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Wednesday, 5 March 2003

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

BUSINESS

Rearrangement

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

That consideration of the business before the Senate on Tuesday, 18 March 2003 be interrupted at approximately 5 p.m., but not so as to interrupt a senator speaking, to enable Senator Humphries to make his first speech without any question before the chair.

Question agreed to.

MIGRATION LEGISLATION AMENDMENT (CONTRIBUTORY PARENTS MIGRATION SCHEME) BILL 2002

MIGRATION (VISA APPLICATION CHARGE AMENDMENT) BILL 2002

Second Reading

Debate resumed from 4 March, on motion by Senator Ian Campbell:

That these bills be now read a second time.

Senator SANTORO (Queensland) (9.31 a.m.)—I want to make a contribution to this debate on the Migration Legislation Amendment (Contributory Parents Migration Scheme) Bill 2002 and the Migration (Visa Application Charge Amendment) Bill 2002, which add significantly to the body of sensible law as it relates to migration. It is a matter of regret that measures to place parent visas on a sounder basis and to expand their availability to people who wish to reunite families have been the victim of political rebuff in this place. I offer some sound advice to the opponents of the previous bill, which attempted to both liberalise parent reunion arrangements and defray potential future costs on the Australian community: think it through and think it through seriously. Having done that, reverse the position you previously held and vote to pass this eminently sensible bill. There should be no reason for argument over migration policy in this country. We are, after all—apart from Indigenous Australians—either migrants or descendants of them.

The purpose of the Migration Legislation Amendment (Contributory Parents Migration Scheme) Bill 2002 is to amend the Migration Act 1958 to accommodate the new contributory parent visa under the visa application charge in the Migration (Visa Application Charge Amendment) Bill 2002 and, in so doing, to amend the Migration Regulations 1994 to create new classes of contributory parent visas, permanent and temporary, with increased financial obligations in relation to health charges and social security payments. That this is the third attempt by the Howard government to introduce a new class of user-pays visa for parent migration to Australia speaks volumes for the paucity of policy talent on the other side of the chamber. It is good that parents who wish to join their children here in our country should be able to do so. But I believe the Australian community would rightly insist that such arrivals, at later ages and with a higher degree of likelihood of requiring expensive medical treatment that comes with age, should be at least basically able to guarantee that they can support themselves without a call on the public purse.

While discussing the historic policy failure that we see across the chamber and in parts of the cross-bench, I would like to record the fact that, in January, the Labor Party finally discovered the importance of citizenship, multiculturalism and settlement to our nation. The Minister for Citizenship and Multicultural Affairs said of this Australia Day conversion of the Labor Party—perhaps it was not on the road to Damascus and maybe it did not involve a blinding flash of light, but it was nevertheless significant—that the Labor Party shadow minister had done an excellent job of summarising the directions and changes in citizenship policy since the 1948 act. He went on to say:

We thank him for his expressions of support for the Howard government’s initiatives over the past seven years.

It’s great to have the Labor Party on board with us on citizenship, multicultural and settlement policy. The minister pointed out that, while Labor had produced a disappointing
document, it did support what the Howard government had done over seven years. The minister said it was unfortunate that the Labor spokesman had called for numerous time-wasting reviews at every opportunity in his paper and he noted that this was typical of Labor’s approach to policy and implementation—all talk and no action.

The minister provided a list of initiatives in the area of citizenship and multicultural affairs by the Howard government. I believe it is worth placing at least some of them on the record. They have included the appointment of the first ever Commonwealth Minister for Citizenship and Multicultural Affairs; the passing by parliament in March 2002 of the Australian Citizenship Legislation Amendment Act, which allows dual citizenship for Australians; the increase in take-up rates for citizenship by more than 75 per cent; an advertising campaign targeting eligible residents that produced a 56 per cent increase in applications for citizenship during the period of the campaign in 2001; the commitment of $7.3 million by the coalition government since 1996 to promote Australian citizenship; the introduction of the course, ‘Let’s participate—a course in Australian citizenship’; the introduction of the What it means to be an Australian Citizen booklet to educate prospective citizens about civics and citizenship; and, in particular, the introduction of an affirmation using similar language to the citizenship pledge to allow Australian-born people to publicly affirm their commitment to Australia and its people. In addition, the Australian Citizenship Council was formed and it delivered the report Australian citizenship for a new century and the Australian Citizenship Council recommendation for the presentation of individual citizenship certificates to all new citizens, including children—who, until then, had been noted on the back of a parent’s certificate—has been implemented. There has been expanded community involvement in local neighbourhood welcomes to citizens by increasing the number of service clubs and organisations holding citizenship ceremonies.

In this regard, could I just deviate a little from my prepared statement and commend the Rotary Club of Hamilton for recently hosting one such citizenship ceremony at the Hamilton Town Hall in conjunction with a local councillor, Councillor Tim Nicholls. It was a very moving ceremony on Australia Day. I had the pleasure of attending after the ceremony and was told it was a ceremony that really touched the heart. I think there were something like 19 new Australians who proudly took their place in the Australian community, and the Hamilton Rotary Club and Councillor Nicholls really deserve to be commended for putting together an event that will be memorable in the minds of all the people who were made citizens on that day and all of those who attended to show their support and appreciation for that brave step that they took.

There have been other achievements in citizenship and multiculturalism by this government: the observance of the first Citizenship Day on 17 September 2001; the appointment of 31 notable Australians as citizenship ambassadors; the provision of citizenship education and kits to schools under the 2030 program; promotion of citizenship awareness by using high-profile days like Australia Day, Citizenship Day and Harmony Day—which is just over two weeks away, on 21 March—as the focus for citizenship ceremonies, with numbers increasing over recent years; distribution of new promotional materials, including citizenship and affirmation kits and a citizenship stamp with Australia Post; the promotion of a highly successful 50th anniversary in 1999 and the promotion of the Centenary of Federation of Australian citizenship; and collaboration with the National Australia Day Council and the Australian of the Year to highlight citizenship to a broader audience.

That is the record, or at least part of the record, and I would respectfully submit to honourable senators that it is a full and fine record. It stands in complete contrast to the 13 years in office in which Labor had plenty of opportunities to implement the measures they are now calling for—13 years, in fact, to do anything at all. While Labor are apparently now on board on modern citizenship policies for the new century, they still cannot get their act together properly. For example,
Labor want Australia to have a citizenship council. The Howard government in its first term commissioned the Australian Citizenship Council of eminent Australians to review citizenship law and policy. Labor have missed the boat yet again.

With their new call for a legislative statement of purpose, Labor seem to be dissatisfied with the preamble to the Citizenship Act that was introduced during the time of their own Keating government—again, a critique of themselves. They do not seem to know whether they are coming or going, but I think that we should be good sports on this side of the chamber and offer them the chance to redeem themselves on such an important issue, which really should be above politics and petty point scoring. As I indicated at the beginning of this speech, here is an opportunity—just the latest of many, in fact—for those opposite to get with the strength. I urge the Labor Party and others opposite to support the passage of this legislation.

Senator STEPHENS (New South Wales) (9.39 a.m.)—I too would like to make a contribution to the debate on the Migration Legislation Amendment (Contributory Parents Migration Scheme) Bill 2002 and the Migration (Visa Application) Charge Amendment Bill 2002. These bills will enable 4,000 more parents of migrants to come to Australia, which everyone would agree is a welcome turnaround from the harsh cuts that this government made to the scheme earlier.

There is a catch, however. All but 500 of these new places will be available only to the parents of well-off migrants, while 3,500 of the new places are being provided under a new visa which requires the applicant to pay a non-refundable health charge of $25,000 if they want to apply for a permanent visa. If they are happy enough with a temporary visa, with options to cough up more for a permanent visa, this amount can be paid in instalments, with an up-front charge of $15,000. On top of this, an assurance of support bond must be paid. This will cost $10,000 for the primary applicant and $4,000 for the secondary applicant. The bond is refundable after 10 years, minus the cost of any welfare benefits they may have accessed during that time.

Under the current visa system, the cost for a sole surviving parent to migrate would total $5,725. This includes a health charge of $1,050, an assurance of support bond of $3,500 and a visa application charge of $1,175. This is no small amount of money, but it remains within savings reach for most people. Under the new visa class, the cost would include a fee of $25,000, an assurance of support of $10,000 and the visa application charge of $1,175. This adds up to a total of $36,175. Simply to bring one parent, let alone both parents, to Australia becomes prohibitive. For many Australians or relatives and families to gather this amount of money is unachievable or will cause significant hardship.

Labor has always maintained that, whilst it is appropriate for sponsoring families to make a contribution to the health and welfare costs associated with the migration of parents, the system needs to be equitable and not cause undue hardship. The scheme outlined in these bills is not equitable and is likely to cause hardship. It is irresponsible for the Minister for Immigration and Multicultural and Indigenous Affairs to crow in a media release ‘More parent migrants to be reunited with their families’ when this announcement will come as nothing but a cruel joke for those who simply cannot raise that kind of money or are waiting patiently for their parents to be allocated two of the 500 places that are currently on offer.

Given the uncertainty surrounding the length of the queue and the scarcity of places, many of those in the existing queue will aim to transfer to the new visa if this legislation goes ahead, regardless of what it might cost them. For some, this will be unachievable; for others, it will impose considerable financial hardship. I would like to point out that, even with the 4,000 new places, that is still only just over half the number of places that were available under Labor. These bills are not providing more places; they are replacing only a fraction of the places that the Howard government had already taken away, and they are doing so
In the language of this government and its immigration department, to live in the same country as your ageing parents is a case of ‘family plus’—in this case, an added extra, a little luxury for those who can afford it—but is certainly not within the scope of the government’s obligations or interest. I would think the primary interest of the government would be to ensure the wellbeing, both physical and emotional, of those in its care. Strong, supportive families are surely an important factor in the wellbeing of all Australians.

In considering parent migration there is always going to be something of a balancing act. Parent migrants tend to be in an older age bracket and so cost more to the budget, as they create more additional health and welfare costs than they offset by tax. People wanting to bring their parents to Australia usually expect to support them and are perfectly willing to do so. Countries such as the United States, Canada, New Zealand and the UK require some kind of an undertaking on the part of a relative that they will be financially responsible for the parents who are migrating. But viewing parent migrants as a burden that Australian taxpayers should not have to shoulder is unfair and mistaken. The countries I mentioned do not require up-front charges for health costs or a monetary bond. The amount of money the legislation before us requires of people up-front is simply unwarranted. This government’s user-pays framework is not very good at taking into account the contributions people make to society that cannot be counted in dollars. Economic analysis is not sufficient to weigh up the pros and cons of parent migration.

Parent migrants form no small proportion of Australian society and are an important part of our community. They are valuable to Australia—to our culture, to our social cohesion and to the structure of our families. Parent migrants take up much of the unpaid and undervalued work—such as child care, housework and work with community and volunteer organisations—as well as help to create strong and supportive families. This kind of assistance from families can be vital in helping migrant women back into the workplace after having children. Family reunion primarily serves social, not economic, functions. As Bob Birrell from Monash University has pointed out:

If entry is available only to the rich, it makes a mockery of the social purposes of family reunion. For all of that, some of us might love to have a bit of distance between us and our in-laws! We all understand why people who come from other countries to live here would want to bring their parents after them. They want their children to know their grandparents, with all of the cultural and social benefits that brings, and they want to be able to look after their parents as they get older. We can all understand why there are thousands of people every year who apply to bring their parents to Australia under this scheme.

In the last year that the scheme was administered by a Labor government, 8,900 parent visas were issued. Labor had already introduced measures that required migrants to make a contribution to the future health and welfare costs of their parents. Labor had also introduced the balance of family test, which helped to ensure that the migration program was focused on those parents who needed to be reunited with their families in order to achieve adequate personal, social and economic support.

Under the Howard government, parent visas were capped at 7,600 in 1996-97 and then cut back even further in 1997-98, to 1,000 places. After attempts to create a new and much more expensive class of visa were rejected in the Senate, the number of places available for parents under the existing scheme was cut back even further, to a mere 500 places. That is 500 places for all of Australia’s migrant parents all over the world. This measure was always going to create a severe shortage of opportunities for migrants to bring their parents to Australia, and that is exactly what it did. I do not need to point out how much stress and unhappiness that has caused many people both here and overseas.

There are now over 22,000 applications currently awaiting processing or being processed. Unsurprisingly, applicants can expect, as DIMIA puts it, ‘a substantial wait before
their application is finalised’. It has been estimated that it will take 40 years to clear the queue, even if there were no more applications. This situation should never have come about. It was never inevitable that the number of parents waiting to migrate to Australia should grow so large and wait so long.

