world? Does the minister still regard pre-emptive military attacks as being outside the current boundaries of international law? If so, why does the government refuse to rule out participation in such an attack?

Senator HILL—It must be within the strike of international law to be legitimate. It must therefore be with the authority of the United Nations or it must be in self-defence.
That authority has been interpreted in varying ways. For example, in the case of the action by NATO in relation to Kosovo, where there was no specific resolution of the United Nations authorising such action, it has been accepted that it was legitimately within international law. Basically, you have got to look at the circumstances, apply the legal principles and make that determination. What I have said in the past is that Australia will only support an action that is within international law because we believe in the rule of law.

Senator FAULKNER—Mr President, I ask a supplementary question. Can I ask the minister whether he agrees with the comments made by former Chief of the Defence Force, General Peter Gratton, when he stated in relation to the new first-strike doctrine:

In my view, this is a bad policy that strikes at the very heart of efforts to create a rules based international order, and can only lead to a less stable security environment and a marginalised UN.

Minister, do you agree with that? Do you consider that, in these circumstances, in relation to the Howard government’s approach, every country now has the right to decide for itself whether any of the security threats that exist in the world should be summarily dealt with through pre-emptive military action?

Senator HILL—I do not know what former General Gratton meant by ‘first-strike doctrine’ or how he was interpreting that. What I have said is that, in certain circumstances, action without a specific resolution authorising it by the United Nations can nevertheless be within international law. There have certainly been instances—and I just gave you one—in which Australians on both sides of politics have accepted that it has been within international law. But it is very difficult to ask me whether I agree with the views of another party when I do not know the full details upon which he has based those views.

Indonesia: Terrorist Attacks

Senator PAYNE (2.12 p.m.)—My question without notice is to the Minister for Justice and Customs, Senator Ellison. Will the minister please update the Senate on progress in the investigation into the Bali bombings as a result of the very strong cooperation between Australian and Indonesian law enforcement authorities?

Senator ELLISON—I thank Senator Payne for what is a very important question for all Australians. There have been updates from time to time given to the Senate in relation to the investigation into the Bali bombings, and I can say now that Operation Alliance has resulted in the arrest of 17 people alleged to be directly or indirectly related to the Bali bombings. There have been additional arrests made from peripheral investigations, and more recently we have seen a number of people suspected of being associated with Jemaah Islamiaah arrested across the region, but these are not arrests directly related to the Bali investigation.

Most importantly, the arrest of Ali Imron was a significant breakthrough. Ali Imron was the first suspect arrested who had detailed knowledge of the events leading up to the explosions on the night of 12 October last year. The Indonesian police are in the final stages of preparing dossiers for the trial of those arrested. The location of the trial has yet to be determined. It is anticipated that the trial will commence during late February or early March this year. The Australian Federal Police has a team supporting the Indonesian prosecution and is providing assistance as required. To date, this team has collected more than 30 witness and victim impact statements in support of the prosecution and, of course, we will assist in whatever way possible, should that assistance be required or requested.

In support of this process, the Australian Federal Police has established a dedicated family liaison team, with officers throughout Australia. These officers have responsibility for liaising with the families of the Bali victims and for ensuring that they are provided with accurate and timely information regarding the investigation and potential prosecution. Investigations by the Indonesian police are continuing with a view to apprehending other suspects regarding the bombings. The Australian Federal Police continues to assist the Indonesian police in that process. The claimed link between cleric Abu Bakar Bashir and the Jemaah Islamiaah
group is a significant development, with several suspects claiming to have met with Bashir both before and after the bombings. These claims are being investigated, as is the extent of activities of Jemaah Islamiah throughout the region.

There are currently some 45 Australian law enforcement personnel deployed in Indonesia for Operation Alliance. This includes members of the Australian Federal Police, the Australian Protective Services and other state police services. Approximately 15 Australian Federal Police officers are dedicated to Operation Alliance in Australia and we also have other officers allocated on a needs basis.

The disaster victim identification process is expected to be completed on 14 February this year. Of course, all Australian victims have now been repatriated and this investigation has involved a great deal of time and effort. Again, I place on record the government’s appreciation of the work done by the people involved in the disaster victim identification. Just prior to the Christmas break, on a visit to Bali in relation to the conference on terrorist financing we co-hosted with Indonesia, I saw at first-hand the work being done by these people in very difficult conditions. We greatly appreciate the work done by them.

This Operation Alliance has been extensive, as I say. It has resulted in the expenditure of $7.5 million and that includes the DVI that I have mentioned. As at 31 December last year, just over 83,000 man-hours had been attributed to Operation Alliance throughout the AFP and I believe that spells out just how extensive this operation has been. Of course, police officers from other countries have been involved in this and we are grateful for that. (Time expired)

Foreign Affairs: Cambodia

Senator LUDWIG (2.17 p.m.)—My question is directed to Senator Hill, the Minister representing the Minister for Foreign Affairs. Was the Australian Embassy in Phnom Penh aware that Clinton Betteridge was facing charges of underage rape when it issued him with a new passport? Were inquiries made as to why his existing passport had been seized by Cambodian authorities? Was there any suspicion in the Australian Embassy that Betteridge was seeking a new passport in order to evade standing trial for alleged acts of paedophilia? Can the minister confirm that there are no extant extradition arrangements between Australia and Cambodia?

Senator HILL—I do not think the brief that I have on that matter goes to all the detail sought by Senator Ludwig. I suppose the background point I should make is that Australia has been at the forefront of international efforts to combat sexual offences against children, reflected in the enactment of the 1994 child sex tourism provisions in the Commonwealth Crimes Act with extraterritorial application. As honourable senators would know, a number of Australians have been successfully prosecuted under those provisions. Clearly, the position of the Australian government is to combat this problem in every way possible. In fact, Australia also funds projects to assist Cambodia to build the institutional and legal capacity to deal with child sex and other transnational crimes and will continue to work closely with Cambodian authorities to assist them to combat this particularly vile crime.

It is true that during his bail period Mr Betteridge was provided with a replacement passport. Mr Downer has concluded that this action reflected an error of judgment by those involved. After issuing the replacement passport, embassy officials warned the Cambodian authorities that Mr Betteridge had a passport and counselled Mr Betteridge severely against flight. Certainly it would seem that at that time they obviously had knowledge of his trial. Whether they had it before the issuing of the passport is what is not clear from this brief and I will seek further advice on that particular matter.

When Mr Downer heard that Betteridge had fled Cambodia he instructed his department to look at whether the Passports Act could be changed to prevent this from happening again. His department concluded that the problem lay in the administration of the act, as a result of which instructions have been revised regarding consultation and decision making processes. New instructions
underlining the requirement for such matters to receive attention at the highest level have been sent out to all posts in the overseas network. It is therefore hoped that, as a result of that, such a mistake will not occur again.

In relation to the issue of extradition, we stand ready to cooperate fully with any request from Cambodia for his extradition. The Department of Foreign Affairs and Trade is now working with the Attorney-General’s Department to establish whether charges can be laid under Australian legislation. I will seek information on the other matters upon which I do not have a specific brief.

Senator LUDWIG—Mr President, I ask a supplementary question. I thank the minister for his response and for his efforts to obtain further clarification of some of the questions I have asked. In addition, has the Cambodian government made representations to the Australian government protesting the issue of a new passport to Mr Betteridge and inquiring of the Australian government’s capacity to return him to Cambodia to serve his 10-year sentence? Has there been any action undertaken to date to pursue child sex tourism offences under the Crimes Act?

Senator HILL—I will add those two questions to those upon which I am seeking further information.

Iraq

Senator BARTLETT (2.22 p.m.)—My question is to Senator Hill, representing the Prime Minister. Following my request yesterday for the Prime Minister to seek assurances next week from President Bush and Prime Minister Blair that nuclear weapons will not be used in any attack against Iraq, and following the minister’s undertaking to relay that request to the Prime Minister, has the Prime Minister provided any response and indicated that he will raise the matter? What measures will the government take to assure Australians beyond any doubt that nuclear weapons will not be used in any military action against Iraq?

Senator HILL—I answered that question yesterday. I said that the Prime Minister, in making his comments, was in fact relying on what was said by Deputy Secretary Wolfowitz of the United States. When asked in what circumstances America would consider using nuclear weapons in Iraq, Deputy Secretary Wolfowitz said: ‘We don’t have any need for that. We have every capability we require with our conventional armed forces.’ In addition to that assurance, I said that I would ensure that the Prime Minister was aware of Senator Bartlett’s request. The Prime Minister can pursue that in the United States as he sees fit.

Senator BARTLETT—Mr President, I ask a supplementary question. Could the Minister for Defence provide a stronger assurance to the Australian people about the certainty of this matter? One unclear comment from one US official does not balance out against many quite clear refusals to rule out the use of nuclear weapons by many other US officials, and by the UK Prime Minister himself and the UK Secretary of State for Defence. Given that this is quite possibly the final opportunity for the minister to be questioned on Australia’s involvement in a war against Iraq, and given that the government is now aware of the strong and clear opposition of the vast majority of the Australian people—and the Senate—to an attack on Iraq without further United Nations authorisation, will the government now listen to the people and finally rule out Australian participation in any military action which has not been further sanctioned by the United Nations?

Senator HILL—I have responded to the issue on nuclear weapons. In relation to an action not sponsored by the United Nations, I have responded to that a few times. Senator Bartlett seems to have trouble coming up with an original question, I might humbly suggest. Perhaps he believes that repetition might achieve an outcome. The objective of the Australian government remains to achieve a resolution to end this weapons of mass destruction program, but to do it peacefully and through the authority of the United Nations. That is why the Prime Minister will be stressing to President Bush, Mr Blair and others next week the importance of the Security Council taking responsibility. I would humbly suggest, seeing that I am in a humble mood, that Senator Bartlett might get on board that same wagon. (Time expired)
South Australia: National Radioactive Waste Repository

Senator CARR (2.25 p.m.)—My question without notice is addressed to Senator Hill, Minister for Defence, representing the Minister for Environment and Heritage. Can the minister confirm a report published in the Australian on 3 February 2003 that the South Australian site chosen by the government for the planned nuclear waste repository is located dangerously close to areas where missiles launched by the defence forces could crash? Is it the case that the selected site, 52a, is located in a buffer zone less than one kilometre from the Range E target area at Woomera and less than eight kilometres from where a Japanese rocket crashed last year? Can the minister confirm that the Department of Defence’s stated concerns about this potential danger were ignored by the Minister for Science in the preparation of the risk assessment on the planned dump site? Have the Department of Defence concerns about the risk of the site been addressed in the environmental impact statement that is being finalised?

Senator HILL—Senator Carr knows the location of site 52a because it is on the public record. It is in all the documents published in relation to the environmental impact study, and there is no secret in that regard. That study did address the issue of whether the site is likely to be incompatible with the activities carried out on the range. The view of the assessment is that it is not. Senator Carr might tell the Senate that it is alongside the site that already has nuclear waste that was put there by the previous Labor government. It was put there by Mr Keating’s government and is almost identical in location. Apparently the Labor government at that time believed it was a perfectly safe site. I do not know whether this Labor opposition has a different view from the last Labor government.

I might also remind the Senate that the Labor government was determined that there should be a national repository for low-level nuclear waste. It was the Labor government that set up a process to determine objectively the best location for that site which came up with this region and these three preferred sites. The Labor government’s process is now being condemned by the Labor opposition. That is what they say: a few yards across the chamber changes attitudes. The examination of the sites is going through a rigorous environmental assessment process in accordance with the legislation. That process will reach its determination, through the responsibility of Minister Kemp, within the next few weeks. Obviously there will be further decisions to be made by the government arising from the environmental assessment that is made by Mr Kemp.

Senator CARR—Mr President, I ask a supplementary question. Can the minister confirm that the contractors on the proposed site indicated:

Calculations concerning the likelihood of an accidental missile/bomb impact ... are seriously flawed and significantly undermine conclusions drawn concerning the risks associated with site 52a.

Further, Minister, given the serious concerns that have been expressed by both the Department of Defence and the private sector contractor, BAE, can you indicate to us whether or not those concerns have been ignored by the Minister for Science in the preparation of the environmental impact statement? Minister, have you personally been assured that the siting of the proposed dump will pose no serious risk to the people of South Australia?

Senator HILL—If what is being said now is correct, what a condemnation that is of the judgment of the Keating Labor government—

Senator Bolkus interjecting—

Senator HILL—and Senator Bolkus was part of that government—for locating the site in that place. Why would Labor have put the people of South Australia at risk? Presumably when Labor made the decision it was safe. Yes, that issue is being reassessed, but as a senator for South Australia I have every interest in ensuring that it is at a safe location. I actually believe in a national repository too; it just seems sensible. Why should there be waste on North Terrace in the middle of the city of Adelaide? I would have thought Senator Bolkus would be saying something about that. Where does Senator
Bolkus think that waste in central Adelaide should be located? Should it be left on North Terrace? No. When they were in government they had the courage to say there should be a national site. They set up a process to find the right location for that site. Now in opposition they adopt a different set of standards. (Time expired)

Taxation: Goods and Services

Senator HARRIS (2.30 p.m.)—My question is to Senator Coonan the Minister for Revenue and the Assistant Treasurer. Minister, two weeks prior to Christmas, a Queensland constituent received a phone call from FedEx, an international courier service, advising him that he had to pay in excess of $90 in customs and GST charges on a parcel of gifts from America. That parcel contained Christmas gifts individually addressed to each member of his family. Minister, was it the government’s intention to tax Christmas gifts or is this an oversight that the government will rectify?

Senator COONAN—I thank Senator Harris for his question. The principle is that the GST is imposed on the imports of goods, and of course this is a sound and a common principle of taxation regimes in all countries. It applies whether the goods are gifts or not, which is Senator Harris’s point. There is a very good reason for this. It is not appropriate that someone would be able to import an expensive gift, for example, a very expensive car—or even a container load of televisions—and call it a gift to avoid the GST which would ordinarily be faced by all Australian consumers. That said, it is true, Senator Harris, that there is a limit to how far this principle should apply in practice. Obviously some balance is required and it is for this reason that very small value gift items are not affected by the GST. But that does not in any way derogate from the principle that the GST is imposed on the imports of goods, and the government certainly would not be proposing to revisit that principle.

Senator HARRIS—Mr President, I ask a supplementary question. Minister, in resolving the issue I became aware of a discrepancy in the exemption level between GST using an international courier service, where the level is $250, and Australia Post, where the level is $1,000. Minister, are all taxes required to be equal between states and people within the states? Why should one person in a state pay more GST than another person based on a method of delivery? Minister, will the government preferably remove the GST on Christmas gifts or at least raise the exemption to $1,000 regardless of how the gifts are received?

Senator COONAN—In relation to the question about the threshold levels, I will certainly look further into that matter for Senator Harris. But I point out that because the Customs Service acts in an agency capacity for the Australian tax office in the administration of the threshold issue, I do not actually have those facts ready at my disposal and there are, of course, cross-portfolio interests. I will consult with the Minister for Justice and Customs, Senator Ellison, to see if there is a problem in relation to the application of different thresholds depending upon the courier company selected—that seems to be the point—and get back to Senator Harris.

Iraq

Senator HOGG (2.34 p.m.)—My question is to Senator Hill the Minister for Defence. Can the minister confirm that the FA18s that will be deployed to the Gulf will not contain up-to-date electronic warfare protections and radars? Hasn’t the Hornet upgrade program slipped behind schedule? Hasn’t the phase of the project that was to provide an upgrade of the FA18 electronic warfare self-protection, including radio jammers and radar warning receivers, been deferred by the government? Just what role will our FA18s play in any war if they do not have adequate protection against the modern anti-air missiles possessed by Iraq?

Senator HILL—I will rely on what the Chief of the Air Force said today. He said: If it does come to military conflict this time or at sometime in the future our crews are well prepared and the aircraft are well equipped and they would fit into a coalition approach. The FA18s will be used in a way that maximises their effectiveness and minimises their vulnerabilities.

So the position is that there is obviously a range of different defence capabilities with which these aircraft can be equipped, but for
a task to which they might be directed they will be more than adequately equipped. As the chief said, they are ‘well equipped to fit into a coalition approach’.

Senator HOGG—Mr President, I ask a supplementary question. Minister, how many FA18 pilots will be deployed when the FA18 squadron is sent to the Gulf? Can the minister confirm that if our 14 FA18s are, as he has signalled, to play a role in bombing Iraq, it would be standard practice to send two pilots for each plane to allow them to operate around the clock? Due to the shortages of fast jet pilots, confirmed in the latest Defence annual report, wouldn’t such a deployment leave very few fully trained FA18 pilots in Australia?

Senator HILL—Of course not. The decision of the government is to deploy one squadron of up to 14 aircraft, and therefore the pilots necessary to maintain that squadron in operations would be so deployed. The advice of the Chief of Air Force and, more importantly I guess, the Chief of Defence Force is that that does not, to any significant degree, reduce the capability that the balance squadrons have in Australia to defend other Australian interests. The Prime Minister has stressed all along that any deployment we are making to the Gulf region as part of a potential coalition operation would not be at the expense of the ADF being able to meet its various other responsibilities, whether they are current operations or the unexpected.

Zimbabwe: Cricket World Cup

Senator TCHEN (2.38 p.m.)—My question is addressed to the Minister for the Arts and Sport, Senator the Hon. Rod Kemp. Will the minister advise the Senate of the government’s position on the cricket World Cup matches scheduled to be played in Zimbabwe, and what efforts the government has made to have these games moved to alternative venues?

Senator KEMP—I can inform the Senate that the government is extremely concerned about security in Zimbabwe and the deteriorating political and economic environment in that country. Leaving aside the issue of security considerations, it is our firm view that matches currently scheduled for Zimbabwe should be played elsewhere out of concern for the political consequences, should they go ahead. Senators on this side of the chamber are conscious of the propaganda victory that the World Cup will hand to President Mugabe. He is the President of a regime which has no regard whatsoever for democracy, human rights or the rule of law. Ultimately, it is up to the International Cricket Council whether teams take the field in Zimbabwe. Our preference is that all games should be moved from Zimbabwe. As the Prime Minister has said, to unilaterally prevent the Australian team from going to Zimbabwe would be ‘quite unfair to the members of that team and to Australian cricket’. We would like to see the International Cricket Council collectively change its view. The Prime Minister went on to say it has to be one in all, or one out all out. To this end, the government is continuing its discussions with other World Cup nations and the International Cricket Council.

The government also recognises the deteriorating security concerns in Zimbabwe and has recently updated its travel advice. This advice points out that heavy-handed police responses to past protests have resulted in injury to protestors and innocent bystanders, and advises Australians to avoid protests and large public gatherings. The travel advice is designed for all Australians planning to visit Zimbabwe, including both the Australian cricket team and around 400 spectators who are expected to attend the match in Zimbabwe, should it go ahead. Of course the Department of Foreign Affairs and Trade is also keeping the ACB and the Australian team closely briefed on the situation in Zimbabwe.

We have noted that both the English and the Welsh cricket boards have formally requested the ICC to move England’s match to South Africa and we welcome that decision. The government hopes that the ICC listens to the views of Australia, New Zealand and England and moves all matches from Zimbabwe, and so deprives President Mugabe of the legitimacy and the public relations he so desperately desires.
Australian Defence Force: Vaccinations

Senator LUNDY (2.41 p.m.)—My question is to Senator Hill, the Minister for Defence. Can the minister inform the Senate if all Australian Defence Force personnel deployed to the Gulf have been vaccinated against anthrax? Can the minister also confirm that reliable protection against anthrax only occurs six weeks after the first vaccination is given? Isn’t it a fact that some ADF personnel have only just begun the vaccinations? Are vaccinations against anthrax compulsory for all ADF personnel in Australia currently on alert for deployment to the Gulf? Is the vaccine being used to immunise Australian troops the same Bioport vaccine used by the US defence forces?

Senator HILL—I have answered questions on this subject before. It is not the ADF’s practice to indicate which possible biological threats its troops are vaccinated against—it is not vaccinated, it is inoculated or vaccinated; I was getting some hints from the health minister sitting behind me—and that is for obvious security reasons. What I can assure the Senate is that the CDF takes advice from the health experts within the ADF and that action is being taken to ensure that all forces that might be confronted with a biological threat have been properly vaccinated or inoculated against that threat.

Senator LUNDY—I have answered questions on this subject before. It is not the ADF’s practice to indicate which possible biological threats its troops are vaccinated against—it is not vaccinated, it is inoculated or vaccinated; I was getting some hints from the health minister sitting behind me—and that is for obvious security reasons. What I can assure the Senate is that the CDF takes advice from the health experts within the ADF and that action is being taken to ensure that all forces that might be confronted with a biological threat have been properly vaccinated or inoculated against that threat.

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Senator LUNDY—Mr President, I ask the minister again to answer the questions. They have been asked for a reason; I believe the questions are in the public interest. I have a supplementary question. What arrangements have been made for personnel currently in or on their way to the Gulf who either have not been vaccinated against anthrax or will have had their first vaccination less than six weeks before any war against Iraq commences? Will such personnel be returned to Australia in the event of war starting? What arrangements are in place for personnel who refuse to be immunised?

Senator HILL—I have said that all of those who are believed to be potentially subject to a threat would have been immunised—and I take that to mean immunised effectively, otherwise there is not much point in immunising. I rely upon the health experts within the ADF on that subject, and they are Australia’s best. There is no reason for, and we would not take, an unnecessary risk in relation to the safety of Australian forces in this area, where we know there is the potential threat from chemical and, in this instance, biological weapons. We do everything possible to safeguard our troops in these circumstances and we have done so again in this instance.

Iraq

Senator LEES (2.45 p.m.)—My question is to Senator Hill, the Minister for Defence. Is the minister aware of the contamination of large areas of Iraq, particularly in southern Iraq, as a result of the use by the United States and Britain of ammunition containing depleted uranium during the previous Gulf War? Have deployed Australian military personnel and indeed their families been advised of the risks of operating in these areas? In the event of war, if there is another war against Iraq, will the minister guarantee that Australian soldiers will not be deployed in these areas where there is contamination? Further, will the minister assure the Senate that Australian soldiers will neither use nor be exposed to depleted uranium ammunition that is being used by our allies?

Senator HILL—Again, I think a similar question has been asked in the past. Australian forces, as I recall, do not use depleted uranium ammunition. There are now alternatives which are used. From the previous briefs, as I recall, there is not a significant danger to health as a result of the use of such ammunition in any event. Whilst I would not be surprised if there were contamination, I would be surprised if that contamination were a significant danger to health. But if it is, I am sure the ADF in their planning for any possible conflict with Iraq will have properly taken that into account and taken whatever precautions are necessary to safeguard our forces.

Senator LEES—Mr President, I ask a supplementary question. I say to the minister that depleted uranium ammunition has been strongly indicated in a wide range of cancers and birth defects in communities that have come back to these areas and in resettled areas where depleted uranium ammunition has been used. This is not just in the Gulf but
also in the Balkans. Minister, do you support the continuing use by the US and Britain of this type of weapon given that, as you say, there are now alternatives? If the answer is no, what will the Australian government do to ensure that weapons containing depleted uranium are not used by our allies in the event of war breaking out?

Senator HILL—As I said, we prefer alternatives and alternatives are being developed and, as I understand it, for most purposes are now available. The trend has been therefore to use less of this particular methodology. That is the direction we would wish to see taken and the direction that is being taken. It is also important from our point of view that, if we are part of the coalition, that coalition is effective in its objectives because that enables the mission to be achieved in the safest possible way.

Iraq

Senator MARK BISHOP (2.48 p.m.)—My question is to the Minister for Defence, Senator Hill. The minister will no doubt be aware of the announcement concerning conditions governing forward deployments by the Prime Minister just now in the other chamber, following concerns raised in the Senate yesterday. Minister, when and by whom was the decision taken to change the service status of the troops forward deployed to the Gulf? Can the minister confirm that when the troops deployed against Iraq arrive in the Gulf they will indeed be on ‘warlike’ service? If they are not on ‘warlike’ service, how are their new service conditions defined?

Senator HILL—I was going to add to the answer that I gave to Senator Bishop yesterday on this subject, and I will do that as well as answer the specific issue that he has raised now. Yesterday I said in response to a question that there are special conditions in relation to those members of the ADF engaged in the war against terror. I also said that there are different conditions of service in relation to those engaged in the Multilateral Interception Force. Clarifying that, all ADF members deployed as part of the Australian contribution to the war against terrorism—that is, Operation Slipper—including those participating in Multilateral Interception Force, are considered to be on warlike service and receive the same overall package of conditions of service. But, consistent with what I said yesterday, there are some variations in the level of international campaign allowance paid depending on where, in the area of operations, personnel have been serving.

What the Prime Minister has said today—or what I assume he said today because it is what I was also going to say—is that those members of the ADF who are being deployed to the Middle East region, which we call Operation Bastille, will receive upon entering the relevant area conditions of service equivalent to those currently applying to ADF personnel in the region involved in the war against terrorism and the Multinational Interception Force. In the event that the government took a decision to participate in military action, new and more generous conditions of service would apply to those directly involved in combat operations.

As I said yesterday, Bastille has not been declared warlike but we want to ensure that there is a consistency in conditions of service for our forces that are deployed to a similar area. Therefore, what we have decided is that they should be paid conditions of service on a similar basis to that of the war against terror. A specific instance where it would otherwise be inequitable is in relation to the Kanimbla, which has been deployed under Operation Bastille but will nevertheless serve in concert with the two ships that are currently in the Gulf operating under Operation Slipper conditions. That has not been a changed decision, as suggested by Senator Bishop. If Australia, unfortunately, needs to engage in direct military operations in relation to Iraq, then there might be some additional allowances as were provided to special forces operating in Afghanistan. The conditions of service will change according to the operation. But for the time being, whilst they are on predeployment—hopefully, it is not going to go beyond predeployment—they will be paid similar conditions of service to those provided to those engaged in the war against terror.

Senator MARK BISHOP—Mr President, I ask a supplementary question. I thank
the minister for that information. Could the minister advise the chamber of when, and by whom, those decisions were made, as referred to by the Prime Minister earlier and outlined just now by Senator Hill?

Senator HILL—In the first instance, it was guidance given by the CDF as an interim measure. It has been subsequently confirmed by government.

Women: Government Policies

Senator FERRIS (2.53 p.m.)—My question is to the Minister for Family and Community Services and the Minister Assisting the Prime Minister for the Status of Women, Senator Vanstone. Will the minister inform the Senate about the new Window on Women web site, which was launched in Parliament House yesterday? Will the minister also inform the Senate about the Howard government’s most recent achievements for Australian women?

Senator VANSTONE—I thank Senator Ferris for her question. She and I come from the state that sends two women from my party and two women, Senator Kirk and Senator Wong, from the Labor Party, and of course we have Senator Stott Despoja and Senator Lees. So in the women’s stakes South Australia is leading the way. That is just a hint for the other states. Yesterday I had the opportunity to launch a new government initiative which will be of interest to women senators and of interest to people well beyond that. It is a new web site: www.windowonwomen.gov.au. I encourage senators and their staff not only to visit the web site themselves but also to make sure that other people are aware of it.

This web site brings together a very significant data warehouse on Australian women. It presents the information in a very user-friendly format. It allows people who visit the web site to seek out the information they want. Through the web site, and without a lot of difficulty, they can print out the information in tabular or graph format, which will be of great interest to a range of people—students, in particular. It will be a tremendous resource for students, for academics and for the NGOs that advise both government and opposition. I am very pleased that we now have that up and running. I was pleased that Senators Moore, Stott Despoja, Reid, Knowles and Troeth were there for the launch and I hope they have already had a go and found it particularly useful.

Tomorrow there will be another initiative from the government: a conference with the private sector called the Breaking Point Conference, which will address the issue of the cost of domestic violence to the business community. As a government, we have focused on domestic violence for some time, and rightly so. First we looked at the victim, then at the perpetrators and now at the cost to the business sector. It is the cost of someone who does not show up at work because they have been bashed. It is the cost of someone who does not perform well at work because they are under stress because they were the basher. It is the problem for employers when there might be a couple who are at work and there is an apprehended violence order from one against the other, and the workplace has to cope with this. We need to realise that domestic violence may happen at home, but the consequences go well beyond that. I look forward to participating in that conference tomorrow. Later in the year we will have the Australian Women Speak conference, which will be the second such conference that has been run. I look forward to that being successful as well.

In her question Senator Ferris asked me to reflect on the achievements of this government in relation to women, and I would like to take just a couple of minutes to do that. I particularly want to focus on the issue of child care. There was a view perpetrated by the now opposition when they were in government that, if my party were ever to get into government, we would send women back home and into the kitchen and that there would be a shutdown for opportunities in education and a shutdown in child care. I am very pleased to confirm to the Senate that we have spent more than $7 billion on child care in the last six years. Some people may say, ‘Ho-hum, what’s $7 billion?’ It is 70 per cent more in real terms than Labor spent in their last six years in office. If you compare this government in its last six years to the previous government, if you take the amount
of money we have spent on child care and put it into real dollars not nominal dollars and if you say, ‘Let’s have a look at what the party that said they were going to help working women actually did,’ you will see that we did 70 per cent more than they did. We have dramatically increased support for women. (Time expired)

Senator FERRIS—Mr President, I ask a supplementary question. Could the minister inform the Senate on further achievements for women, carried out by the Howard government?

Senator VANSTONE—Senator Ferris does not know how grateful I am for that supplementary question. As an example, we have increased the places in outside school hours care by 221 per cent. In New Apprenticeships—and it is very important for women to get these opportunities—in 1995, 17.3 per cent of new apprentices were women. In September 2002, it was 35 per cent. Finally, under a Liberal government, women are getting their fair share of apprenticeships, which in the past were locked up by Labor and the union movement and given to the blokes.

Senator Cook—Nonsense.

Senator VANSTONE—So we have made a very, very significant difference. I hear someone say, ‘Nonsense,’ but the facts are there. Families have more money in their pockets. They have more opportunities for a job. Women have more opportunities for education and more opportunities for child care. As I had the opportunity to say in this place once before, this is not as good as it gets; it will get better.

Iraq

Senator JACINTA COLLINS (2.59 p.m.)—My question is to Senator Hill, the Leader of the Government in the Senate and Minister for Defence. How many health professionals will be deployed to the Persian Gulf to support our troops? What is the current shortage of permanent ADF health professionals—that is, the difference between actual personnel and targets? Given the reliance on ADF reservists to sustain the deployment of health professionals, hasn’t the recent decision to outsource the health care of Australian Defence Force personnel in Victoria compromised capacity? Haven’t serious concerns been raised with the ADF about the outsourcing of health services?