There is now a crisis in parent visa arrangements. The Howard government deliberately produced this crisis in order to bully the Senate into passing legislation that is patently unfair. The 500-place cap has created a situation where people are desperate, often with little hope of their ageing parents ever being able to arrive here. This is certainly the case for the constituents who approach my office about parent migration, usually at their wits’ end. They are in a situation where any increase in places, at any price, will be welcomed, because by this stage they have no other options. This is not an acceptable means of getting legislation through the parliament, and it is not an acceptable means of forcing Australia’s migrant community to accept these new and exorbitant fees and charges. What would appear to be a choice for the opposition when looking at this legislation is a no-win situation that only the Howard government could cook up: do we agree to legislation that will allow some people a good outcome, if this outcome is only achievable for those who can afford it?

Equity must be at the forefront of our minds when deciding on legislation that will affect people’s everyday lives. We do not want to see the idea of ‘luxury’—an added plus afforded only to those who are rich—to start applying to things like quality health and education or a decent standard of living. We are seeing this mentality seep slowly out of this government’s offices and into the public sphere. Australians should not be forced to accept this. Parent migration should not be solely the precinct of the rich.

It goes without saying that migration is vitally important for Australia’s economic future. The emphasis in this government’s migration program is on skilled migration. Australia competes with other countries for skilled young migrants in professions in which we have shortages. The difficulty of achieving family reunion can be a significant disincentive to come here. In encouraging people with skills that this country needs to come here, I think we should be serious about our investment in both their skills and their lives in Australia. It is not unreasonable, therefore, for them to be able to be reunited with their parents in this country.

Australia is also home to people who arrive here under our humanitarian program. It is not unreasonable for those who came here seeking asylum, those who have fled persecution of some kind and often had little choice about where they would end up, to want to be reunited with their parents and, indeed, to share with their parents the new lives they have made for themselves. It is reasonable to expect that family reunion be an important aspect of any humanitarian migration program.

It is also reasonable to expect migrants to make some contribution towards the health and welfare costs of their, often, ageing parents. However, it is neither reasonable nor fair to enable only the most wealthy migrants to Australia to have access to this privilege. The Howard government is always quick to bring up the question of the queue. The queue—and those who supposedly jump it—has been this government’s ballast against local and international criticism of its humanitarian program. Australia detains asylum seekers—families and children—in unsuitable conditions, with inadequate access to judicial review, in order that the queue remains fair. How are these asylum seekers apparently jumping the queue? They do that by having enough money to pay their way. So under some circumstances it is not acceptable to pay more money to get migration outcomes, even if this outcome is asylum from persecution.

As I understand the bills before us, it is acceptable to the Howard government that people pay more money to achieve migration outcomes, provided that you are not in dire humanitarian need and provided that you are paying them. We are not really talking about jumping the queue here. We are talking about the creation of two different queues: one very fast queue for the rich parents and one
very slow queue for the poorer parents. The new visa could be considered as a $36,000 e-tag for the parent migration tollway.

The government’s manipulative campaign to sell this legislation to the parliament and to Australia’s migrant community has been at the cost of thousands of parents who have not been able to migrate here since the cap of 500 places was implemented. It has also been at the cost of these parents’ families, their communities and our society as a whole. The number of places available to parent migrants in Australia must be increased. But these places must be equally available to all who apply, not just to those who happen to be lucky enough to afford them. On behalf of Senator Sherry, I move the opposition second reading amendment No. 2580 which has been circulated in the chamber:

At the end of the motion, add “but the Senate:

(a) notes that:

(i) the Howard Government slashed the number of visas available for parents seeking to migrate to Australia to join their families to 500 in 1998,

(ii) through this savage cut in visa numbers, the Howard Government has deliberately created a queue of over 20,000 parents seeking to migrate,

(iii) the deliberate creation of this queue has caused stress and suffering for the families involved,

(iv) having created this crisis, the Howard Government’s only answer is a new visa class which requires the payment of a $25,000 fee which will be beyond the means of many, and

(v) while Labor has historically supported sponsoring families making a contribution to the health and welfare costs associated with the migration of parents, the system needs to be equitable and not cause undue hardship; and

(b) therefore calls on the Government immediately to introduce a fair system of parent visas, which will stop families in the current queue suffering additional stress and hardship and will meet Australia’s needs into the future”.

Senator WONG (South Australia) (9.53 a.m.)—I would like to speak briefly to the Migration Legislation Amendment (Contributionary Parents Migration Scheme) Bill 2002 and the Migration (Visa Application) Charge Amendment Bill 2002 because the legislation is obviously something that some of the communities with whom I have contact have raised with me on a number of occasions, and I refer particularly to the Chinese community. Unfortunately, we are dealing with a piece of legislation that is a cynical play on the very strongly held views and desires of many migrants in Australia to have their parents migrate to join them. The reality is that the Howard government has created a crisis in parent migration, and what we are seeing today is a response to that crisis. The bills may well receive some support from members of the community, people who have been waiting an extraordinarily long time to have their parents join them and who have the prospect of many more years of waiting if the current draconian cap remains in place. So, on that basis, it would not surprise me if some members of the community think, ‘This is the best that we can get, and we will welcome it.’ But the reality is that these communities have been put in this position by the draconian approach that the Howard government has taken to the issue of parent migration and by the cynical way in which the Minister for Immigration and Multicultural and Indigenous Affairs, Mr Ruddock, has manipulated the numbers in this visa class in order to put pressure both on the communities that have this need and on the Senate. I am disappointed that he appears to have been successful in doing so.

I would like to go back over a number of years, but I do not propose to canvass all the information, particularly that which Senator Stephens has already put before the chamber. In 1995-96 under a Labor government, the number of parent visas issued was 8,900. If only those numbers were available today to the people in the Chinese and other communities who are waiting for their parents to join them. However, consistent with its policies in a lot of areas, the Howard government
upon coming to office immediately took a very aggressive approach to limiting parent migration. It tightened the balance of family test, successfully introduced a two-year waiting period for social security and introduced a cap on parent visas, from 8,900 in the previous year under Labor, as I said, to 7,600 in 1996-97. This number was slashed to 1,000 in the following year. So, over a period of two years, the number of parent visas dropped from nearly 9,000 to 1,000. It is no wonder that many in the migrant communities, both in South Australia and in other states, who desire to have their parents join them are feeling extremely stressed and upset at the delays, and the prospect of interminable and continuing delays, on the applications of their parents to join them in this country.

We have a situation where the government has created a crisis in parent visas by reducing the issue of parent visas from 8,900— that is, nearly 9,000—to 1,000 in 1997-98. But it gets worse. Similar amendments were put to the parliament subsequently which would have created a second, quicker visa application category for those who could afford to pay it. Labor combined with the minor parties to disallow those regulations, and in response the minister then reduced the number of places available for parents in this ordinary queue to 500. That cap remains in place.

If any of those opposite wish to trumpet their support for the parent migration program and wish to go to migrant communities to assert that they are supportive of parent migration, I would remind them and I would remind these communities that Labor has a record of nearly 9,000 issued visas in this category in 1995-96 and that, until these amendments are passed, if they are, this government has chosen to slash the number of parent visas issued and to cap the number at 500.

A very cynical approach has been taken by the minister in both the capping of the parent visa category to 500 in response to the Senate’s prior disallowance of the regulations and also his subsequent response. In May 2002, Minister Ruddock announced the 2002-03 migration numbers. He made the statement as follows:

... 4,000 places in a full year remain available for parent migration should there be support from opposition parties to allow legislation to ensure a fair share of health and welfare costs is covered by a parent and the Australian sponsor compared to taxpayers in general.

In that statement it is clear that the minister was indicating he would be prepared to add an additional 3½ thousand places on the basis of the new and more expensive visas and an additional 500 places over and above the existing 500 cap in the ordinary queue if the Senate passed the sort of legislation that is before us today. In other words, the Senate has had held before it a stick and carrot. We are told, ‘If you don’t pass it we’ll cap it at an inhumane number of 500, which will ensure that the great majority of people who apply for this category will not ever reach Australia, but if you do pass it then we’re going to expand the number of visas for those people who can scrounge together sufficient money to pay for this.’ It is an objec-
tionable way to deal with the strongly held desires of migrant families who wish for their parents to join them.

I welcome the amendment which has been moved by Senator Stephens on behalf of the opposition. It is a sad day when we have a situation where we have such a small number of visas for ordinary people—for people whose families do not have $25,000—but we are prepared to fast-track parent visa applications for the wealthy. I oppose this. I do not oppose it because I am opposed to an expansion in parent visa numbers—obviously I think that the current government’s position on parent visas is appalling—but because it means that many families who are waiting for their parents to join them but cannot afford this sort of money will continue to wait whereas those families who have the money can pay their way in. To my way of thinking, this is an inequitable and unfair piece of legislation that has been brought about by a manufactured crisis in parent visa migration which the community is desperate to have changed.

Senator BARTLETT (Queensland—Leader of the Australian Democrats) (10.03 a.m.)—On behalf of the Australian Democrats I speak today on this piece of legislation to do with parent migration, the Migration Legislation Amendment (Contributory Parents Migration Scheme) Bill 2002. I make it clear from the outset that the Democrats do not like this legislation, in a large part, but the Democrats like the existing situation even less. That is the dilemma and the challenge that the Senate finds before it. It is true, as Senator Stephens and Senator Wong from the Labor Party have said, that the current situation of parent migration is a crisis, and it is a crisis generated by the government and the Minister for Immigration and Multicultural and Indigenous Affairs. For that reason, I am fully in agreement with the first parts of the opposition’s amendment. Nonetheless, I do not agree with a couple of their editorial comments at the end, so I move to amend the amendment by deleting parts 4 and 5:

Omit subparagraphs (iv) and (v), and paragraph (b).

The rationale that has been put forward by the Labor Party ignores the reality that currently exists. I very much agree that the Labor Party’s record on parent migration is far better than the current government’s. But that was 1996; this is 2003.

It is true that the government is in effect trying to hold the Senate to ransom by insisting that it will not expand parent intake without the passage of this type of legislation. But it is not really the Senate that is being held to ransom; the hostages are the thousands and thousands of parents who are wanting to reunite with their families. Quite frankly, as much as I dislike the intent of implementing a visa with such a large fee attached, I do not think it is appropriate for those many thousands of parents that are being kept apart from their families to be simply told, ‘We would like to help you but it’s the government’s fault,’ and then to have the government saying, ‘We would help you but it’s the Senate’s fault or Labor and the Democrats’ fault.’ That is all very well, but that just leaves them in the middle with finger-pointing either way. I have no doubt it is the government’s fault that has left them in that situation. But simply saying to them, ‘Don’t blame us, blame the government,’ is not going to help them.

The final comments of Senator Wong were that many families who cannot afford the sort of fee that is required under this new visa will continue to wait. If you oppose this legislation, they will also continue to wait and they will continue to wait longer. Whilst this is far from the ideal mechanism, it will mean that the current existing visa category intake will double from 500 to 1,000; so quite clearly people will not wait as long as they otherwise would have. Also, those that can afford the new visa with the increased fee will obviously go across to that category, which will reduce the numbers in the queue for the existing visa. So not only will those who cannot afford the new visa have to wait for a shorter period of time because the number allowed in will double but the number in that queue will undoubtedly shrink, which will also mean that they can get through much quicker. It is simply not true to say that people will continue to wait as long
if they cannot afford the amount of money that is required for this new visa. That is the reality of the situation.

The other thing that needs to be emphasised is to do with the history of this. We have heard some of that history from other speakers, and quite rightly so. Back when Labor was in government the intake was 8,900. In the first year of the Howard government it was 7,580. It dropped to 1,080 the next year and then 3,120. Then, when the minister tried to introduce regulations to introduce a similar sort of visa with an increased fee for a health charge, the minister quite openly said, ‘If this isn’t supported, I will cut the intake back to 500 from 3,000.’ He made that threat before the Senate made its decision. If I remember correctly, I on behalf of the Democrats moved to disallow that regulation and got the support of the ALP. That new visa category was scrapped and the minister held true to his threat and cut places to 500.

It is worth noting that the government, at that time, did not maintain the existing visa category—what might be called the ‘cheaper’ category. It abolished it and everybody was made to go into the more expensive category. So there would have been no scope for people who could not afford the greater amount. Again, in 2001, the government brought it forward by way of legislation and it was very similar to the current situation, except that it had a lower intake. Again, it closed the cheaper category of the current intake of 500 people for that year so, again, fewer were able to get in under the existing category, with no likelihood of even that 500 remaining. It is also worth noting that the queue, at that stage, was just under 5,000 people. The queue now, two years later, is over 15,000, with a pipeline of over 22,500, so the crisis has become far worse in the intervening period.