Senator HILL—I do not know offhand the number of health professionals that are in the predeployment, but I will obtain that information for the honourable senator. Again, I have answered some questions on notice recently that do indicate some shortages in health care professionals within the forces. They particularly related to the Victorian situation. If the honourable senator is now asking that that inquiry be expanded to cover the whole of the forces, I will have to have that matter researched. That will take some time but the information should be available.

Will outsourcing detrimentally affect the provision of service? No, it should not detrimentally affect the provision of service. What is occurring in Victoria is that the provision of services on certain bases has been outsourced but provision will still be available for deployed forces. In fact, one of the reasons for the outsourcing is to ensure that the health care capabilities are focused on forces that may be deployed rather than on Australian bases. I suspect that further details might be sought in next week’s defence estimates hearing, but if in the meantime I can get further information I will do so.

Senator JACINTA COLLINS—Mr President, I ask a supplementary question. I thank the minister for taking those issues on notice. Further to that—and this you might also need to take on notice—given the serious concerns that have been raised with respect to outsourcing, is the government still committed to the outsourcing of health services in all other states? Why has a decision on health services in New South Wales, due in July last year, still not been made? Is it because of these strong concerns within the ADF?

Senator HILL—I think that I have answered that in a question on notice as well. The answer, I think, is that we do seek to learn from our experiences. Subsequent to being questioned on this issue in the Senate
before, I spoke to defence health providers within Victoria at a number of different bases and discussed the history of this particular policy development. We are interested in ensuring that we support our forces in the best possible way and that includes issues of financial efficiency. We do understand that those who are employed by the ADF as health professionals do an outstanding job and are particularly appreciated by the forces, and that should very much be taken into account. Mr President, I ask that further questions be placed on the Notice Paper.

QUESTIONS TO THE PRESIDENT

Distinguished Visitors: Protocol

The PRESIDENT (3.03 p.m.)—After question time yesterday Senator Ian Macdonald asked me about senators approaching members of a visiting parliamentary delegation sitting on the floor of the Senate. I undertook to report back to the Senate after considering the matter. There was no formal breach of standing orders. However, it is my view that, consistent with it being desirable that the Senate proceed in an orderly manner at all times, senators should not approach distinguished visitors seated on the floor of the Senate after considering the matter. There was no formal breach of standing orders. However, it is my view that, consistent with it being desirable that the Senate proceed in an orderly manner at all times, senators should not approach distinguished visitors seated on the floor of the Senate. If senators have material they wish to pass to visiting delegations, they may do so through the Parliamentary Relations Office or by meeting them outside the chamber.

QUESTIONS WITHOUT NOTICE:

TAKE NOTE OF ANSWERS

Iraq

Senator CHRIS EVANS (Western Australia) (3.05 p.m.)—I move:

That the Senate take note of the answers given by the Minister for Defence (Senator Hill) to questions without notice asked today relating to military action against Iraq.

We have seen another example today of the Howard government’s attempt to deceive the Australian people about the truth of their commitment to a war on Iraq and about the truth of their commitment to George Bush—that they will be there with him when he calls when he wants to go into Iraq, whether or not there is any UN sanction for that move. We have seen over the last couple of days Foreign Minister Downer’s very convoluted attempts to explain his way out of his conversation with the New Zealand High Commissioner. Mr Downer has been unable to explain that conversation because, basically, he expressed the view to the New Zealand High Commissioner that they were committed to an invasion of Iraq. They were committed to follow the USA in whatever circumstances. They were unable to be open and honest with the Australian public about that; they were not prepared to be open and honest with the Australian public.

Today, interestingly, the Prime Minister in the other House responded to the issue of the conditions on which service men and women would be going to the gulf under the recently announced Operation Bastille: the predeployment. There was a question we raised with Senator Hill yesterday and he was unable to provide any information on those conditions because, he said, a declaration had not yet been made. So, yesterday, the responsible minister, the Minister for Defence, was unable to say what conditions applied because no declaration had yet been made. As the issue started to take hold—I know that the ABC and a few other media outlets picked up on the story today—we saw that the Prime Minister went into the House and said that in fact those involved in Operation Bastille will have the same conditions as those involved in Operation Slipper because they did not want to have an inequitable situation.

That is quite right: there should not be an inequitable situation because the government has deployed the Kanimbla to be involved alongside other ships where those conditions apply. But the interesting point of all this is that yesterday there was no declaration, and the reason there was no declaration is that the Prime Minister and the Minister for Defence, Senator Hill, are unable to say what conditions apply because no declaration had yet been made. As the issue started to take hold—I know that the ABC and a few other media outlets picked up on the story today—we saw that the Prime Minister went into the House and said that in fact those involved in Operation Bastille will have the same conditions as those involved in Operation Slipper and the war on terror because they did not want to have an inequitable situation.

That is quite right: there should not be an inequitable situation because the government
the personnel are on warlike service; they have been committed to warlike conditions. But they do not want to come clean about that—they do not want to be honest. So we have this convoluted lawyer’s explanation that somehow overnight we have suddenly decided that, while there is no declaration about warlike service, those that are going on the predeployment will enjoy the same conditions as those that have been deployed on the MIF and Operation Slipper.

It is funny that Prime Minister Howard had no trouble announcing when he despatched Operation Slipper that they could be defined as being on warlike service. I have a copy of his press release from 2001. They were defined as being on ‘warlike service’—no problem there. But the Prime Minister could not bring himself today to say that those troops are on warlike service, and the minister here could not bring himself to say that they are on warlike service. They have tried to fix up the fact that the conditions were inequitable, that in fact the conditions were better for those people on the ships than for those SAS soldiers already committed in the gulf, already training and preparing for a potential war on Iraq. They have worse conditions because the government did not want to bring itself to declare that they were on warlike service. And today we had this slippery little convoluted answer: ‘They’ll be on the same conditions but we haven’t defined them as being on warlike service.’

This government will not come clean with the Australian public. The personnel have been committed to warlike service and until we raised it in the Senate yesterday the government let it slip along. Those troops did not know the conditions under which they were going. The question has still not been answered. I see the Prime Minister’s answer to the second question in the Reps today, but the government has still not answered whether this entitles the personnel to qualification under the Veterans’ Entitlements Act. That is still not clear: the Prime Minister did not answer that question and Senator Hill did not say that. As I understand it, the definition of warlike service is what then allows them to count their service as qualified service under the VEA. We are still not convinced that they are getting equal entitlement, but the key issue here is that the government refuses to be honest with the Australian public. They are on warlike service, but the Prime Minister could not bring himself to use the words and Senator Hill could not bring himself to use the words because he knew the Australian public would—(Time expired)

Senator FERGUSON (South Australia) (3.10 p.m.)—I am quite surprised to hear Senator Evans say that he does not think the government is prepared to come clean with the Australian public and be honest with them, because at this stage nobody is being less honest with the Australian public than the Australian Labor Party. What we on this side of the chamber really want to know is: what is the truth of Labor’s commitment in the event of any action being required? The Labor Party currently have no commitment at all—’it all depends’. We know weapons of mass destruction are being held by Saddam Hussein and his regime. The Labor Party’s position seems to be that those weapons of mass destruction will have to be removed, provided the United Nations says it is okay to remove them. But if the United Nations cannot come to an agreement—and very often it cannot—then the Labor Party’s position seems to be that it is okay for Saddam Hussein to keep and use those weapons of mass destruction, because they have no commitment to making sure that they are removed. The question that the Labor Party ought to be asking is: why isn’t their leader, Mr Crean, demanding that the United Nations take action to remove these weapons of mass destruction? If the United Nations does, they are prepared to support them being taken out of the country and, if the United Nations does not, they are very happy for Saddam Hussein to keep weapons of mass destruction so that he can use them at some future stage.

Senator Evans talks about people being slippery. In this situation no-one is being more slippery than the Leader of the Opposition, Mr Crean, because he will not come out and demand that the United Nations instruct Saddam Hussein to get rid of the weapons of mass destruction—because the
lefties in his own party will not let him. Senator Lundy, Senator Evans and all those people who have taken a strong line of no war under any circumstances simply will not allow Mr Crean to demand that the United Nations take action to make sure that those weapons of mass destruction are removed from Saddam Hussein to make this world a safer place. They say that we need more time: we must give the inspectors more time, we must let the United Nations process take place regardless of how long it takes. Twelve years is a lot of time to get rid of those weapons of mass destruction which Saddam Hussein promised to get rid of as part of the cease-fire arrangements at the end of the Gulf War.

We know those weapons of mass destruction are there. We know of the intentions of Saddam Hussein to deceive the United Nations and the world about whether or not he has weapons of mass destruction. The statement by US Secretary of State, Colin Powell, to the United Nations Security Council last night only adds more weight to the argument that Saddam Hussein is a leader who is deceiving the rest of the world, the United Nations weapons inspectors and the United Nations Security Council all for his own ends to try to buy more time for himself.

It is time that the Labor Party came clean. If they believe that weapons of mass destruction should not be held by Saddam Hussein, they should support some action to make sure that Iraq gets rid of them, and yet we have not heard Mr Crean come out and demand that the United Nations do that, which it is his obligation to do. Instead, he continually criticises the United States for the strong position it has taken, a position which has meant that military deployments have put the utmost pressure on Saddam Hussein. Had that not been done, there would have been no weapons inspectors there right now, because for four years Saddam Hussein would not let weapons inspectors in. So thank goodness the United States, together with the United Kingdom, put so much pressure on Saddam Hussein that the weapons inspectors were let in. We have seen the results and the reports of the weapons inspectors. They have said that Iraq is not cooperating. Iraq does not appear to have come to a genuine acceptance that it should get rid of these weapons, that it should abide by the United Nations resolutions and that it should come to terms with making sure that it fulfils the terms of the cease-fire agreement of the Gulf War. (Time expired)

Senator LUDWIG (Queensland) (3.15 p.m.)—Senator Ferguson has kept the debate going about the UN and about the potential war. But let us talk about the troops for a moment. Let us personalise it for a moment. Put yourself in their shoes. I do not profess to be able to put myself in their shoes. I can say, having served in the reserve army, that I do understand, albeit in a minor way, some of the issues that they may face. But, if you put yourself in their shoes, you can see there are a number of matters that this government has failed to address for them in this instance. The government has not been able to clearly articulate to its troops the nature of the deployment. It is important for troops—Air Force, Navy and Army—to be able to follow what it is that is being required of them.

We have a deployment, but this government has not clarified two major issues that cross their minds and those of their families and friends, both when they leave and when they come back. Those issues are: are they eligible for rehabilitation and compensation cover under the Veterans’ Entitlements Act and the Military Compensation Scheme? And will their service conditions be declared ‘warlike service’ so that they can access those benefits? What we have heard from the Prime Minister and from Senator Hill is equivocation. They have not been able to come clean to the troops themselves and say: ‘This is the service that you will be deployed under.’ It is a disgrace to find that this government cannot deal with that issue. It is not a difficult issue to deal with. As Senator Evans said, it seems to be that they slip on the term ‘warlike’. They are trying to differentiate themselves from that term but, in so doing, they create confusion and perhaps misunderstandings for the troops themselves. If there is no declaration of their service being warlike, then what is it the troops expect to do? What is it that they will face?
In terms of the UN, which Senator Ferguson mentioned, Australia has a proud history of involvement in the United Nations. It in fact goes back to the time when Prime Minister Chifley made the application to become a United Nations member on 1 November 1945. He agreed to accept all the obligations of the UN charter and, since that time, Australian troops have participated in matters such as the UN Commission for Indonesia in 1947-51, the UN military observer group in India and Pakistan between 1950 and 1985 and the UN command in Korea between 1950 and 1956. This continues right through to the Multinational Force and Observers, the MFO, in 1982-86 and from 1993 to the present. There was also the UN operation in Somalia between 1992 and 1993. And it goes on. There have been a considerable number of actions across the globe, since Australia, under Chifley, joined the UN, to deal with those issues.

We now have no clear issue from this government about being deployed under UN conditions. There is no statement. The troops have been familiar with and have understood our deployments in the past, I would suggest. This government is abandoning them by ensuring that they do not have any clear understanding of what the deployment is now. It is necessary for this government to clarify this for them. It is helpful for them to be able to understand. Why doesn’t this government come clean and make it plain? Why don’t you then explain that to your troops? (Time expired)

Senator BARNETT (Tasmania) (3.20 p.m.)—The Labor Party seems to be missing a key point here. It is one that I would like to stress, and I would like to glean from the ALP exactly what its position is with respect to the weapons of mass destruction held by Saddam Hussein and what efforts it is taking to ensure that we have a peaceful resolution. What efforts is it making to ask the UN to pressure Iraq to disarm? I am not aware of any initiatives taken by the ALP leadership either privately or publicly. I hope and request that it make that very clear. I want it to outline to the Australian public what initiatives it is taking.

I think I know what might be happening behind the scenes. I think there might in fact be some domestic goings-on within the Labor Party. I think they—this is the left wing of the Labor Party—might be too busy trying to fill the position of a frontbench vacancy created by Carmen Lawrence. I think it could be Senator Mackay, Alan Griffin or Jennie George. I think there is lobbying going on within the ALP and they are actually focused on those issues rather than on taking initiatives which will create peace, initiatives which will force or encourage the UN to pressure Iraq to disarm. So I think you have been hoodwinked and you have been misguided in your efforts to lobby for that frontbench position.

I also believe that there is a reason behind Kim Beazley’s lack of interest in coming back to the front bench, and that is his uncomfortable feeling with respect to the populist policy of the ALP at this moment. No doubt it may change in due course. It is a short-term political traction that the ALP believe that they have at the moment, but of course that will change. It is probably a desperate measure. This is the third point I want to make about Mr Crean and his leadership: it is a desperate measure to retain his leadership and to hold on to the support that he hopes to have, particularly from the left wing of the Labor Party.

I would like to know what steps the ALP and the leadership of the ALP are actually taking to encourage and to stimulate the UN to pressure Iraq to disarm. That is the key question. Saddam Hussein does have a record of terror and oppression, he does have a record which is equal to none in using chemical weapons and weapons of mass destruction and he does have a record of torture and execution of his own people—the Kurds, and then of course members of his own family—which everybody in this chamber would be aghast at. He has refused to give up his weapons of mass destruction, and what are we actually doing about it? He has thumbed his nose for over 12 years at resolutions from the UN and now we see political and diplomatic pressure being applied as a result of
the initiatives and the decisions of our Prime Minister and other leaders around the world, including President Bush and Prime Minister Blair. The number of countries in support of these initiatives to seek resolution and to seek peace is increasing.

It has been clearly identified that he has weapons of mass destruction and the onus is on Iraq to prove that the weapons have been destroyed and what has actually happened. There is a full list of those weapons available on the public record. I want to repeat what Chairman Blix said about the efforts of Iraq to disarm. He said:

Iraq appears not to have come to a genuine acceptance—not even today—of the disarmament ...

He also noted that cooperation needs to be active. He said:

It is not enough to open doors. Inspection is not a game of ‘catch as catch can,’...

Clearly, the onus is on them to act, and diplomatic pressure is being applied. We need action and we all want peace. (Time expired)

**Senator LUNDY** *(Australian Capital Territory)* (3.25 p.m.)—I find it quite amazing that the coalition senator, Senator Barnett, used his five minutes to talk about internal Labor Party matters when we are faced with a life or death issue. It is about the war and it is about the coalition’s deception to the Australian people about the status of troops heading towards the gulf and it is about the deception that has been played out on the people of this country by the Prime Minister for the last few months. It is painfully obvious that Prime Minister Howard has committed Australia to this war and it is becoming painfully obvious just how difficult it will be for him to turn that decision around. He has lost the confidence of this chamber and he has certainly lost the confidence of people around this country.

Let us look at some of the responses over the last few days. We have given the coalition government the opportunity on several occasions to come clean, to talk about exactly what they have committed to. We have asked series after series of detailed questions in this place and in the other place. Have we had anything but equivocation, ambiguity, fudging words? That is all we have had from the Prime Minister and his cohorts on the front bench. It is just not good enough. This is extremely serious. It is life or death for the Australian troops and, putting that aside, it is life or death for thousands—perhaps hundreds of thousands—of people in Iraq, and obviously more if the war spreads.

Here we find ourselves wanting detail. I find it offensive and outrageous that coalition senators stand up and use this taking note debate to try and imply in some way that it is up to Labor to take up the peace march. No one else is going to do it, so of course we will, and we will hold this coalition accountable. But the coalition is the government and they have no right to take Australians into war; they have no right to stand there and say, ‘We’re just doing this without any authority, without any justification,’ and flying in the face of the UN resolution. Yes, there has been more information and Simon Crean, the Labor leader, made it extremely clear today that we take that evidence extremely seriously. It adds to the case and it should go to Hans Blix for consideration. But let us use those UN processes; let us not stare them down and ignore them and ignore those protocols; let us not side with George Bush and argue that we stay by his side at all costs; let us respect the fact that we are a proud nation of Australian people that has the right to determine our own future, to determine our involvement in a conflict in whatever circumstances are presented before us. That is how it should be. That is not how it is under the coalition and it will be a very long time before the people of Australia will forgive the coalition government for what they have done here.

This issue is not going to go away. I know that this evening there will be another event where people will have the opportunity to debate the moral issues. It will be a public forum hosted by Phillip Adams at Old Parliament House, where we can have the opportunity, as we did in the debate here, to talk about those moral issues, to talk about that decision making process and the grounds to which we should look if we are going to commit to a conflict. This is the kind of considered debate, such as the one we had here in parliament the other day,
where we should explore all of these issues. And so it goes on.

I implore the coalition to take up the opportunity that the opposition has presented to them in question time to come clean. Unfortunately for them we now have a two-week recess when they will not have that opportunity. That opportunity was missed—it has gone. I have to say that that will only reinforce to the Australian population that this government are hiding behind decisions they have made, backtracking, being ambiguous about their answers, obfuscating the facts and so far have failed to come up with the truth to satisfy the growing demand and clamour of the Australian people.

Question agreed to.

**COMMITTEES**

**Reports: Government Responses**

Senator HILL (South Australia—Leader of the Government in the Senate) (3.30 p.m.)—I present two government responses to committee reports as listed on today’s Order of Business at item 14. In accordance with the usual practice, I seek leave to incorporate the documents in Hansard.

Leave granted.

The documents read as follows—

Report of the Senate Environment, Communications, Information Technology and the Arts References Committee

Inquiry into Electromagnetic Radiation

Government Response

Introduction

The Committee’s report was tabled on 4 May 2001. There are a total of thirteen recommendations listed in the main body of the Report, eight of which are attributed to the Committee Chair and the remaining five to the Committee as a whole.

In addition to the main body of the report, there is a section entitled ‘Government Members’ Comments’ in which the Government members of the Committee comment upon the Report and the recommendations, generally opposing the recommendations of the Committee Chair.

A minority report by Labor Senators makes eleven separate recommendations and is highly critical of the report.

Recommendations in Body of the Report

The Government makes the following comments in relation to the recommendations in the body of the report:

**Recommendation 2.1**

The Committee Chair recommends that, particularly in the light of recent reports on the links between powerlines, radio towers and leukaemia, additional research into extremely low frequencies and TV/radio tower exposure should be encouraged.

The Government agrees with the commentary from the Government members of the Committee that little evidence was presented during the course of the inquiry concerning exposure to extremely low frequency (ELF) fields and that this part of the recommendation falls outside the scope of this inquiry.

The second part of recommendation 2.1 is concerned with the incidence of cancer in people living near to radio or television transmitters. The Government supports research into electromagnetic radiation (EMR) through the Australian Electromagnetic Energy (EME) Program and the research component administered by the National Health and Medical Research Council (NHMRC).

**Recommendation 2.2**

The Committee Chair recommends that precautionary measures for the placement of powerlines be upgraded to include wide buffer zones, and undergrounding and shielding cables where practicable.

As with recommendation 2.1 this falls outside the scope of this inquiry.

The Government notes the current prudent avoidance approach adopted by the electricity industry in the design and operation of its electricity generation, transmission and distribution systems.

**Recommendation 2.3**

The Committee recommends that based on a growing body of research that provides evidence of biological effects, the Commonwealth Government considers developing material to advise parents and children of the potential risks associated with mobile phone use.

Studies involving exposure of animals and cellular systems to low level radiofrequency fields have sometimes shown biological effects. The evidence supporting a positive association (between the exposure and the effect), however, is inconsistent and further confirmatory research needs to be carried out. Nevertheless, the Government acknowledges that gaps in the current scientific knowledge are sufficient to justify a precautionary approach.
With regard to educational material, a package of information relating to EMR, mobile phones and mobile phone base stations has been developed by the Australian Communications Authority (ACA) in consultation with the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) and other government organisations. The package includes:

- a poster (Mobile Phone Base Stations and EMR);
- a fact sheet (Installation of Telecommunications Facilities—a Guide for Consumers); and
- two booklets (Mobile phones...your health and radiofrequency EMR and Telecommunications Facilities—Information for Local Councils) and other related information.

The package was mailed to all Australian Local Government councils and to all Australian primary and secondary schools in early June 2001.

Also, the ACA and representatives of mobile phone manufacturers reached an agreement in August 2000 that industry should make available information on the specific absorption rate (SAR) of cellular mobile phones. An international SAR test standard has been finalised and mobile phone manufacturers have begun testing new products using this protocol. Handset specific SAR information is made available in the product manuals, or in a separate brochure in the box, for all new mobile phone models released in Australia. Information included provides the following handset details:

- the phone is a low-power radio transmitter and receiver;
- it meets specific guidelines for RF exposure; and
- the measured SAR level.

This information is also available on the product manufacturer’s web-site.

**Recommendation 2.4**

The Committee recommends that shielding and hands-free devices are tested, labelled for their effectiveness and regulated by standards.

In regard to hands-free devices the Government will ensure that ARPANSA and ACA cooperate in the provision of general information to the public on these devices but otherwise supports the view that if individuals are concerned, they can choose to reduce their exposure by using hands-free kits while operating their mobile phone away from the body.

The effectiveness—or otherwise—of shielding devices depends not only on the design features of the device, but on the particular model of mobile phone handset it is used with. Very few shielding devices have been scientifically tested and the Government will ensure that Commonwealth Authorities monitor the claims for and testing of these devices.

**Recommendation 2.5**

The Committee Chair recommends that the Government review the Telecommunications (Low-impact Facilities) Determination 1997, and as a precautionary measure, amend it to enable community groups to have greater input into the siting of antenna towers and require their installation to go through normal local government planning processes.

The siting and installation of most telecommunications facilities, including all radio communications towers over 5 metres in height, require approval under State or Territory legislation (not Commonwealth legislation), with approvals being handled at a local level. In their consideration of mobile phone tower applications, local councils already typically require community consultation. The levels of community consultation by carriers have recently been formalised and extended with the finalisation of the ‘Deployment of Radiocommunications Infrastructure’ industry code. As noted by the Government members of the Committee, the development of this Code by the Australian Communications Industry Forum (ACIF) directly addresses Recommendation 2.5.

The Code complements the new limits-based human exposure standard, by requiring telecommunications carriers to consult with the local community and to adopt a precautionary approach in the planning, installing and operating of all radio communications infrastructure. The ACIF committee which developed the code was representative of industry and the community and included the ACA as an observer. The code covers:

- site selection, facility design and operations;
- notification and consultation processes;
- health and safety information about radio emissions; and
- complaints-handling and arbitration.

The ACA will register the Code under section 117 of the Telecommunications Act 1997 (the Act).

**Recommendation 2.6**

The Committee recommends the development of an industry code of practice for handling consumer health complaints.

The Government believes that the establishment of a centralised complaints register is a better way of handling consumer health complaints (see response to Recommendation 2.7).
Recommendation 2.7
The Committee recommends the establishment of a centralised complaints mechanism in ARPANSA or the Department of Health for people to report adverse health effects associated with mobile phone use and other radiofrequency technology, and for the data from this register to be considered by the NHMRC in determining research funding priorities.

The Government is aware of the concerns held by some users of radiofrequency technologies about the possible health effects of such devices. The Government accepts the establishment of a centralised complaints mechanism. It is proposed that ARPANSA will implement and manage a complaints register. The register may identify emerging issues as well as possible activities. This information would be shared with the public and industry (via ARPANSA’s website) as well as other Commonwealth agencies.

Recommendation 2.8
The Committee recommends that the Commonwealth Government consider sponsoring conferences on the health effects of radiofrequency radiation along similar lines to that conducted on gene technology.

The Commonwealth Government will consider sponsoring conferences to discuss the health effects of radiofrequency radiation.

Recommendation 2.9
The Committee Chair recommends that a study into p53 mice be listed as an area of research for which future research applications should be encouraged.

The Government supports the NHMRC process for selection of research for funding. It notes that the Government and Labor Senators did not have any substantial criticisms of the NHMRC processes and that the Report found no evidence that the NHMRC had been deficient or biased in its allocation of the research funds.

Recommendations 3.1 and 3.2
The Committee Chair recommends that the equivalent of $5 for each mobile phone in use be collected annually for this purpose (approximately $40 million) and that the rate be reviewed after a period of five years.

The Committee Chair recommends that funding for maintaining the NHMRC administered research program be provided at $4 million per annum of the $40 million and that the balance be used by the CSIRO to establish a structured program of research and set up a specialised research unit for this purpose.

The Government considers that the present level of research funding dedicated to this field is appropriate. It supports continued research through the ongoing funding system of $1 million per annum, derived from a levy imposed upon the radiocommunication licence fees. The NHMRC is the body best placed to distribute the research funding through its competitive and peer-reviewed processes.

Recommendations 4.1 and 4.2
The Committee Chair recommends that the radiofrequency standard be defined and administered by a process similar to that used by Standards Australia. The Committee Chair recommends that the level of 200 microwatts per square centimetre in the expired Interim Standard (AS/NZS 2772.1[Int]:1998) be retained in the Australian Standard.

The Australian/New Zealand Interim Standard (AS/NZS 2772.1 [Int]:1998 ) Radiation Fields—Maximum exposure—3kHz to 300GHz was officially withdrawn by Standards Australia in May 1999. Following the failure of Standards Australia to produce a revised Standard, ARPANSA undertook the development of a new standard: “Radiation Protection Standard—Maximum exposure levels to radiofrequency fields—3kHz to 300 GHz”. The task of drafting the Standard was carried out by an expert Working Group of ARPANSA’s Radiation Health Committee (RHC). The new standard was formally released on May 7 2002.

The Standard was developed through ARPANSA’s Radiation Health Committee (RHC). The RHC was established under the ARPANS Act to formulate national codes, standards and guidelines for consideration by the Commonwealth, States and Territories. The RHC includes a senior radiation control officer from each State and Territory, an NIR (non-ionising radiation) expert and a public representative. An expert working group of RHC was established to draft the Standard. The expert working group also included community and union representatives.

The new Standard is in alignment with widely accepted international guidelines but incorporates a number of technical improvements. The Standard includes an improved methodology for determining compliance and offers greater protection against pulsed fields. In addition to the numerical exposure limits, the Standard provides major reviews of the current epidemiology and research on the effects of low level exposure to radiofrequency electromagnetic energy. The Standard also adopts a precautionary approach in the protection of the public. The limits in the new...
Standard are fully defined so as to allow unambiguous interpretation by regulatory bodies. There has been broad public consultation on the Standard during its development. The draft Standard was released for public comment last year. All submitted comments were considered by the expert working group during the final revision of the draft Standard. A draft Regulatory Impact Statement for the new Standard was also released for public comment. All submitted comments were considered during the final revision of the statement. The final Regulatory Impact Statement was judged to meet the requirements of the Council of Australian Governments’ Principles and Guidelines for National Standard Setting and Regulatory Actions by Ministerial Councils and Standard-setting Bodies (Nov 1997) by the Commonwealth Office of Regulation Review.

The Standard was published by ARPANSA in May 2001. It is intended that the Standard will be prescribed under the Australian Radiation Protection and Nuclear Safety Act 1998 as a standard that controlled persons (Commonwealth entities and Commonwealth contractors) must observe and follow.

ARPANSA has also published ‘An Explanatory Question and Answer Guide to the Standard’. The guide provides a clear interpretation of the technical subject area covered by the Standard. Both electronic and printed versions of the Guide are available from ARPANSA.

Recommendations of Labor Senators (page 187 of the report)

The Government makes the following comments in relation to the Labor Senators’ recommendations:

Research:

Labor Senators conclude there is justification to some of the criticisms of past studies of the physical and health effects of EMR. Accordingly, Labor Senators support ongoing research into potential adverse effects of EMR. (Chapter 4, p 209)

The Government accepts the conclusion clearly reached by the Government and Labor Senators that health effects due to electromagnetic radiation exposure at levels below those that produce heating effects have not been established. The Government, therefore, supports the recommendation of ongoing research into potential adverse effects of EMR.

Labor Senators note that in the light of the limited resources available for research into health issues where causes are identifiable, and given the existing inconclusiveness of the many completed studies into EMR, the funding available for EMR research does not appear to be inadequate. (Chapter 3, p 196)

The Government has continued the ongoing level of funding ($1 million annually) derived from a levy imposed upon the radiocommunications licence fees.

Also see response to recommendation 3.1 and 3.2.

Labor Senators conclude that there does not seem to be an identifiable problem with expenditure of funding by NHMRC on the evidence. (Chapter 3, p 195)

The Government supports the present NHMRC process in determining research-funding priorities.

Also see response to recommendation 3.2.

Standards Setting:

Labor believes that Standards Australia should be the primary body for setting standards. However, in this case, Labor Senators conclude that Standards Australia failed to achieve an outcome. This is because the structure of Standards Australia in this instance allowed a small proportion of participants to exercise a veto on any outcome. Accordingly, this ongoing failure warranted the transfer of responsibility for setting a standard to an alternate body such as the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA). (Chapter 5, p 217)

Labor Senators find no substantial criticism of the transfer of the responsibility for setting a new Australian standard for electromagnetic emissions to ARPANSA. (Chapter 6, p 226)

Labor Senators support a standard setting process consistent with existing science on the health effects of EMR, and ongoing research into potential adverse health effects arising from non-thermal levels of exposure. (Chapter 4, p 206)

Labor Senators support the inclusion of precautionary measures in the new standard, and consider the approach taken in the draft standard to be sensible. (Chapter 6, p 226)

Given that the draft RF standard produced by ARPANSA incorporates a precautionary approach, and recognises the need for ongoing research, Labor Senators conclude that there is no justification for this Committee to recommend alternative courses of action. (Chapter 4, p 207)

Labor Senators conclude that there is currently no scientific evidence to support the proposition that maintaining lower permissible levels of RF radiation in the standards will
decrease the potential for health effects, and therefore there is no compelling scientific argument for such action at this time. However, Labor Senators support ongoing research in this area. (Chapter 5, pp 219-220)

The above comments relate to the draft ARPANSA standard published in March 2001. The final Standard was published on May 7, 2002. The Standard sets maximum exposure levels to radiofrequency fields. The Standard draws from the most recent research and accords with the guidelines of the International Commission on Non-Ionizing Radiation Protection. It includes a precautionary statement designed to minimise unnecessary exposure of the public to radiofrequency fields. The Government supported the approach taken by ARPANSA and a detailed description of the process is given in response to Recommendations 4.1 and 4.2.