The other thing, of course, is that at that stage there was a reasonable prospect of Labor winning the election and certainly, through discussions I had with their then shadow spokesperson, Mr Sciacca, there was a reasonable prospect of an increase in the intake if Labor gained office. That, of course, did not happen and we now have a situation where the crisis has deepened enormously. It would be irresponsible for the Democrats to ignore the depth of the crisis and to simply continue to say, ‘It is the government’s fault; go and complain to them,’ because one thing is quite clear: this minister is not going to shift on this matter.

We have now had four years of this draconian cap of only 500, and in just the last two years the queue has ballooned from 5,000 to 15,000. If we reject this legislation now we will condemn those parents to at least another two years with a cap of 500; that is absolutely guaranteed. Imagine what the queue will be like then. If it went from 5,000 to 15,000 in the last couple of years, after another two years it could well be anything—beyond imagination—30,000 or more. That is a completely untenable situation. I would welcome another mechanism for addressing this, but another mechanism is not available. It is the best that we can do under this government.

We have a responsibility in the Senate—and certainly the Democrats, as a party that takes its balance of power role seriously, has a responsibility—to look at what this means for the people that are affected by the legislation. It is important to look at the principles behind things and it is appropriate to talk about them. We should never forget that legislation is about people and how people are affected by it. If we say no to this legislation, the queue will continue to be at least 40 years long and will continue to grow. The torment of families being kept apart will get worse, unresolved for at least another two years, and who knows beyond that—there are no guarantees.

The alternative is to significantly enhance the intake, including doubling the intake under the existing visa category and shortening the queue in the existing visa category, because many will move across to the new category. Nobody knows which queue will move quicker, because nobody knows how many people will choose to go in which queue, but the key thing is that the queues will be significantly shorter. It is not the ideal outcome but, in the Democrats’ view, it is far preferable, given where we are now, to provide that relief to those families to ensure
that thousands more families are able to be reunited over the next couple of years than would otherwise be the case. If we oppose this bill there will be 1,000 families over the next couple of years who can be reunited: if we support it there will be 9,000, including 2,000 under the existing intake. It is a difficult choice but, in many respects, after thinking through the human impact, for the Democrats it is a clear choice.

It needs to be highlighted that the one party that I do not think can make any claim to standing on principle in relation to migration matters is the ALP. I noted in the debate in the lower house Dr Emerson saying that bipartisanship on the migration program was shattered in 1988 when the current Prime Minister, the then opposition leader, declared that he thought there might be too many Asians coming into the country. There may have been some difference in some aspects, but let us not forget the massive show of bipartisanship between the Labor Party and the Liberal Party leading up to the last election, particularly in the area of destroying families and keeping families apart. The member for Lowe, Mr Murphy, spoke in the lower house about his strong support for family reunion. In natural law alone it is intrinsic that parents be cared for by their children, and this is done through family reunion. Not only is he preventing family reunion by opposing this bill but also the Labor Party supported the government’s introduction of the temporary protection visa, specifically aimed at keeping families separated—and not just parents from their children, but spouses from their partners and their children.

A more direct shattering of family reunion opportunities has never occurred before in this nation’s history. We are seeing the direct consequences of that in the community. Many refugees are suffering hugely, not just because they have hanging over their heads the prospect of returning to a place where they face genuine persecution, but because they are not able to reunite with their families. We have families with one person on Nauru and another in Australia. We have the outrageous situation at the moment where a family that lost three children that drowned on the SIEVX are at risk of being separated again, just after they have had another child and are trying to rebuild their family. One of them has a four-year visa and the other has an expired visa and is in danger of being deported. That is all because of the Labor Party’s support for the temporary protection visa. So do not come in here or the lower house and talk about having support for the sanctity of the family and family reunion. Spare us the humbug.

It does need to be emphasised—and some of the arguments that have been made both by the opposition here today and, indeed, in the lower house, reinforce this fact—that it is a crisis. With at least 22,000 people waiting, over 40-odd years, what are we going to do about it? Labor’s solution is to say, ‘We’ll do nothing but blame the government for the creation of it.’ The Democrats’ solution is to say, ‘Yes. It’s been created by government, but we have a responsibility to try to address it and redress it as feasibly as possible, given the current circumstances.’ That is what we are doing. I am quite willing to deal with the shallow and inconsistent criticisms that the Democrats will get from the Labor Party because I know that this legislation, flawed as it is, will help many thousands of families who are quite literally desperate. That it is the government’s fault that they are desperate does not alter the fact that they are desperate. Our doing nothing about it, other than blaming the government, is not going to address that desperation.

Whilst I am always willing to deal with, accept and wear criticism, however flimsily based it is in logic, it is worth noting the criticisms that were made by the shadow minister, Julia Gillard. They surprised me a bit, because I did not think that was her style. She used the phrase of the Democrats being ‘rented by the hour’. I am surprised that such a sleazy, sexist piece of abuse came from Ms Gillard. I have heard it from others—from the bovver boys of the ALP—and it does not surprise me when it comes from them, but it does surprise me when that cheap, sexist rubbish comes from her. It is the sort of thing that one might expect from perhaps Mr Latham, who seems quite comfortable calling people whores quite openly in the lower
house, but I expect better from the shadow minister.

As Mr Ferguson himself said in the lower house, significant elements in the Chinese community support this change. There is significant pressure from many migrant communities in Australia. I have a great deal to do with many of them and their peak bodies and with bodies such as the Migration Institute. Many of them say that this is a step in the right direction. They are not saying, 'This is the perfect solution, this is great, we love it.' But they are saying, 'The crisis has got so bad we have to do something.' And that is what the Democrats are doing; we are doing something to try to redress it. If Labor gets into government in the future and it wants to move some changes to reduce the inequities, we will be all for it, but we are not going to leave parents and families continuing to suffer in the meantime.

At the moment we have to deal with the reality of this government and the reality of the immense desperation that is in the community as a consequence of the government’s actions. All the nostalgia in the world about how things were better, in this area anyway, when Labor was in government is not going to help one tiny bit those families who are in difficulty now. That reality simply has to be acknowledged. That is part of the important role that the Senate plays and certainly the Democrats play. We are not just going to make nice, purist, principled pronouncements and not care about what the actual human impact is; we are going to deal with the reality of the human impact. Many of the comments that have been made by Labor Party commentators and speakers in this debate in both the Senate and the House of Representatives have reinforced the fact that something needs to be done. That is an undeniable situation.

It is important to acknowledge the role of migrants and the role of family in the strengthening and building of the marvellous fabric of the Australian community. It is important to acknowledge that some of that fabric is at risk at the moment because of the situation that our nation finds itself in and because of some of the decisions and rhetoric being used by some political leaders. Keeping migrant families apart in such circumstances is hardly going to help maintain that fabric. Family is a central component to the ongoing strength and diversity of multiculturalism. Whilst it is an imperfect way to do it, the fact that we are able to dramatically increase the family reunion intake is welcome in the sense that it will help strengthen the fabric of multiculturalism at a time when, I think all of us would agree, it is under some threat.

It is also worth noting that the two-year waiting period for social security that Senator Sherry complained about in his speech was something that would not be around today if it were not for eventual Labor Party support. Again, we need to look at the record in relation to migration measures in this chamber over the course of this government. If we look at the ones that have been supported by the Labor Party and the ones that have been supported by the Democrats, you can see the Democrats have a much more consistent record in ensuring that there is a better outcome for people and that suffering is reduced wherever possible.

It is worth again noting the differences over time when this measure was first proposed by the government. It would have completely abolished the existing category and only allowed a category with a significantly increased fee and health charge attached. That was rightly rejected by the Democrats in the Senate. Two years later the existing category was retained but closed at 500, and the queue was a third of what it is now. The situation now is that the existing category under this bill will be doubled. It is probably the first time that we have seen any sort of movement upwards in family reunions coming from this government, which has dramatically increased the focus on skilled and business migration in recent years. It will also increase the total intake for the year to 4,500—nearly nine times the increase on the current intake.

This will undoubtedly mean that the queue will shrink much more quickly. It will still take some time to clear the backlog. Let us not forget that there is still the prospect, even with 4½ thousand a year, of at least a five-year wait, given the numbers that are cur-
rently in the queue and the pipeline. And it should not be forgotten that, even with this measure, we are still putting people in a situation where they will face a significant wait if they apply now. But at least those who have been in the queue for some time are likely to have some relief a lot quicker, and that reality needs to be acknowledged. Whilst the Democrats are far from pleased with the mechanism put forward in this legislation, there is no doubt that it is far better for the families that would be affected, including many migrant Australian families that have been here for many years, than simply just opposing it and allowing them to continue to suffer for a minimum of another two years and, quite possibly, indefinitely.

Senator BROWN (Tasmania) (10.22 a.m.)—The Migration Legislation Amendment (Contributory Parents Migration Scheme) Bill 2002 presents both opportunity and great difficulty as far as the Greens are concerned. We have a great empathy with the families of people who have migrated to Australia who are still back in the country of origin and cannot come here. We have a humanitarian impulse in our immigration policy, which says that those in greatest need from a humanitarian point of view ought to be at the front of the immigration queue to Australia. That said, the difficulty arises in this legislation because it is moving away from the government’s avowed position of giving favour to so-called skilled migrants, which effectively means that potential migrants to the country who have money—for example, business migrants who have great wealth in their pocket and can therefore buy a way into the country by potential investment, or people who have been in the corporate sector and in charge of a corporation with 50 or more staff—get a queue jump in the immigration queue for coming to Australia.

This bill aims to increase the number of parents waiting to come to Australia to join their families by 4,000 per annum. We know that the list of parents waiting is at least 22,000 at the moment. It is probably very much bigger than that. There is anecdotal evidence that some parents have been waiting an incredible 40 years to come to Australia, but for one reason or another have not made it onto the official list. You cannot underestimate the difficulty that some relatives of people who have migrated to Australia who do not have English, who do not have easy access to Australian consulate or embassy facilities, have in converting their wish to join their children into an actual application and then the ability to get here. The problem with this legislation is that for most people it puts a huge economic barrier—in fact, an impossible economic barrier—in their way. It says that, if you are rich, you are able to join your family in Australia; if you are poor, your chances are much more limited. We totally object to that.

That said, the legislation will enable 500 parents who otherwise would not be able to come here to be able to come, besides the 3,500 who will be able to buy their way. That presents an opportunity that the Greens do not want to dismiss out of hand. However, I am very attracted by the contribution to this debate in the House of Representatives by the innovative member for Calare, Mr Peter Andren. He put forward an important amendment which did not get the notice and the attention that it deserved from the government or the opposition. I am grateful to Mr Andren for allowing me to take up that amendment and I now foreshadow that I will present it to this chamber, where I hope it will get very serious consideration from the Labor Party and from the Democrats, because it manifestly makes this legislation fairer. If this amendment is put into the bill, it will answer some of the problems at least that the Labor Party sees in the legislation. It certainly will make it a better piece of legislation as far as the Greens are concerned, but it is not taking away from the government its wish to enable people who can pay to come to Australia as parents of residents, or citizens, of Australia, to do so. With apology, I will crib from Mr Andren’s speech to explain the amendment that the Greens are bringing forward here:

Much of the debate on the Migration Legislation Amendment (Contributory Parents Migration Scheme) Bill 2002 and the Migration (Visa Application) Charge Amendment Bill 2002 has been focused on the principle of equity. The Labor opposition does not dispute the principles of a
user-pays system or mutual obligation, and this is reflected in its failure to make any substantial amendment towards improving the equity of the proposed migratory system, save a meagre second reading amendment. Further, as I understand it, there will be no amendments moved by the opposition when this bill goes to the Senate—

and we have seen that that effectively is the case—
because of the supposed deal that has been done between the Democrats and the government. But why not at least try to back up its rhetoric with suggested improvements here in this place?

Mr Andren says:

I have been following this debate with a lot of interest. Most opposition members, while recognising that some contribution is required from potential migrant parents, say that this bill nonetheless remains an outrageous attack on migrant families, in the words of the member for Greenway, as I recall. If it is such an outrageous attack on new Australian families, why then has the opposition declined to make any attempt here in this place to redress the inequity it recognises is inherent in this bill?

Under the new scheme, a parent who wishes to migrate can pay $25,000 as an additional visa application charge, as well as provide a $10,000 bond for 10 years to guard against possible use of the social security system. This is in addition to the $1,175 initial visa application charge. A second parent applicant pays both visa charges in full and provides an additional $4,000 bond as support assurance. So, for a parent couple, a brand new visa can be bought for $66,350.

That, as I said earlier, is an impossible barrier to many, many parents of people in Australia coming here. Mr Andren continues:

Under the existing scheme, the visa charges amount to $2,225 ... with a $3,500 bond for two years and $1,500 for any second applicant. If you are struggling to afford the $9,500 to bring your parents to Australia under the current scheme, you will not have a hope of gaining entry under the new system proposed in this legislation.