Other:
Labor Senators endorse the ACA’s role in monitoring the dissemination of information to the public, and seek that the ACA table 12 monthly statements in the parliament which detail industry adherence to this voluntary undertaking and public or consumer complaints or comments about this process. (Chapter 4, p 208)

The Government supports the role of the ACA and its monitoring of information dissemination to the public.

Although acknowledging the problem of inclusion of frequencies employed by the metals industry in the draft RF standard, Labor Senators consider that the issue would more appropriately be raised in the standard setting process being undertaken by ARPANSA. (Chapter 5, p 220)

The Government agrees that this issue can best be resolved through the ARPANSA Standard setting process. ARPANSA, through their Radiation Health Committee, could also consider developing Codes of Practice if the implementation of the RF Standard causes difficulties in any industrial sector.

GOVERNMENT RESPONSE TO THE REPORT OF THE JOINT STANDING COMMITTEE ON THE NATIONAL CAPITAL AND EXTERNAL TERRITORIES RISKY BUSINESS INQUIRY INTO THE TENDER PROCESS FOLLOWED IN THE SALE OF THE CHRISTMAS ISLAND CASINO AND RESORT

THE HON WILSON TUCKEY MP MINISTER FOR REGIONAL SERVICES, TERRITORIES AND LOCAL GOVERNMENT February 2003

INTRODUCTION
The Senate referred the inquiry into the tender process followed in the sale of the Christmas Island Casino and Resort to the Joint Standing Committee on the National Capital and External Territories on 8 November 2000. The Committee presented its report to Parliament in September 2001. The report contains six recommendations. There is also a dissenting report from the non-government members of the committee containing a further three recommendations.

The directors of Christmas Island Resort Pty Ltd (CIR), the former developer of the Christmas Island Resort and holder of a casino licence under the Casino Control Ordinance 1988, closed the casino on 23 April 1998 because it was no longer economically feasible to operate.

The casino licence was cancelled by the then Minister on 28 July 1998 on the grounds that CIR had failed to meet its financial commitments to its creditors and its employees.

On 29 July 1998 the Federal Court appointed Mr Jeff Herbert as Receiver and Manager to CIR. Mr Herbert was subsequently appointed by the Federal Court as Liquidator on 8 December 1998.

The Liquidator commenced a tender process for the sale of the Christmas Island Casino and Resort in February 1999. As the casino licence had been cancelled, the tender process conducted by the liquidator was to sell the resort lease and other leases held by CIR. Any application for a casino licence by the successful tenderer or any other party would need to be dealt with separately and in accordance with stringent approval procedures set out in the Casino Control Ordinance 1988.

The Christmas Island Resort was sold to Soft Star Pty Ltd, an associate company of Asia Pacific Space Centre Pty Ltd, on 5 May 2000. While Soft Star Pty Ltd have publicly stated their intention to reopen the resort and casino, this has not yet happened.

Summary
The basis of the inquiry appears to have been related to the severe economic effect that the closure of the Casino and its subsequent liquidation had on the Island’s residents and its economy. There was also concern that the tender process did not result in the reopening of the casino and resort.

The Committee’s inquiry looked at the tender process conducted by the court appointed Liqui-
The Committee’s report is critical of some aspects of the tender process, although they did acknowledge the difficulties experienced by the Liquidator during the tender process and that his primary obligation was to maximise the proceeds from the sale of the assets for the benefit of the creditors of Christmas Island Resort Pty Ltd.

The Committee acknowledged that the Commonwealth did not have commercial or statutory obligations within the tender process, however they were critical of the Commonwealth for not playing a more participative role in the process. The report appears to contain second hand information from some witnesses who were not in a position to give direct evidence. Inclusion of such material in the report without commenting on it or adopting it, may leave readers with the impression that these matters might be true.

All of the Committee’s recommendations relate to further action for the Commonwealth to pursue, some of which the Commonwealth has already commenced.

There is anumber of aspects in the dissenting report, which the Government is either not in a position to, or believes are not appropriate to pursue.

THE GOVERNMENT’S RESPONSE

Recommendation 1 (Chapter 4): The Committee recommends that the Commonwealth, where appropriate, take a more active approach in the provision of timely and efficient support, by clarifying and streamlining processes for the deliverance of administrative and policy assistance to the Christmas Island community.

Agree in principle:

The Commonwealth strives to continuously improve the timeliness, efficiency and appropriateness of the programmes and services it delivers to the benefit of the Christmas Island community, both directly and through arrangements made with Western Australian agencies. The establishment of the Administrator’s Advisory Committee (AAC) on Christmas Island is an avenue for the Commonwealth to provide and discuss information with community representatives on a regular and formal basis.

The Commonwealth Grants Commission Report on the Indian Ocean Territories 1999 concluded that most Commonwealth, State and local government type services are provided at levels equivalent to those found in comparable communities. The improvements identified in that report’s recommendations have been taken into account in the Commonwealth’s delivery of services to the Territory and further improvements continue to be made in the spirit of this report as the opportunity arises.

Recommendation 2 (Chapter 5): The Committee recommends that the Commonwealth formulate a proposal to underwrite the payment of entitlements owed to former employees of the Christmas Island Casino and Resort.

The Committee also recommends that the Commonwealth underwrite the payment of salaries and entitlements owed to former employees of the Christmas Island Laundry Pty Ltd, not exceeding the total sum of $20,000.00.

Disagree:

The former employees of Christmas Island Resort Pty Ltd and the Christmas Island Laundry Pty Ltd are not eligible to participate in the employee entitlements schemes which are administered through the Department of Employment and Workplace Relations. The Employee Entitlements Support Scheme (EESS) applied to employees whose employment was terminated due to insolvency or bankruptcy between 1 January 2000 and 11 September 2001. The General Employee Entitlements and Redundancy Scheme (GEERS) and the Special Employee Entitlements Scheme for Ansett group employees (SEESA) apply to employees whose employment was terminated due to insolvency or bankruptcy on or after 12 September 2001. These schemes do not extend to former employees of Christmas Island Resort Pty Ltd or Christmas Island Laundry Pty Ltd because their employment ceased prior to 1 January 2000.

The Government shares the concern of the Committee that the former employees of the Christmas Island Resort Pty Ltd have been unable to receive their entitlements because of legal action against the validity of the Liquidator’s appointment.

The Government notes orders made in the Supreme Court of Western Australia in August 2002 dismissing the appeal by the former Directors of Christmas Island Resort Pty Ltd and further notes that the liquidator of Christmas Island Resort Pty Ltd now intends to finalise liquidation.

The Commonwealth notes the Committee’s conclusion that the Commonwealth is under no legal obligation to underwrite the entitlements owed to former employees of the Christmas Island Laundry Pty Ltd.

Recommendation 3 (Chapter 5): The Committee recommends that the Commonwealth seek
to finalise and implement an operational agreement with Soft Star Pty Ltd to replace the original agreement previously in place with CIR. The Committee further recommends that items specified within the new agreement include:

- details of any proposed companies that may be contracted for the management and operation of the casino and resort;
- a timetable for the refurbishment and reopening of the casino and resort, if that is the direction of Soft Star;
- an administrative framework for the operation of the casino, including a gaming tax rate, Community Benefit Fee and a jurisdiction for any applicable casino control legislation.

Disagree:
The Original Agreement (the Agreement) between the Commonwealth, Christmas Island Resort Pty Ltd (CIR) and others was a development agreement providing for the construction and operation of the resort and casino and associated infrastructure and the grant of a casino licence on completion. These obligations were completed so the terms of the Agreement were discharged by performance.

The Commonwealth is not in a position to compel Soft Star Pty Ltd to enter into an agreement to reopen and operate the casino. Under the tender process, Soft Star Pty Ltd purchased the balance of a 99 year Crown lease and improvements. The licence to operate a casino was not for sale as the licence had been cancelled in 1998. Whilst the purpose clause in the lease provides for a “hotel/casino and ancillary thereto”, this is permissive, not mandatory.

Soft Star Pty Ltd has publicly stated that it is the company’s intention to refurbish and reopen the casino when the economic climate is suitable. When Soft Star Pty Ltd is in a position to apply for a Casino licence, it will be required to comply with the stringent approval procedures for the issue of a casino licence as set out in the Casino Control Ordinance 1988.

All details relating to the management and operation of the casino are governed by the Casino Control Ordinance 1988. In accordance with the Ordinance, applicants for a casino licence are required to provide extensive information on their business affairs and experience, expertise and associated organisations so that the Casino Surveillance Authority can conduct financial and probity checks to ensure applicants are suitable organisations to be associated with a casino.

Recommendation 4 (Chapter 5): The Committee recommends that conversion of the Crown leases of the resort from leasehold to freehold title be pursued, provided that the Commonwealth undertake the following:

- a formal consultation process with the Shire of Christmas Island; and
- incorporation of community concerns, where practicable, into the application of certain covenants and conditions on the freehold title, as is commercially appropriate, in order to ensure that the property may be used as a casino and resort and ancillary thereto.

Agree in principle:
The Commonwealth will continue to liaise with the Shire and other community groups about the future of the resort/casino through the Administrator’s Advisory Committee and the Community Consultative Committee.

Whilst a change in the type of land tenure does not formally require approval from the Shire of Christmas Island under the relevant planning legislation, the Shire will be consulted and kept informed of any changes. It is not necessary to register covenants on the land to permit the land and improvements to be used for a casino because this is covered in the draft Town Planning Scheme.

Recommendation 5 (Chapter 5): The Committee recommends that, in the conduct of all future tender processes on the Island, the Commonwealth take active steps to ensure that all necessary financial and probity checks are comprehensively conducted before agreeing to the assignment of Crown leases.

Agree in principle:
Any tender processes on the Island conducted by the Commonwealth for the assignment of Crown leases in the future will take into account the Committee’s recommendation. Should Soft Star Pty Ltd or an associate apply for a casino licence, rigorous probity checks will be conducted by the Casino Surveillance Authority.

Recommendation 6 (Chapter 6): The Committee recommends that the Commonwealth negotiate terms and conditions for the provision of vehicular access to Waterfall Bay for members of the Christmas Island community.

Agree in principle:
The Government agrees that it would be desirable for members of the Christmas Island community to have vehicular access to Waterfall Bay. The consent of Soft Star Pty Ltd would be required to create a public access route through the lease. The Government notes that the Shire of Christmas
Island is in contact with Soft Star Pty Ltd in regard to such access.

**RESPONSE TO DISSENTING REPORT OF NON-GOVERNMENT MEMBERS**

Recommendation 1: Non-government members recommend that if Soft Star Pty Ltd does not take demonstrable and significant steps towards the re-opening of the facility as a casino and resort within twelve months, the Commonwealth revoke the lease for the property and re-assign it to someone who will re-open the facility as a casino and resort.

**Disagree:**

The Government fully supports any action by Soft Star Pty Ltd to reopen the resort facility, however the Government is not in a position to terminate the lease in the event that Soft Star Pty Ltd does not take steps to reopen this facility within twelve months. See response to Recommendation 3 above.

Recommendation 2: Non-government members recommend that the leases for the Christmas Island Casino and Resort not be converted to freehold title.

We further recommend that if conversion of the leases to freehold title is pursued, the Commonwealth consult with, and seek the approval of the Shire of Christmas Island before any steps towards converting the leases to freehold are taken.

**Disagree:**

See response to Recommendation 4 above.

Recommendation 3: Non-government members of the Committee believe that, henceforth, no decisions or changes relating to the legal status or administrative processes of Christmas Island and its residents, be made by the Commonwealth without full consultation with the Christmas Island community through the Shire of Christmas Island.

**Agree in principle:**

Consultation is undertaken with the Christmas Island community through various methods, however two formal mechanisms which have been established are:

- The Community Consultative Committee, which has been in place since the introduction of the law reform process in 1992.
- The Administrator’s Advisory Committee, which was set up in 1999 to consider broader public policy issues affecting the social and economic well-being of the residents of Christmas Island.

The Shire of Christmas Island is represented on both these Committees and the Commonwealth provides funding to the Shire to undertake consultation and information services through the Community Consultative Committee or by other means.

**SOUTH AUSTRALIA: NATIONAL RADIOACTIVE WASTE REPOSITORY**

**Return to Order**

Senator HILL (South Australia—Minister for Defence) (3.31 p.m.)—Yesterday the Senate required that any submissions by the Department of Defence to the environment impact assessment for a national radioactive waste repository in South Australia be tabled before 4 p.m. today. The time frame for the tabling was unrealistically short. Nevertheless, I have been able to revisit relevant documentation.

The Department of Defence has consulted closely with the Department of Education, Science and Training about the location of a national radioactive waste repository. Defence also has worked closely with the Minister for the Environment and Heritage, who oversaw the preparation of the environmental impact statements. However, there was no formal public submission to the environmental impact statement process. Defence’s input to DEST took the form of written interdepartmental advice. Traditionally, governments have regarded such advice as confidential and have declined to publish them. I do not intend to depart from that practice. DEST published its final EIS on 23 January. I shall be responding to Senator Kemp during the 30-day period for comment following publication of the EIS.

**COMMITTEES**

National Capital and External Territories Committee

**Report: Government Response**

Senator CROSSIN (Northern Territory) (3.32 p.m.)—by leave—I move:

That the Senate take note of the document tabled earlier today.

That report, which was tabled in September 2001, resulted from an inquiry into the tender process followed in the sale of the now ever-famous Christmas Island casino and resort. The inquiry came about because there was a need for a very close look at the conduct of the tender process, the outcome and
the consequences for the people on Christmas Island. People on Christmas Island have waited many months for the government’s response.

As always, the federal government has not let us down when it comes to responding to needs on Christmas Island. Absolutely nothing at all in the response will solve any concerns that were raised in the inquiry, recognise that there are still outstanding problems and concerns or even acknowledge—this is the area on which I want to concentrate—that some 200 people on that island are still owed entitlements as a result of that casino being closed. The government’s response really endorses government members’ sentiments in the original inquiry. It has taken no time or effort to look at some of the problems that are raised in the report, to acknowledge in some way that they exist or to show that it is prepared to do anything about it.

Very briefly, the history of this matter is that the Christmas Island casino was passed into the hands of the liquidators in about July 1998. There were flaws in the tender process in that the deadlines for the tenders were extended a number of times. In the inquiry there was much evidence that the final amount for which that casino was sold is questionable: at the end of the day, Soft Star Pty Ltd bought the casino from the government for $5.7 million, whereas we know that another company, ComsWinfair, had tendered $11.5 million. ComsWinfair was the company that the people on the island preferred to back. The people on the island believed that it had the best credentials to keep that casino up and running. During the inquiry it struck me as very peculiar that answers from the government were not forthcoming as to why, when you had an offer of $11.5 million, you would finally sell off the casino at less than half that price—just over $5 million. Of course, it came to pass that the people who bought the casino suggested to the government that they would be able to open the Asia Pacific Space Centre on Christmas Island.

I have no doubt in my mind that Minister Macdonald was well and truly behind the tender process and the sale of this casino to the point where it was assured that APSC would be able to get the casino and its premises in return for a sign-off on the space base and in return for them conniving this government into believing that they would use that space base for accommodation and eventually reopen the casino. The casino has never been reopened—and I will get to that—but it has been refurbished, and it is used for accommodation on the island. There are probably APSC people staying in it and using it as overnight accommodation. The APSC have never sought to reopen that facility as a casino; they have never applied for a casino licence; they have never shown any intention whatsoever to reopen it again as a casino—despite numerous public announcements that they were intending to do so. We know, and this inquiry proves it, that that was a condition of the sale.

There was a recommendation in this report that there should be a timeline on that condition—that a casino should be operated within a certain period of time. If that did not happen, the Commonwealth would have to seek further discussions with APSC. That suggestion has simply been whitewashed in this government’s response. If the casino is never opened in the 99-year lease that APSC has over that land, it would seem from this response that the government does not care—it has simply washed its hands of it.

Why is it so important? In a place like Christmas Island, it generated many hundreds of jobs and created a very stable economic climate for the small community—very important and serious considerations. So there is no indication in this government’s response that they would push APSC to reopen the casino as a casino or do anything about the fact that they may never choose to reopen it.

Let me turn to the workers at the casino and the people on the island. There are two matters and the first is the issue of the salaries and entitlements that are owed to the former employees of the Christmas Island Laundry Pty Ltd. An amount of $20,000 is outstanding to five laundry workers. It has been confirmed that the money from the sale of the assets of that Christmas Island laundry is in the hands of the Christmas Island ad-
administration—that is, this Commonwealth government has that $20,000 and those five workers have still not been paid their entitlements. There is no acknowledgement in this government’s response that it believes in any way that it is its responsibility to hand over the money that is duly entitled to the workers. In the response there are a couple of paragraphs of information which we already know. We know that these employees are not entitled to support under the Employee Entitlements Support Scheme because they were made redundant before 1 January 2000. The government’s response simply tells us something we already know.

During the inquiry and in the report which was tabled we asked that this government pay out those laundry workers. I think it would be fair to say that the people on this island were hoping, beyond all belief, that the government would at least acknowledge the ongoing work over the last 4½ years to get the $20,000 that is owed to these five people, let alone the payment that is due to other workers. There are 300 former casino employees that are on the island. They are being denied their entitlements pending the settlement of the very complicated dispute between the former owners and the liquidator. We know that that dispute was resolved through the courts in August last year. Because these employees were not entitled to support under the scheme, as members of this committee we pursued the Commonwealth government to underwrite the payment, to pay these people their entitlements and the wages they were due and for the Commonwealth to seek payment back from the liquidator. It is not beyond the means of this government to do that. There is goodwill on the part of the people, but they want their entitlements.

This government has no goodwill in wanting to address that situation. There is no excuse why the money owed to the laundry workers has not been paid to them. This government could have shown goodwill towards the people on this island and it could have paid the 300 former casino workers their entitlements. This government could have sought that payment as a liability from the liquidator. Once again, we have seen a federal government that seeks to use and abuse the community of Christmas Island for its own political goodwill but, at the end of the day, it turns its back on the people who rely on them for their everyday needs and requirements. I am not overly excited about this response. It is what I expected.

(Time expired)

Senator GREIG (Western Australia) (3.42 p.m.)—I would also like to take note this afternoon of the government’s response to the Joint Standing Committee on the National Capital and External Territories report. I note that the committee inquiry was presented to this chamber more than a year ago and that it has taken some time for the government to respond to those findings and recommendations. I think that has only further exacerbated the difficulties that those people on the island who have been affected by the situation have been experiencing.

The island casino and resort were a concept from the 1980s. The casino itself came to fruition between November 1993 and April 1998. During that time, it had extraordinary support and it had a tremendously positive impact on the community and economy of the island, bearing in mind that much of the money which came into the casino during that time was from Indonesia and not necessarily from Australians directly. During its operation, an estimated $11 million per year flowed into the local community and local economy—an extraordinary amount. That included salaries, taxes and land rates. Some 350 locals were able to enjoy employment as a result of the venue. Given the lifespan of the existing phosphate mine on the island, the casino and the resort were a tremendous boost to local jobs and to local families. It was an added tourist attraction to what is an interesting tourist destination. But there are significant challenges, both financial and geographical, for those people who may wish to venture to Christmas Island.

As the Democrats’ representative on the committee at the time, along with other committee members I was to learn of the exquisite and unique biodiversity of the island, which are a consequence of the ancient evolution and isolation of what is a volcanic outcrop in a tropical region. It is also in close
proximity to Indonesia, in particular Jakarta, for added tourist interest.

All those things, accompanied with the multicultural nature of the 1,300 people living in the island community and the exceptional fishing and scuba diving opportunities, make the island ideal for tourism and for ecotourism in particular. The local island community is more than willing to encourage and facilitate this, knowing full well what that means for the longevity of the island community and the need for a reliable economic base in the wake of the waning mining resource.

For that reason, the issue of closure, deterioration and hopefully resuscitation of the island resort and casino complex is of profound importance to these island folk and it is of interest to many in my home state of Western Australia who are aware of the island’s tourism and commerce opportunities and who are keen to maximise those in a Western Australia-Christmas Island liaison. Regrettably, with the collapse of Ansett Airlines last year, travel opportunities to this very remote part of the world have become even more limited. For that reason, I am very keen to see the revival of the resort and I recognise the tremendous passion of the island community to also see that that goal is realised.

When the project stumbled to a close in 1998, the liquidation process was begun but it was very protracted and complicated, to the point where the liquidator brought the process to an end, selling the complex to Soft Star Pty Ltd, a company we now know to be associated with Asia Pacific Space Centre, which is developing a satellite launching facility on the island, an issue which has itself been controversial. However, community and corporate concern and disquiet about the tender process in relation to the sale of the casino and resort saw the Senate refer the matter to the committee for inquiry and the committee table its findings and recommendations almost 15 months ago—not a year ago as I said previously.

As Senator Crossin said, the failure of the casino saw many employees lose their entitlements. The committee recommended that the Commonwealth underwrite a proposal to redress that, as well as underwrite the salaries and entitlements of the workers at the Christmas Island laundry who were also dunned by the collapse of the resort. However, the government has said no to that recommendation, which was one of the few recommendations which had strong committee support, including from government members. In its submission today, the government has argued that it is under no legal obligation to see out the entitlements and payments of these employees because of the date of the introduction of the legislation and the date when the employees lost their jobs.

I would argue that while the legal foundation may not be there, the moral foundation is there. Given the strong support from the Commonwealth to breathe life into the resort and casino complex in its early days, and recognising the particular and unique difficulties of the folk who live and work on the island, not least of which is that the current basis and essential lynchpin of the economy—the phosphate mine—has a lifespan that will not exceed the next 15 or 20 years at most, there is a desperate and absolutely essential need to find some other reliable form of economic base for that community.

As it stands, Christmas Island has been controversial in recent months because of the issue relating to asylum seekers and what that means for Australian intervention and protection of borders, and in relation to the proposal to build detention centres on the island. Some in the community have welcomed that, but many members of the community have expressed grave concern about what that may mean in the long term. They certainly do not want to build an economic foundation on that.

One of the stronger recommendations and the principal recommendation from non-government senators on the committee—myself included—states: Non-government members recommended that if Soft Star Pty Ltd—the winning tenderer—does not take demonstrable and significant steps towards the re-opening of the facility as a casino and resort within twelve months, the Commonwealth revoke the lease for the property and re-
assign it to someone who will re-open the facility as a casino and resort.

There is a great passion for that amongst the island community. It was manna from heaven for them when such an exotic and interesting proposal came about. It was un-expected but very welcome and it provided strongly for the community in both social and economic terms. The island folk expressed very strongly to those of us on the committee who visited the island for the committee hearing their great desire to see it reopen because it breathes such life into the community. They expressed their anxiety, frustration and desperation at seeing it sit there doing nothing and deteriorating. Given its position perched on the cliff facing out into the ocean, it is open to the weather, to strong winds and to the salty air. Just from walking around the complex as it is today you can see the rust and the damage and deterioration that is taking place. It seems an extraordinary waste given that it is hard to believe that a casino and resort complex could not succeed under the right circumstances. It is extremely unusual for a casino resort complex to fail anywhere. One of the interesting elements which the committee inquiry did not explore was why it did fail.

Given the extraordinary and unique opportunities that Christmas Island presents, we must give serious consideration to who owns the lease now. While we know who owns the lease, we must look at what they propose to do with it. It seems that in the short to medium term nothing is being done with it, and that is a great disappointment. The recommendation from the non-government senators was responsible and it should have been adopted by the government.

Having said that, we recognise the difficulty that the island community now faces given that the government is not going to respond to the key recommendations, which I think were the responsible ones from non-government senators. It is a great disappointment that the government has not come to the party in terms of paying out those employees from the casino and the laundry who are owed money. As Senator Crossin said, we are talking about only $20,000 amongst four people. I feel that if the government can find money—I am not sure whether it was hundreds of thousands or millions of dollars—to give to the failed company run by the Prime Minister’s brother, Mr Stan Howard, the very least it can do is find the $20,000 for some battling workers on Christmas Island which has a failing economy.

It is a disappointing response from the government. The committee investigation was thorough. I would have thought that, at the very least, as some of the key recommendations have come from senators and government members they would have attracted a positive response, but that is not to be the case. It is my great hope that we can see the community in and of itself—which is the community’s desire—breath life back into a potential economic boom for the island which will attract the people who are needed to maintain the people who continue to want to live there despite the difficulty of the foundation mining industry being in decline.

Question agreed to.

Environment, Communications, Information Technology and the Arts References Committee

Report: Government Response

Senator ALLISON (Victoria) (3.52 p.m.)—by leave—I move:

That the Senate take note of the document tabled earlier today.

We have waited more than a year and a half for the response to this report—and it is quite a short document—which is a bit disappointing. However, there are some positives in the government’s response. I think it is fair to say that the government has been a bit more forthcoming in this response than either the ALP or government senators who were on the committee. I will go through some of the recommendations and comment on them.

The government does acknowledge that there are gaps in the current scientific knowledge and that those gaps are sufficient to justify a precautionary approach. This has been one of the key messages the Democrats have wanted to get across in the debate about electromagnetic radiation: whether or not
there are health risks associated with what currently surrounds all of us—and, more than most, those who use mobile phones a great deal. It is pleasing that the government acknowledges this. The committee heard evidence from a number of scientists who said it was clear that biological change could be demonstrated. It was a little less clear, and contentious and debatable, as to whether those biological changes observed in cells and organs of the body would directly lead to health impacts such as cancer. Nonetheless, a lot of evidence was provided to the committee which demonstrated that this was highly likely, if not absolutely proved. There is a great deal at stake in this whole question and a lot of interest in the matter.

I am particularly disappointed that the government did not take up one recommendation which I thought was sound and which should have been taken seriously. That was for there to be testing, labelling and regulation in terms of standards for hands-free devices. Most people use them because they believe that there is likely to be a health benefit and that they will not get the full force of electromagnetic radiation if they use these devices. The committee found that there is currently no way of regulating them. You can buy one and not know what the effect of electromagnetic radiation will be. I think it would have been a simple matter, because the government does support standards for mobile phones themselves. Mobile phone manufacturers will say that, if you attach a hands-free device and it is not one of theirs—and most of them do not automatically provide them for every model—the guarantee will become null and void if you use it. So consumers have a bit of a dilemma when it comes to hands-free devices. The government says that ARPANSA and the ACA:

... will cooperate in the provision of general information to the public on these devices, but otherwise supports the view that, if individuals are concerned, they can choose to reduce their exposure by using hands-free kits while operating their mobile phones away from the body. The effectiveness or otherwise of shielding devices depends not only on the design features of the device but on the particular model of mobile phone handset that is used. Very few shielding devices have been scientifically tested and the government will ensure that the Commonwealth authorities monitor the claims for and testing of these devices.

Monitoring is not much use. If you do not have standards, you do not really know what you are monitoring. So that is a great disappointment. We will continue to campaign on that issue to get a better deal for consumers.

The other recommendation was that community groups and individuals who live close to base stations and transmission towers should be much more involved in the business of approving those devices. The government has come back and said that, typically, local councils already require community consultation. Those people who have been through community consultation will know what this means. The more fuss you make, the more rallies you can organise and the more threats you can bring to bear on telco operators, the greater the chance that they will relocate the tower away from your kindergarten or nursing home or places where people might be at greater risk than others. That is not really consultation; that is the law of the jungle. It means that the louder you shout, the more you are likely to be noticed and the more telcos will go somewhere where someone does not shout. So that is also a disappointment, although not unexpected.

I am pleased to see the government has at least partially picked up on the recommendation that there be a centralised complaints mechanism in ARPANSA or the department of health for people to report adverse health effects associated with mobile phone use and other radiofrequency technology, and for the data from this register to be considered by NHMRC in determining research funding priorities. The government says that it accepts the establishment of a centralised complaints mechanism. That is a good thing. It proposes that ARPANSA will implement and manage that complaints register. The register may identify emerging issues, as well as possible activities. That information would be shared with the public and with industry. That is a step in the right direction. We need to make sure that complaints that are made to a range of people, such as retailers, manu-
manufacturers and doctors, are also gathered up in that network of complaints, because people do not know where to go. They have probably never heard of ARPANSA or the Australian Communications Authority. They know that their mobile phone gives them headaches and very strange sensations on the side of the head. They are most likely to go either to the place where they bought it or to their doctor to complain. If they go to the place where they bought it, they are more than likely to be given a handout which says there is no evidence to show that mobile phones can cause health effects. So they go away not knowing whether they are imagining it or not. We want to see ARPANSA make sure that they gather this advice from the people most likely to have the complaints made to them.

The government has agreed that it will consider sponsoring conferences to discuss health effects—that is a good move. The government has rejected the Democrats’ idea that there should be a $5 levy per year—$5 would not be very much in the scheme of things when you look at what most people spend on their mobile phones. That money could be used to manage a research program. The CSIRO said to us that $40 million would be in the ballpark for the kind of research that is really needed in this area. I think that CSIRO could be depended on as an independent research organisation that would not come under the sort of pressure that we know is applied by the telcos in this field.

The government states that there will be a million dollars a year derived from the telecommunications licence fee.

Another disappointment was the standards. We know that we now have relaxed the standards somewhat. They have also been tidied up, and we support that. But our view was that there should not be any further relaxation, that the precautionary principle implies that you do not relax standards. In fact you tighten them if anything unless there is evidence that absolutely leads you to believe that this is safe.

The government talks about the fact that the exposure levels are right, as are the heating effects. I think there is plenty of evidence in this report that demonstrates that it is not actually heating that changes the biology of cells and the various aspects of human biology. The two are distinctly different. Something is going on and we do not know quite what the long-term or even short-term impact of that is, but we ought to. I welcome this response by the government. It does not go quite far enough, but I do think some important outcomes will arise from some of those recommendations which have at least been partially adopted.

Question agreed to.

DOCUMENTS
Parliamentarians’ Travelling Allowance

The ACTING DEPUTY PRESIDENT (Senator Brandis)—I table a document providing details of travelling allowance payments made by the Department of the Senate to senators and members during the period 1 January 2001 to 31 December 2002.

Department of the Senate: Senior Officers’ Travelling Allowance

The ACTING DEPUTY PRESIDENT (Senator Brandis)—In accordance with an undertaking made at estimates hearings that senior officers of the Department of the Senate would declare their travelling allowance payments on the same basis as senators, I present a document providing details of the payments made for the period 1 July 2001 to 31 December 2002.