On the government side, at least members are sticking to their position, however inequitable and economically discriminatory it may be. They rightly recognise that there is a considerable backlog of applications to be processed, with applicants waiting on average almost six years to receive their visas. This is a considerable problem for aged parents in particular, waiting to join their families. According to the government members, the new classes of user-pays visa will give those who can afford it the opportunity to leave this existing queue and therefore speed up the process. In this way, the new visas are good for everybody—so goes the government’s argument.

What is really required is to deal with both of these problems—to redress the inequity and to speed up the processing.

So I will be proposing an amendment. I have circulated it in my name in the same form as it was proposed by Mr Andren in the House of Representatives. I will be putting that amendment in the committee stage. He continues:

This amendment will specify that the minister, while retaining the power to decide the number of visas available for each particular class, must determine that the number of visas available under the existing non-contributory parent visa scheme is equal in number to those visas available under the new class of user-pays visas to be introduced under this bill.

It is a simple change that will achieve what both sides of this debate believe is desirable in this new parent migration scheme. It will speed up the queues, and it will provide equality of opportunity for those who can afford a new contributory visa and for those who cannot. In relation to cost, which I anticipate will be the basis on which the government will oppose my amendment, I remind the government that its proposal of a $25,000 health services charge, which is the crux of the user-pays scheme, represents an estimate of 12 per cent of the costs involved in looking after aged citizens. The Government Actuary describes this figure as ‘12 per cent of immeasurable costs’. I invite—

the government and the opposition—
to make of that what they will. But if we accept this figure as the basis of the government’s calculations, it leaves 88 per cent of health services costs still to be borne by the Australian taxpayer.

If we can afford to bear 88 per cent of the health costs of 3½ thousand people who can pay for their visas, we can afford to pay the costs of the same number who cannot afford to buy their way in. This is all the more pertinent in light of the fact that the government is relying on figures that were decided apparently so arbitrarily, evidenced by the fact they are based on ‘immeasurable costs’. I urge that this amendment be given serious consideration—

by the government, by the opposition and by the Democrats. I will be advocating this amendment and pursuing it in the committee stage and will be looking at the government’s
response. It is not a new amendment. The
government looked at it when it was pro-
posed in the House of Representatives and
will have done the homework on it. While it
does not meet the Greens’ requirement that
the queue should be on a needs basis, not on
an ability to pay basis, it does make it much
more equitable. It will extend to over 500
parents each year the opportunity to come
into the country.

Senator LUDWIG (Queensland) (10.34
a.m.)—I rise to speak on the Migration Leg-
islation Amendment (Contributory Parents
Migration Scheme) Bill 2002 and the Migra-
tion (Visa Application) Charge Amendment
Bill 2002. I will answer in part Senator
Brown’s comments in this way. Firstly, to
those with parents in the queue who are
watching or listening to this debate closely,
Labor says this: always remember that you
are in the position you find yourself in today,
isolated from your parents and desperately
worried about them, because the Howard
government implemented the savage cap of
500 parent visas. And why did the Howard
government do this? It did it in order to make
people so desperate that what had been po-
itically unacceptable became acceptable.

Families are now so desperate that they
know—given the age of their parents and the
size of the waiting queues—the only way to
get them here is to pay the price. This is the
Howard government saying: ‘Show me the
money.’ The Howard government introduced
this cap to force a reluctant migrant commu-
nity who want their parents here to accept
new fees and charges and to accept a system
with two queues—one for those with money
and one for those without. I turn to com-
ments by Mr Ruddock in this debate from
the earlier part of his strategy—if you could
call it that. This strategy has been both cruel
and cynical. It is as a result of this cruel and
cynical strategy that these bills are now in
the Senate. The genesis of these bills dates
back to 7 May 2002 when Minister Ruddock
announced the 2002-03 migration numbers.
In doing so he made the following statement:
... 4,000 places in a full year remains available for
parent migration should there be support from
opposition parties to allow legislation to ensure a
fair share of health and welfare costs is covered
by a parent and the Australian sponsor compared
to taxpayers in general.

The minister in that statement was publicly
heralding that he would be prepared to add
500 places to the available 500-place cap to
make a total of 1,000 places in the ordinary
queue, provided that legislation passes this
parliament to allow new and more expensive
visas which would see 3,500 places created.
On that basis, obviously, as I have said, I
think we have seen the unfolding of a cruel
and cynical strategy—the minister holding
out to people who were desperate to get their
parents here a potential solution, provided
that they, this parliament and everybody else
accepted something that was politically un-
acceptable: the creation of new and more
expensive visa classes.

A little bit later, the minister outlined four
options for the new parent visa classes. They
were the subject of a consultation paper is-
ued by the minister. But I make this one
observation on these four options, which
were a matrix of different levels of charges
and different time payment arrangements:
two of them were distinctly better in terms of
minimising financial hardship than the provi-
sions of these bills—that is, of the four op-
tions consulted on, two of them were dis-
tinctly different to the measures that are in
the bills before the Senate today.

Turning to the current bills, it is instruc-
tive to at least try to work through what their
effects would be. That brings me to a de-
scription of what is in the bills before the
Senate today. The scheme outlined in these
bills is as follows, as far as I can understand
it. The current parent visa categories would
be kept open to fresh applicants—that is, we
have 22,000-odd people in what I have been
terming ‘the ordinary queue’. People will be
free to join that queue, and the number of
places available in that queue will be in-
creased from 500 to 1,000. Then there will
be a whole new queue created, with 3,500
places per annum. People seeking to have
their parents migrate to Australia in that new
and more expensive queue will have two
options. Option No. 1 is that they can pay an
up-front charge of $25,000 per person and an
assurance of support bond of $10,000 for the
principal applicant and $4,000 for the secon-
dary applicant, which is then refundable after 10 years less any take-up of welfare benefits. That is the first option: the immediate production of $25,000 and the production of a further $10,000 for the assurance of support bond for the principal applicant. Of course, the fees keep rolling on from there and escalate if you are migrating two parents. Then there is option No. 2, which at least gives people some respite in that it gives them some ability to pay over time. This option is structured on the basis that the up-front payment is $15,000 per person rather than $25,000. If you go with that option, you will receive a two-year temporary visa for the parent who migrates—obviously, they still have to meet all the other relevant criteria in terms of character and the like—and, at the end of two years, they can make an application for a permanent visa and pay a further $10,000 charge and an assurance of support bond of $10,000 for the principal applicant and $4,000 for the secondary applicant, refundable after 10 years less any take-up of welfare benefits.

Put simply—not that it is easy to put this simply—the difference between the two arrangements is that, in the first arrangement, you pay $25,000 and the assurance of support bond and immediately get permanent entry to Australia. If you take the second option, you effectively pay the charges over two years and get a two-year temporary visa which will become a permanent visa when you have finished paying off the money that is owed. For those who have followed this debate closely, we need to make a couple of things clear. One is that, for those people who are in the current queue, arrangements are made under this legislation to enable people to pay the higher charges and move to the new and more expensive queue. Obviously, given the level of anxiety that many people feel from having their parents in this extraordinarily long queue of more than 30,000 people, numbers of families will consider that option, irrespective of the hardship that it places on them.

Turning to the costs of parent visas, I think when you roll off a whole lot of figures—and people have been doing that in this debate—it is easy for people to get confused and see the numbers as just numbers. Migration matters, as we all know, are not straightforward. For families who are trying to work out where they stand under this legislation, it will not be simple at all. But the best way of thinking your way through it is to take an example to get a feel for the real qualitative and quantitative differences between the ordinary queue and the new queue. Take the example of a sole surviving parent who is somewhere other than Australia. If you sought to have that sole surviving parent migrate in the standard queue the costs would be a total of $5,725, comprising a health charge of $1,050, an assurance of support bond of $3,500 and a visa application charge of $1,175—unless, of course, there have been amendments to those figures recently. To migrate a parent in the new, expensive queue, it will cost a total of $36,175, comprising a fee of $25,000, an assurance of support bond of $10,000 and a visa application charge of $1,175.

You do not need to be particularly good with figures to be able to compare the enormous difference between $5,725 and $36,175. In terms of the finances of ordinary families, with a bit of a stretch many families might be able to raise $5,000 to $6,000—by saving, by small extensions to the mortgage, by short loans or by whatever mechanism people generally use to obtain those types of sums of money when they are in financial stress—but we all know from personal experience it is a quantum difference to try to access more than $36,000. It is the difference between an expenditure that it is realistic to save up for over time and an expenditure that most people would necessarily have to borrow for and, in borrowing, would need to have a substantial asset to secure the loan against. It is not going to be provided in an unsecured capacity. You are talking about people using the equity in their houses, for example, to access that amount of money. We all know many people who are simply not in that position and may not have an asset to cover or secure a loan of that nature.

In responding to these bills, Labor maintains the position that it has always maintained on the question of parent migration. The position we have consistently main-
tained from government to opposition—and which we will take into government again—is that, whilst it is appropriate for sponsoring families to make a contribution to the health and welfare costs associated with the migration of parents, the system needs to be equitable and not cause undue hardship. This is where we differ from the government and the Democrats. We believe that all families should have realistic options for reuniting with their parents in Australia. The bills ensure that only very few and perhaps rich, well-off or more fortunate families will now have this option available to them. These visa charges will rule out the everyday worker, most single parent families and most recently settled people who are still settling up home and getting established in Australia. In fact, it will rule out anybody who does not have $25,000, or $50,000 for a couple.

We believe the system detailed in these bills fails the tests of equity and of not causing undue hardship. It fails the test of equity by creating two queues, and people are very highly advantaged if they have the financial means to get themselves into the expensive queue. With the test of equity, we need to recognise that the standard queue will have only 1,000 places per year and that the more expensive queue will have 3,500 places per year. So if you have the financial resources—if you can access just over $36,000—you have, in effect, 3½ times more chance of getting your parents into this country. On the test of equity, of putting people in comparable positions, of not allowing privileged access for those who have financial resources, we think this package fails.

As I have indicated, we also think it fails the test of not causing undue hardship; by anybody’s standard, $36,175 is a lot of money. That is for the migration of one parent. You can effectively pretty close to double it for two parents. Obviously the assurance of support is slightly different, but just as a rough calculation you can pretty close to double it if you want to get two parents here. Therefore, it will mean that people will need to go down the path of borrowing money and will need to find security to borrow those amounts. It is not just, it is not equitable and it is not fair. Many people will simply not have an asset or, if they do, they will be mortgaging the family home. There is no equity in this. Labor believe that these bills as a package have failed the tests of equity and of not causing undue hardship.

While Labor have remained consistent, unfortunately the Democrats have not. When you look at it, it appears there were a number of occasions in the past when Labor and the Democrats combined to block passage of comparable legislation or regulatory change. Perhaps proving the old adage that you might not be able to buy the Democrats but you can rent them by the hour, they have done a deal with the government and agreed to support these bills. It seems that the Democrat principle of believing that wealth or otherwise should not be a determining factor in whether or not people can get into this country has completely gone out the window and I find that disappointing. As we all know, it is not the first time this has happened.

To return to where I started—the cruel and cynical political strategy that this government is pursuing—these bills will be passed with Democrat support, if that is forthcoming. However, while we know that these bills will be passed, Labor believe that we should never have got into this position. We should never have got into a position where there are more than 20,000 desperate families in a queue for parent migration. We should never have seen the unfolding of a cruel and cynical political strategy that is designed to create the desperation and the political pressure for a new and more expensive visa class by so radically capping the current queue. This has, I think, been a bit of a three-card trick by the government, played on people who simply want to do no more than have their parents join them in Australia.

So what do you do? You make it virtually impossible for them to migrate their parents in the ordinary queue; having made it virtually impossible for them to do that, you allow a huge queue to blow out. People are then so desperate that they will tick any box, pay any amount of money or jump any hurdle in order to get their parents through. When desperation is at that point, the government comes in with legislation like this and asks people to support it. It is a cruel and
cynical political strategy that is being perpetrated. We on this side of politics believe that we have been consistent about this matter. We believe that this political strategy is one that really hurts a lot of people and should not be pursued.

Senator ELLISON (Western Australia—Minister for Justice and Customs) (10.51 a.m.)—I acknowledge the contributions made by senators in this very important debate on the Migration Legislation Amendment (Contributory Parents Migration Scheme) Bill 2002 and the Migration (Visa Application) Charge Amendment Bill 2002, which deal with parent migration, a very important issue for many Australians. These bills implement the government’s policy for parents who wish to migrate to Australia. The policy recognises the contribution—tangible and intangible—that parents make when they come to Australia and seeks to balance this with the need to offset the substantial costs of parent migration. This is perhaps in a different category from other aspects of migration when you consider the program as a whole.

The passage of these bills will enable a significant increase in parent migration, while minimising the cost to Australian taxpayers. That is the balance we have to strike here. It is very important to remember that, should this measure be passed, it will open the possibility of an extra 4,000 places a year for parent migration to Australia.