Response to Resolution of the Senate

The ACTING DEPUTY PRESIDENT (Senator Brandis)—I present a response from the Acting Parliamentary Secretary to the Prime Minister, the Hon. Peter Slipper, relating to the resolution of the Senate of 11 December 2002 concerning the protection of unsupervised children.

PARLIAMENTARY ZONE
Proposal for Works

Senator ELLISON (Western Australia—Minister for Justice and Customs) (4.04 p.m.)—In accordance with the provisions of the Parliament Act 1974, I present a proposal for works within the Parliamentary Zone, together with supporting documentation, relating to the erection of public artwork to celebrate the Centenary of Women’s Suffrage.
in Australia. I seek leave to give a notice of motion in relation to the proposal.

Leave granted.

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

That, in accordance with section 5 of the Parliament Act 1974, the Senate approves the proposal by the National Capital Authority for capital works within the Parliamentary Zone, being the erection of public artwork to celebrate the centenary of women’s suffrage in Australia.

DELEGATION REPORTS

Parliamentary Delegation to the United States of America and the European Institutions

Senator Cook (Western Australia) (4.04 p.m.)—I seek leave to present a delegation report and to make a short statement in relation to the report.

Leave granted.

Senator Cook—I present the report of the Australian Parliamentary Delegation to the United States of America and the European Institutions, which took place from 1 to 13 September 2002. I seek leave to make a statement relating to the matter.

Leave granted.

Senator Cook—I am pleased to table this report of the Australian Parliamentary Delegation to the United States and European Institutions within Belgium, a delegation in which I participated in September last year, and I acknowledge that Mr Speaker is tabling and speaking to a similar report in the other place.

The delegation was led by Mr Speaker, the Hon. Neil Andrew, and, apart from myself, also included Mrs Kay Hull, Senator Kerry O’Brien, Senator Ross Lightfoot, Mr Wayne Swan and Mr Barry Wakelin. The visit to the United States of America was part of an ongoing parliamentary program of biennial visits to the United States, with the purpose of reviewing any issues affecting the bilateral relationship and renewing parliamentary contacts. The delegation visited Los Angeles, San Francisco, Washington and New York. In San Francisco our program included briefings on the information technology industry, and in the Silicon Valley we visited companies with branches in the Silicon Valley. The delegation also visited the wine growing area of Napa Valley and met with Mr John Gay, who confirmed the expanding success of Australian wine sales to the United States.

In Washington, the delegation discussed with the Office of the United States Trade Representative and with various farming organisations the direction of United States trade policy and the impact on Australia of the proposed Australia-US free trade agreement. Our delegation also took the opportunity to express support for further multilateral trade liberalisation through the Doha Round of trade negotiations within the WTO.

We also met with the then Senate Republican minority leader, Senator Trent Lott, to discuss international relations and, in particular, the situation with Iraq. The delegation’s visit coincided with a special session of Congress held in New York City to commemorate the thousands of lives lost in the terrorist attacks of September 11, 2001. We were taken to see the ground zero site, an experience that touched and saddened all of us.

The delegation then travelled to Belgium to meet with representatives of several important European institutions and members of the European Parliament. There have been regular biennial visits between our two parliaments, which have served to strengthen and emphasise our support for continuing contact with the European Parliament and European institutions. The delegation was able to assess the European Union’s evaluation of the European security situation since September 11, including the role of a changing NATO. Security issues were also discussed at length with Mr Gareth Evans, President of the International Crisis Group, which has its headquarters in Brussels.

The sessions with the European Parliament covered many topics, ranging from the processing of asylum seekers, human rights in Australia and immigration to EU expansion. Discussions focused heavily on issues of subsidies and dumping, together with restricted trading access. The delegation emphasised Australia’s support for common
agricultural policy reform and promoted the cause of free trade by condemning restrictive measures that deny Australian producers access to fair, competitive world prices. We emphasised both in the United States and the European Parliament that, without the false protection of subsidies and tariffs, Australian producers have had to become some of the most efficient in the world.

Animal health and food sanitation issues were also raised. Of particular interest to the delegation was a session of the temporary committee on foot-and-mouth disease, at which we were included in the debate. I am sure the delegation will acknowledge the very fine contribution made to that debate by the Australian participants, led by Senator O’Brien, who presented Australia’s bipartisan agricultural trade policy. This session in particular provided a significant opportunity for the Australian delegation to vigorously defend the need to maintain Australia’s strict quarantine regulations. We also visited the historically important Menen Gate memorial and paid our respects to the thousands of Australians and their comrades who lost their lives in the bloody battle for the Ypres Salient.

Delegations such as these require, I have to say, a great deal of organisation by Australian officers in our overseas posts. The delegation was ably assisted by His Excellency Mr Michael Thawley, the Australian Ambassador to the United States of America; Mr Allan Rocher, Consul-General in Los Angeles; and Mr Peter Frank, Consul-General and Senior Trade Commissioner in San Francisco, together with Miss Angela Lowrey of the San Francisco office. Thanks also go to Her Excellency Ms Joanna Hewitt, the Australian Ambassador to Belgium and the Mission to the European Union, and her staff, and in particular to Ms Antoinette Merrillies, who assisted in assembling the delegation’s program. Special mention should be made of Ms Tanya Smith and Mr Matthew Tinning, both of the Australian Embassy in Washington, who assisted the delegation, particularly in New York City. Thanks also to the officers of the Department of Foreign Affairs and Trade and the Department of the Parliamentary Library for the thoroughness of their briefing material provided before the delegation’s departure. I also wish to express the delegation’s gratitude to His Excellency Mr Thomas Schieffer, the United States Ambassador, and His Excellency Mr Piergiorgio Mazzocchi, Ambassador and Head of the Delegation of the European Commission, for their frank and informative briefings prior to departure.

Delegates worked hard to effectively represent Australia and to promote Australia’s interests throughout what was an informative exchange, but not as hard as some of the staff from the Speaker’s office and the Parliamentary Relations Office who accompanied the delegation, Mr Peter Gibson and Ms Brenda Herd. Theirs was a tough assignment keeping us all in order, and I am sure I speak for the entire delegation when I thank them most sincerely for their professionalism. I commend the report to the Senate.

COMMITTEES
Membership

The ACTING DEPUTY PRESIDENT (Senator Brandis)—The President has received letters from a party leader seeking variations to the membership of committees.

Senator ABETZ (Tasmania—Special Minister of State) (4.11 p.m.)—by leave—I move:

That senators be discharged from and appointed to committees as follows:

Economics References Committees—
Appointed—Participating member: Senator Conroy

Environment, Communications, Information Technology and the Arts References Committee—
Appointed—Substitute member: Senator Moore to replace Senator Wong for the committee’s inquiry into the role of libraries as providers of public information in the online environment.

Question agreed to.

ASSENT

Messages from His Excellency the Governor-General were reported, informing the Senate that he had assented to the following laws:
Broadcasting Legislation Amendment Act (No. 1) 2002 (Act No. 126, 2002)
Trade Practices Amendment Act (No. 1) 2002 (Act No. 128, 2002)
International Tax Agreements Amendment Act (No. 2) 2002 (Act No. 129, 2002)
Health Insurance Amendment (Professional Services Review and Other Matters) Act 2002 (Act No. 130, 2002)
Medical Indemnity Act 2002 (Act No. 132, 2002)
Medical Indemnity (Consequential Amendments) Act 2002 (Act No. 133, 2002)
Taxation Laws Amendment (Structured Settlements and Structured Orders) Act 2002 (Act No. 139, 2002)
Telecommunications Competition Act 2002 (Act No. 140, 2002)
Aviation Legislation Amendment Act 2002 (Act No. 143, 2002)
year. It would be folly to argue that such a waste dump is unnecessary. The waste has to be stored somewhere and there are many good reasons why a single national repository is a sensible and practical idea. Australia has an additional 550 cubic metres of what the government terms ‘intermediate’ level waste. This is growing at the rate of some 20 cubic metres per year. A good deal of this waste material represents by-products from the nuclear reactor at Lucas Heights—spent fuel rods and the like. They are significantly more dangerous than the lower level waste deposits.

The government intends to establish a separate storage facility for this higher level waste, yet it has delayed the announcement of its decision on its preferred site for well over a year. We are told that the identification of a short list of sites for the national store will be made some time this year. This is particularly important, and it is a critical decision that has to be made because the establishment of this store is a vital component in the development of a national strategy for the management of radioactive waste. More importantly, the nuclear regulator, Dr John Loy of ARPANSA, has stated that he will not grant a licence to operate the new reactor at Lucas Heights unless it is shown that there is in fact in place, operating, a nuclear waste management strategy—that is, that it actually exists. For this reason, the opposition calls once again on the government to immediately release the short list of proposed sites for the intermediate waste store.

The Commonwealth government, in announcing its unilateral decision to impose a low-level waste dump on Woomera—by using its constitutional powers to override the state—is demonstrating its fundamental failure to persuade the people of South Australia of the appropriateness of that decision. It has quite clearly failed to even convince the Department of Defence. It has failed to convince the private contractors involved in the Woomera site, let alone the people of South Australia. It seems that it would be appropriate, though, that the government change its position because it has to this point operated on the presumption that it has the capacity to direct rather than persuade. It has quite clearly failed to listen to the concerns of the people of South Australia and it has failed to address these concerns. It has failed to provide adequate and accurate information as part of the consultation process. Instead, it has engaged in a rather crude propaganda exercise. In fact, it has spent some $300,000 employing a propaganda company to try to brainwash the people of South Australia into acquiescing to the government’s decision.

It has badly botched the assessment of the potential environmental impact of the location of the dump near Woomera, close to an existing rocket range. It is to be expected that, given the present climate in which the international environment is operating, there should be concerns expressed. Fears are being expressed increasingly on a daily basis about the dangers of radioactive waste, bioweapons and contamination of various forms. Genuine concerns are being expressed about the failure of the government to clean up the Maralinga site. There are real concerns being expressed about the prospects being raised by various companies—Pangea and the new Swiss based company ARIUS—that Australia should be a site for the disposal of waste for the international nuclear industry. Frankly I can understand why the public feels so reluctant to accept the government’s assurance on these matters, because their record is not a particularly good one. It is understandable in those circumstances that the public should be concerned about the depositing of such significant amounts of waste—some 3,500 cubic metres of waste at this particular site.

The government’s response, as I say, is to embark upon a cynical exercise by the employment of a PR company that seeks to engage in a range of dubious propaganda tactics by the employment, as they say in their documents—they are quite explicit in their documents—of so-called prominent Australians such as Sir Gustav Nossal and others to attempt to present the picture in a more positive manner. The government would be better served to explain what it is doing, to actually take the people into its confidence and to have a proper environmental impact statement process which allows for the publication of some 660 submissions that have
been received. The government is taking the view that these 660 statements cannot be made public despite the fact that before the process commenced it was indicated in the various documents that the process would be an open one and that documents would not be kept secret or held in confidence but would be made public. That clearly has not happened.

The question of the defence department’s submission was discussed in question time today. The government will not release that submission because it has suddenly become interdepartmental advice. Someone obviously knows about it because a report in the Australian on Monday clearly demonstrated that the defence department officials:

... are ‘violently’ opposed to the construction of a radioactive waste dump bordering a military weapons target range near Woomera in ... South Australia ...

It has been put in this article—and it has not been denied by the minister here today in the question I asked him—that the defence department has raised very serious concerns about placing such a dump in such proximity to a missile range. The department has raised these concerns through the Department of Education, Science and Training and through the Minister for Science, Mr Peter McGauran, and those concerns have been rejected out of hand. But it is not just the defence department itself that has raised these concerns, it is also the contractors involved. BAE Systems, the contractor employed by the defence department to provide commercial support to Woomera village, says:

Calculations concerning the likelihood of an accidental missile/bomb impact ... are seriously flawed and significantly undermine conclusions drawn concerning the risk associated with the site 52a.

That is the site the government has chosen. This site is within the buffer zone for the Woomera range and is some eight kilometres from the crash site where a Japanese rocket went haywire last year. It strikes me that, if this is the level of concern being expressed within the government, it is appropriate that the people of South Australia indicate their worries about what the government is intending to do. If the government cannot even convince the defence department of what it is doing, how can it possibly expect to convince the people of South Australia that it is acting appropriately?

Essentially we have an EIS process which seems to me to be seriously flawed. The environmental impact study was required by law before a site for the low-level radioactive dump had been identified. Some 667 persons did in fact provide advice to the environment department on that matter. Of course, there were various public comments, as I said, in the form of a supplement to the draft EIS, which was prepared by the Department of Education, Science and Training and was presented to the environment minister for his consideration. We then saw Dr Kemp perform yet another yuletide manoeuvre—similar to the one he undertook in his days in education. On Christmas Eve, he formally accepted the supplement prepared by the Department of Education, Science and Training, which was provided to him by the science minister, Mr McGauran. This, of course, set the clock running under the Environment Protection and Biodiversity Conservation Act, under which he has to make formal decisions within a set period of time. The clock runs out on Friday, 7 February, which means that Environment Australia must provide its assessment on the response and the public comment to the minister, Dr Kemp, by tomorrow. We have heard reports that the government are determined to ignore the deadline. We have heard reports that they are refusing to release the report on that day and that, instead, they are seeking to delay the release of the statement by Dr Kemp until he has finally concluded the full process, which of course is due to be finalised on 24 March.

It strikes me that it is in the interest of openness and public accountability that the government does not suppress the assessment by Environment Australia of the EIS report. We are arguing that there should be a release tomorrow, Friday, 7 February, as required under the EPBC Act. I think we are entitled to ask: what is the government seeking to hide in the way in which it is undertaking this process? It seems to me that those 667 submissions that have been re-
ceived by the government ought to be made public, because that is what the government said it would do in its national waste repository newsletter, which was published back in August of last year. It stated:

All submissions will be treated as public unless confidentiality is requested.

However, as I understand it, and I look forward to the government’s response to this proposition, Minister McGauran has decided to release not one of those submissions. In my judgment, he has given weight to the view people have that the government is in fact hiding something in the way in which it is processing these various submissions.

Minister McGauran says that the list of the seven matters, which have been detailed in the formal publication of the EIS as having raised concern, is automatically irrelevant. These include issues to do with nuclear power and uranium mining, debate about the health effects of radiation and aspects of the clean-up of the nuclear waste dump at nearby Maralinga. He says all of these matters should be dismissed automatically because they are not relevant. Apparently none of these matters are worthy of the government’s consideration. It does seem that these are serious matters. They are obviously issues that exercise the minds of considerable numbers of people in South Australia. According to the government’s own polling, which I referred to as a somewhat cynical exercise, this is a matter of great concern to some 76 per cent of people in that state. We have, therefore, a situation where the government clearly has the power to act through the various legal instruments available to the Commonwealth. There are obvious reservations being expressed by other departments of state—for instance, the defence department. Also, we have in this chamber the Minister for Defence also representing the minister for the environment. So it will be an interesting exercise for him to explain the apparent contradictions that exist between those two departments.

I believe the government ought to release the submissions of the defence department. They ought to come clean on why it is that the defence department has such concerns about the siting of a nuclear waste dump next to a rocket range. It does seem like a reasonable matter for public comment. If those matters could be addressed, I am sure the government would be able to present the report. If there were answers to the concerns being raised by the defence department, I have no doubt that the government would be only too quick to come in here and drop those answers on the table. But they appear not to be able to do that, which leads me to the view that the defence department does have legitimate cause for concern in this regard.

The Australian Space Research Institute have identified fundamental flaws in the EIS statement. For instance, they indicate the following issues:

- probability of an impact affecting the Repository,
- kinetic energy required to penetrate the soil covering the Repository, and
- consequences of an impact on the Repository...

Their submission says that the EIS raises serious concerns about the prospect of missiles going astray and coming within a 10,000 square metre target area, which cannot be dismissed in the cavalier way that the government has to date. The statements made by the research institute arguing that the siting of the dump, as proposed by the government, ‘is illogical and dangerous’ are views that ought to be taken into account. These are not persons who are known for extremism in their political activities. We are talking about a group of scientists who are associated with Australian space research. These are people whose opinions and whose associations in the business and academic communities in this country mean that they should be respected. They are arguing that the government’s decision with regard to the siting of this facility at this particular location is illogical and dangerous. We ought to be paying attention to what they say, we ought to be paying attention to what the defence department is saying and we ought to be listening to the people of South Australia. It strikes me that Minister Kemp and Minister McGauran should now be reassessing the decisions they have made.

No doubt the government will be arguing the case in regard to their reading of Hansard over that period of time. They ought to be
cautious when they do that because I have here some of the statements made by Senator Chapman—I am very pleased to see that he is in the chamber at the moment—and other members of the Liberal Party when in opposition about the temporary placement of radioactive soils at the Woomera site by the Keating government. At that time Senator Chapman said that it was ‘an outrage’; he said that it was ‘a scandal’; he said that it was ‘very dangerous’ and that it was ‘appalling’—there were no adjectives that he did not use. In fact Senator Hill, representing the opposition at the time, reluctantly accepted the placement of the so-called 10,000 drums of radioactive soils at that site on a temporary basis only.

Senator Abetz—How long has it been temporary?

Senator CARR—That is the point, you see: that is where the government now has responsibilities.

Senator Abetz—And you don’t?

Senator CARR—How long have you been in government? You have to take responsibility for your own actions. Senator Chapman made the point in 1995 that he thought that the site selected by the then government for the storage of the soil was too dangerous. It has now become government policy. I look forward to Senator Chapman explaining to us what led to his conversion. What was it that led him to change his mind on these questions? The 3½ thousand cubic metres of material that it is proposed to store at this facility is substantially different from the 10,000 drums of soil that were stored on a temporary basis at the Woomera site. So I look forward to the government supporting this motion; I look forward to the government senators encouraging Minister McGauran and Minister Kemp to see the error of their ways and to reassess their position. Perhaps they will come up with a site which would have the greatest support and which would meet the needs of Australia by ensuring that there is a safe storage site for this very dangerous material.

Senator CHAPMAN (South Australia) (4.32 p.m.)—In seeking to perpetrate the campaign of misinformation and falsehood about the storage of radioactive waste in Australia, and indeed in handing this issue to one of its pathetic spokesmen for the Socialist Left, the Labor Party has shown how it has abandoned all pretence of being a moderate party, a party near the centre of the political spectrum and indeed of being a responsible political party, which is the image that it fostered when it was in government six or seven years ago.

We now see Labor for what it really is: a party of easy populism and a party that is quite irresponsible. Even in government we know that it never made the really hard decisions. It made some positive initiatives during those 13 years in government, but when it came to the really hard decisions we know that it took the popular, easy path. It never made the hard decisions on workplace relations reform; it never made the hard decisions on tax reform; and, of course, at the end of the day, although it initiated this project, it never made the hard decision about a national storage facility for radioactive waste.

The fact is that sometimes governments do have to make hard, unpopular decisions for the long-term benefit of the Australian people. Making hard decisions has been a hallmark of the Howard Liberal-National Party government, in marked contrast to the previous Labor government. We really need to look at the history of a national storage facility for radioactive waste, which is being dealt with in this notice of motion by the Labor Party. If we look at the history, we can see that it clearly underlines Labor’s absolute hypocrisy on the issue of the storage of radioactive waste.

More than a decade ago, the federal Labor Party, which was then in government—and indeed the Labor Party in South Australia, which was then, as again now, in government in that state—agreed on the need for a national storage facility for low- and intermediate-level radioactive waste in Australia. Just who was the proponent of that national facility on behalf of the then federal Labor government? It was none other than Labor’s current leader, the then Minister for Primary Industries and Energy, Simon Crean. The present leader of the Labor Party was the
initial proposer for a national repository for radioactive waste. The then South Australian Labor government, of which the current Premier, Mike Rann, was a part, also acknowledged that need. I quote from a letter to then Minister Crean from then Deputy Premier Don Hopgood in October 1991 in which he said:

Dear Simon—

he is addressing Simon Crean—

I refer to your letter of 12 September 1991, regarding the need for national disposal facilities for radioactive wastes produced in Australia. The South Australian Government acknowledges the need for disposal facilities for radioactive wastes to be established in Australia. Together with all other States and Territories and the Commonwealth, South Australia has radioactive wastes arising from medical, scientific and industrial uses of radionuclides awaiting disposal. We are also aware that future mineral processing opportunities could be jeopardised by the lack of a suitable disposal facility for radioactive by-products.

South Australian Government officials have participated from the outset in the collaborative development of proposals for national radioactive waste facilities through the Commonwealth/State Consultative Committee ...

And he then goes on with some details about that. In conclusion, then Deputy Premier Hopgood said:

... I agree that South Australian officials should continue to take part in the desk study process with a view to preparing a short list of suitable sites for further discussion between the Commonwealth and State Governments.

In 1992, under the previous Labor government, that desk study developed into a more active scientific study to determine the best site for a national repository. As I said, that was under a federal Labor government and with the support of the then South Australian Labor government. The scientific study progressed satisfactorily but Labor dithered when it came to making a final decision about the location of that repository—as I say, it could never make that hard decision at the end and continued on with investigations.

Did we, the Liberal and National parties, then in opposition, opportunistically oppose Labor’s proposals for this national facility? Of course not. We acted responsibly and sensibly in the national interest. That is in marked contrast to the recent behaviour of the current Labor opposition, as exhibited by the motion they have put forward today.

There are many examples of this responsible behaviour on the part of the Liberal and National parties, when we were in opposition, in supporting a range of the then Labor government’s initiatives. As I say, that contrasts quite markedly with the incompetent, irresponsible opposition for opposition’s sake that we have seen from the Labor Party over the past seven years that they have been in opposition. Certainly, despite our consistent support for this repository proposal and scientific investigations initiated by the then Labor government, our ire was raised when out of the blue—without any consultation whatsoever with the new state Liberal government, by then in office in South Australia, or indeed with local communities—late in 1994 the federal Labor government transported 10,000 drums of low-level radioactive waste from Lucas Heights to Woomera and stored it in an aircraft hangar at Evetts Field, right where the Japanese ALFLEX space project was under way.

Senator Carr talks about comments the space scientists have made with respect to the current environmental impact statement in regard to the further progression of this issue. Yet he completely ignores the fact that, without any degree of scientific investigation or any consultation with either the state government or local communities, the Labor government moved 10,000 drums of radioactive waste and left it in an aircraft hangar at Evetts Field right where a Japanese space research program was being undertaken.

About six months later, in May 1995, another 35 cubic metres of intermediate level waste—not low-level waste—was transported to Woomera. Again, this was done without any public consultation and stored in an above-ground bunker. It was those arbitrary decisions by the Labor government of the day, combined with their dithering over a final decision on the proper location of a purpose-built national repository—not an aircraft hangar or an existing bunker but a purpose-built national repository that we are pursuing now—that prompted the Senate to

I chaired that committee and it reported on 30 May 1996 after the change of government at federal level. That committee found that radioactive waste was stored in about 100 different locations around Australia including hospitals, universities, factories and commercial premises. Medical procedures, industrial techniques and scientific research make it inevitable that radioactive waste will continue to be produced and will require storage into the future. Witness after witness at that inquiry presented evidence to our committee that existing storage facilities were inappropriate, often outdated and potentially unsafe. The case for a purpose-built single national repository was overwhelming and its construction was recommended by that committee, including the Labor members of that committee. Given this recommendation and given the initiative already undertaken by the previous Labor government, with what logic could the newly elected Howard Liberal-National government in 1996 have abandoned proposals for a national repository? Absolutely none. Quite rightly, it continued with what all the evidence had demonstrated—and continues to demonstrate—is a much needed and appropriate facility.

For a time, the new Labor opposition acted responsibly in regard to this issue. In 1999, its members on the Joint Standing Committee on Public Works supported the unanimous committee recommendation for a national repository. Late in 1999, Labor’s then shadow resources minister Martyn Evans—the member for Bonython, in South Australia—was reported on in the Adelaide Advertiser, which said:

Opposition resources spokesman Martyn Evans said he agreed with dumping the medium-level waste—

again, he is talking about medium-level waste, not the low-level waste about which the repository under discussion today is concerned—

in South Australia if it met geological and scientific requirements and the public were consulted. The article continued:

‘It has to go somewhere and just because it’s in South Australia we can’t have a “not in my backyard” view,’ he said.

So there we have it: up until 1999 the Labor Party acted responsibly on this issue. Sadly—as federal Labor, deservedly, spends more and more time in opposition and becomes more and more desperate as it drifts further away from any likelihood of winning an election—federal Labor has sought easy popularity and abandoned its previously responsible approach to this issue. I would like to reinforce that this is where you see the stark contrast between the approaches of Labor and those of the Liberal and National parties in opposition. We were responsible both in government and in opposition; but the Labor Party abandons all responsibility once it is despatched to the opposition benches by the Australian people. The Howard government continues with its objective, scientific assessment of the best site for a national repository. Importantly, and again in contrast to Labor which shipped waste to Woomera—as I said earlier—without any consultation, the present government continues to consult widely on this matter most notably in regard to the environmental impact statement. This issue is too important to be subject to the political games of the opposition or indeed of the South Australian state Labor government.

Labor say that they do not want radioactive waste to be stored in South Australia. It is already there, and they know it. It is right in the centre of Adelaide at our hospitals, universities and factories. What is more, half of all of the existing national radioactive waste—not just South Australian waste—is already in South Australia. It is in drums in that Evetts Field hangar and the above-ground bunker. It is not in a purpose-built facility, as proposed by the Howard government, but in the hangar and bunker that Labor put it in back in 1994 and 1995. It is already in South Australia courtesy of the last federal Labor government, which moved it there during that period without any scientific study and, indeed, without any consultation.

It is absolutely essential that the national repository be located in the place that is de-
It is also important, in the interests of correct information and the countering of disinformation and populism, to distinguish between the two projects relating to radioactive waste. The first project—the one to which this environmental impact statement refers—is the national repository project for disposal of low-level radioactive waste. This includes lightly contaminated soil, paper, plastic, laboratory equipment, smoke detectors, exit signs from buildings, gauges and the like, of which we currently have about 3,700 cubic metres and which is generated at the rate of about 40 cubic metres a year. That is the national repository which is currently the subject of the environmental impact statement and to which this debate refers.

We need to distinguish that from the national storage project for intermediate-level waste, such as operational waste from the Lucas Heights research reactor and waste from the Department of Defence and the Department of Health, including radium needles, electronic valves, luminescent watch and compass faces, night markers and mineral sand residues used in experiments. It also includes waste returning to Australia from the processing of spent fuel rods overseas. Currently, we have about 500 cubic metres of that intermediate-level waste and we generate but a few cubic metres each year.

This misinformation campaign seeks to blend those two projects together, when they are indeed quite separate. The government has made it quite clear that those two storage facilities will not be co-located. They will be quite separate and distinct facilities; they will not be located in the same area. With regard to the first project—the low-level waste storage facility—the Minister for the Environment and Heritage has accepted the final environmental impact statement for his decision under the Environment Protection and Biodiversity Conservation Act, which provides for a final decision to be made on the project by 24 March. Some 667 submissions were received on that EIS, including 532 form letters from conservation groups. So the whole community has had the opportunity to provide input into that EIS process. Again, the government has exhibited its willingness to consult widely on these issues, which is in stark contrast to that situation back in 1994-95, when Labor simply moved all of that radioactive waste to Woomera without any discussion or consultation whatsoever.

As a result of the scientific study to determine the best geological, climatic and topographical site, three sites near Woomera in South Australia are undergoing environmental assessment to find the best one of those for the national repository. Importantly, all three sites are located on stony desert in pastoral lease areas. The geology, salty ground water and arid environment make this region particularly suitable for the siting of a below-ground, near-surface storage facility. Of course, the security provided by the Woomera prohibited area—where public access is prohibited—and the infrastructure of the area make it particularly suitable as a national repository location.

The decision on the EIS will be the basis for determining the final site. Following the selection of the final site, licensing of land acquisition will be undertaken in 2003 and it is anticipated that the repository will commence operations in 2004. The repository will accept waste from around the country during a short disposal campaign of a few weeks, once every two to five years. So it is not as though radioactive waste is going to be transported across the country every few weeks to this national repository. It will be once every few years—when the waste has collected in sufficient quantities in its base locations—that it will be moved to the national repository.

Let me turn briefly to the national storage facility for intermediate-level waste, which, as I have said today, is a quite separate project. It is being undertaken to find an appropriate location on Commonwealth land to store intermediate-level waste generated by Commonwealth agencies. No site has yet
been chosen for that intermediate-level waste facility. Commonwealth land right around Australia, in every state and territory, is being assessed against relevant selection criteria. It is expected that a short list will be announced in the next few months and further site investigation and scientific study will be undertaken in 2003. This will be an above-ground, purpose-built facility. It will not be below ground. I emphasise that it will not be co-located with the low-level waste facility, for which the Woomera region has been determined as the most appropriate location. So the motion put forward by the Labor Party simply does not stand today. Their arguments fail. The history of this issue clearly shows that the Labor Party are being purely opportunistic. They have recognised in the past the need for a national repository. They have recognised that it needs to be chosen on the basis of the best scientific evidence. The best scientific evidence shows that the northern part of South Australia is the most appropriate and safest location for this facility. Therefore, they are simply being hypocritical and taking the path of cheap political populism in raising this issue today.

Senator STOTT DESPOJA (South Australia) (4.52 p.m.)—Today I rise as the science spokesperson for the Australian Democrats and also as a South Australian senator to support the motion that has been moved by Senator Carr on behalf of the opposition. The Australian Democrats agree with the three points contained in the motion: the first in relation to a lack of consultation; the second in relation to the government’s proposed propaganda campaign of $300,000; and the third in relation to the environmental impact and particularly the proposed location of that dump, part (c) of the motion, to which I will restrict most of my remarks this afternoon.

It is almost unimaginable that any government anywhere in the world would decide that locating a nuclear waste dump near an active missile rocket and weapons testing range was a good idea. Equally extraordinary is the conclusion that has been drawn that the risk associated with such a location is somehow acceptable. That is based in part on an assessment that the likelihood of a missile hitting the waste dump site would be low. The conclusions regarding the level of risk and the methodologies used to arrive at those conclusions are disputed by companies that are currently using the Woomera site for testing.

If we accept the data that has been provided in the EIS, the government arrives at the even more extraordinary conclusion that even if a missile hit the dump site the level of harm to human health is likely to be so low as to be worth the risk. What the risk assessment does not consider is the long-term environmental impact of a dirty bomb site at Woomera. It does not consider the economical or logistical ramifications of having a nuclear waste dump blown to smithereens in an area where important and valuable economic activity occurs. The government’s contempt for science, good planning and environmental protection is only exceeded by its contempt for the South Australian community. The EIS states:

The establishment of a national, radioactive waste repository would ensure that radioactive waste, including sources, is managed in the safest, most appropriate manner possible.