In response to the willingness of parent applicants and their sponsors to contribute a fair share to the costs of parent migration, the government have set aside a contingency reserve of 4,000 places in a full year in the migration program. The government will introduce these new entry arrangements for parents as soon as possible after legislation is passed by the parliament. The four new parent visa classes proposed by the Migration Legislation Amendment (Contributory Parents Migration Scheme) Bill 2002 will assist those parents who were adversely affected by the Senate’s previous rejection of parent entry arrangements. You have to remember that this proposal has had a very long history indeed. This is a golden opportunity for

parent migration to Australia. The existing parent visa classes will remain open to new applications with an increase from 500 available places per year to 1,000 places per year. That is separate to the extra 3,500 places we have in the new category.

Australia is a migrant nation so there are many parents of migrants who would like to come to Australia. It is not surprising that one follows the other. The migration program is not discriminatory, but it does have selection criteria. There are limits and, of course, we cannot take everybody. The government do appreciate the benefits of parent migration. We accept that having parents to assist with child rearing assists people economically and in many other intangible ways. We totally reject any criticism that this government is anti family or anti family reunion, but we have to bear in mind that the costs of parent migration are high. A report from the Government Actuary showed that the cost is even more than it first thought and, in fact, runs into hundreds of thousands of dollars for each person. If people are in a position to make some contribution towards supporting their family, then it is not unreasonable to ask them to do so. The Labor opposition has never said that it opposes a contribution. People are being asked, in this case, to pay $25,000 towards the cost of a lifetime’s health cover through Medicare. I will come to the detail of that in a moment, but it is a generous offer.

I now turn to briefly address the second reading amendment moved by the opposition. Let me stress that the proposal by the government is fiscally responsible and is a balanced package. In the Labor opposition amendment we have a suggestion that would lead to a blow-out in costs over time. The ALP has called for more parent migration, yet if we were to continue with the numbers under Labor we would see the costs blowing out over the period of the program from $2 billion to $12 billion. We have a duty to achieve a balance in this package, and that is what we are doing. In that $25,000 contribution we have asked that the parent or sponsor contribute 12 per cent to the health and welfare costs which would be involved. The Australian taxpayer contributes the remain-
ing 88 per cent. We believe that is not only generous but also fair. We have achieved a balance. What Labor is proposing is a blow-out in costs. It is interesting that, as I said earlier, Labor has never opposed a contribution being made. Yet we have no detailed proposal put by the Labor opposition. We can rely only on its previous record and the figures we saw under the previous Labor government. This has to be a fiscally responsible package and it has to be fair, and it is.

There is also some criticism about skilled migration. There is absolutely no evidence that our parent policy has had any effect on skilled migration. Our skilled program is growing and we have a healthy pipeline of applicants. This is not the case in other countries that can be compared to Australia. The skilled program will benefit from the additional places for parents. What we have done is fair. We have doubled the number of fully subsidised places. The existing queue will shorten and allow others to access these 1,000 places more quickly. It is fair that those who can are able to contribute and get one of the contributory parent places. If not, they are able to wait a little longer and obtain one of the fully subsidised places—which, as I have mentioned, have doubled. The government have got the balance right. The responsibility now rests with the Senate to accept this proposal and to allow 4,000 extra places for parents who wish to come to Australia. If the Senate does not grasp this opportunity now, it will be lost. Many Australians will be justifiably disappointed with such a rejection. On this point, the government acknowledge the constructive contribution that the Democrats have made, and I thank Senator Bartlett for his contribution to this debate.

Senator Brown has outlined an amendment which he proposes to put at the committee stage. The government oppose that amendment. If the division were to be broken down as proposed by the Greens in relation to the existing program and the proposed additional places, there would be a blow-out in costs; it would cost over $5 billion in the 20-year period involved. For that reason, the government cannot support that Green amendment and will oppose it. If that amendment is passed, it will put the bill in a form that the government cannot proceed with; in other words, it will kill this bill. It will kill the opportunity for these extra parent places. So I say to the Senate: be very careful when you consider this. This is a very important issue. It has had a long history. You have a golden opportunity now to offer the possibility of up to 4,000 more places being available for parents who wish to come to this country. We cannot accept the Greens’ amendment for the reasons which I have outlined, and we will go into more detail on that in the committee stage. I just say that for the record. We have had a constructive approach from the Democrats to this debate. They have not merely criticised but have made suggestions, and we have taken those on board. I commend this proposal to the Senate and also to the Australian people for what it offers.

The Acting Deputy President (Senator Cherry)—The question is that Senator Bartlett’s amendment to Senator Stephens’s amendment be agreed to.

Question negatived.

Question put:

That the amendment (Senator Stephens’s) be agreed to.

Question negatived.

Original question agreed to.

Bills read a second time.

In Committee

Migration Legislation Amendment (Contributory Parents Migration Scheme) Bill 2002

Bill—by leave—taken as a whole.

Senator Brown (Tasmania) (11.01 a.m.)—I move Australian Greens amendment (1) on sheet 2852:

(1) Page 4, (after line 22), after Schedule 1, insert:

Schedule 1A—Limit on visas

Migration Act 1958

1 Section 85

Repeal the section, substitute:
85 Limit on visas

(1) Subject to subsection (2), the Minister may, by notice in the Gazette, determine the maximum number of:
   (a) the visas of a specified class; or
   (b) the visas of specified classes;
   that may be granted in a specified financial year.

(2) The Minister must determine that the maximum number of visas that may be granted for Parent (Class AX—Migrant) and Aged Parent (Class BP—Residence) applications is equal to the total of the maximum number of visas that may be granted for Contributory Parent (Class CA—Migrant), Contributory Parent (Class UT—Temporary), Contributory Aged Parent (Class DG—Residence) and Contributory Aged Parent (Class UU—Temporary) applications.

As I said in my speech in the second reading debate, this amendment originated in the House of Representatives, where it was put forward by the Independent member for Calare, Mr Andren. We think it has merit. I reiterate that the Greens are opposed to the inequity in the government's legislation that would mean that 3,500 parents would be able to come to Australia because they could pay over $60,000 and 500 extra would be able to come on the merits of their case. This is tilting the whole immigration scheme further under the government's philosophy that, if you want to come to this country, you have to pay for it, no matter what your needs or circumstances are and no matter how harsh and heart-rending the severance from your family may be. 'Pay out large amounts of money or you do not get here' is a despicable philosophy.

The government has relented to past Senate obstruction of the user-pays principle—it is not user-pays; it is about paying a ransom up-front—and it has now said that an extra 500 places will be made available for those parents who have the greatest need to join their families in Australia. The amendment we put forward would mean that, instead of that 500 to 3,500 balance, it would ostensibly be 2,000 to 2,000. It does leave the overall number to the minister, but the minister has already indicated that he takes that as being a 4,000 entry, with the balance now being 2,000 to 2,000. So at least we would increase the number of parents who are able to come on a needs basis by a further 1,500 or thereabouts.

There has to be a pause for thought for the situation of people in this country who want their parents to join them and that of parents elsewhere around the world who want to join their children—very often, their children and their grandchildren—in this country. None of us should be oblivious to that. There is an enormous human component to this, which is the longing of people to be reunited with their families. In this country, every Australian who knew of the plight of immigrants—and, unfortunately, too many Australians do not know of their plight—who have waited long, long years to get their parents to join them would, I think, have enormous sympathy with them.

I note that, in his summing-up a moment ago, the minister indicated that the Greens' proposal would cost $250 million a year or, as he put it, $5 billion over the next 20 years. I will be asking him to give a breakdown of those costs, if he would. This is a serious debate and I do not want ballpark figures to be used in it. Frankly, I do not believe that figure. I refer to Mr Andren's speech indicating that the government's figures were based on an immeasurable set of presumptions anyway—or a measurable set of presumptions which lead to an immeasurable figure. So, politically, it is easy to bring a figure in here and say, 'It is going to cost this amount of money.'

The minister has given a figure of billions over the next 20 years. I could come back right onto that and say that that is much less than the government is prepared to pay at the moment in its contribution to an attack on Baghdad, which most Australians do not want. I think that, if we could have a plebiscite or just an opinion poll in the next week over this matter, Australians would be enormously more in favour of having those people who have come to this country, including those from Iraq, reunited with their parents than of having the government spend the same amount of money supporting an attack by the Bush administration on the people of
Iraq, where it would be sandwiched between George W. Bush and Saddam Hussein. But that is a different matter. I do want to hear the government justify the figures it is using. I do appeal to the opposition and the Democrats to look at this amendment that the Greens have brought from the House of Representatives into the Senate, because it has enormous merit.

We are not the government. The Greens, very often indeed, are accused of being unable to put forward solutions from a position of strongly held principle. Here I am, doing that, trying to extend the principle that we should have a more humanitarian solution. I think the government’s solution is harsh. It is based on the almighty dollar to the exclusion of the human heart. I know the government is not going to accept a rejection of the bill by increasing to 4,000 the number of parents allowed to come into the country on a needs basis—and that will be the outcome of a straight rejection, as the Labor Party is proposing. However, there should be far greater equity in this. I do not believe there is a cost barrier. If there is a cost barrier, then there should be an increase in the number of parents coming into the country on a needs basis, at the expense of those who can simply queue jump because they have money in their pockets.

Let us look at the government’s own rhetoric on queue jumping. The government has been accusing boat people coming to this country of being criminals and treating them as such, blocking them up behind razor wire based on the argument that they paid money to people smugglers and were queue jumping because they had the money. Yet the government is making that official policy when it comes to parents wanting to come to the country: ‘You can queue jump if you have the money.’ It is a people smuggler philosophy that the government is employing—surely the government can see that for itself. You cannot have it both ways. The government is putting its hand out and saying: ‘If you can put $60,000 in that hand, your parents can come to this country—or, if they can, they can come to this country. If you can’t, go back in the queue.’ It is the very thing that the government has been arguing in rejecting the boat people who get to this country and that has led them to shamefully treat those people as criminals. ‘Sure, we will put it into law now,’ says the government—this philosophy that, if you have the money, you can get to the front of the queue.

We are not going to knock the government out of that position but we can ameliorate it. If the opposition and the Democrats were to join the Greens in supporting what I will call the Andren amendment, then we would get a much better outcome here. And there does not have to be a cost at all: the amendment is structured so that the minister is able to keep the same cost basis to the public purse but increase the number of immigrant parents on a needs basis, with a concomitant reduction in the number of those who are able to pay the huge cost that is involved in this legislation.

Senator ELLISON (Western Australia—Minister for Justice and Customs) (11.10 a.m.)—I was asked a question on migration figures. In July 2002 the Australian Government Actuary was commissioned to do an independent report. The final report was produced in October last year and is in the Parliamentary Library, and I understand the figures are available. I am advised that the report has estimated that over 20 years the total cost for the proposed parent migration package is $2 billion in net present value terms. If, however, 4,000 parent migrants per year came to Australia, paying only existing visa charges, the total cost to the Commonwealth over 20 years would be about $5.2 billion in net present value terms. So, if there are an extra 4,000 migrants with no contribution but current visa charges, then the extra amount would be $5.2 billion. As I said, the report was handed down in October last year and is available in the Parliamentary Library. I think that answers Senator Brown’s question. If any other aspects of the legislation raise questions, I am happy to deal with them.

Senator SHERRY (Tasmania) (11.11 a.m.)—I do not know whether Senator Brown posed that question, but I posed it by interjection. I was not aware the report was publicly available, so I thank the minister for providing us with that advice and I will have a look at that document. I would point out
that the Australian Government Actuary is not an independent statutory position, unlike that which exists in other countries where the government actuary has an independent statutory position and reports to parliament directly—but that is another issue that I will take up at another time. The reason I raise the issue of the Government Actuary’s independence is that the Government Actuary can be directed by the government of the day as to the way in which matters are researched. I have more concerns about that in other areas, but that is for another time and another debate.

Senator Brown’s amendment could be dubbed the fifty-fifty proposal. The difficulty the Labor Party have with it is that amending the government’s legislation with a prescriptive fifty-fifty formula may not be the best way of ensuring an equitable allocation; therefore, the Labor Party will not support a precise formula in this way via amendment. There may be a different proportion that is more appropriate and so, to enshrine in a fixed way this particular proposal in the legislation, Labor believe, is inappropriate. Consequently, we will not be supporting the amendment moved by Senator Brown.

Senator BARTLETT (Queensland—Leader of the Australian Democrats) (11.13 a.m.)—I will speak briefly to both the amendment and comments that have been made. The amendment, as Senator Brown said, is the same one moved by Mr Andren in the House of Representatives on this legislation—and I want to note and pay tribute to the job Mr Andren does in what must be a far more frustrating chamber in which to put forward ideas and amendments. He takes his legislative and parliamentary role responsibly, and I am pleased to see his approach and his views on this issue being put forward here through Senator Brown, who has also proposed this amendment as a way forward.

The Democrats have a couple of difficulties, even though we have some sympathy for what is being proposed here. Certainly, having a higher proportion of people in the existing category who have to pay less money is supported by the Democrats. The big danger, as the minister outlined, is that the government will not accept the amendment and will kill the bill. I am not always one who will simply take ministers at their word. I think these sorts of statements need to be tested some of the time. I have dealt with Minister Ruddock many times on migration matters, most often in strong disagreement. The very genesis of this crisis that we now have was a similar threat that Minister Ruddock made back in 1998-99, that if the Senate disallowed his regulation seeking to introduce a health charge he would slash the intake from 3,000 to 500, which is exactly what he did. I am certain that the Democrats’ decision would not have been any different back then; nonetheless, this is one minister who when he makes a threat carries it out, even if it is to the detriment of people. I have no doubt that the government almost certainly would kill the bill if this amendment got through.

There is a time issue here in terms of getting what is a reasonably complex new visa regime in place for 1 July so that those significant increases in parent numbers can come through. Another concern I have is that the amendment does not set a maximum number—even if the government were to accept the amendment, they could keep the total number at 500 and have 250 on the current visa price and 250 on the increased one—and does not ensure an increase in the intake. If the government wanted to be bloody-minded, as I suggest they have been in the past in this area, then that is a possible approach they could take to the amendment, which again would not address the underlying crisis, which is simply that the numbers allowed in are far too small.

The amendment would still entrench the new visa, which does have some equity problems. I openly acknowledge those and I hope that Labor’s appropriate criticisms of them, which are matched by the Democrats, will be mirrored in a commitment by them to scrap it when they get back into government. We will wait with interest to see if that happens. Certainly, they would have the Democrats’ support if they moved that way. If their words are genuine here today, then that would be what they would do—scrap this charge when they get into government. I hope to see it in their policy for the next
election. I put on the record now that we would support them instantly in the Senate if they were to move that way.

We had a statement from Senator Ludwig—who, you may not have known, was reading word for word Julia Gillard’s speech, certainly the last component of it, from the lower house; but I shall not put in a plagiarism complaint—that the Labor Party have been consistent on this and the Democrats have not. On the surface, that may be the case. Leaving aside the obvious retort—that for the Labor Party to talk about consistency on migration legislation, given their disgraceful record over the last three years in this area, is a bit rich—the thing is that a couple of things have changed; the Democrats’ position has not changed. The first thing that has changed is that initially the proposal was to abolish the existing visa category and require everybody to pay increased health charges, so nobody would have been able to get in unless they had the extra money. The second thing that has changed is that this severe cap of 500 has now continued for four years, and will continue for at least another two if this legislation fails. So the situation has changed. The queue has changed dramatically. That is a reality, a human reality, that we have to acknowledge. We are dealing with people’s lives here. That should not be forgotten. There would be a significant negative impact on many people’s lives if this legislation flawed though it is—were not to pass.

**Senator BROWN** *(Tasmania)* (11.19 a.m.)—The minister said that the cost would be $5.2 billion, but he did not take into account that 500 of the immigrants are already catered for in the government’s proposal. So I ask: is that $5.2 billion extra, and therefore accounting for 3,500, not 4,000, people? If that is not the case, what is the case? I know there is a report in the library, but could the minister please give this committee a breakdown of those costs?

**Senator ELLISON** *(Western Australia—Minister for Justice and Customs)* (11.20 a.m.)—The figure I gave was based on 4,000 places. The current allowance is for 500. I was talking on the basis that there would be a further 4,000, distinct from the 500 existing. So the $5.2 billion relates to an extra 4,000 places and does not include the existing 500 places. I will have to take on notice your question about the breakdown. We do have that breakdown here. While I am on the point of this AGA report, I might add for the benefit of the Senate that it was the Labor Party that requested that the report be obtained. The member for Lalor requested that there be an actuarial study of the cost of parent migration. As a result of that, the AGA’s report was obtained.

**Senator BROWN** *(Tasmania)* (11.21 a.m.)—I thank the minister for that. The figure has dropped to $3.9 billion straight off. That means $180-odd million a year. But I do not accept that figure. If you take into account the amendment as it is written, you will find that it does allow for an adjustment of the overall number being accepted into the country. It will increase the number of people who come on a needs basis by some thousands, but there will be a concomitant decrease in the number who can buy their way into the country, and that could be adjusted to make this cost neutral. There is no argument for or against that; that is the case. I again ask the minister—and, indeed, the Labor opposition and the Democrats—to recognise that that is the case.

This is a better outcome. The government’s argument is about money; I have just said that that argument is met by the amendment. The opposition’s argument is about equity; this enormously increases the equity involved. For the Democrats, it will give the government the opportunity to take this back to the House of Representatives for further consideration. I think that such an important amendment deserves further consideration. Quite clearly it will not necessarily knock out the bill. You may predict that, with due consideration, the government will decide from the House of Representatives that it does not accept this amendment. The Democrats have the numbers to ensure that that rejection is accepted by the Senate, and the bill will go through under the government-Democrats formula. But this is a better formula; it is a very responsible option being offered. I again ask all parties in the chamber to take it seriously and support it.
Senator ELLISON (Western Australia—Minister for Justice and Customs) (11.23 a.m.)—The government does not accept Senator Brown’s figures and it stands by what it has stated in relation to the costs. I think Senator Brown’s proposal fails to recognise that even with those who make a contribution—they are contributing only 12 per cent of the total costs in health and welfare terms—88 per cent is still being borne by the taxpayer. That has to be remembered.

Senator BROWN (Tasmania) (11.24 a.m.)—That compounds the problem for the government. In that case, take 88 per cent off the figures the government was just giving. The minister is saying that there will be a big cost impost on the public purse even with the fee-payers and that they are only paying a small percentage. So I ask: what is the problem with making sure that those contributions are met from the government purse under this formula? There will be a minimal reduction in the overall number of parents who can come but a huge rise in the number of those who come on a needs basis. So we will get this onto a proper humanitarian basis and not on the money barrier basis for those people who do not have a lot of money, which is the government philosophy: block people out if they are poor, if they are needy, if they do not have a bag of money, and welcome them in if they do.

That is what we object to and that is what the opposition objects to, and I know that is what the Democrats object to. The Greens are putting forward the Andren amendment, which does not fix the problem—it does not get rid of the people who can pay being able to come—but it does say, ‘Let’s bring more balance to this and increase the number who can come who are otherwise prevented by the $60,000-plus impost.’ The costs are not nearly as great as the government would make out, and I think the government knows that.

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

The committee divided. [11.30 a.m.]

(The Chairman—Senator J.J. Hogg)

Ayes………… 3
Noes………… 40
Majority…….. 37

AYES
Brown, B.J. * Harradine, B.
Nettle, K.

NOES
Allison, L.F. Barnett, G.
Bartlett, A.J.J. Buckland, G.
Campbell, G. Carr, K.J.
Cherry, J.C. Colbeck, R.
Collins, J.M.A. Crossin, P.M.
Denman, K.J. Ellison, C.M.
Evans, C.V. Ferris, J.M. *
Forshaw, M.G. Greig, B.
Hogg, J.J. Hutchins, S.P.
Kirk, L. Knowles, S.C.
Lees, M.H. Ludwig, J.W.
Lundy, K.A. Marshall, G.
Moore, C. Murphy, S.M.
Murray, A.J.M. O’Brien, K.W.K.
Payne, M.A. Ridgeway, A.D.
Santoro, S. Scullion, N.G.
Sherry, N.J. Stephens, U.
Stott Despoja, N. Tchen, T.
Tierney, J.W. Watson, J.O.W.
Webber, R. Wong, P.

* denotes teller

Question negatived.

Bill agreed to.

Migration (Visa Application) Charge Amendment Bill 2002 agreed to.

Migration Legislation Amendment (Contribution Parents Migration Scheme) Bill 2002 and Migration (Visa Application) Charge Amendment Bill 2002 reported without amendment; report adopted.

Third Reading

Senator ELLISON (Western Australia—Minister for Justice and Customs) (11.34 a.m.)—I move:
That these bills be now read a third time.

Senator BROWN (Tasmania) (11.34 a.m.)—There now comes the very difficult decision of what the Greens should do about this migration legislation. We note that it
does increase the number of parents who can come to the country by 4,000. Five hundred of those will be on a needs basis and that is better than the current situation, which denies those 4,000 people, and particularly those 500 people, the opportunity to come here. We will be fighting very hard to have the whole 4,000 on a needs basis. It is an uphill battle with this government but, like the Democrats, we will be hoping that Labor will write into their policy that the whole 4,000 and, indeed, the queue of all the parents wanting to join their people in this country will be afforded the opportunity to do so. So we support the legislation, despite our great objection to the weighting that there is for the rich over the needy.

Senator BARTLETT (Queensland—Leader of the Australian Democrats) (11.35 a.m.)—It is worth noting for the record the position of the Democrats on this. As I said at the start of my second reading speech, the Democrats dislike many aspects of this migration legislation but we dislike the existing situation much more. It is some improvement on the versions that were bowled up to the Senate in previous times, although the fundamental problem of a visa for people with large amounts of money remains. It is an issue which the Democrats have been trying to find a way through for some time. We have at least managed to get an increase from 500 to 1,000 in the existing number allowed in under the existing category, so the intake of those people who are paying at that level will be doubled and of course the queue will be shortened by those people that can afford the extra charge going across to the new visa.

It is a far from perfect solution to a crisis, but it will at least alleviate that crisis. If Labor—if and when they get into government again—have a better solution, then we will happily support it, but the Democrats are not prepared to leave tens of thousands of parents separated from their families for decades and decades, as is the situation now. The situation is far worse now than it was even two years ago. If we do nothing now, it will be far worse again in two years time, which is likely to be the earliest prospect, and maybe not even then, we have for dealing with it again.

It is worth noting the rationale behind the Democrat decision. I think a lot of the commentary from the ALP is fairly two-faced in that they say they support family reunion but do nothing to increase it. It is disappointing again to hear the remarks of people like Ms Gillard that are full of cheap, sexist, sleazy shots about being rented by the hour being mouthed by Senator Ludwig. Those sorts of cheap shots will not deter us from doing what we need to do in the interests of the community and the people. As I said earlier, it is worth acknowledging and reminding ourselves that legislation is about people and people’s lives. I do not think we can leave them being held to ransom in a political stand-off any longer.

Question agreed to.

Bills read a third time.

ENVIRONMENT AND HERITAGE LEGISLATION AMENDMENT BILL (No. 1) 2002
AUSTRALIAN HERITAGE COUNCIL BILL 2002
AUSTRALIAN HERITAGE COUNCIL (CONSEQUENTIAL AND TRANSITIONAL PROVISIONS) BILL 2002

Second Reading

Debate resumed from 15 November 2002, on motion by Senator Ian Campbell:

That these bills be now read a second time.

Senator CARR (Victoria) (11.38 a.m.)—The Environment and Heritage Legislation Amendment Bill (No. 1) 2002 and the two associated bills are matters which may well take considerable time to debate in this chamber, highlighting their importance for the Australian people. In this speech, I will attempt to address the substantive issues raised by this package of bills, and I note at the outset two significant features of this proposed legislation. Firstly, the bills now before the Senate are substantially different to those initially proposed by the government. In their original form, these bills represented an outright attack on heritage protection in Australia. Even though amended, this
proposed legislation will still result in an unacceptable and destructive reduction in the level of effective protection that we can provide. Secondly, although the importance of these bills is not disputed by the government, they come to the Senate largely debated. When they were introduced last year in the other place, the government gagged debate, thereby preventing any consideration of Labor’s amendments to these unsatisfactory measures. We know of the continuing community resistance to many of the unacceptable aspects of these bills, but the government’s obvious reluctance to debate their position can only serve to undermine further any confidence in either their willingness or capacity to protect our precious natural and cultural heritage.

I highlight that these bills are indicative of the government’s recidivist attitudes to the broad fields of heritage, culture and the arts in Australia. We are watching a significant government retreat from many of these aspects of Australian life. Australia is now seeing a government increasingly reluctant to meet its full obligations in cooperation with the states. We also see a government intent on curtailing effective community and expert contribution to heritage and cultural programs. This is most evident in the current debate and the deliberate downgrading of the Australian Heritage Commission—which currently possesses considerable powers to protect heritage sites—to the status of an advisory body operating solely under ministerial direction.

Notwithstanding the government’s own amendments to this legislation, it is still fatally flawed. Labor will not vote to demolish the Australian Heritage Commission, nor will we vote in favour of reducing existing heritage protection. I will be seeking to introduce a series of amendments to this legislation. I indicate to the government that, if the government does not support these amendments, Labor will oppose these bills.