This statement strikes one as bizarre under the circumstances. The position of the South Australian Labor government was referred to in the previous speaker’s comments. That government said—and they went to the last election, which they won, saying this—that they did not want a nuclear waste dump in South Australia. I am not averse to accusing the Australian Labor Party of populism on occasion, and I agree with Senator Chapman’s comments that there has been hypocrisy in some of the statements that have been made on this issue, but on this issue they have got it right, whether it is looking at the environmental impacts, studying the science, showing concern for the community or acknowledging the risk of transportation of waste.

When Senator Hill was asked about this issue by Senator Carr in question time—and I do paraphrase, and I know I risk misrepresenting the minister, but I make my point—he talked about the notion of having to store the waste that you produce. That is a concept that I think everybody in the Senate and the community subscribes to—I would be sur-
prised if anyone in this debate did not. I think we all recognise that if there is going to be waste produced it needs to be stored. The intent is that you do not produce that waste if you can avoid it. The creation of a new nuclear reactor at Lucas Heights—it is not a replacement reactor but a new reactor—is one of the reasons that we are talking about creating a waste dump. It is one of the reasons a waste dump has become necessary. The point Senator Hill overlooked in his answer today was that the most dangerous time to be dealing with this waste is in its transportation. I acknowledge that you have to deal with the issue of waste, and preferably low-level waste if there is waste at all, but the transportation issue must be considered, whether it is across the country or indeed from across the world.

Let us not forget that the Americans, the French and others in recent years have had their eye on Australia—recently Western Australia in the case of Pangea, and specifically South Australia—as a possible geographic location for waste from across the world. Let us not pretend that there is not international interest. My home state could become not only the waste dump capital of Australia but possibly the waste dump capital of the world. The South Australian government have legislated to the effect that they do not want that waste dump. That legislation reflects community sentiment. Some people may dismiss that as populism, but I think the community have had many years to consider the issues on this matter, and their views are very strong. There is no popular support in South Australia for us to become the waste dump capital of Australia. We do not want to put on our bumper stickers and our number plates that we are the ‘radioactive state’. We are not impressed by that idea.

The federal government has decided that South Australia will have a nuclear waste dump whether or not we want it and regardless of state law. The decision to site a nuclear waste dump within the land area of a missile testing site reflects a deep disdain for community sentiment, the rule of law, the evidence of science and, indeed, plain commonsense. That decision is not an isolated decision. This dump is a necessary element of the decision to construct a new nuclear reactor at Lucas Heights, a decision also taken contrary to popular sentiment, scientific evidence—and, yes, there is scientific evidence to suggest it is not necessary and that other alternatives are available—and good planning in that reprocessing and waste disposal issues remain unresolved long after approvals have been given. We know that there have been contractual debates about the Lucas Heights site and that decision. We know there has been a long policy, legislative and committee history in the Senate of which our colleagues in this place would be aware. I will not go into the Lucas Heights issue in any more detail, but I commend to other members the Senate select inquiry into this matter that took place in the last couple of years. It is one of the largest single scientific spending allocations from this government or any government in our history, yet it was characterised by lack of consultation and still unresolved issues in relation to safety, waste disposal and community happiness with that decision.

The proposed site for this dump is opposed not only by the community but, as some senators would be aware, in an article this week in the Australian newspaper it was reported that the Department of Defence also has serious concerns not only about the site but also about the failures of the process in deciding on that location. Those concerns have not come out of the blue. In submissions to the supplementary EIS, two aerospace companies, BAE and the Australian Space Research Institute, expressed major concerns regarding the assumptions, calculations and conclusions of the government’s risk assessment document. It is all very well to dismiss the kinds of submissions that come to inquiries or environmental impact statements—that is, 532 submissions et cetera coming from environmental groups that are just standard form letters. But when you are talking about companies that have an economic interest in the area or an understanding of the business activity in that area and who understandably have a concern about some of the conclusions or the methodologies on which those conclusions were based, then you cannot ignore that.
Both ASRI and BAE claim that the risk assessment is flawed and includes an ‘incorrect evaluation of the probability of an impact affecting the repository’. These companies dispute the claim that a waste dump on a missile testing site is a ‘compatible activity’. The claim of compatibility is based on the current temporary storage of radioactive waste at Woomera, which is an arrangement that BAE argues has had a detrimental effect on the operations of the site—that is, not a beneficial but a detrimental impact on the operations of the site. BAE notes that the proposed site, site 52a, is ‘well within the designated hazardous areas for weapons trials’ and that weapons testing and commercial operations are expected to expand at Woomera. In fact, the EIS is based on ‘current year trials and short-term plans’, not the 250-year projected life of the dump. Based on that time frame, ASRI suggests that the likelihood of a missile hitting the waste dump is not remote but probable. So a government has determined that the risk associated with a missile hitting the dump is so low as to be an acceptable level of risk and yet we have others—credible organisations, credible witnesses and credible, legitimate industries—telling us it would be probable, not remote. I think this is an extraordinary risk and yet it is being seemingly dismissed by this government.

Further, ASRI dispute the claim in the EIS that smaller missiles are unlikely to penetrate the ground and will only cause superficial damage should they hit the dump site, further increasing the risks associated with the site. They note that they plan to begin testing larger missiles this year as well as testing a new hybrid fuel for rockets. Trials of new technologies such as these pose risks additional to those of the established tests and activities. They also represent major economic opportunities that the waste dump now threatens. ASRI say:

The presence of the Repository in the test area would make the opportunity of testing in the WIR less attractive, or the insurance unaffordable or unobtainable.

Thus, ASRI activities ... would threaten, and be severely threatened by, such a repository.

The economic consequences of the government’s decision are expected to be severe. I am not quite sure if I heard economic issues referred to in previous contributions in support of the waste dump, but economic considerations should be taken into account as well as the environmental, social and scientific implications. It is believed that prospective clients, who of course will face major insurance and liability costs at the best of times, will bridle at the increased risk posed by the waste dump. BAE has provided the government with at least three examples where radiation exposure has prevented the use of specific areas in Woomera. The three examples are from the German Space Agency, the Japanese National Space Development Agency and NASA. They are three important examples.

The remediation costs of a dirty bomb event will also be high. The site is likely to face closure while investigations, inquiries and remediation occur. Loss of clients is clearly likely to occur as a direct result of both the accident and subsequent closure and also because of the risks and costs associated with the use of the site. Clearly, they will increase dramatically and will of course deter new custom. If the dump suffers a direct hit, there will no longer be a dump; I suppose that is a pretty logical conclusion. In addition to the fallout from the disaster, there will be medium- and short-term implications for the entire nuclear industry in Australia. This, too, needs assessment—where is it?

A $300,000 advertising campaign, to which I see Senator Carr has referred in part (b) of the motion before us, is not going to change the minds of South Australians. $300,000 to bombard us with propaganda! What are we going to get? A fridge magnet saying that nuclear dumps are cool? That is an extraordinary use of finances by the government and not one that I see is going to actually result in a careful and realistic examination of some of the issues—issues to which I have referred and, no doubt, others will refer. It is a bad decision: a national nuclear waste dump in the north of South Australia. It is now being compounded by another bad decision: putting the dump in a missile testing area. It would be funny if it
were not true. It is just extraordinary to put a nuclear waste dump—radioactive materials—in a missile testing area. That is not going to be acceptable to the people of South Australia no matter how many propaganda campaigns are run. The Australian Democrats today thus join the ALP in condemning the government’s actions in relation to this waste dump and we will be supporting the motion.

I know this is a somewhat unrelated issue, but I referred to NASA in my comments. I want to put on record the condolences of my party in relation to the Columbia accident that occurred this week. It was an absolute tragedy but we, like many others, hope to see science and the space industry continue.

Finally, I want to acknowledge someone who has provided us with extraordinary assistance on these issues over the past couple of years. Jeremy Tager is moving on from our office. I want to thank him for his work on this and many other issues, and I assure him that we will continue to campaign against the new reactor at Lucas Heights and a nuclear waste dump in South Australia.

Senator NETTLE (New South Wales) (5.07 p.m.)—I rise to put on record the support of the Greens for the motion that we are discussing today and a couple of points as to why we are happy to support this motion. We see the government’s proposal to create a radioactive waste repository in South Australia as undemocratic, unsafe and unwise. It is important that we look at the overall industry we are talking about. I consider the nuclear industry to be the most destructive industry on the planet. We are creating radioactive waste that remains radioactive for a quarter of a million years. When we make these sorts of decisions, we need to bring a long-term rather than a short-term electoral cycle perspective to the decisions that we are making in this forum.

In recognising how dangerous and destructive this industry is, the government proposes to spend $300,000 of taxpayers’ money on a public relations campaign to support their proposal. It is interesting to look at the company they have chosen to run the PR campaign for them—Hill and Knowlton. This company has been involved in PR campaigns for a number of different companies and governments over time. I will take you through some of the sorts of environmental disasters and campaigns they have been involved in doing PR for. As you listen, it is useful to think about whether these are the sorts of disasters for which you think successful PR campaigns have been carried out. Companies such as Enron have employed Hill and Knowlton for their PR campaigns. Metropolitan Edison, the company that was involved in the Three Mile Island disaster, employed Hill and Knowlton to deal with that issue. The International Olympic Committee has used them for PR, as have tobacco and asbestos companies. Looking at this PR company’s record, those examples do not spring to my mind as having been successful PR campaigns; yet the federal government would like to give $300,000 of taxpayers’ money to this company for a PR campaign to influence the opinions of the people of South Australia. It seems incongruous to me that, at the same time as the government want to spend this money to win over the people of South Australia, they are holding a gun to the heads of South Australians with their plans regarding this waste dump for compulsory land acquisition as well as a threat to override the pending South Australian legislation to ban the dump.

The radioactive transport and dump plan is strongly opposed by the South Australian government, the New South Wales Local Government Association and Aboriginal communities in the affected region. We also have the Department of Defence and the Australian space industry adding their voices to the concern over this particular proposal from the government. With all of this opposition from such diverse sectors of the community, one has to ask the question: how has this proposal come so far without being knocked on the head?

It is worth remembering what is being proposed. The federal government is planning to truck low-level and short-lived intermediate radioactive waste, mainly from the nuclear reactor site in southern Sydney in New South Wales, through the Blue Mountains and western New South Wales to a site at Woomera. Of the 170 truckloads of waste
expected to be dumped in the first year, 130 truckloads are likely to come from Lucas Heights in New South Wales. This will be a significant increase in the amount of radioactive material on Australian roads through local communities and will place increased demands on local authorities and emergency service response capacity. At least 13 New South Wales local councils have said that the transport of waste through their areas is unsafe and that their emergency services are unprepared to deal with radioactive accidents. Once the waste has been trucked through New South Wales, the federal government intends for it to be dumped near Woomera.

We have heard from others in the chamber and in the media this week about the defence department’s concerns regarding this proposal. They have said that the dump would severely compromise defence activities through the real and perceived risks of a bomb or missile striking the repository. We do not know what the other concerns of the defence department are because we have not seen the documents to which these media reports refer. We understand that the defence department put in a submission to the draft EIS for the Woomera dump. Questions still need to be answered by the government as to whether it was accepted, given that the supplement to the EIS said that one submission was withdrawn. We are not aware at this stage if that was the defence department’s submission. We are also not aware of what was in this submission, because not only has the defence department’s submission not been made public but all of the submissions to the draft EIS are not currently publicly available.

The Australian newspaper on 3 February described the defence department’s views on the dump as ‘violent’ opposition to the site within the Woomera prohibited area and that they would remain confidential for security reasons. We do not know because we have not seen the submissions what security reasons could justify this secrecy. As others have suggested, with proposals to put a radioactive nuclear waste dump next to a missile testing range, one can well imagine the sorts of security concerns being raised here.

The Australian Space Research Institute and BAE Systems contested the government’s risk assessment on several counts, such as the probability of a missile or rocket strike on the dump, the capability of the dump to withstand any such strike and the consequences for future activities if a strike were to occur. Questions still need to be asked about whether these groups have been satisfied by the government’s response to these issues in the supplement to the environmental impact statement.

I would like to put on the record one crucially important voice of dissent, perhaps the most important voice of dissent, to this government proposal. On Australia Day this year, Eileen Kampakuta Brown, who is a senior Yankunytjatjara-Antikarinya woman and a member of the Kupa Piti Kungka Tjuta from Coober Pedy in South Australia, was awarded the Order of Australia. Mrs Brown has strongly opposed the radioactive waste dump for many years. As the Kungka Tjuta people have said:

Never mind our country is the desert, that’s where we belong ... It’s from our grandmothers and our grandfathers that we’ve learned about the land. This learning isn’t written on paper as whitefellas’ knowledge is. We carry it instead in our heads and we’re talking from our hearts.

To the Kungka Tjuta, the desert is not a remote wasteland suitable for the storage of Australia’s radioactive waste. It is their home—intimately known, densely named and overlaid with stories, meanings and histories.

The Greens support this motion in the Senate today. We condemn the federal government for its failure to respect the rights of the people of South Australia and the rights of the Aboriginal people who live in that region. We oppose the nuclear waste dump being established in South Australia because it is unnecessary, it is unwanted and it is unsafe. I will elaborate on those points. It is unnecessary because radioactive waste is best managed at the site of production, thereby avoiding risks of transportation and encouraging prudent minimisation of waste production. It is unwanted, with an overwhelming majority of South Australians, the South Australian government and, impor-
tantly, Indigenous groups such as the Kungka Tjuta opposing the dump. It is unsafe because there is the possibility of missile or rocket strikes on the dump and a 23 per cent chance of a truck accident while moving the current national inventory to South Australia, and the government has identified numerous operational hazards associated with the dump but has not specified how it will address these concerns.

The federal government’s claim that South Australia is the best and safest site for the dump is not supported by the government’s own documentation. Up to 90 per cent of the waste for the dump will come from the nuclear reactor plant at Lucas Heights in Sydney. In terms of dumping on democracy, the federal government is planning to use its Lands Acquisition Act 1989 to compulsorily acquire the site for this dump and, as I said earlier, is threatening to override pending state legislation which bans the dump.

The low-level waste dump may clear the way for long-lived intermediate level wastes, including wastes arising from reprocessing spent nuclear fuel rods from the Lucas Heights reactor plant. The environmental impact statement was written and reviewed by the federal government and, we anticipate in the near future, will also be rubber-stamped by the federal government. The government breached national and international standards during the clean-up of the Maralinga nuclear test site nearby, and there is no reason to believe that this dump will be handled any more responsibly. The Australian Greens call on the federal government to cancel this dump and to clean up Maralinga instead.

Senator WONG (South Australia) (5.18 p.m.)—I also rise to support the motion moved by Senator Carr. In recent days the latest efforts in the Howard government’s long-running campaign to impose—and I use that word deliberately—a nuclear dump in South Australia have been exposed. First we saw Minister McGauran’s opportunistically timed release of the government’s latest report on the siting of the national repository for nuclear waste, coincidentally on the day Australia farewelled troops to Iraq. Predictably, the government continues to support locating the dump in South Australia. Its preferred site for dumping almost 600 million litres of nuclear waste borders the Defence Force’s weapons testing ground in the Woomera prohibited area in northern South Australia. It seems unbelievable but it is true.

The supplementary report to the environmental impact statement which was released by Minister McGauran was supposed to respond to issues raised by the public on the environmental impact statement, but nowhere in this report was it revealed that the government’s own Department of Defence had raised serious and damming concerns as to the siting of the dump. We now know that Defence has been highly critical of the proposed location. Concerns have been made public about the possibility of an accidental missile or bomb impact on the nuclear repository if the government’s preferred location were chosen. This has received significant coverage during the week in various newspapers. An article in the Australian on Monday says:

It is understood defence officials have warned Senator Hill—who, as we all know, is the Minister for Defence—the EIS drafted by DEST was misleading, failed to adequately consult Defence and misjudged missile impact risk and radiation exposures.

Defence officials advised the repository would threaten the safety of testing because it sat beneath safety templates—areas set aside to enable the safe crash-landing of a projectile that is off-course. Sources say the officials are “violently opposed to 52A” and made a “scathing attack on the people who did the (EIS) assessment”.

In fact, there are sources quoted in this article which indicate that Defence will not take the risk of firing on those high probabilities.

I will not go through the comments made today by Senators Nettle and Stott Despoja regarding the comments that have been made public nor the comments in the EIS regarding the possibility of accidental missile or bomb impact on the site. Suffice to say that it appears, from what we know—and of course the government has not been keen to let us know the totality of the Defence concerns—that the government has attempted to minimise the possibility of an impact on the re-
pository if it is sited there and the likely health risks to the civilian population which may result from such an impact.

Senator Hill, who is the Minister for Defence, has refused to disclose the Defence report. I note today that, in response to the request for the production of documents that the Senate passed, the minister has refused to produce those documents on the basis that this is ‘government advice’. It is interesting that the government is refusing to produce this report. If there are no concerns, as seems to be the line from the other side of the chamber, one would have thought the minister would have been quite happy for that report to be made public. That he has not speaks volumes. I also note that Minister Hill has similarly ignored a request for the release of this documentation from Premier Mike Rann. Premier Rann has rightly pointed out the risk to our burgeoning space research which is based nearby.

Minister Hill is one of 15 South Australian federal Liberal MPs. Given their numbers, you would have thought the concerns of the people of South Australia about a dump in their state would be heard at the top level of the Howard government. If only! So far we have not heard any of the South Australian Liberal senators even squeak in defence of South Australian interests, and I do make the point that consistently in South Australia, in both polling and constituent feedback, the vast and overwhelming majority of our constituents are opposed to the dump being sited in South Australia. In fact, contrary to representing their interests, it would appear that many South Australian Liberals have been working as hard as they can to bring the nation’s nuclear waste to South Australia. We have had Senator Chapman today advocating support of the government’s process seeking to put the national waste repository in South Australia. Senator Hill, whilst Minister for the Environment and Heritage, and Senator Minchin, whilst Minister for Industry, Science and Resources, presided over departments issuing reports which supported the possibility of not just the low-level dump but a second, intermediate-level dump as well. The latter would significantly and radically increase the risk to the South Australian community.

It was only after a public outcry that the Liberal Party backtracked on siting the intermediate-level dump in South Australia. After some obfuscating of the issue, Senator Minchin—I think it was prior to the last election—did rule out co-location. But it is clearly still on their minds. It does not take a rocket scientist to figure out that, once one of the dumps is sited in South Australia, the easiest option would be to put the second, intermediate-level dump in South Australia also. It just happens that one of the sites that is currently being considered for the intermediate-level dump is adjacent, or next door, to the proposed low-level dump. The government has made it clear that it thinks Woomera in South Australia is the best place to dump nuclear waste in Australia.

Senator Chapman talked about the government exhibiting its willingness to consult on this issue. The government’s tactics have been to try to hide its real agenda and to engage in sham public consultation processes. It asks people for their opinions and then it ignores them. On 26 July last year, Minister McGauran said:

Public consultation is an important part of the process to establish the national repository and I encourage people to have their say on the project. Yet when the government released its latest response to the EIS a few weeks ago it was revealed that the vast majority of submissions from the public strongly oppose the dump. Despite this the government continues with its plans to site the dump in South Australia. Not only that, but late last year we also had revelations of a plan by the government to soften up the people of South Australia on the issue of the nuclear dump. We were shown documents which confirm that the government proposes to spend $300,000 of taxpayers’ money on a re-education campaign to tell South Australians how much better off we will be with a nuclear dump in the north of our state.

Minister Hill and Minister Minchin have failed to stand up for South Australia’s interests. Worse, they have acted against the interests of South Australians. Senator Minchin said in parliament in 1998:
We hope that that—
the dump—
will be in South Australia, because that would be
good for our state.
So far, I do not recall any of my parlia-
mentary colleagues from South Australia on the
other side of the chamber opposing the siting
of the repository in South Australia. In fact,
today we have already had Senator Chapman
advocating in support and I note that, subse-
quent to me, there are other senators from
South Australia on that side of the chamber
proposing to speak. It will be interesting to
see whether they continue to push the gov-
ernment’s line that it ought to be able to im-
pose this dump on South Australians despite
the strong opposition in the community.

One of the campaign themes in the com-

One of the campaign themes in the com-
munity about this issue has been ‘Don’t let
South Australia go to waste’. One can only
say of our Liberal colleagues in this place
that they are prepared to do just that—to let
South Australia go to waste. Today we will
see whether or not the federal Liberal Party
senators on that side of the chamber believe
having a nuclear dump in South Australia is
in fact good for South Australia. The na-
tional nuclear waste dump is a key test for
democracy in Australia. The question is
whether the Howard government thinks that
South Australians have a right to determine
their own future and to reject the dump. The
question is whether the Howard government
considers it is appropriate for the Common-
wealth to override state legislation on this
issue. The question is whether it is appropri-
ate for the Howard government to impose a
dump on South Australia when 87 per cent
of South Australians are opposed to it.

Senator FERRIS (South Australia) (5.28
p.m.)—Senator Carr’s motion, part of which
suggests that this government has failed to
respect the rights of the people of South
Australia in its consultation process over the
location of the planned low-level radioactive
waste repository in South Australia, suggests
to me that Senator Carr suffers either from
delusions or from amnesia—or perhaps from
both. Has he forgotten that in 1994, often
under cover of darkness and certainly with-
out consultation, truckloads of both low- and
intermediate-level radioactive waste, much
of it drums of soil, were moved from New
South Wales over the border to South Aus-
tralia through Senator Carr’s electorate of
Victoria to be stored at Woomera in sheds? It
is still there. If the Labor Party have their
way, it will stay there, being stored in a to-
tally unsuitable and perhaps even unsafe
way. It is being stored in two non-purpose-
built above-ground sheds on the Woomera
prohibited area just a few kilometres from
site 52a, which is the preferred site for the
new national repository.

And let us not forget that it is there be-
cause the Labor Party put it there. We did not
put it there; the Labor Party put it there. It
was the Keating Labor government in 1992,
of which Senator Carr was a member, that
commenced the current project to site a na-
tional repository, which was then supported
by all of the states and territories. As a loyal
senator, presumably, Senator Carr supported
it as well. I am not sure about that, but I
imagine that he did. That was in the days
when the Keating government quite respon-
sibly believed, as this government does, that
Australia needed a safe, secure, appropriate
national storage facility for low-level radio-
active waste. That was in the days before
Senator Carr and, unfortunately, my col-
league Senator Wong today decided to take
the egg-beater to this issue and generate as
much fear as they can, using whatever misin-
formation is necessary to prove a few cheap
political points.

The commencement of the original search
project—that is, to find an appropriate, safe
and secure site—was announced by none
other than the current leader of the Labor
Party, Mr Simon Crean, who was the then
Minister for Primary Industries and Energy.
The absolute hypocrisy is just so breathtak-
ing. Mr Keating announces it originally, Mr
Crean backs it up and all the states decide to
do it. You on the other side of this chamber
move the material into South Australia,
where it is stored in sheds. It is still there,
and it is going to stay there if you have any-
thing to do with it, because you want to play
cheap politics with this at the expense of a
responsible debate.

At the time that that announcement was
made by Mr Crean, this project had the full
support of the then South Australian Bannon Labor government. Listen to that. And guess who was at the cabinet table, where presumably there was a cabinet decision of solidarity? Mike Rann. A senior member of the Bannon Labor government was at the table when that government in 1992, quite responsibly, decided that we needed a national repository and there would be an appropriate search process to find the best site. In 1994, the former Keating government released a paper which identified eight regions in Australia which could contain areas that were geologically suitable. Three of these were in South Australia and one was in a region that straddled the border of South Australia with New South Wales. These sites were identified because they were considered to be the safest, the most secure and the most geologically appropriate. They were not chosen as lines on a map of Australia but, quite responsibly, by the most important criterion—that is, geological safety and security.

It is an absolute disgrace that the Labor Party, federally and in South Australia, are playing the politics of fear on this issue. They began this debate. They put the low-level waste in my state of South Australia. It is still there while we look for the most appropriate place to put it. Now they are trying to suggest that, in some way, this government is responsible when it was Mike Rann as a South Australian cabinet minister, Simon Crean as a former minister and Mr Paul Keating as the former Prime Minister who started this process and who are now, with Senator Carr, on the end of the egg-beater doing their best to terrify every person who lives in the pastoral area of South Australia. They have entirely abandoned their previous very responsible policy, which was to support a national repository in a safe and secure geological site.

It is hard to believe—it is almost impossible to believe—that Senator Carr, knowing that all of these procedures took place, being a member of the Senate during all of these processes, can come in here and put down a motion which criticises our government’s consultation process. As I said before, the movement of that soil—much of it done under the cover of darkness—took place with absolutely no consultation at all. None at all! When it was shipped into South Australia out of New South Wales, much of it was done under the cover of darkness. What a disgrace! We are favouring an objective, scientific process, with extensive consultation, which has led to the selection of the central north region of South Australia as the best, safest and geologically secure region in Australia to site the national repository.

Let me emphasise again that this should be the main factor in the determination of this issue. I do not want it in some sandy soil somewhere. I do not want it shipped off to some place around Australia because there is a line on the map where somebody says that they do not want it. Nobody wants it. What we are doing is responsibly choosing the place that is the most secure for it. Quite proper assessment has taken place, and consultation has led to the selection of the three sites near Woomera which are now undergoing, quite properly, further assessment.

Let us look back to when Mr Keating’s government began this project in 1992, with the support of the Bannon Labor government and one of its senior cabinet ministers, Mr Mike Rann. Quite properly, there have been three discussion papers for public comment, and two of those were under the Keating government’s criteria. That was in the days when there was a responsible policy on the other side. We have done an EIS, held information days in the region on three occasions, established consultative committees, set up a regional office, put out some publications and introduced a toll-free information line. Surely, that could be called consultation. If it is not consultation, I would like Senator Carr to tell me what it is. And if it is consultation and he agrees that it is—as quite obviously it is—what on earth is this motion talking about when it talks about a lack of consultation?

Senator Carr had either amnesia or delusions when he moved this motion. I am sorry that he is not in the chamber, because I would be very interested to hear his self-diagnosis. Surely the committee needs to be adequately informed on this issue; there can be no doubt about that. Is somebody suggesting that we should not spend $300,000
on an information campaign designed for precisely that purpose, when Premier Rann is planning to spend $10 million on a referendum which might suggest—we do not know yet—that the South Australian government has some jurisdiction in this matter, when first year law students know that in fact it is the Commonwealth, under the Constitution, which has the final jurisdiction in this matter?

What we are trying to do—in my opinion quite responsibly—is to address misconceptions in the community about radioactive waste management. People do want to know the facts about it. I visit the pastoral areas of South Australia on a regular basis and, interestingly enough, people there are quite accepting of the fact that there needs to be a radioactive waste repository for low-level waste somewhere in Australia which is geologically safe and secure. They accept that if it has to be near their pastoral property they will live with it. I suspect they do not want it—nobody wants it—but it has to be somewhere that is safe and secure, and these people are mature enough in their approach to understand that such a place might be not too far from the gate of their pastoral property. They are not going to fall for the cheap political point scoring that Senator Carr and Premier Rann are indulging themselves in. It is a luxury of self-indulgence which is so irresponsible that it is breathtaking. These days the opposition to the repository by the South Australian government has chosen to take in favour of some crazy, populist policy, that the South Australian state minister for the environment, John Hill, has confessed, ‘If we get it, South Australia will use it.’ Fancy that! We do not want it—we are opposed to it—but, if we have to have it because we have already put aside the soil there, then we will use it.’ What hypocrisy is that! Presumably he was expressing the view of the Labor cabinet when he said that the South Australian government would use the dump if it were established. There is such conflict and irony in this policy that it could have come out of Peter Lewis’s office—truly!

Mr Rann is full of the most amazing empty promises on this matter. As I said, not even a young law undergraduate could overlook the fact that the Commonwealth has very clear jurisdiction in this matter. Notwithstanding that, Mr Rann wants to spend $10 million of South Australian taxpayers’ money to conduct a referendum, to just try and turn the heat up a little bit more. He knows that, no matter what the result, South Australia has absolutely no power to override the Commonwealth on this issue. Section 109 of the Constitution makes that very clear. He just cannot bring himself to admit that an extensive, correctly scientifically based process led to the identification of the central north region of South Australia as the best site for this repository. He could do it in 1992 to John Bannon when John Bannon was the Premier. He had no difficulty then, because the need for cabinet solidarity would have suggested that, if he had had difficulty, he could no longer remain at the cabinet table. But 10 years later, without doubt, he has caught a little dose of Senator Carr’s amnesia. He has certainly got hypocrisy. If he were here, we could ask him whether he is still suffering from it.

Premier Rann knows that 10 years ago he agreed to this process, but he is willing to spend $10 million of taxpayers’ money to squeeze the last drop of political juice from this issue. He knows that that $10 million could be better spent on the hospitals and the schools that he used as the basis for the campaign strategies that got him elected, with the help of Mr Peter Lewis, to once again occupy the government benches in the South Australian parliament. And then he agrees that, if we have to have the dump, he will use it—his environment minister will use it. The hypocrisy is just breathtaking.

South Australia has over 40 years of accumulated low-level nuclear waste stored in
more than 100 locations—universities, hospitals, all over the place in Adelaide. The Royal Adelaide Hospital on North Terrace has a great deal of it stored in its basement—inappropriately, I might say. How many people who go into the Royal Adelaide Hospital as patients know, and how many of their family members know when they visit them in that hospital, that down in the basement, subject to flooding and fire, is low-level nuclear waste and if Premier Rann has his way it will stay there? What an outrageous disgrace! What an irresponsible public policy! Senator Carr and his colleagues need to leave the state of wonderland that they are wandering around—lost, suffering from amnesia and hypocrisy, misinformed and irresponsible—beating the political drum of fear and loathing, trying to score cheap political points on what is a really important issue.

During the parliamentary break, I took the opportunity—expecting that this debate would come up—to visit in France the Centre de l’Aube, which is a centre that stores, above the ground, medium-level nuclear waste. It is most interesting because it is situated in a beautiful part of France surrounded by vineyards, dairies and dairy cows. They make beautiful cheese in the area. It is hard to believe that the community would have supported the establishment of an above-ground nuclear waste facility in the area, particularly when you think about the pastoral area of South Australia which those opposite are complaining about now.

This Centre de l’Aube is well integrated in its natural, human and economic environment. It has no radiological or chemical impact. Let me remind you that they are above-ground storage facilities and we are talking about medium-level nuclear waste. It covers an area of 95 hectares, of which about 30 hectares constitute the actual disposal area. There are 160 people working there, mostly locals. They have a very open public policy. They have regular testing. There has never once been a test which has indicated a level of radioactive waste that has been of concern. They have had a number of demonstrations, principally by Greenpeace, but there is a constant analysis of air, rainwater, water, soil and food, and they have never had one single bad reading—and we are talking about medium-level above-ground nuclear waste.

There are three barriers in the storage facility and the main one, interestingly enough, is water—quite surprising. The principal opposition to the establishment of the Centre de l’Aube, back in the 1980s, came from Greenpeace. They shipped in the rent-a-crowd from around the world, tried to stir up locals, tried to have the centre sited somewhere else. But fortunately those people decided to listen to the experts, as I would urge South Australians to do. Those experts pointed out to them that the set of criteria that enabled the establishment of the Centre de l’Aube could give confidence to the community, and it has. There have been five million francs collected in local taxes for betterment of the area, all of it spent responsibly. We are talking about historic villages surrounded by beautiful grapevines and some of the best cheese-making areas in France. In fact, when you are in the Centre de l’Aube you can see cows grazing nearby. That is how close it is. The amount of 15,000 cubic metres of waste per year go into the Centre de l’Aube, 95 per cent of which comes from COGEMA, power plants, laboratories, hospitals and universities—similar to the places where we have stored our low-level nuclear waste, but we want to restore ours in a safer facility. There is high security at the Centre de l’Aube, but the waste is very appropriately stored. I would urge all senators who are interested in this issue to visit the Centre de l’Aube.

Two things remain to be decided in this debate: is Australia going to have a safe, secure, geologically appropriate storage facility, and where is it going to be? My state, South Australia, has the best available sites. Let’s just agree to get on with the job and stop trying to institute campaigns of irresponsible fear and loathing among South Australian communities. (Time expired)

Senator BUCKLAND (South Australia) (5.48 p.m.)—That was a pretty colourful contribution by Senator Ferris. For a minute there I was thinking that she had been taking lessons from Senator Brandis; she was really getting herself wound up. There are a couple of things that Senator Ferris said that need...
rebutting. It is all right for her to say that Labor moved material to Woomera; there is no question that that happened under the Labor government. Some very low-level waste was moved to Woomera. It is in sheds, but the sheds it is stored in are a little bit more secure than what is being suggested by Senator Ferris. I am opposed to the waste dump being placed in South Australia, being a South Australian myself and spending much of my time in that region of the state. I think that if a poll were taken of South Australian senators—or senators generally—I would be the one living nearest to the proposed repository of all of them. In fact, I live in the same city—which is in the proposed area—as the member for Grey, Barry Wakelin. He is pretty silent on this issue and is not seen to be out there expressing the opinion of the community. The reason is that he does not want to get his fingers burned.

The storage that is currently provided is adequate in the short term, and that was what the Labor government of the day agreed to provide—short-term storage. But then there was a change of government and nothing happened. So it is all very well for Senator Ferris to make her grand statements but she should get her facts right. Since this government came into office, nothing has been done. They have taken the easy option of saying, ‘Well, it is there now, so let’s put the rest there as well.’ But my view is that we should have a little bit more debate about it.

Another spurious argument put forward by Senator Ferris I think shows that she has a lack of knowledge of the transport system in our country. She suggested that the material was trucked in to the site under the cover of darkness. You do not have to be particularly bright to understand that getting from Victoria to Woomera is a long way. On the road to Woomera the trucks had to go through Port Augusta and Port Pirie, and that was done at night because it was at the end of the journey. It was not done by design; it was done because of the transport movement of the material. It was not designed to be that way at all. If they had had to stop overnight, it would have been done during the day. In my view that was a pretty lousy argument put forward.

Senator Ferris also claimed that Senator Carr was engaging in cheap point scoring. What was her contribution to this debate? Simple, cheap and pretty ordinary point scoring. That is all it was. She claims that Premier Rann wants to leave the waste under the hospitals in Adelaide—that is not the case at all; there have been public statements made about the need to remove it from that area. Is it that, or is it that Senator Ferris lives close to that hospital? Which of those reasons is the reason she wants it removed? I do not know. But ‘hypocrisy’ is a word that should not have been used in her contribution, because the government in power today is full of hypocrisy on this issue and on many others. We have seen that particularly over the last week.

I join with my colleagues today in supporting the motion moved by Senator Carr, a motion that goes towards finding a solution and is practical in every sense. In so doing, I want to express my absolute disappointment and disgust at this government’s obvious arrogance in its treatment of the public of South Australia. I want to express my views about the Howard government’s contemptuous proposal to use South Australia to set up a nuclear waste dump. The reason the people in South Australia are suspicious about what the government wants to do is that they do not believe the government on so many issues and they do not believe that it will remain a low-level dump. They do not believe what they are told by this government. That could be seen when the government was going around having its get-togethers with industry and relevant people in the area. People were walking away while the government people were addressing the meetings. They were deserting the meetings while they were in progress.

The Minister for the Environment and Heritage, David Kemp, started the ball rolling by formally accepting the recent supplement to the EIS on Christmas Eve—a pretty convenient time; we are all with our families, thinking about the festive season, thinking about the meaning of Christmas and the government sneaks through a supplementary report. That is the way this government operates. It did this at a time when no-one was
available to really take note of it, yet we have not seen a public statement from this incompetent minister.

We have the government using taxpayers’ money to fund a $300,000 propaganda campaign aimed at persuading the people of South Australia that the waste repository should be in their state. This was done despite the government receiving 667 submissions expressing strong reservations and deep concerns about the proposal. This was $300,000; I guess this is another fridge magnet, but the difference on this occasion is that it may well be luminous.

In September last year, the South Australian Minister for the Environment and Conservation, John Hill, called on the federal government to face the people of South Australia on its planned national nuclear waste dump. Mr Hill, rightly, challenged the federal Minister for Science, Peter McGauran, to a debate on the nuclear waste dump proposed for a site in outback South Australia. At the time, Mr Peter McGauran had turned down invitations to speak at a public meeting on the issue at the Norwood town hall.

Senator Ferguson—Did you oppose Mr Crean and Mr Keating putting it there?

Senator BUCKLAND—If you had been here on time, Senator, you might have heard what I had to say earlier. The people just do not want what this government is proposing. The people of South Australia and the South Australian government strongly oppose the establishment of any radioactive nuclear waste dump in our state. We regard it as something which will damage the state’s reputation as clean and green and as a source of produce that is unsurpassed. Also, South Australia is gaining a high reputation as an outback tourist destination.

Senator Ferguson—Not too green at Woomera.

Senator BUCKLAND—Cheap jokes like that are not even worthy of you, Senator. The owner of a property whose land may well fall inside the region of the proposed site expects that a 1.5 square kilometre section of his property, which the Commonwealth refers to as Evetts Field West, could be compulsorily acquired by the federal government for this dump. This pastoralist has said on the public record:

We’re in livestock, and virtually chemical free up here—

that is, in the Evetts Field area—

Our main issue is perception of our stock and whether they are going to be glowing green—

even though it may not be that bad, but that is the perception.

The owner is concerned that the association with radioactivity will devalue their large outback property—a reasonable concern that has not been addressed by the government.

On 26 June 2001, then federal Minister for the Environment and Heritage, Senator the Hon. Robert Hill, spoke to the Meat and Livestock Australia industry forum on natural resource management. I see that Senator Hill is here, and I thank him for coming into the chamber to hear this. Senator Hill was fairly honest with the people on this issue and is the only one on the government side who has ever shown any honesty towards the public of South Australia. Senator Hill might recall that he said:

The industry—

that is, the livestock industry—

is also a major generator of employment—both in direct and indirect jobs—and is a significant contributor to the economies of many communities in rural Australia.

… … … …

…it would seem to be a major selling point to emphasise the clean and green image of a sustainable meat and livestock industry.

The PRESIDENT—Order! It being six o’clock, and pursuant to the order of the Senate agreed to earlier today, the Senate will now move to valedictory statements. I understand that informal arrangements have been made to allocate specific times to each of the speakers. With the concurrence of the Senate, I shall ask the clerks to set the clocks accordingly.

VALEDICTORY

Senator REID (Australian Capital Territory) (6.00 p.m.)—Thank you, Mr President. The opportunity for me to become a senator came about because of the sad event of the death of a friend of mine, the then ACT
senator John Knight, who was only 37. I was chosen by the Liberal Party in the ACT to replace him, and it has been an absolute privilege to do so for nearly 22 years. I was appointed to this job at a joint sitting of the two houses of the federal parliament on 5 May 1981, and I have represented the ACT since. I was re-elected in 1983, 1984, 1987, 1990, 1993, 1996, 1998 and 2001. But, Mr President, no more: I shall tender my resignation on 14 February 2003.

At the time I came into the Senate, I was the 357th Australian to have the privilege of serving in this chamber. I was the 16th female and the ninth Liberal female, and I had the honour subsequently to become the first woman to hold the position of President of the Senate and in that role I was the 19th president. What is absolutely certain is that nobody can do this job on their own. For me there has been unequivocal support by the members of the Liberal Party in the ACT from the time I was chosen for this job and, I think I can say, still. There are those who banded together to call themselves ‘The Friends of Margaret Reid’, and without them I could not have managed either. The support that I have had from them at all times would be hard to put into words, and from the many others in the community outside of the party who have volunteered and helped. I thank them most sincerely. It has been a wonderful experience to have the opportunity to get to know and work with such dedicated people.

Within the parliament itself there are many people who are involved in any senator or member of parliament being able to do the job they do. I think of those in the Department of Finance and Administration who keep us organised and on the rails, or whatever it is that they do so efficiently during this time. I have served on committees and I have served in the parliament, and I think I have a reasonable understanding of the procedures and the role of the Senate. Certainly, Mr President, I have an abiding commitment to the role of this chamber and the way in which it does its business. I regard it as a very important part of the parliamentary democracy that we have in this country. Of course, without the commitment of those in the building besides ourselves the whole thing would actually grind to a very dark halt—I do not quite put the Clerk of the Senate into that category but some of the other departments. Certainly we are indebted to Harry Evans as Clerk of the Senate, the Deputy Clerk of the Senate, Anne Lynch, presently at the table, and all of those we see in the chamber and about who make the Senate function. They are important to every one of us.

I mention also my association with the various parts of the House of Representatives that one interfaces with, particularly Ian Harris—who was Secretary of the Commonwealth Parliamentary Association when I, as one of the two presiding officers, was President of that association—with whom I did so much. He also was a pleasure to work with. The Joint House Department, the parliamentary reporting service and the Parliamentary Library are outstanding and very significant parts of the parliamentary democracy which we have in Australia.

There are, of course, my personal staff: Jo Mahon and Haidee Cornish, who have been with me for just in excess of 20 years each, and there have been many others as well. Without that sort of commitment to hard work, working long hours and being really dedicated to doing the job of representing the people of the ACT, and all of the volunteers as well who have assisted, it would not have been possible to do the job that I have done.

For me, it has not been done alone in the sense that the support of my family has been very important. Tom Reid in particular, four children and seven grandchildren; it has been great and I look forward to perhaps spending more of my time with them in the future. Mr President, one comes into the world in my case as, sort of, our baby, a daughter, a sister and a wife and mother—generally those two are a bit separated but in my case, because Tom was a widower with four young children, wife and mother came about on the same day. I think the best was saved until last in that I am now a grandmother of seven children, and there is something about that that is very special indeed. The other day Robert Ray said to me, ‘What date are you retiring?’ I am not sure whether he was anxious that it should be sooner or later. I said,
He said, 'Valentine’s Day; it’ll be the best Valentine’s present Tom Reid has ever received.’ I think it probably will be as well.

One of course reflects a little on nearly 22 years in this place. Many of the things that come to mind when you think about it are not things that perhaps I or others as representatives were directly involved with but they had an impact on the job we were doing. One of them was the introduction of personal computers and the explosion of the Internet. I can remember my colleague John Tierney, whom I am now standing next to, in about 1993 or 1994 speaking of the ‘super-highway’ that was coming; before we knew it, after Christmas the same year it was here, and it has made an impact. There was the identification, in 1981, of AIDS and the impact of that on our community. There was the Challenger disaster and Chernobyl in 1986. Tom Reid was the director of the Tidbinbilla Tracking Station at the time of the Challenger disaster—the phone call came to our house at 4 a.m. and it made a very big impact on us at the time. Of course, the space tracking industry is an important part of the life of Canberra and I think we all relived that as we shared the experience of the loss of the Columbia shuttle the other day.

There was the collapse of the Soviet Union. There was Nelson Mandela being freed and the role he subsequently played as President of South Africa. There have been wars in too many places around the globe. There has been the emergence of the European Union. There were the events of 11 September, 2001 and, more recently, Bali. As I said, there are other things which also come to mind.

The Cold War made an impact on me as well. I had demonstrated outside the Polish Embassy and participated with groups in our community anxious to see change in their homelands. I think many of us thought—perhaps a little naively—that the end of the Cold War would mean a cessation of the sort of rivalry that went on between the superpowers and the constant threat of nuclear war and that it would finally bring peace. We now know, of course, that there are still grave uncertainties and challenges in the world which we are all facing at the present time.

During my time here we have had four prime ministers. We celebrated the Bicentenary in 1988. We had the recession in 1991. We witnessed the Port Arthur massacre and the subsequent debate on gun control. We have discussed issues such as Aboriginal land rights—Mabo and Wik—and we sat for many long hours in this chamber dealing with the issues arising from that. We have had the republic debate, the Constitutional Convention and the referendum. We have seen the introduction of a new tax system. We have hosted the Olympic Games and celebrated the Centenary of Federation.

Recently we have had debates on stem cell research and euthanasia. As far as I was concerned, also accompanying the euthanasia debate was the debate as to whether or not it was proper for the Commonwealth to exercise its right to interfere in the decisions of a territory government, having gone as far as we have to require the two territories to look after themselves financially and in other ways. That was an important debate.

As I come to the time of thinking about moving from here, there are other issues which I will still talk about, if anyone listens, from time to time. I think about the issue of retirement income security for women. I am very sensitive, sitting here with Alan Ferguson and Nick Sherry—I would be reluctant to ever suggest that another change be made to superannuation, but we have not yet got it quite right for women in particular. There is a need for adjustments to the scheme to see that retirement income security for women is a reality.

On an issue that is very significant locally, I still ask that both of the major parties look to the pension rates of retired Commonwealth public servants. Their pensions are adjusted according to the consumer price index, which is almost totally inappropriate for the purpose. This should be changed. It is said that it will be too costly to change, but I do not think that argument really takes into account the offsetting benefits that would flow from it. It is another issue which, sooner or later, needs to be looked at.
I live here in Canberra; it is my home. It is a beautiful city and it will again be a beautiful bush capital. It is the symbol of Federation and it is the symbol of the success that this country has had in becoming the nation it is today from where it started. The great institutions of the nation are here. Canberra has, significantly, been brought to this state by Liberal governments. I think particularly of the role that Robert Menzies played in insisting that it should be an important capital. In the last six years we have added the National Museum and a home for the National Archives. An enormous amount has been done within the parliamentary triangle to restore it so that Australians coming here can see the centrepiece of this part of the nation. The one institution, of course, which is vital to a parliamentary democracy but which cannot be seen by tourists in quite the same way as others is the Commonwealth Public Service. That, too, is a very significant institution of our nation.

I want to touch on tourism. As a result of the fires, tourism is suffering. Many people have cancelled. They should not; we are still here and it is still a magnificent city. One of the things which we still need is a convention centre. We have one now but it needs to be upgraded; perhaps it needs to be replaced. Every other capital city has a convention centre which is mostly funded by the government of that state. The ACT cannot do what needs to be done just on its own. This is an issue which I still hope the federal government will look at very closely, because I see it as a significant role for it to have facilities here which can be used. I leave that as something that I, and I know others, will want to pursue; it does need to be done.

When I came into the Senate, the population of Canberra was 246,500; it is now about 325,000. Petrol was 35c a litre in 1981; it is now almost $1 dollar a litre. I claim no credit for the increase in either. I cannot conclude this debate without talking about self-government because that really is the most significant change that has taken place in the ACT. When I first came into the Senate, there were 12 or more ministers with really significant roles in running this city. Self-government was a little bit popular and a little bit unpopular, but it has worked. It has provided for this city what is needed. There will still be controversy from time to time; that is inevitable. There is and will be an ongoing interface between the Commonwealth and the ACT government, but self-government has worked extremely well. We have shown our capacity to govern ourselves and to take responsibility for ourselves.

That has been shown particularly in the two weeks since the devastating bushfires, about which I spoke earlier. There has been loss of life and loss of property, both personal and public, but there have been amazing contributions by both professionals and volunteers in every area of society in fighting the bushfires, in dealing with the recovery and in the appeal for funds, which is on at present. The media—in particular, ABC Radio—did so much during that time. Inquiries will be held, and should be held, to look at this dispassionately and in a bipartisan way.

As I said, it is a superb city. It is a pity some bother to write about it when they do not know anything about it. They do themselves no credit. It is the people, though, that make up the population of 325,000 that are important. I have been patron of many organisations. I have seen the commitment of hundreds and hundreds of Canberrans who give their time and talents to this city in so many ways. I think of the young people that I have had the opportunity to get to know and to see growing and developing as talented young Australians. I am proud to have been able to work with them during these last years and to represent them. I hope that all Australians will become equally proud of their national capital.

For me, this is the end of another stage in my life. According to DOFA, 7,956 days will have been served by 14 February. I did not have time to keep count. I shall remain living in Canberra, because this is now where I belong—I was a loyal South Australian for what is now the shorter part of my life. I feel enormously optimistic about the future of this place. The renewal has begun from a very low point a couple of weeks ago and it has been a magnificent renewal. There will be renewal of the bush from utter destruction. Leaves will come back to the native
trees. It is grey on the ground at present because of ash, but the native grasses will come through again. We will rebuild houses for those who have lost them. The logs that have not burned and that are lying there will provide homes for native animals, and we look forward to them returning to be part of our bush capital. The cycle of life will go on in the city and in the bush. As I depart from this chamber for the last time this evening, I leave privileged to have had the opportunity to serve in this place the people of the ACT.

Senator HILL (South Australia—Leader of the Government in the Senate) (6.17 p.m.)—I appreciate the opportunity to thank Margaret Reid for the length and quality of her service to the democratic institutions of this country—in particular, to the Senate; to our party, the Liberal Party of Australia; to the ACT; and to the community. I must say that I am a little concerned that she seems to be so happy at the thought of leaving. It is typical of Margaret that she organises her life so that there are different compartments—now she is simply moving from one into another, taking the same beliefs and goals but seeking to achieve those goals in a different place and a different way.

Margaret joined the Senate shortly before me in 1981, which is why I referred to her long service. I want to mention particularly her many years—from 1982 to 1995—in roles as Deputy Government Whip, Deputy Opposition Whip and Opposition Whip. If ever there was an office which represented a vote of confidence in an individual by one’s colleagues, it would be the whip’s office because, as we all know, a whip is someone whom you can trust and turn to for counsel and who understands politics and life. I think that our endorsement of Margaret for so long in that very special role is an indication to her of what we think of her.

I want to mention also, obviously, her roles as Deputy President and then, from 1996 to 2002, as President of this chamber. She was the first woman president. I am not sure whether she wants me to say that because, as we all know, she was the first woman president, but she was elected on merit. As president, she did a fine job. Her personal values and standing, in my view, enhanced the reputation of this institution. I think it is the goal of a president to leave the institution in higher standing than when they started in that chair.

Her commitment to parliamentary institutions goes far beyond Australia. I want to mention a fact that some may not know, which is that over the years Margaret Reid has had a huge commitment to helping and supporting parliamentary institutions in developing countries, particularly in the South Pacific. You cannot go to a South Pacific country without people coming up to you in the street and asking, ‘How is my friend Margaret Reid?’ They often came to her through this institutional process but they saw her as a friend, because that is the way in which she sought to impart advice and help to them. I think that Margaret’s contribution to parliamentary democracy across the developing world is something that is particularly noteworthy. I think that, upon her retirement from this place, she should be very proud of that.

Others will emphasise it, but I also want to make mention of her role not only as senator for the ACT but also, as many say, as a member for Canberra. She developed a personal linkage with so many Canberrans. She is a patron of over 80 different community organisations and a supporter of so many more. It is amazing how many people in Canberra Margaret can identify. It is not only the individuals she meets in the street; she can also tell you the names of their children, their grandparents and so on. In her politics she very much saw a responsibility to personally know and meet the needs of individuals. That might explain the extraordinary fact that, as a Liberal, she has been returned on eight separate occasions as a senator for the ACT. She is clearly to be congratulated for that and it is a good lesson to all of us.

So, Margaret, upon your retirement I thank you as a major contributor to our party—almost 50 years of continuous membership and commitment to our party. If I had time I could talk about your role as President in the division, your commitment and contribution to the ACT—you were the principal driver of self-government on our
side of politics; you still have not convinced all of its merit but, nevertheless, you achieved your goal and we hope it will grow and mature in time—as a major contributor to the Senate, as I have said, and as a real example of what a member can do to help build a better community. You have every right to be very proud of your contribution in public life. We will miss you and we wish you well for the future.

Senator Faulkner—New South Wales—Leader of the Opposition in the Senate—(Leader of the Opposition in the Senate) (6.23 p.m.)—Margaret, it is with genuine regret and respect that members of the opposition farewell you from the chamber this evening. You have been a very important part of this institution for a very long time. You arrived here in 1981, 22 long years ago. I have not been in the Senate as long as you, but I began my association with you when I entered the Senate in 1989 and happened to walk out of a meeting of Labor senators to take a phone call. Someone—it may have been my colleague Senator Ray—at the time said: ‘We’re looking for a deputy whip. Faulkner’s gone out to take a phone call. That’ll learn him. He’s got the job.’ So I became the Deputy Government Whip as a relative newcomer to the chamber and, of course, in that role we worked very closely together.

In those days—I always call them the good old days, of course—when Labor was in government, I had either the fortune or the severe misfortune of being Manager of Government Business in the Senate for three years. In that time too, when you were the then Opposition Whip, we worked very closely together. What I can say about that—and I do not think you can say a finer thing about any political opponent—is that I learnt very quickly that you could do business with Margaret. Margaret was on the ball, she was reliable and she was trustworthy. As I have said, I do not think you can speak more highly of a political opponent. It is also true that those qualities were recognised when you were elected Deputy President in 1995 and became the first woman to be elected President of the Senate a year later in 1996. As I have said in this chamber a number of times previously, I believe that in the six years that you served as our President you carried out your responsibilities with conscientiousness, fairness and good humour. Good humour is probably required, at least when I am on my feet.

Senator Ian Macdonald—Hear, hear! We all agree with you.

Senator Faulkner—It is you, Senator Macdonald, I find difficult to deal with at times. One tries to be reasonable. Between Senator Reid and me, we managed to deal with you very effectively. I have said before, Margaret, on behalf of the Labor Party that we felt that you conducted yourself with distinction as President in this chamber. As you go it is worth my saying on behalf of the opposition that those remarks were worthy of you at the time and they are worth repeating. We will not just miss you for the very significant contribution you have made to the Senate; we are going to miss a senator with real generosity of spirit.

It is easy to see how Margaret endeared herself to the people of the ACT and, in a not-too-easy political environment, won re-election to this place a record eight times. We did our best to try and defeat you, as you know, Margaret, but never succeeded. And we didn’t always run Labor candidates to try and see if we could knock you off! Anyway, the truth is we never succeeded. You are pleased about that. When I think of some of the people we gave our preferences to, I am not too unhappy either! Margaret, let me say as you leave us that you leave us with genuine respect and affection. We wish you and Tom and your family all the best for the future.

Senator Lees—South Australia—(6.29 p.m.)—I begin by thanking Senator Boswell for exchanging places with me so that I may say farewell, with very mixed feelings, to Senator Margaret Reid. It is with mixed feelings because we will be very sorry to lose a highly esteemed colleague and someone who I believe has been an outstanding senator—certainly for the ACT but also, I believe, for Australia. It is with mixed feelings also because I know that your family is very keen to see more of you and that you have plans for another life working on in many organisations. As Senator Hill has just
said, there are some 80-odd community organisations with which you have been involved over the years. No doubt that is where you will put your many talents and your time in the years to come after first, hopefully, having a considerable rest.

I notice that you started your career back in 1981 after the unexpected death of John Knight. Looking back at your first speech, I feel you have done so much of what you set out to do. Indeed, being re-elected eight times shows what a strong commitment you had to your electoral base and the esteem in which the people of the ACT hold you. To look for a recent example of your very thorough and compassionate understanding of the ACT, we need look no further than the speech you gave earlier this week on the bushfires. You spoke with great understanding of what had happened to your community and specifically of the needs of those who had lost loved ones and property and, as you spoke of again just a few moments ago, of the future and of how the trees—the native ones at least—will regenerate and how now all of us must be aware of the need to support those people who are rebuilding their lives after the fires. As someone who went through the Ash Wednesday fires, I know that for many people their lives will never be the same.

You have been something of a trailblazer for women. I hesitate to say some of this for the same reasons as Senator Hill mentioned in that you have done it all on merit. There has never been the slightest hint that the only reason you got a particular job was because they needed a woman there to have gender equity or some sort of balance. You have been Deputy President of the Senate and President of the Senate. Going back through your history we can see your service on a raft of committees and positions as Deputy Government Whip, Deputy Opposition Whip and Opposition Whip. Indeed, I note what you have also done for Australia overseas. I remember in particular the visit to Great Britain where you represented Australia and this place with the Speaker at the Centenary of Federation celebrations. There are so many other examples of where you have represented this place and this country overseas, as well as the excellent job that you have done here in the ACT.

I note, too, the recognition that you have been given. For example, in recognition of your long service to the Australian and ACT communities you were awarded a Queen Elizabeth II Silver Jubilee Medal in 1977. I go back and see also that you have been honoured by the Republic of Poland with an Order of Polonia Restituta, and so the list goes on of the recognition that you have gained. As I read back through Margaret’s history, I find one very interesting fact and this is that as a schoolgirl at boarding school she actually read Hansard. I am not quite sure what to make of that, thinking of the things that I used to do as a 16- and 17-year-old, but we will not get into any of that tonight except to say that her commitment has been exemplary from a very early age.

I close by simply saying well done. You can be justifiably extremely proud of all that you have achieved, and I am sure there is more to come as you go back and work with those community organisations. I wish you and Tom a long and very happy retirement and lots more time with your children and grandchildren. We hope that we will see you back in this place from time to time, and make sure you catch up with us in the years to come. Thank you for all you have done.

Senator ALLISON (Victoria) (6.33 p.m.)—On behalf of my Democrat colleagues, Senator Reid, I want to say thank you for 22 years. We have been in this place for all of those 22 years so we have learnt to appreciate what you have done in your role as Opposition Whip, more recently in your role as President and also as a great representative of the ACT. Twenty-two years and 7,000 sitting days—plus some—is a great achievement indeed. We will miss you a great deal when you go.

I was looking back at what Cheryl Kernot said when you were made the President of this place, and it has all come true, I have to say. She said that she could personally attest to your unfailing courtesy, fairness and independence, and I think that is what marks you as such a remarkable person in this place. You have great integrity, you are articulate and you are a woman of great strength. You
are a role model for the rest of the women in this place in that sense. You are a compassionate person and a great defender and promoter of the institution of the Senate, and I am very grateful to you for that. I am told you were a very tough whip. I would like to get together with you at some stage and find out how to be a tough whip because I am not one yet, but I plan to be. You were a tough President and, above all else, you were very fair as a President, and I admired you in that role for six years.

When I look back to my first days in this place, when people asked, ‘What is it like to be a woman in the parliament?’ I would look back somewhat quizzically and say: ‘We’ve got a President who is a woman. That makes life very easy for the other women who are here and I, frankly, do not notice gender in this place.’ That, in a large part, is due to the work you have done and the great esteem in which you were held in this place in that role. I have also travelled in the Pacific Islands in recent times and had the same experience as you, Senator Hill, in terms of people coming up to me and saying, ‘How is Margaret Reid?’ You were so well known in such far-flung places that it was remarkable.

I want to acknowledge your role as a host in this place as well. I have had the pleasure of being entertained by you in the President’s suite on numerous occasions and I have always found you a superb host, someone who cared very much for those who were present. I want to go back to my first few weeks in this place in 1996. On several occasions you popped into my office and asked, ‘Everything okay? Are you settling in all right?’ You made it very clear to us that you were a person who could be approached if there was a problem. I felt very comfortable in this place as a result of that and it meant a great deal to me. This can be a daunting experience for new senators and to extend that hand of welcome and assurance that you were around to be available to people meant an enormous amount, as I am sure it does to the rest of the senators in this place.

I, too, join with everybody else in wishing you an excellent retirement. I know you will go on to campaign for all sorts of things. I hope you are successful in getting a convention centre for the ACT along with a number of other things that I am sure are still of great interest to you. It has been a great pleasure for me to know you and again I thank you for your tremendous work in this place.

Senator LUNDY (Australian Capital Territory) (6.37 p.m.)—It is a great pleasure to participate in this valedictory. I, too, do it with mixed emotions because Margaret will be very much missed but also I am happy for her as she looks forward to her time out of this place. As a fellow ACT senator, I have got to know Margaret Reid quite well. We have a unique and privileged role with the parliament being in our electorate. I note that Margaret has commented on that. The ACT is quite an amazing place with a great heart and collective spirit. It is an immense privilege to represent the people of the ACT. It is a complex community that keeps itself up to date and focused on current issues.

I know Senator Reid will not mind my reflecting on how tough some of the times have been, particularly in my comparatively recent experience as the coalition took office in 1996. The Prime Minister’s symbolic rejection of Canberra by not living at the Lodge and the cuts to the Public Service have left their mark. But it is a testament not just to Margaret’s political skills, sharp sense of timing and occasional defiance of the coalition leadership in the interests of her home town that she survived a significant challenge in the 1998 election. It was her personal standing and the way people felt about her in Canberra that got her through all of those challenges.

There is a time and a place for partisan matters and I know this is not it. Senator Reid has always been the master of understanding when party rhetoric does not have a place. I would like to acknowledge her willingness to rise above partisan politics in a crisis, as evidenced by her recognition of the role of the ACT government through the very difficult time following the firestorm. When some of her colleagues may have chosen to take the low road, Margaret has shown aplomb and leadership, and I respect her greatly for that. In the context of the aftermath of the disaster, it is a shame that your departure coincides with these tragedies be-
cause your practical approach to challenges, calm sensibilities and the relationship you have with the Canberra people would have served us well in the recovery task ahead. I acknowledge that you still are going to be around, and Canberra people will be very pleased to hear that.