Australia enjoys a high international reputation for its pioneering initiatives in the protection of heritage sites and places. The original and current regime based on the Australian heritage protection act is just another of the many valuable policy initiatives first introduced by the Whitlam government. However, the past quarter of a century has seen many innovations, and grounds do exist to bring this legislation up to date. Labor recognise that a consensus exists on a number of new legislative provisions and support those aspects of the legislation. But we draw the line at gutting the very institutions and legislative provisions that provide the bedrock of heritage protection in this country.

Let us have a look at what these bills involve. The Environment and Heritage Legislation Amendment Bill (No. 1) 2002 seeks, among other things, to establish a Commonwealth heritage regime focusing on matters of national significance and Commonwealth responsibility; list places of national heritage significance on a National Heritage List; and protect and manage places on the National Heritage List. It also seeks to list places in Commonwealth areas with heritage significance on a Commonwealth Heritage List and provide for the management of such places. The associated bill, the Australian Heritage Council Bill 2002, replaces the existing Australian Heritage Commission with an Australian Heritage Council to create a list of places of national heritage significance—that is, the National Heritage List—creates a Commonwealth Heritage List of Commonwealth owned heritage sites and requires management plans for all places on either of those lists. Finally, the Australian Heritage Council (Consequential and Transitional Provisions) Bill 2002 seeks, among other things, to withdraw from any future heritage regime access to current gifting rules for taxation purposes and delete from the purview of heritage legislation places of telecommunications significance.

These bills in their original form were the subject of a Senate reference committee inquiry in 2001. That process identified widespread community concern as well as a large number of weaknesses in the provisions of those bills. This revised version of the legislation, which we are now considering, has addressed a number of concerns but continues to reduce heritage protection in a number of key areas.

I wish to draw the attention of the Senate to a number of these deficiencies. Firstly, the
decision-making process for identifying heritage sites is at risk. The downgrading of the Heritage Commission to the status of an advisory group is not acceptable to Labor and to many others within the community. A decision maker, with a measure of independence, able to draw on a range of institutional expert advice is a necessary guarantor for heritage protection. The assessment process to list or delist sites should be on the basis of rigorous assessment and not expedient political need. We intend to move amendments to reinstate the functions and the powers of the Australian Heritage Commission and to retain its title.

Secondly, the definition of action has been diluted under this new legislation. It is not as inclusive as in the current act, for it deletes references to the provision of funding via grants and the granting of authorisation, including permits and licences. Labor, therefore, will move amendments to reinstate those Commonwealth actions for heritage items now deleted by the government to ensure that these things, such as the making of Commonwealth decisions on grants, are included.

Also, a number of areas require amendments to the proposed new management plan, strategies and commission functions. Regarding the approval of heritage strategies, before approving a heritage strategy the minister should be required to consult the commission. Similarly, the commission should be able to provide advice directly to the Commonwealth or to state agencies, as well as to any other person who seeks it. We also need to do a lot more in protecting Commonwealth heritage places, whether they are sold or leased. The provisions of the legislation are open to abuse or provide too wide a discretion for the minister, as demonstrated by the recent problems regarding internationally recognised heritage sites such as Point Nepean, sited at the entrance to Port Phillip Bay in Victoria.

It is clear, too, that this proposed legislation lacks the capacity to address issues of immediate relevance to the Commonwealth’s own heritage and history, such as the near destruction of the Mount Stromlo Observatory heritage site in the recent bushfires in the Australian Capital Territory. It is one of the few heritage sites that illuminates both the origins and the extent of the scientific and research interests of the early Commonwealth, and yet the legislation, in the form offered by the government, does not provide a vehicle whereby the Commonwealth government can support restoration of such sites. Labor also questions the government’s overemphasis on protecting heritage values of a place rather than protecting the place itself. This, too, is open to obvious abuse. Protection must be afforded to the physical site, as well as to the values of the place. The two are symbiotic. We reject, too, the argument that consideration of both physical site and associated heritage values will restrict the number of places that can be considered for either protection or preservation.

The process by which these bills have been developed has left heritage interest groups deeply divided. Some are now accommodating the government’s wishes, while others remain resolutely opposed. Others still continue to oppose key sections but echo our belief that an updating of the legislation is required. Most significant, perhaps, is the public opposition to those aspects of the bills and their regressive consequences expressed by the former heads of the Australian Heritage Commission itself—the very people who have overseen the heritage developments in this country that have put us at the forefront of heritage protection schemes around the world.

It is worth looking at why the government has ignored these concerns. As I said earlier, we are watching a government in cultural and heritage retreat. We are seeing a return to the bad old days when the Commonwealth government created an arbitrary division between the concepts of what it called ‘the national’ and ‘the federal’, and it used this spurious argument to avoid both the obligation and the cost of supporting effective national programs in a wide range of areas in our cultural and social life. In passing, it is worth noting the opportunism of the government on the issues. If passed, this legislation will enable the Commonwealth to act as a Pontius Pilate on heritage matters, washing its hands of responsibility for many of the
heritage sites because they will be regarded as a state responsibility. Such an attitude, if enshrined in legislation, would serve not only to reduce the effectiveness of heritage protection in Australia but also to divide those very groups on whom we rely to give life to that protection.

We are watching a process of marginalisation and a concerted attempt to undermine the cooperation and collaboration that has proved decisive in the long-term effectiveness of heritage legislation. By seeking to ensure that some groups will have a short-term advantage and be short-term winners, the government is, in reality, ensuring instead that we all be long-term losers. It is a process that has been under way for some time. In the heritage field this was seen more than five years ago when, at the time of the first assault on education, research and cultural expenditure, the government unilaterally abolished the National Estates Grants scheme and replaced it with a smaller and less flexible scheme. The National Estates Grants Program was a federally funded cooperative scheme between the Heritage Commission and the state heritage agencies providing funding, on a competitive basis, for community heritage projects across Australia. Many of those projects were small in terms of the amounts of money involved but were of enormous value to local communities. Its abolition was a disaster not just for heritage funding but also for important community projects and for the principles of cooperation itself.

Any programs of national interest or importance, whether they are dealing with heritage sites, VET qualifications or programs to combat salinity, must be based on recognised community values, not on expedient political definitions or bureaucratic concerns. The government’s artificial distinction remains at odds with the concept of mutually shared heritage interests in which we all share a common responsibility. The latter concept has the virtue of avoiding the arid distinction between national, regional and local importance and instead recognises the essential interrelationship between all sites or collections of heritage importance.

Reform in heritage protection we accept; destruction we oppose. Labor’s amendments will ensure that improvements to the legislation can be made without abandoning either the protective standards currently in force or the management measures that draw on both community and expert contribution. It has been a truism to say that, as Australians, we occupy a fragile continent. It must become equally commonplace to observe that Australia is now home to the world’s oldest surviving cultures as well as to its newest—our multicultural societies. But such familiarity with these observations must not blind us to the reality that Australia’s physical and cultural landscapes require both protection and renewal if they are to survive. It is this fundamental test that the government’s proposed heritage legislation fails. Accordingly, Labor will move a series of amendments to these bills. We will invite other parties and independent senators to join us in ensuring adequate levels of heritage protection. We will call on the government to accept the decisions that are made. Labor will vote against this legislation if its major defects are not removed.

Senator ALLISON (Victoria) (11.53 a.m.)—The Environment and Heritage Legislation Amendment Bill (No. 1) 2002, the Australian Heritage Council Bill 2002 and the Australian Heritage Council (Consequential and Transitional Provisions) Bill 2002 seek to create a new regime for the protection of Australia’s historic, natural and Indigenous heritage, using the structure and processes of the Environment Protection and Biodiversity Conservation Act 1999. The bills are intended to implement the new Commonwealth and state arrangements for the listing, protection and management of places of heritage significance, agreed at the Council of Australian Governments meeting in 1997. At this meeting, the Commonwealth government agreed to focus on the protection of sites of national environmental significance.

Heritage reform bills were first introduced in the Senate in December 2000 and referred to the Environment, Communications, Information Technology and the Arts References Committee. Since then, there have
been further and ongoing consultations with heritage, conservation and other groups and individuals. I would like to acknowledge the hard work of the Cultural Heritage Forum and its members, as well as other interested groups, in dealing with these bills. Their commitment and persistence has led to improvements to the bills that are now before us in this chamber and, on behalf of the Democrats, I sincerely thank them for their efforts.

The new heritage regime which these bills seek to establish centres on the development of two heritage lists—the National Heritage List and the Commonwealth Heritage List. These lists are to comprise places that are deemed to have one or more national or Commonwealth heritage values. Both lists will include sites of natural, Indigenous or historic significance. Sites on the Commonwealth Heritage List will only include those places that are owned or leased by the Commonwealth.

As mentioned, the new heritage protection regime will form part of Australia’s broader environmental protection system established through the EPBC Act. Sites on the National Heritage List will become an additional matter of national environmental significance, meaning that they will be subject to the same environmental impact assessment process for assessment and approval as other NES matters. That is to say that national heritage will become another trigger under the act. Commonwealth heritage places will be protected by existing provisions dealing with the environment on Commonwealth land and in the Commonwealth marine environment. Significant penalties for noncompliance will apply. In addition to this, management plans will be required for sites on the National Heritage List which are wholly within a Commonwealth area, and the Commonwealth must try to make management plans in cooperation with the states and territories for other National Heritage listed sites. Commonwealth agencies with responsibility for sites on the Commonwealth Heritage List will also be required to make management plans.

If the new regime is enacted unamended, the new Australian Heritage Council will replace the current Australian Heritage Commission. The council will comprise the chair and six members, including two members who are Indigenous persons with experience or expertise in Indigenous heritage. One of the council’s key tasks will be to assess places for inclusion on the National Heritage List or the Commonwealth Heritage List. While the council will have responsibility for the assessment of sites for inclusion on these lists, it is the minister who will have the final say on whether or not a site is added to either of them. I will return to that point later.

The main concessions the government has made to the bills since they were first introduced are: firstly, the retention of the Register of the National Estate as a statutory list; secondly, the ability of the council to undertake assessments of places for listing on their own initiative; thirdly, the protection of national and Commonwealth heritage places outside Australia; and, fourthly, the requirement that Commonwealth agencies prepare heritage strategies and maintain heritage registers for the places they own or control.

We are particularly pleased with the government’s decision to retain the Register of the National Estate. The register, as Senator Carr has already indicated, is Australia’s only composite list of heritage sites, incorporating places of all levels of heritage significance. It is important to many Australians because sites that are of personal importance to them are listed on it. Many Australians will never have the opportunity to visit the country’s outstanding world heritage sites, like Kakadu, Fraser Island, Shark Bay, or Heard and McDonald Islands, or to visit other sites that may be eligible for inclusion on the National Heritage List.
For some, the most personally significant sites are local sites, which from an academic perspective may only be of local significance. Such locally significant sites also deserve greater recognition and protection. That is why the Democrats, whilst understanding the Commonwealth government’s desire to focus on sites of national and Commonwealth heritage significance, urge the Commonwealth, states and territories and local government to work cooperatively to improve heritage protection for sites that may be of state or local significance. These sites should not be allowed to be destroyed through neglect or destruction, which is unfortunately happening to an increasing number of them.

We are also pleased that the government has decided to implement key recommendations from the Schofield report. Commonwealth agencies, particularly the Department of Defence, own a number of sites that are of great heritage significance. One such site is the defence department land at Point Nepean which has been mentioned on numerous occasions in the past and here again today. That place is up for sale, as we know. The Democrats were very pleased with the recommendations made by the consultants engaged by the government to look at this site. We hope that the Commonwealth will work cooperatively with the state government to ensure that this site is added to the Mornington Peninsula National Park for the benefit of all Australians. The Democrats are of the view that it is the Commonwealth’s responsibility to pay for the clean-up of this site and that the considerable revenue obtained through the sale of other defence department properties could be allocated for this purpose.

The changes to the bills that I have mentioned are steps in the right direction, and we welcome them. One change we are not so happy with is that the new bills weaken the obligation imposed on Commonwealth agencies to protect the heritage values of national or Commonwealth heritage properties that are sold or leased. The 2000 version of the bills was better in this respect. Other developments are welcome. Amongst heritage professionals, there is now widespread agreement that much needs to be done to protect Australia’s heritage at the national level since the legal protection afforded to sites on the Register of the National Estate is very limited and in most cases non-existent.