Margaret’s reputation has been built up over years of service to the community. Whether through service clubs, charities, religious organisations or community groups, she has a reputation for being there when needed and being everywhere at the same time. I have to say, as a new senator in 1996, it was an extremely daunting task working with her and trying to establish a reputation when she had such a rock solid one already. Her dignified presence has earned her the friendly nickname of ‘Queen Mother’ in the local community, which carries a more positive connotation amongst monarchists than republicans. Nonetheless, it is always said with affection.

Margaret has broken new ground for women in the parliament. I know I speak on behalf of everyone on this side of the chamber when I say, with all due respect to the current President, she is sorely missed in the chair, where she displayed decisive authority that was considered fair and consistent. Her fierce advocacy of the importance of the role of this chamber has been noted by all. That topped off 21 years in this place. It seems like a very long time in any job. She has had many roles pursuing many campaigns. I had a wonderful time reviewing the very extensive clipping file diligently kept by the Parliamentary Library. There were some great headlines. I have picked out a couple: ‘Reid injects humour into dry estimates hearing’. Hallelujah! We need more of that. ‘Woman makes history in the Senate’; ‘Senate chief defends the House’; and ‘Rising above the gentle rumble of the pink palace’. I presume they are talking about this place. In the way that headlines do, they all encapsulate Margaret’s role and contribution here.

I know Margaret feels the same way as I do that living in Canberra has made it possible to have a normal life, albeit a busy one. It is the privilege of living here and the parliament being here. She has been a role model for many women trying to find that elusive balance between work and family, myself included. She has also been a role model and constant source of advice and support for many women in this place, and I thank her for that. With seven grandchildren—the most recent of which I found out today is only three months old—she knows how to manage that balance extremely well. I know she is looking forward to tipping the scales in favour of family very soon.

On behalf of my Senate colleagues, I would like to wish you, Margaret, and your husband, Tom, a wonderful post-Senate life. Thank you for your friendship and kindness, not least of all for our respective offspring on all sides, to whom you have shown a terrific amount of friendliness that has helped make parliament a family-friendly place. It is a wonderful testimony to the sort of person you are.

Senator KNOWLES (Western Australia) (6.42 p.m.)—I would like to pay my tribute to Senator Reid as someone who came in in 1984 when Senator Reid was Deputy Whip—and you could not have had a better teacher to guide you through those horrid early days when you do not know where anything is, you do not know what anything means and people suddenly start talking a different language. Margaret is a great teacher. She is a great carer of others in this place and that care of others has carried on right to the end. It was not just something that went with the job such as being the Whip, the President or the Deputy President.

One of the things I fear with the departure of Senator Reid is that there will be a further erosion of a repository of wisdom in this place. She has been a great upholder of convention, protocol and procedures, and Senate values and respect. If everyone, both present and future, could take a leaf out of Senator Reid’s book in the way in which she does not wish to see any of the proper and right conventions and protocols in this place compromised, we would be a better place. She has also demonstrated what a good broker and negotiator she is through the various positions she has held, balancing her professional work with a very appealing dry sense of humour. I sat beside Senator Reid for a
number of years in the deputy whip’s position and I have to admit that we had a lot of laughs, regardless of the fact that we were in opposition.

Her commitment to the ACT has been paramount. While Senator Lundy said that the two of you are in a somewhat privileged position because you live and work here, in some ways I think that makes it a little more difficult for you than for the rest of us. The workload and the demands of an electorate are such that, when you are away from that electorate, you simply are away. Senator Reid is never away. Senator Reid—and Senator Lundy no doubt—has had to juggle the work pressures of the Senate chamber when it is sitting with the demands of an electorate, and she did that with perfection. In all the time that I served with her as Deputy Whip, I never knew her to give herself a pair for a day’s sitting. I think that that is a standard that whips should abide by; I do not believe that whips should be away. She set that standard when the temptation for her, with her electorate on the doorstep, to wander off and do electorate things was so great.

With Senator Reid’s elevation to Deputy President and subsequently to President, she brought a great dignity to the position, as well as a very sharp intellect and a highly capable representation of Australia among international dignitaries and international parliaments. She did us proud on the national and international stage, and I think that the respect that she earned for Australia was certainly earned equally for herself, because I too have experienced things similar to those that Senator Hill and Senator Allison described: no matter where one goes, everyone is asked, ‘How are Marg and Tom Reid?’ That would not happen if they had not made such an impression on others.

I move on to a personal level. In a place that can be impersonal and highly competitive, I am extremely grateful to have been able to call Marg and Tom—or Young Tom, as I always called him until he had a little young Tom as a grandson—my friends. I am privileged to have been part of a number of their significant family events—and what a wonderful family they are. I think that you will not have a boring day, no matter what happens from here on in; you have such a superb family. Tom is such a treasure and will, I know, think that everything is perfect now he has Marg to himself and does not have to share her with everybody else. Thank you, Marg, for your wise counsel and your friendship, and may I wish you and Tom a very long, very happy and very healthy retirement.

Senator BOSWELL (Queensland—Leader of the National Party of Australia in the Senate and Parliamentary Secretary to the Minister for Transport and Regional Services) (6.48 p.m.)—Last night we all went out to the Lobby restaurant to formally wish Senator Reid goodbye. The Prime Minister and his wife turned up, and the Treasurer also came down to wish Margaret a very happy retirement. The Prime Minister sat with Margaret at the table and expressed his good wishes. For a man who is so busy, particularly at this time on the political stage, to come down and spend a couple of hours with Margaret shows the high esteem in which she is held in this place. Margaret leaves today after 21 years in parliament. I have been here 20 of those 21 years. She has served the parliament well, first as Deputy Whip, then Whip and then in the ultimate position of President of the Senate. I always admired the way she sat there with quiet dignity and controlled the Senate—always with the utmost dignity and firmness.

The Prime Minister last night made an observation about Canberra: he said it looks like Vaucluse but it votes like Cessnock. I think it is a great tribute to Margaret’s political skills that she was able to win that seat eight times. I know many Canberra people used to vote 1 Labor, 2 Margaret and jump across the political spectrum, even dedicated Labor people—although, Margaret, you did give us a fright when Rick Farley went in there a couple of years back. We were hanging on by our fingernails, but you overcame that and were victorious.

Margaret, I asked you last night, ‘What will today bring?’ because I have seen even men get very upset on their last day. But again you are handling the situation with the normal quiet dignity that you are so well known for. Can I say thank you for the
20 years that I have known you. I do not think we have ever had a cross word—maybe a couple when you were Deputy Whip, but every whip is entitled to be cross sometimes! Margaret, I wish you and Tom and your family the happiest retirement that one can wish anyone. You have earned it. Go out and enjoy it with your children, your grandchildren and your husband.

Senator PATERSON (Victoria—Minister for Health and Ageing) (6.51 p.m.)—I rise to pay tribute to my colleague Senator Margaret Reid. When I arrived here in Parliament House, Margaret was Whip. She was always very thoughtful about where she sat people in the chamber, and I think she thought that sitting me next to Jocelyn Newman would help me. And that was the beginning of a wonderful friendship. People say you do not make many friends in this place, but Tom and Margaret will always be friends. Over a long break—and it was not that she was trying to get votes for Whip because she has always done it—there would be a phone call from Margaret. If something was going wrong in your life, there would be a phone call from Margaret. If something had gone really well in your life, there would be phone call from Margaret. She has been like that for the whole of my nearly 16 years in this place—and, as I said, it was not about trying to get votes because she did it when she was President and at all other times as well.

I guess that there are very few of us in this place who you could say have traversed the political stage as Margaret has. All those roles—as Deputy Whip and Whip, in government and opposition, and in the incredibly high office of President; and I am incredibly proud to say, and I am sorry to be a bit partisan here, that we had a Liberal woman as the first woman President of the Senate—that she has played on this political stage have been done with dignity, decency and decorum. It would pay all of us to take a leaf out of her book. If we all behaved like Margaret, this would be a very civilised place. I have never heard her shout across the chamber at somebody. I have never heard her call people names. I have never heard or seen her in this place act in any other way than a way that was absolutely dignified. That is to her credit.

I have had associations with some organisations in Canberra, especially through some of my youth organisations and through guiding, and I know the enormous esteem and also great affection in which Margaret is held. I am sure that she is now going to be asked to be president and patron of more organisations than before. Canberra has been served incredibly well by Margaret. She is a very, very loyal ACT person and Canberraan, and woe betide anybody who criticised the Public Service, Canberra or people of Canberra. The only time I think I ever saw her lash somebody with her tongue, if you could say that in such a strong way, was in defence of Canberra. You could not have got a better representative for this territory and for the city, and the people of Canberra will be the poorer for her going.

She did say—I want to tell a little story here if I am allowed to; I will most probably get stabbed in the back now—that she became a mother and a wife on the same day. Amanda Vanstone, Sue Knowles, Margaret and I were in a Comcar—I think it was in Adelaide—driving along many years ago. It must have been about six or seven years ago, Senator Knowles, mustn’t it?

Senator Knowles—Longer than that.

Senator PATERSON—Somebody, most probably me, said, ‘How did you meet Tom?’ and Margaret told us the story about how she met Tom here in Canberra. She had come across for some reason—I will most probably get the story slightly wrong, but forgive me, Margaret—and they were at dinner on a Friday night, Margaret at one end of the table and Tom at the other end. Margaret was a young professional lawyer, up and coming.

Senator Hill—Bit of a looker too.

Senator PATERSON—People do say that she was a bit of a looker. I did not know her in those days. She is still a good looker now. You said ‘was’; you’ve had it now. They were sitting at opposite ends of the table, and Tom thought, ‘I’m going to marry her,’ and Margaret thought, ‘I’m going to marry him.’ And on the Sunday night he
proposed. I think Tom was very clever, because if he had waited much longer than a day and a half he would have missed her. Some six weeks later it was that she became wife and mother at the same time. I think that speaks a lot. It must have been love at first sight, because it has lasted all this time. I am sure Tom will be glad to have Margaret back.

I think one of the things we are going to miss is Margaret taming all the tyro senators, getting them to polish their shoes or, in my case, saying every time I came out of the chamber, ‘You will have to speak more slowly.’ I think she said that for about five years and said it to me only a couple of months ago in question time when I was answering a question and nobody could actually understand the gabble. So I am going to miss Margaret. You can listen on the radio, Margaret, and ring up if I gabble and you do not understand me. She has played an enormous role in the development of many of us here in this place, quietly behind the scenes giving us encouragement and reinforcement. If we gave a speech she would ring or come over and say, ‘That was tremendous.’ We are going to miss that.

Tom, I am sure you will be glad to get Margaret back. But, as Robert Hill laughed when somebody said that he would have her back totally, I am sure she will find lots of things to do. I wish both of you great happiness in your future and this next stage of your lives. I thank you sincerely for your leadership, for your example and for your friendship. I hope—I know—that we will be friends for the rest of our lives. I thank you for the contribution you have made to your territory, to Canberra, to the Senate and to this country.

Honourable senators—Hear, hear!

Senator IAN MACDONALD (Queensland—Minister for Fisheries, Forestry and Conservation) (6.57 p.m.)—The fact that I do not repeat the list of Margaret’s achievements and qualities, both professional and personal, of course does not mean that I do not recognise them and endorse them. In fact, Margaret, I do congratulate you on your achievements and thank you for your contribution. I do want to say a few words, though, more of a personal note, not only to you but to Tom as well, to express my appreciation for your friendship and support. I express that on behalf of my wife, Lesley, as well. I know Lesley and Tom have become very close over time, as young women seem to be able to with Tom.

When I first came here in 1990, I was from the bush and I was from Queensland as well, and I was a little bit lost. I came down here and met the Whip at the time. Coming from Queensland, I thought that the ‘whip’ really meant other things as well—it was sort of descriptive as well as a parliamentary term. I met what I thought at the time, as it turned out, quite erroneously, was a stern, very businesslike, not to be disobeyed or argued with, even matronly person—I say that in the way of a matron of a hospital—who was our Whip. I was really in some awe and some trepidation, but I was delighted to find in very quick time that Margaret’s stern appearance was only an appearance and that in fact she had a heart of gold. She treated me, as she treated everyone, with compassion and understanding and helped us through particularly in those early days.

I remember thinking during the first Christmas I spent here that one way to curry favour with that all important person, the Whip, was to bring down some of the mangoes which used to fall off my tree and rot on the ground. Margaret had a real liking for mangoes, so I used to pack a port and bring them down for Margaret, as a sort of bribe to get a few extra entitlements. But it was not necessary, because Margaret was equally kind and fair to all of her brood, if I might call it that.

I appreciate Margaret’s loyalty to me, to all of us, and particularly to the Liberal Party over many years. I do not know how Margaret describes herself, but she is obviously a very compassionate person. I would describe her as one with real liberal values—small ‘l’ liberal values. Her dignity and fairness in the chair during her time as the President was typically Margaret.

I had not been here all that long when I was, as a surprise to me, appointed as the shadow minister for the ACT. Until I got here, I had that very remote Australians’
view—perhaps Queenslanders’ view—of Canberra as a privileged and pampered society. Upon being appointed the shadow minister, and not having a great idea of what one might do as the shadow minister for the ACT, I did not have to worry because very quickly Margaret took me aside and explained to me just what I had to do, what policies were necessary and, indeed, what my instructions were in that role. Any small thing I did in that time when I was the shadow minister for the ACT was always as a result of Margaret and Margaret’s guiding hand on the Liberal Party’s approach to the ACT in those days.

After the 1998 election I was delighted to become the Minister for Regional Services, Territories and Local Government. Again, although I held the title of the Minister for Regional Services, Territories and Local Government, the real work in the ACT came from Margaret—through one of my staff who later became a very close friend and staffer of Margaret’s—who told me what I needed to do with the national capital. Through that time I was able to see at first-hand just what a fantastic contribution Margaret made to, in her case, Canberra but, in my case, Australia’s national capital. A lot of things have been done, particularly since the Howard government has been in charge of the country. We really have put Canberra on the map as Australia’s capital and great credit for that goes to Margaret Reid. There was not a thing I did in the ACT during the time when I was the minister for territories that really did not have Margaret’s encouragement and suggestion behind it.

Margaret, I wish you all the very best for the future. I know you and Tom are looking forward to happy years ahead, perhaps not in quite such a busy way. I certainly hope that I have the opportunity for many years in the future to call upon you and Tom around mango season time and renew our acquaintance, if we do not renew it any other way!

Senator FERRIS (South Australia) (7.04 p.m.)—In associating myself with the remarks made by my colleagues tonight concerning Senator Reid, I also seek leave to incorporate some remarks made by Senator Chris Ellison, who unfortunately had a prior commitment and was unable to be here this evening.

Leave granted.

The speech read as follows—

Senator Ellison

Today the Senate marks the departure of Senator Margaret Reid who has made an outstanding contribution not only to the Senate and the Australian Parliament but also as a Liberal Senator for the Australian Capital Territory over more than 20 years.

Having entered the Senate in 1981, Senator Reid has held a number of parliamentary positions from being appointed Government Deputy Whip in 1982, to Opposition Whip in 1987 and to Deputy President of the Senate and Chairman on Committees in 1995.

Of course Senator Reid will be most remembered for creating Australian political history when she was appointed as the first woman President of the Senate in 1996, a challenging position in which she exhibited grace, dignity and may I say a good deal of patience for some six years.

The President of the Senate is one of the highest offices in Australia and one which Senator Reid held with distinction.

Of course as well as this, Senator Reid always remained a strong representative for Canberra, being elected by Canberrans on eight different occasions. There is no doubt that the people of Canberra have been very well served by her hard work and tireless efforts.

Senator Reid, you will be remembered and remembered well. I hope that your retirement will afford you an opportunity to see more of your family and your seven grandchildren. Margaret, I wish you and Tom all the best in life after politics.
chamber. Her elected positions have all been connected with the essential workings of the Senate: first as Deputy Government Whip, then as Deputy Opposition Whip, Opposition Whip, Deputy President and Chairman of Committees, and then of course as our first woman President.

Of great significance is the goodwill for Australia that Margaret created when she was involved with the Commonwealth Parliamentary Association, culminating in her being the president of the association, which represents 1.5 billion citizens from around the world. Jill and I were very proud to be at Westminster at the opening of that wonderful conference with the Queen, when you represented the Commonwealth Parliamentary Association so well. Your commitment to the Centenary of Federation was characteristic of your very diligent approach, and your stewardship ensured that the sittings on 9 and 10 May 2001—and I think especially the Senate sitting in Victoria’s Parliament House—were occasions of which we all felt very privileged to be a part of.

Margaret, when you leave the Senate tonight, you will leave an enormous gap of consistent wisdom, commonsense and absolute integrity. Those who heard your contribution earlier this week on the tragic Canberra bushfires know that that speech was characteristic of your absolute commitment to and pride in the ACT, which you have represented so well. On behalf of my wife, Jill, and our family, who have been such good friends of yours for so long, I thank you, Margaret, and Tom, and wish you all the very best in the future.

COMMITTEES

Membership

The PRESIDENT—I have received a letter from party leaders seeking variations to the membership of committees.

Senator HILL (South Australia—Leader of the Government in the Senate) (7.07 p.m.)—by leave—I move:

That senators be discharged from and appointed to committees for the consideration of the 2002-03 additional estimates as follows:

Community Affairs Legislation Committee—

Appointed—Substitute member: Senator Tchen to replace Senator Heffernan on 12 February and 13 February 2003

Foreign Affairs, Defence and Trade Legislation Committee—

Appointed—Substitute members:

- Senator McGauran to replace Senator Sandy Macdonald on 14 February 2003
- Senator Ferris to replace Senator Ferguson from 5 pm on 13 February and on 14 February 2003

Rural and Regional Affairs and Transport Legislation Committee—


Question agreed to.

Environment, Communications, Information Technology and the Arts References Committee

Extension of Time

Senator FERRIS (South Australia) (7.08 p.m.)—by leave—I move:

That the time for the presentation of the report of the Environment, Communications, Information Technology and the Arts References Committee on the Australian telecommunications network be extended to 24 June 2003.

Question agreed to.

DOCUMENTS

Consideration

The following orders of the day relating to government documents were considered:

- Land and Water Resources Research and Development Corporation (Land and Water Australia) and Land and Water Australia Selection Committee—Reports for 2001-02. Motion of Senator O’Brien to take note of document agreed to.
- Rural Industries Research and Development Corporation and Rural Industries Research and Development Corporation Selection Committee—Reports for 2001-02. Motion of Senator Marshall to take note of document agreed to.
- Human Rights and Equal Opportunity Commission—Report—Visits to immigration detention facilities by the Human Rights

Sugar Research and Development Corporation and Sugar Research and Development Corporation Selection Committee—Reports for 2001-02. Motion of Senator Marshall to take note of document agreed to.


Sugar Research and Development Corporation and Sugar Research and Development Corporation Selection Committee—Reports for 2001-02. Motion of Senator Bartlett to take note of document agreed to.


Administrative Appeals Tribunal—Report for 2001-02. Motion of Senator Bartlett to take note of document agreed to.

Cotton Research and Development Corporation and Cotton Research and Development Corporation Selection Committee—Reports for 2001-02. Motion of Senator Bartlett to take note of document agreed to.

Australian Nuclear Science and Technology Organisation (ANSTO)—Report for 2001-02. Motion of Senator Bartlett to take note of document agreed to.

Department of Family and Community Services—Report for 2001-02—Volume 1. Motion of Senator Bartlett to take note of document agreed to.

Department of Family and Community Services—Report for 2001-02—Volume 2. Motion of Senator Bartlett to take note of document agreed to.

Social Security Appeals Tribunal—Report for 2001-02. Motion of Senator Bartlett to take note of document agreed to.


Veterans’ Review Board—Report for 2001-02. Motion of Senator Bartlett to take note of document agreed to.


Department of Immigration and Multicultural and Indigenous Affairs—Report for 2001-02, including reports pursuant to the Immigration (Education) Act 1971 and the Australian Citizenship Act 1948. Motion of Senator Bartlett to take note of document agreed to.

Aboriginal and Torres Strait Islander Commission—Report for 2001-02. Motion of Senator Bartlett to take note of document agreed to.


Human Rights and Equal Opportunity Commission—Report—No. 21—Inquiry into a complaint by six asylum seekers concerning their transfer from immigration detention centres to state prisons and their detention in those prisons. Motion of Senator Nettle to take note of document agreed to.

Wet Tropics Management Authority—Report for 2001-02. Motion of Senator Bartlett to take note of document agreed to.

Gene Technology Regulator—Quarterly report for the period 1 January to 30 March 2002. Motion of Senator Bartlett to take note of document agreed to.

Gene Technology Regulator—Quarterly report for the period 1 April to 30 June 2002. Motion of Senator Bartlett to take note of document agreed to.


Treaty—Multilateral—Text of the proposed treaty action together with the national interest analysis—International Treaty on Plant Genetic Resources for Food and Agriculture (Rome, 3 November 2001). Motion of Senator Bartlett to take note of document agreed to.

Treaty—Multilateral—Text of the proposed treaty action together with the national interest analysis—Amendment, done at Cambridge, United Kingdom on 14 October 2002, to the Schedule to the International Convention for the Regulation of Whaling, done at Washington on 2 December 1946. Motion of Senator Bartlett to take note of document agreed to.

Bankstown Airport Limited—Report for 2001-02. Motion of Senator Bartlett to take note of document agreed to.

Bankstown Airport Limited—Statement of corporate intent 2002. Motion of Senator Bartlett to take note of document agreed to.

General business orders of the day nos 40-87 relating to government documents were called on but no motion was moved.

COMMITTEES

Consideration

The following orders of the day relating to committee reports and government responses were considered:

Rural and Regional Affairs and Transport Legislation Committee—Report—The Australian meat industry consultative structure and quota allocation—Second report: Existing government advisory structures in the Australian meat. Motion of Senator Ferris to take note of report agreed to.

Superannuation—Select Committee—Report—Superannuation and standards of living in retirement: The adequacy of the tax arrangements for superannuation and related policy. Motion of Senator Ferris to take note of report agreed to.


Native Title and the Aboriginal and Torres Strait Islander Land Fund—Joint Statutory Committee—Report—Examination of annual reports for 2000-01 in fulfilment of the committee’s duties pursuant to s.206(c) of the Native Title Act 1993. Motion of the chair of the committee (Senator Johnston) to take note of report agreed to.

Finance and Public Administration References Committee—Report—Departmental and agency contracts: Report on the first year of operation of the Senate order for the production of lists of departmental and agency contracts. Motion of the chair of the committee (Senator Forshaw) to take note of report agreed to.

Foreign Affairs, Defence and Trade—Joint Standing Committee—Report—Scrutiny of the World Trade Organisation. Motion of
Senator Nettle to take note of statement agreed to.
Environment, Communications, Information Technology and the Arts References Committee—Report—The value of water: Inquiry into Australia’s urban water management. Motion of the chair of the committee (Senator Allison) to take note of report agreed to.

DOCUMENTS
Consideration

Orders of the day relating to reports of the Auditor-General were called on but no motion was moved.

ADJOURNMENT

The ACTING DEPUTY PRESIDENT (Senator Collins)—Order! There being no further consideration of committee and other documents, I propose the question:

That the Senate do now adjourn.

Juddery, Mr Bruce

Senator FERRIS (South Australia) (7.10 p.m.)—Just a couple of weeks ago, Canberra lost one of its more colourful journalists, with the death of Bruce Juddery. Bruce and I worked together as journalists at the Canberra Times and for several years I sat next to him, which required a good deal of patience and goodwill on my part and probably on his as well. Those of us who knew Bruce well will understand when I say that Bruce was not always an easy friend to have. But over the years I came to respect his intellect and his ability to write articles of all kinds on highly complex issues. His son Mark will continue to provide the Juddery by-line in the ACT with his interesting and very often entertaining articles on film. His daughter Delisay was also a great source of pride to Bruce.

I last saw Bruce a few weeks before Christmas. I gave him a lift to the local shopping centre. We had our usual disagreement about his propensity to smoke cigars inside my car and he departed with the usual slam of the door. ‘It’s lucky we love you like we do—you work so hard at being obnoxious,’ I called to him. His reply is best left to the imagination. They were the last words we exchanged, and they probably encapsulate our 30-odd years of friendship quite accurately.

Bruce was a colourful Canberra identity for more than 30 years and he was a frequent visitor to the Senate estimates, from which he was able to write a range of articles covering mostly education—particularly university and tertiary education—and defence related issues. Sometimes I marvelled at the way he was able to write such lengthy articles on what had seemed to me to be a fairly mundane exchange of questions and answers between senators and public servants. Bruce’s professional life was very eloquently covered in an absolutely outstanding eulogy delivered at Bruce’s funeral service by the Editor-in-Chief of the Canberra Times, Jack Waterford. With the agreement of Jack, I seek leave to incorporate an edited version of Mr Waterford’s contribution into the Senate Hansard.

Leave granted.

The eulogy read as follows—

We are all here united by a common idiosyncrasy—we loved, liked or respected Bruce Juddery. I suppose some of us are here to be sure that he is dead so that there is no fear of interruption, correction or contradiction when we tell tales of him at the wake at University House, but even there, one of the certain things is that the stories—which I expect will be scabrous and not always entirely to his credit, will be mostly tinged with affection and respect. An affection indeed that Bruce would find hard to handle, and likely to be coped with by his becoming just as abusive as he could become if one was reading a Riot Act of an entirely different kind.

Our affection and respect for Bruce is, in fact, in almost all cases, more than common sense would dictate because, despite his many talents, there was never a person who could more test any relationship than Bruce Juddery. And that was with his friends, rather than his enemies. There was hardly ever a person with a greater capacity to make friends feel let down, insulted for no reason, abused against his own interests.

But no one was harder on Bruce than himself, than none of his friends were punished for his misbehaviour or ineptness more than Bruce himself, and that even as he acted so often perversely against his own self interest, few people more appreciated the friendship and the counsel of those who could look past his demons and see that he was at heart a good man, a clever man, and one who left the world, perhaps a little more disorganised, but also a better place.
He was fearless, even foolhardy in exactly the same way he was in relationships with his friends, in that he would not hesitate to attack, on well-stated principles, contacts who gave him good information, just as he would sometimes not hesitate to praise people whose professional animosity to him was palpable. I wouldn’t always say that he was fair—because Bruce was rather more capable of having bees in his bonnet than most—but he was fair-minded, with a great respect for evidence, a willingness to acknowledge that there were viewpoints other than his own, and generally that acme of professionalism—a capacity to fairly state the actions or views on those on whom he was commenting critically. He was honourable—a person who could keep secrets, respect undertakings and abide by ethical considerations. I cannot think of a time when the public interest was other than his only consideration, and I can think of occasions when that interest ran against his own, and he unhesitatingly respected his calling. There are people here today who were mauled in their professional dealings with him, but maintained reasonably cordial relationships—so far as one could ever have such a thing with Bruce—even at the height of a storm.

He was deeply interested in the interplay between different people and how their tensions and their cooperation’s produced movement. He was interested in the way in which organisations themselves developed cultures and ideas, ideals even, and became almost organic personalities in their own right. In how an understanding of the clashes and collisions of different organisations and cultures threw into perspective some of the great policy and program disputes which make for ordinary politics. That he was someone himself unsocialised, so often seemingly simply unaware of how people should interact with each, may make this absorption in organisations seem a little more strange; perhaps in a way, however, it made him rather more than the foreign correspondent he was absorbed in later years, to the point, I think I could say, that probably no one attended more university council meetings than he did.

But his lasting monument must be in the way he pioneered the coverage, not only in Australia but in the world, of public administration, government with a small G, as opposed to the supposedly higher politics practised in Parliament Houses, within and between parties, and between politicians and the electorate.

Bruce wrote, necessarily, about Government with a large G too; indeed he found quickly found that his understanding of the way bureaucracy worked, and his deepening understanding of the personalities and the great ideas of those who advised the politicians gave him not only a great insight into the stuff of pure politics, but often, a big jump on journalists who hardly ever thought to ring a bureaucrat, preferring to take all their spin from the ministers, their opposite numbers and their minders.

There are wonderful images, not least in his brilliant book At the Centre, and a later history of public service unionism of government departments as medieval city states, and, elsewhere, as continents on tectonic plates in almost casual collisions with each other. But there is much more than that. For most of us, it is from Juddery that we learnt of the importance and the influence of great public servants and were able to associate them firmly not only with particular achievements but with particular views and personalities. In this day and age, when the public servant is, as often as not, a public figure, this is not so unusual, but the role of Bruce in bringing this about can hardly be underestimated. Most public servants were highly uncomfortable in dealing with journalists; many of them thought it was a prima facie breach of the Crimes Act. Bruce not only brought them, unwilling and reluctant into the light, but taught them how they could develop their ideas and their policies, and promote their agendas by doing so.

Bruce was one of the reporters first on the scene after the death of Harold Holt, and played a substantial role in chronicling the rise and fall of Gorton, McMahon and Whitlam. His reportage and commentary on the Whitlam Government, much of which became the fodder of At the Centre was perhaps more significant because of the role that uncertainty and ineptness with the government reins played in the Whitlam Government demise.

He had enormous energy and productivity, and in all fields of reportage, a person who could in a day write an editorial, a book review, a piece of commentary, an obituary, a substantial profile and half a dozen news items, and, in a week of doing that, nonetheless read half a dozen substantial books, a dozen works of science fiction and probably a dozen marvel comics as well, not to mention popping up some bars and attending a few conferences. There are other journalists who can virtually single-handedly fill newspapers, but what was astonishing about Bruce was his range and the intrinsic interest of much of the material on which he worked. It’s the content, and the breadth that matters as much as the quality.
Iraq

Senator CONROY (Victoria) (7.12 p.m.)—Under the dictatorship of Saddam Hussein, Iraqi citizens live in a climate of terror where human rights violations are a part of daily life. Amnesty International has raised concerns about the treatment of Iraqi citizens, including arbitrary arrest, detention, torture, the death penalty and possible extrajudicial executions. It is a world we can only begin to comprehend. Arbitrary arrest and detention of suspected government opponents is a common occurrence. Human rights are routinely abused. In the past Saddam has committed more serious atrocities. In March 1988, he massacred an estimated 5,000 Iraqi civilians in Halabja in a brutal chemical weapons attack using mustard gas and nerve toxins. The Washington Post reported:

Entire families were wiped out and the streets were littered with the corpses of men, women and children. Other forms of life in and around the city—horses, house cats, cattle—perished as well. In August 1990, Saddam invaded Kuwait. UN Security Council resolution 660 called for a full withdrawal. In March 1991, Kurdish refugees fled Iraq as Saddam bombed northern towns. For us, the difficulty is not knowing when he will use his weapons of mass destruction again. It is important to understand that Iraq potentially has at its disposal three types of weapons of mass destruction: nuclear, chemical and biological. Iraq’s nuclear capacity was once considered to be a mere hypothetical; however, reports released at the end of last year highlight Iraq’s desire for a nuclear capacity.

A report by the International Institute for Strategic Studies states that Iraq could produce a nuclear device within a relatively short period of time, providing it was able to acquire sufficient nuclear material from a foreign source. The report was based on data from UNSCOM inspectors who left Iraq in December 1998. The British government has gone further, publishing a dossier in September last year which states that Iraq is only one to two years away from making a nuclear bomb and has already tried to obtain uranium from Africa.

Chemical weapons are already in existence in Iraq. The Gulf War destroyed much of Iraq’s chemical weapon capacity, in particular sarin and mustard gas, and UN inspectors have destroyed many more chemical weapons; however, their capacity to proliferate chemical weapons remains intact. They still have the personnel, expertise and industrial capacity to reconstitute their chemical weapons program on an emergency basis. The British government dossier on Iraq states that certain factories have been rebuilt, with chemical weapons capabilities, and that Iraq even has mobile chemical weapons facilities.

In relation to biological weapons, Iraq acknowledged their existence in 1995. We know that in the past Iraq has had the biological weapons anthrax and botulism. Whilst UN inspectors have destroyed some facilities and materials, unfortunately they have only been able to account for a portion of Iraq’s biological weapons. We know very little about Iraq’s current biological weapons delivery capabilities. What we do know is that Saddam Hussein is not afraid to use weapons of mass destruction on his own people.

Tony Blair has told the House of Commons that Iraq has set up a huge infrastructure of deception and concealment over its weapon holdings and more evidence of that was produced overnight. He has also said that the evidence of cooperation withheld is unmistakable. He has still not answered the questions concerning thousands of missing munitions and tonnes of chemical and biological agents unaccounted for. In relation to Iraq there is a constant pattern of deceit. When a country like Iraq poses a threat, not only to their own citizens but also to other citizens in the region and the world, it is time for collective action.

As the Second World War began, it became clear that the League of Nations had failed in its chief aim of keeping the peace. The league had no military power of its own. It depended on its members’ contributions, and its members were not willing to use sanctions—economic or military. Moral authority was insufficient. In the 1930s, dictators did not play by the normal rules, and
in the year 2000 they do not either. Also, several major powers failed to support the league. Crucially, the United States never joined. Germany was a member for only seven years from 1926, and the USSR for only five years from 1934. Japan and Italy both withdrew in the 1930s. The league then depended mainly on Britain and France.

Towards the end of the war, representatives of 50 countries gathered in San Francisco between April and June 1945 to hammer out the final text that would lay the foundations of international cooperation. Although the league was abandoned, most of its ideals and some of its structure were kept by the United Nations and outlined in its charter. The ideals of peace and social and economic progress remained the basic goals of the new world organisation.

To fulfil its obligations, the United Nations has a clear role in relation to Iraq. UN resolution 1441 requires Baghdad to make no false statements or omissions in a declaration of its weapons and to comply with the implementation of the resolution. Iraq is in material breach of this resolution. Dr Blix has said that Iraq has not come to a genuine acceptance of the need for disarmament, and he has accused Baghdad of lying about its stockpiles of VX gas and anthrax, and its plans to develop long-range missiles.

The League of Nations failed because it lacked the economic and military resources to take action. This United Nations, through its member countries, has both the military and economic resources to act. The question is whether it has the will to act. Let us hope that the United Nations is not assigned to the dustbin of history as another failed international institution. Tony Blair is right—a second UN resolution should be passed. That resolution must be a way of resolving the issue, not delaying or avoiding dealing with it at all. We all hope that Saddam will disarm but, in the event that he fails to, Saddam must be disarmed and the UN must take action.

Australia’s relationship with the US has always been a key component of our foreign policy. Throughout Australia’s history, our prime ministers have understood the importance of the ties between Australia and the US. In 1941, Prime Minister John Curtin said:

Without any inhibitions of any kind, I make it quite clear that Australia looks to America, free of any pangs as to our traditional links or kinship with the United Kingdom.

In 1973, Gough Whitlam said, in relation to our international obligations:

Undoubtedly, the most important of those relationships is the American connection.

This is symbolised by the ANZUS Treaty. But ANZUS is not the be-all and end-all of that relationship and never has been. Important as ANZUS is, the relationship is many-sided and, I am convinced, deep and enduring at all levels.

Labor does not believe that there is a basis for the formal invocation of the ANZUS alliance at this stage; however, we support the approach being taken by the UK and the US to obtain international support through the United Nations. On this question, Prime Minister Blair of Great Britain is to be congratulated wholeheartedly. He believes that Saddam needs to be disarmed and that the UN should take action. He demonstrated what a Prime Minister should do. For those who have followed the ebb and flow of the Iraq debate over the last nine months, clearly a turning point was reached last September. Prime Minister Blair travelled to the United States, met with President Bush and demanded that they stay within the UN process.

But John Howard failed when it mattered on this issue. John Howard did not take it to George Bush. John Howard failed miserably. He spent his time accusing the ALP of appeasement for suggesting such a thing. In fact, a careful examination demonstrates that the Prime Minister and Alexander Downer were missing when it came to dealing with this. The Prime Minister of Australia failed miserably.

Germany, as demonstrated on the public record, has taken a radically different approach to the Iraq question. Iraq figured prominently in the German domestic political debate, resulting in the re-election of Chancellor Gerhard Schroeder. He traded on the cheap and populist anti-US line to get
himself re-elected, but now he is being found out—that is no substitute for policy; it is no substitute whatsoever. France has been craven when it comes to dealing with Iraq. France has enormous economic ties with Iraq and has been craven. It sabotaged the disarmament in 1998 and it is thinking about doing it again. France should learn the lesson that the only reason we are now back here at this point is that they sabotaged Richard Butler and the disarmament of Saddam four years ago. (Time expired)

Immigration: Asylum Seekers

Senator TIERNEY (New South Wales) (7.22 p.m.)—I rise tonight to speak about some disturbing news at the weekend, when we learnt that there was a violent break-out from the Woomera Detention Centre. As senators know, five people armed with iron bars and other implements assisted the escape of six detainees. As a result, several people were treated in hospital. It is interesting to compare what is happening now in that particular incident with the events surrounding the Kosovar issue four years ago. In July 1999, I had the opportunity to sleep over at the Kosovar refugee quarters in Singleton. I did this because at the time people in Australia were critical of the facilities provided by the government when we very quickly accepted 4,000 souls fleeing persecution and death from inside Kosovo.

The facilities inside the rapidly converted Army training camp at Singleton in New South Wales were at first very basic but were very quickly brought up to scratch. As patron senator, I was a frequent visitor. The Kosovar refugees took my wife, Pam, very much to their hearts after she welcomed them into Australia in fluent Albanian—just how she managed to do that is another story. They dubbed Pam ‘the senator’. The Kosovar refugees were invited to Australia for a set period of time and returned home within six months.

Having been part of that refugee experience, Pam and I followed very carefully the saga of the boat people coming to Australia basically from West Asia. We have debated the issues across the kitchen table, often with more intensity than there is in the Senate debates. Other families around the country have undoubtedly held similar debates, with varying levels of intensity and wide-ranging argument.

Some people at times present simplistic solutions to what is happening. Last year there were posters up in Hunter Street in Newcastle inviting people to march on my Wharf Road office and protest against the government’s policy on the boat people. The posters proclaimed: ‘Empty the camps’ and ‘Throw open the borders’. What a totally simplistic and unrealistic policy that would be.

At times, people do perhaps have some genuine concerns about the timing of the resolution of this process, and I want to devote some time tonight to going very carefully through why in certain instances it does take so long. People often ask: ‘Why can’t you get to a decision point more quickly? Why do these proceedings take so long? In fact, in the vast majority of cases we do reach a decision in a timely fashion. Within four months of boat people’s arrival in Australia, most of the applications for refugee status have been processed. Some take longer, often because it is difficult to find people’s true country of origin.

Once the applications are processed, though, matters in quite a number of cases start to become quite protracted. Those who are deemed not to qualify for refugee status are then provided with access to our court of appeal system. Despite the fact that these people are not Australian citizens, we give many of them support to help mount their appeals to the Refugee Review Tribunal. By the time that they go to the tribunal—and maybe then on to the Federal Court and even on to the High Court—many months, even years, have elapsed. If we did try to shorten that time frame, we would need to allow these people to again jump the queue by providing them with access to the courts ahead of Australian citizens, those for whom the court system was designed in the first place. The opposition believe that all of this could be achieved within nine weeks. Again, this is totally unrealistic.

The use of the courts has increased quite dramatically in recent years, and this is one of the most profound changes that has oc-
curred. If we compare what has happened over time and look back to 1993, we see that there were 517 applications to the courts and review tribunals seeking to overturn departmental decisions. By 2002, the figure had jumped to 2,606 and 53 per cent of all administrative law matters in the Federal Court concerned migration.

The Howard government sought to limit this appeals process. We sought to do this very soon after we moved into government. But the legislation that was so pivotal was held up by the opposition in this chamber for four years. By the time the opposition reluctantly agreed to pass an amended bill late last year, pressure on the courts had already begun to increase the length of the time line. In the meantime, we accommodated these people in Commonwealth facilities that are significantly better than facilities provided—or often not provided—by our state governments for homeless Australians. Sure, they are not five-star hotels, but as well as three meals a day and good quality accommodation these people have access to local, national and international newspapers in several languages, the Internet, TVs and VCRs, DVDs and computer games, sporting equipment and medical and educational services. And what has happened? Facilities have been burnt down and the standard of accommodation has been decried by people in Australia who really do not know what they are talking about.

But now we come to the underlying reason for the spate of fires at the various centres and for the escape from Woomera last weekend: most of the boat people have now been assessed and realise that they will have to leave Australia because they are not refugees at all. Once the review process is complete, either they have won their case and have been found to be refugees or they have been deemed to be illegal immigrants. They are not necessarily poor, starving or oppressed either. After all, many of them paid extraordinary amounts of money to the people-smuggling profiteers who brought them here in the first place. Look at those who took part in such a violent escape from Woomera on Sunday. There were six of them: one had been found not to be a refugee and was about to begin the appeal process, and the other five had exhausted all avenues of appeal. So what did they do? They decided to flout the law in any case and thumb their noses at the Australian people.

Given the violence that happened last weekend, do we really want those sorts of violent people in our midst? Why should they be allowed to stay when there are genuine refugees around the world patiently waiting their turn in UN camps where the standard is way below those in Australia. They include people in appalling situations in areas like South-West Asia and the Horn of Africa. Can you imagine these poor people saving enough money for their passage to Australia. Among the world’s nations, Australia, along with Canada, has the highest intake of refugees per capita. In the interests of basic equity, we must make sure that all those whom we invite to our country are genuine. The more we kowtow to the profiteers and the people who bring them to our shores the less we can cater to those who are genuinely in need. We simply do not have the resources.

The Pacific islands solution sent a very strong message to the people smugglers that Australia is no longer an easy target. No new boat people have arrived on our shores in the last year. At the last election the government was given a very powerful mandate to decide who comes to Australia and to do this as effectively and efficiently as possible. This is precisely what the Howard government has done.

Senator LUNGY (Australian Capital Territory) (7.31 p.m.)—First of all, I would like to associate myself with the comments made by Senator Ferris earlier this evening in the adjournment debate in relation to the passing of Bruce Juddery. Tonight I would like to continue my comments on the bushfire situation and the devastation that occurred in Canberra. While I have taken the opportunity so far this week to reflect upon the incredible goodwill, energy and effort made on behalf of the people of Canberra, I do feel compelled to come in and reflect on the not so positive aspects of the aftermath of that disaster.
Earlier this week we passed a condolence motion in this chamber regarding the devastating bushfires, fires which are unfortunately still raging in some parts of New South Wales and Victoria. I find it quite abhorrent that New South Wales coalition senator Senator Tierney has used the devastation of the bushfire crisis in these areas to promote the political agenda of his New South Wales tory mates. In the Senate chamber yesterday Senator Tierney flung spurious statements while seeking to vilify national park advocates and environmentalists and drive a wedge between them and the forest industries in what I think was quite a disgraceful political stunt. I am glad Senator Tierney has come back into the chamber, because I am responding to his comments of yesterday.

This stunt by Senator Tierney follows the untimely comments made in the aftermath of the fires by the Minister for Regional Services, Territories and Local Government, Wilson Tuckey, and forest industry spokesperson, Kate Carnell, who quite simplistically rushed to advocate the clearing of Australia’s forests as somehow being a solution and to criticise national park management as being the cause. Senator Tierney had the audacity in his speech to say that he could not understand why firefighters go out and fight fires under these circumstances. This flies in the face of efforts by ACT and New South Wales firefighters and emergency services personnel who risked their lives to protect homes on the outer edges of Canberra. The fact is that there is no simple answer to the issue of fuel reduction burning, because of the diversity of forests, topography and climate in Australia and the priorities and land management issues, which of course include the protection of life and property as well as biodiversity.

As the Labor shadow minister for the environment, Kelvin Thomson, pointed out: if the Howard government ministers seriously believe the answer to bushfires is to cut down or burn our forests first, we had better hope that there is a good export market for salt, because excessive land clearing will turn Australia into one big salt mine. As well, we have been assailed by the gratuitous, spiteful and petty attacks by Paddy McGuinness in the *Sydney Morning Herald*, made incredibly immediately following the devastation of the firestorms. Everyone who has been in Canberra in the last few weeks would resent his I think quite pathetic desire and statements to abolish not only the ACT government but the ACT as well. I think he is a joke. What happened here has conclusively demonstrated Canberra’s vast stock of social capital or civic spirit—whatever term you would like to use. It is obviously not a concept understood by the very cynical Mr McGuinness.

We have also seen local Liberals Brendan Smyth and Steve Pratt, opposition members in the ACT assembly, not being able to resist some unworthy political point scoring in seeking to alarm and blame. Brendan Smyth has been quick to raise what he calls his concerns around budget problems in increased costs and levies to Canberra, and Steve Pratt has rushed to blame environmental activists. Residents of Canberra do not wish for their misfortunes to be played off as political stunts, which is exactly the game that Liberal members, both ACT and federal, seem to be playing. Clearly, comments by these individuals at such a time are misguided, and I have to say that, unfortunately, they seem to be organised. Consistent themes are emerging both from New South Wales representatives and from ACT representatives that show a concerted effort. If they had a genuine interest in how the bushfires could have been averted, and will be averted in the future, then they should contribute constructively to the coronial inquests and bushfire review that have been announced by Chief Minister Jon Stanhope and not engage in insulting victims and emergency service workers by using this tragedy as a stunt. I think there is an opportunity for the coalition senators in this place, and indeed local Liberals, to take a lesson of leadership out of Margaret Reid’s book.

Labor has released a national bushfire strategy that encompasses national plans for preparedness and response and recovery from the ravages of bushfires. Labor’s strategy takes a proactive approach to dealing with bushfires and outlines the need for a
national commitment. In the ACT, the coronial inquest and the broad review announced by the Chief Minister will ask the necessary questions and get answers. Much work now has to be done on the recovery process. I would like to conclude this evening by saying that to use the crisis and loss in this way will only lower the view of the Liberal Party in the eyes of the ACT electorate.

Bushfires

Senator IAN MACDONALD (Queensland—Minister for Fisheries, Forestry and Conservation) (7.37 p.m.)—I just want to participate in the adjournment debate, ever so briefly, to express regret at the speech that Senator Lundy has just given. Obviously Senator Lundy did not follow the normal courtesies of letting Senator Tierney know that she was going to viciously attack him in a personal way during the adjournment debate, but that is the sort of thing that we have come to expect, regrettably, from Senator Lundy.

Senator Lundy, both here tonight and as quoted in the Canberra Times this morning, outrageously misrepresented what Senator Tierney had said. Senator Tierney said yesterday, quite rightly, that the New South Wales government had reduced by about 86 per cent the area of national park undergoing a cold burn since the current government had been in power. That is using information supplied by none other than the CSIRO. It is now only 6,000 hectares per annum whereas in the past it has been considerably more than that. Senator Tierney did not attack the volunteers or the people of Canberra. In fact, if Senator Lundy had read his speech of yesterday—

Senator Tierney—And understood it.

Senator IAN MACDONALD—and understood it, she would understand that Senator Tierney was actually giving all credit to the volunteers, those magnificent people who did so much to help in those hours of tragedy. Senator Tierney has also expressed his condolences and deep regret to the people who suffered injury and the loss of property. This is not a debate that should be had for political point scoring, as Senator Lundy has just attempted to do. There is a real problem here and it needs to be resolved. There will be inquiries and I support those. As I have said, it is very politically easy and popular to create national parks—and all state governments of any political persuasion love doing that—but no state government, from any political persuasion, properly resources the national parks once it creates them. State governments have to stop this very politically popular process of declaring national parks unless they are at the same time prepared to give resources for properly managing those national parks—and resources that are there permanently; not just for a year or two years but forever.

In national parks created by state governments around Australia we have seen feral animals and feral weeds come in and problems with bushfires that we did not have when they were properly managed in other ways. This has to stop. If state governments cannot fund them properly—and I know it is an expensive exercise—then they should not be creating them. They should return them to whatever capacity they were in before. In many instances they were in the hands of landowners who used them for grazing or some form of farming, and they looked after them properly because they were using them. They were caring for them to such an extent that they were still thought to be useful enough to be declared as national park.

In my own particular portfolio area at the moment, forestry, I have seen many areas that used to be properly husbanded with good silviculture regimes taken out of production forestry and put into national parks. But no money goes with them, and so they become, as parks, run down. There are no roads kept. If a bushfire starts, there is no way people can get in to address the cause of the bushfire. They do not properly manage the growth of fuel, and everyone nowadays increasingly understands that the build-up of fuel is a very significant problem.

It seems to me to be useless to take production forests out of production to save them and make them national parks but then not manage them properly or give the resources to manage them properly. Then fires come through and destroy them. They might as well have left them there to be logged. At
least if they were being logged, they would have been selectively logged. They would have been logged in a very sustainable way. Australia has the best logging, plantation and harvesting practices in the world. Many of those plantations may still have been there. I am not going to say they would be—the fires that we saw were quite dramatic and one might think it may have even been beyond the ability of mankind to do anything about it. But if state governments cannot properly resource them, they should not be taking them out of their existing situations.

I have mentioned in press releases that the amount of land covered by trees that has been destroyed in Victoria alone is something like 920,000 hectares. Each year in Victoria they log only 10,000 hectares. It is 92 years worth of allocation of logging that has gone away in two weeks. I get very tired of groups who complain about 10,000 hectares being logged, even though it is done very sustainably. They say, ‘We can’t log that, because you are destroying the trees.’ But here we have a situation in Victoria where, in two weeks, 92 times the annual allocation has just been destroyed. You do not have to be terribly clever to work out that that situation just should not be allowed to exist.

I do not point the finger of blame towards individuals and I do not do it politically. I repeat: all state governments, be they Liberal—regrettably, there are not too many of those around these days, but in the past there were—or Labor, do not put enough effort into properly managing and resourcing the forests. I think this is important: if governments, like the Victorian government or the New South Wales government, are going to take out production forests and put them into national parks—I would disagree with that, but I am not in the government there—they must at the same time provide proper resources so that those new national parks can be adequately managed. It does cost money. Money is essential or we are going to have the sort of destruction we have seen in recent years.

That is my approach to it. I know that, in a way, that is Mr Tuckey’s approach. I know that, in a different way and with a different approach, that is Senator Tierney’s concern as well. I think that we all agree with Senator Lundy on one point: as far as mankind can achieve it, we have to try to do something that lessens the impact of the bushfires when they do occur each year.

Senate adjourned at 7.45 p.m.
QUESTIONS ON NOTICE

The following answers to questions were circulated:

Defence: Reservists
(Question No. 840)

Senator Chris Evans asked the Minister for Defence, upon notice, on 6 November 2002:

1. (a) How many Reservists are there currently in Victoria; and (b) how many of these are; (i) Active Reservists, (ii) Inactive Reservists, and (iii) High Readiness Reservists.

2. What are the equivalent figures as at; (a) 30 June 2002; (b) 30 June 2001; and (c) 30 June 2000.

3. (a) How many Victorian Reservists are health specialists, for example, nurses, general practitioners, medical specialists, paramedics etc; (i) currently, (ii) as at 30 June 2002, (iii) as at 30 June 2001, and (iv) as at 30 June 2000; and (b) what definition of health specialist was used in answering this question.

4. How many Victorian Reservists that are health specialists are: (a) Active Reservists; (b) Inactive Reservists; and (c) High Readiness Reserves.

5. (a) How many Reservists were deployed to Bali as part of the emergency response effort after the 12 October 2002 bombing; and (b) what were the numbers from each state and territory

6. Can the Minister confirm that Reservists cannot be posted or redeployed by Defence to another unit in Australia, that is, other than by applying for transfer.

7. (a) How many Victorian Reservists applied for discharge in each of the following financial years; (i) 1999-2000, (ii) 2000-01, (iii) 2001-02; and (b) of these, how many were health specialists (using the same definition outlined in answer to question (3)).

8. (a) How many Victorian Reservists have applied for discharge since 30 June 2002; and (b) of these, how many are health specialists (using the same definition outlined in answer to question (3)).

9. How many reservists are or were attached to RAAF6 Hospital (a) currently; (b) as at 30 June 2002; (c) as at 30 June 2001; and (d) as at 30 June 2000.

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

<table>
<thead>
<tr>
<th></th>
<th></th>
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<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Active Reservists</td>
<td>3637</td>
<td>3532</td>
<td>3579</td>
<td>3676</td>
</tr>
<tr>
<td>Inactive Reservists</td>
<td>2139</td>
<td>1476</td>
<td>1960</td>
<td>1737</td>
</tr>
<tr>
<td>Total</td>
<td>5776</td>
<td>5008</td>
<td>5539</td>
<td>5413</td>
</tr>
</tbody>
</table>

Note: High Readiness Reservists did not exist at the time the question was asked.

(3) (i) 357
(ii) 359
(iii) 334
(iv) 335

(b) The following definitions are used:

- Officer Allied Health Practitioner
- Officer Doctors
- Officer Dentists
- Officer Pharmacists
- Officer Scientists
- Officer Laboratory Officer
- Officer Nurses
- Officer Therapeutical Officer
- Officer Radiographer
- Officer Health Services
- Officer Environmental health Officer
Officer Medical Administration
Officer Dental Technician
Airman/woman Radiographer
Airman/woman Technician Operating Theatre
Airman/woman Dental Technician
Airman/woman Dental Hygienist
Airman/woman Dental Assistants
Airman/woman Medical Assistants
Airman/woman Medical Underwater Medicine
Airman/woman Mgr/Spv Preventative Medicine
Airman/woman Technician Preventative Medicine
Airman/woman Environmental Health Surveyor
Airman/woman Laboratory Technician
Airman/woman Instructor PT

(4) (a) 185
(b) 172
(c) N/A

(5) (a) 14. A further 2 Reserve medical specialists took part in a Royal Australian Air Force aero-
medical evacuation from Darwin.
(b) NSW – 5, QLD – 6, NT – 3. The two Reservists who took part in the aeromedical evacuation
from Darwin were from SA.

(6) The following applies for each Service concerning posting and redeployment:
Navy: In peacetime a Reservist will not normally be posted to a unit outside their locality unless
they volunteer to do so. In a Defence Emergency, and if Call-Out provisions were enacted, Res-
ervists then become subject to postings to any location at the Chief of Navy’s discretion.
Army: There is no requirement for acceptance of a proposed posting by a Reserve member before a
posting is effected. However, Reserve members may, on the receipt of a posting order, submit an
application for retention, together with supporting documentation, for consideration.
Air Force: Reservists are not posted or re-deployed to other units in Australia, other than applying
for a transfer, except when they are on continuous full time employment under Air Force Act 4J(3).

(7) | Number of Victorian Reservists | Number Which Were Health |
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Applied for Discharge</td>
<td>specialists</td>
</tr>
<tr>
<td>(a)</td>
<td>(b)</td>
</tr>
<tr>
<td>1999-2000</td>
<td>580</td>
</tr>
<tr>
<td>2000-01</td>
<td>249</td>
</tr>
<tr>
<td>2001-02</td>
<td>415</td>
</tr>
</tbody>
</table>

(8) | Number of Victorian Reservists | Number Which Were Health |
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Applied for Discharge</td>
<td>specialists</td>
</tr>
<tr>
<td>Since 30 Jun 02</td>
<td></td>
</tr>
<tr>
<td>248</td>
<td>9</td>
</tr>
</tbody>
</table>

(9) (a), (b), (c) and (d) Nil.

**Defence: Reviews**

(Question No. 975)

Senator Chris Evans asked the Minister for Defence, upon notice, on 29 November 2002:
With reference to the Defence Management Audit Branch and the answer to question on notice no. 591
(Senate Hansard, 14 October 2002, p. 5106):
(1) How many reviews have been carried out by the branch in each of the following financial years: (a) 1999-2000; (b) 2000-01; and (c) 2001-02.

(2) Without providing specific details about any individual review what was the range of issues investigated by the branch.

(3) Of the reviews carried out by the branch, how many were top management directed reviews in each of the following financial years: (a) 1999-2000; (b) 2000-01; and (c) 2001-02.

(4) Of the reviews carried out by the branch, how many were audit investigations in each of the following financial years: (a) 1999-2000; (b) 2000-01; and (c) 2001-02.

(5) In terms of the audit investigations carried out by the branch in the 1999-2000 financial year: (a) how many resulted in criminal charges being laid; and (b) how many resulted in administrative action being taken against personnel.

(6) In terms of the audit investigations carried out by the branch in the 2000-01 financial year: (a) how many resulted in criminal charges being laid; and (b) how many resulted in administrative action being taken against personnel.

(7) In terms of the audit investigations carried out by the branch in the 2001-02 financial year: (a) how many resulted in criminal charges being laid; and (b) how many resulted in administrative action being taken against personnel.

(8) When a review is completed who receives the findings.

(9) Who is responsible for ensuring that any recommendations arising from the review are implemented.

(10) (a) What was the total number of recommendations arising from reviews in 1999-2000 financial year; (b) how many of those have been fully implemented; (c) how many have been partially implemented; and (d) how many have not been implemented.

(11) (a) What was the total number of recommendations arising from reviews in 2000-01 financial year; (b) how many of those have been fully implemented; (c) how many have been partially implemented; and (d) how many have not been implemented.

(12) (a) What was the total number of recommendations arising from reviews in 2001-02 financial year; (b) how many of those have been fully implemented; (c) how many have been partially implemented; and (d) how many have not been implemented.

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

(1) For the purpose of answering this question, the term ‘reviews’ has been taken to mean Management Audit Branch (MAB) audit tasks. Depending upon the nature of an MAB audit task, it can encompass work at one or more locations and result in no audit report, a single audit report or multiple audit reports being issued in relation to the work undertaken.

   (a) 128.
   (b) 109.
   (c) 86.

(2) MAB provides a range of internal audit services to Defence including the conduct of reviews covering project management of major acquisitions, implementation and use of information technology systems, financial and resource management, financial and management issues relating to corporate governance requirements (including development of Defence Financial Statements) and compliance with approved policy. It can also be involved in such things as complaints about management processes, resource usage and contract evaluation.

(3) Top Management Directed Reviews are defined as those audit tasks requested by Ministers, the Secretary of Defence, the Chief of the Defence Force, the Defence Audit Committee and Defence managers at the 3 star level (for example, a Chief of Service or Deputy Secretary).

   (a) 2.
   (b) 13.
   (c) 7.

(4) (a) 9 (none of these reviews were classified as Top Management Directed Reviews).

   (b) 18 (10 of these reviews were also classified as Top Management Directed Reviews).
(c) 10 (3 of these reviews were also classified as Top Management Directed Reviews).

(5) (a) Nil.
(b) Nil.

(6) (a) Nil.
(b) Two.

(7) (a) Nil.
(b) Nil.

(Note: For parts (4), (5), (6) and (7) - Investigations in the Inspector General Division are carried out by the General Investigation and Review Branch when there are possible criminal or disciplinary issues. MAB may assist with such investigations or it may undertake its own investigations where the focus is expected to be more on possible management or systems shortcomings.)

(8) The findings of MAB reviews are generally disseminated to officers in charge of the organisations/units at which the reviews were conducted, other relevant stakeholders and members of the Defence Audit Committee. The findings from Top Management Directed Reviews are sent to the person who made the request in the first instance.

(9) A named officer at the SES Band 1 / Military One Star level, or above.

(10) (a) 850.
(b) 99%
(c) 1%
(d) 0%

(11) (a) 350.
(b) 94%
(c) 4%
(d) 2%

(12) (a) 350.
(b) 82%
(c) 14%
(d) 4%

(Note: For parts (10), (11) and (12) - The management information system used to monitor the implementation of MAB audit recommendations has been modified several times during the financial years 1999-2000, 2000-2001 and 2001-2002 as have the policy and procedures for registering recommendations in the database. Additionally, MAB audit reports can straddle more than one financial year and the target periods for implementation of recommendations in those reports can range from a few weeks to several months. These factors make it difficult to provide precise figures regarding the number of recommendations arising from MAB audit reports in any one financial year and/or the current status of their implementation. The figures provided in response to parts (10), (11) and (12) should, therefore, be regarded as indicative.

The large differential in recommendations between FY 1999-2000 and the following two years is primarily a result of a deliberate policy decision to reduce the number of lower level recommendations included in MAB final audit reports. The larger figure in FY 1999-2000 is also due to the fact that the bulk of audit work in relation to two national audit tasks (Army Stores Administration and Management of Training Days in the Army Reserve) was undertaken in that year. The work involved in undertaking these two audit tasks resulted in 36 individual site reports being produced in FY 1999-2000 with a total of 361 recommendations).

Medicare: Lost Cards

(Question No. 1033)

Senator Chris Evans asked the Minister for Health and Ageing, upon notice, on 12 December 2002:

(1) How many lost Medicare cards did the Health Insurance Commission replace in 2001-02.
(2) What was the total cost to the Health Insurance Commission of replacing Medicare cards in 2001-02.

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

(1) HIC has advised that approximately 50,000 Medicare cards were replaced as a result of being reported either lost or stolen in 2001-02.

(2) During 2001-02 approximately 3 million Medicare cards were replaced (including the lost or stolen cards) at an approximate cost of $2.88 million. This calculation is based on a replacement cost of 96 cents per card, including postage.