The only substantive protection for sites is provided through section 30 of the Australian Heritage Commission Act. That section requires that the Commonwealth must only take action which ‘adversely affects’ a place on the RNE or interim RNE if the minister or the authority proposing the action is satisfied that there is ‘no feasible and prudent alternative’. Secondly, it requires that, if there are no alternatives to the taking of such action, the minister or authority must be satisfied that all measures that can reasonably be taken to minimise the adverse effect will be taken. The commission must be notified about any proposed action of a minister or authority. However, there is no requirement for the commission’s advice to be taken into account. There are also no civil or criminal penalties for breaches of these requirements. Another major shortfall is that, as section 30 only applies to the actions of the Commonwealth, listing a place on the register does not impose any direct legal obligations on state, territory or local governments or on the owners of private property.

Whilst the Australian Heritage Commission has been fearless in its advice to various parties, it is fair to say that the current act does not strike fear into those who may wish to take action adversely affecting a place on the register. For these reasons, it is not surprising that a number of sites on the National Trust’s annual list of endangered places are also listed on the Register of the National Estate. In the ACT, the Ginninderra Blacksmith’s Shop is threatened by neglect; in the Northern Territory, the Adelaide River Railway Heritage Precinct is threatened by degradation through the inappropriate siting of a new railway; and in Queensland, Hinchinbrook Island and Hinchinbrook Passage are threatened by development.

In my home state of Victoria, the No. 2 Goods Shed in the Docklands, which is a stunning example of Victoria’s 19th century railway heritage—I believe it is the longest railway shed in the Southern Hemisphere—now has a road through the middle of it. It is
the extension of Collins Street. As I have
said, the fact that the No. 2 Goods Shed is
listed on the Register of the National Estate
means very little. In 2000, 12 sites were re-
moved from the register, demolished or oth-
erwise damaged.

Indigenous heritage sites are under par-
ticular threat. One Indigenous leader I was
speaking to last year informed me that a
high-pressure hose was used to erase a rock
art site in Queensland. This was a site that
had been there for thousands of years and
which was of great significance to the local
Indigenous community. In Western Australia,
rock art sites on the Burrup Peninsula are
threatened by damage and destruction caused
by industrial pollution. There are numerous
other places that could be mentioned here if
there was time.

I firmly believe that any nation that allows
its heritage to be destroyed is impoverished
for it. Our natural heritage reminds us that
we are part of an ecological story that has
been going on for millennia. It reminds us
that we are part of the environment, not sepa-
rate from it. These are special places that are
important for the human spirit. They also
have very significant intrinsic value. Our
historical heritage provides a link with the
past and reminds us of how we are part of an
evolving community. For Indigenous Austra-
lions, their heritage is of great personal sig-
nificance. Their heritage lies in the land, and
we respect their right to manage their cul-
ture.

During the committee stage of this debate,
we hope that the government will be able to
provide us with details of where consulta-
tions are at with Indigenous people about
amendments to the Aboriginal and Torres
Strait Islander Heritage Protection Act. This
act needs to be amended to incorporate the
recommendations of Justice Evatt. We note
too that Indigenous Australians' heritage is of
increasing significance to non-Indigenous
Australians. More and more non-Indigenous
Australians are seeking to understand and
celebrate the culture of those Australians
who have occupied the Australian continent
for more than 60,000 years. It is a reawaken-
ing process for many. Those who have previ-
ously thought of European settlement as the
beginning of Australian history in this land
are now starting to have a very different per-
spective.

These bills have been a long time coming,
and we are looking forward to the committee
stage of the debate. Our amendments pertain
to the following matters, although this is not
a comprehensive list. We support the separa-
tion of listing and management functions,
including a heritage based listing process.
We support retaining the independence and
integrity of the current Australian Heritage
Commission. This means supporting a com-
misson that is able to provide frank and
fearless advice. We also support increasing
the commission’s range of functions and en-
suring that it has an appropriate budget with
which it can implement its mandate. We also
support retaining the commission’s name,
since it is an institution in itself. We support
increasing the level of protection for places
on the National Heritage List and the Com-
monwealth Heritage List through various
means. We support tightening up of time
frames and providing improved transparency
and accountability arrangements. We also
support expanding the minister’s capacity to
deal with those actions and threats to our
heritage under the act.

Our task from a legislative perspective is
to ensure that these bills will give rise to a
strong and robust protection regime. At the
moment, whilst the bills represent a much
needed step forward, it is our opinion that the
step is likely to be a relatively modest one.
We would like to be satisfied that the bills
represent more of a stride. Much has been
said of the potential of these bills to achieve
a higher level of protection for those sites on
the National Heritage List or the Com-
monwealth Heritage List. But the point I would
like to stress is that the value of this new re-
gime is only as high as the willingness of the
government of the day to enforce the acts
and to ensure that they are appropriately im-
plemented and enforced. This not only re-
quires political will but also requires added
resources.

As I have said, the Democrats believe that
these bills can be substantially improved, and
for this reason we look forward to the com-
mittee stage of the bills, when we will be
moving a number of amendments to achieve this outcome. I hope that all parties in the Senate will be persuaded by our arguments. I think they can, and should, be. Indeed, it is my hope that through a successful committee stage of this debate we will be able to bring this new heritage regime into being with the full support of the Australian parliament on behalf of the people.

Senator SANTORO (Queensland) (12.08 p.m.)—I rise to speak on the Environment and Heritage Legislation Amendment Bill (No. 1) 2002, the Australian Heritage Council Bill 2002 and the Australian Heritage Council (Consequential and Transitional Provisions) Bill 2002. I want at the outset to congratulate the government and the Minister for the Environment and Heritage for acting in so positive a way to improve Australia’s record in the heritage area. Before going to the substance of the bills, I would like to take the opportunity presented by this debate to note the great work that has been done by the steering committee of the General Douglas MacArthur Brisbane Memorial Trust in Brisbane. Their work is at the very heart of our built heritage. The project to develop the MacArthur Chambers site under an approved conservation plan uniquely links a vital part of our history with the vitality of our future. I am a strong supporter of the project and of the steering committee.

The steering committee is chaired by Major General M. Blake AO, MC. The other members are Mr Geoff Rodgers, Managing Director of the Rowland Communications Group, who is deputy chairman; Mr C. Johnson, a partner at PricewaterhouseCoopers, who is honorary treasurer; Ms S. Pitkin, a partner in Clayton Utz, who is legal counsel; Mr A. Harvey Ross of Corporate Property (Queensland) Pty Ltd, who looks after property management; my friend Mr Geoff Thomas, chairman of CapitalCorp Financial Services, who assists with fundraising and has very significant commercial and political connections in the United States—in fact, it is worth while noting in this place that Mr Thomas is also Queensland’s special trade representative to the United States of America; Brigadier Mike Harris MC, who handles military history; Mr J. Negus of the Australian American Association; Ms Robin Potter, from the Queensland Department of State Development; Mr Justin O’Connor, Official Secretary to the Governor of Queensland; Mr P. Herman of the Department of Veterans’ Affairs; and Lieutenant Colonel J. P. Dwyer AM, who is executive officer to the committee. It should also be placed on the record that the MacArthur family in America has given permission for the family name to be used in the Brisbane project.

Under the development program, establishment of the full museum is contingent on recurrent funding, although the refurbishment of the MacArthur Chambers site commenced in late 2001 under commercial developers. Phase 1 includes the restoration of General MacArthur’s World War II office and refurbishment of the eighth-floor museum. The MacArthur Museum project is being funded through government, corporate and public donations, with a target of $1.7 million to establish the displays. Donations by December 2002 had reached $555,000. For many years there has been public interest in providing recognition of the presence in Brisbane of General Douglas MacArthur and the headquarters of allied forces in the southwest Pacific area during 1942 to 1944, a crucial period in Australia’s history. The trust itself has the Queensland Governor, Major General Peter Arnison, as its patron, and the chairman of trustees is Sir Leo Hielscher, Chairman of the Queensland Treasury Corporation. The MacArthur Museum project is a fine example of the kind of historically based built environment concept that deserves full support.

Incidentally, a few years ago I visited the offices of our consul general in New York where I and my fellow travellers were greeted with much grace by a former member of this place, the very distinguished and accomplished Michael Baume. The then consul general showed us into quite a beautiful room that only a few months earlier had been named the MacArthur room by our Prime Minister, John Howard—another clear indication of the special place General MacArthur has in the hearts of all Australians. It was very good to see former senator Michael Baume in this place this morning and to en-
joy the conviviality and interchange that one always enjoys when engaging with him. I wish him well in his forthcoming visit to hospital. He is going for some minor reconstruction work, which I am sure will improve an already decent human being.

There is another development that I believe deserves recognition, and that is the report on the first year’s progress of the environmental industry action agenda that was presented to the Minister for Industry, Tourism and Resources and the Minister for Environment and Heritage last month. The action agenda canvasses progress on 18 recommendations, including clearer financial reporting of environmental business criteria, a user-pays system for the collection of household and industrial rubbish, and a sustainability index on the Australian Stock Exchange. These are, I stress, practical measures, and it is practical measures that people right across this nation expect from their government and from agencies working with government. It is also true that the built environment is often overlooked when the broad issue of the environment is being discussed in the community. Yet it is in the built environment that people live. As a general principle, we need to be more conscious of the requirements of that environment.

I turn now to the substance of the Environment and Heritage Legislation Amendment Bill (No.1) 2002 and the two other bills being debated today, the Australian Heritage Council Bill 2002 and the Australian Heritage Council (Consequential and Transitional Provisions) Bill 2002. It is important to note that the states and territories have accepted a number of key issues. These are the heritage roles and responsibilities of governments, the process of listing places of national heritage significance and the principle that the National Heritage List should aim to include the truly outstanding places of national heritage significance.

It is a pity that agreement could not be reached on the referral of state powers to the Commonwealth to enable the full protection of nationally listed places. It is perhaps not surprising that agreement could not be reached on the request by states for a veto on the nomination of a place for national listing, for a number of important respects. These demerits, according to the shadow minister for environment and heritage, are that the Australian Heritage Council that is to replace the Australian Heritage Commission...
is an advisory body only, that the definition of action which triggers heritage considera-
tion has been narrowed and deletes matters such as the provision of grants and the grant-
ing of authorisations, that the minister will acquire the status of listing authority and that
heritage protection will now be accorded on the basis of ‘the values of the place’ rather
than ‘a place and its associated values’.

Labor—the party that believes in guided democracy, as long as it is guided by the
ALP and ruled by commissions, placed men and other non-elected people—would think
that, of course. I believe it is vital that we in this country sort out the complexity of de-
marcation lines in terms of who is responsible for what. And I believe it is fundamental
to Australia’s true human heritage, which is democracy, that people with other than
chiefly bureaucratic interests have the bigger say in matters such as the environment.

Senator NETTLE (New South Wales) (12.18 p.m.)—The Environment and Heri-
tage Legislation Amendment Bill (No. 1) 2002, the Australian Heritage Council Bill
2002 and the Australian Heritage Council (Consequential and Transitional Provisions)
Bill 2002 substantially change federal laws that protect Australia’s cultural and natural
heritage. This is the latest attempt by the federal government to step back from its obliga-
tions to protect our heritage. The Australian Greens recognise that existing laws are in-
adequate to protect the nation’s special places. The government has made some im-
provements to its original proposals, but the measures in these bills fail to redress the cur-
rent shortcomings. They constitute a backward step in the protection of Australia’s
natural and cultural heritage.

Our heritage helps define who we are as Australians—our Indigenous heritage, our
European heritage, our relationship with the land and our truly spectacular natural envi-
ronnement. The Register of the National Estate lists 14,000 sites around the country of his-
torical, natural and Indigenous significance. These sites tell an incredible story of the his-
tory of this nation. They include historic ho-
tels, churches, memorials, halls, cottages and cemeteries from country towns to major cit-
ies. They include dreaming sites of Indige-
ous peoples and the natural areas of Cape
York in Queensland, the Tarkine in Tasma-
nia, the Kimberley and Ningaloo in Western
Australia and the Nullarbor. This is in addi-
tion to ‘icon sites’ like the Sydney Opera
House and the Harbour Bridge and Uluru
and the Blue Mountains. You would think
that we would want to do everything to pro-
tect this heritage, that we would invest in
heritage protection. The reality is very dif-
ferent. Total Commonwealth government
funding this financial year for the Australian
Heritage Commission was just $6.935 mil-
lion. This funding is meant to allow the Aus-
tralian Heritage Commission to identify,
value and conserve heritage places by advis-
ing the government on national estate mat-
ters, by compiling an inventory of national
estate places throughout Australia with natu-
ral and culture heritage values and encourag-
ing community appreciation of and concern
for the national estate.

For too long the Australian Heritage
Commission and heritage protection gener-
ally have been allowed to run down. The
commission, established in 1976, has lost its
independence and the strength and vitality
that it had during the first two decades of its
life. Now the federal government wants to
introduce a new heritage regime that replaces
the commission with a council without pow-
ers, which would devolve responsibility for
protection of many sites on the register to
state and territory governments, even though
they have a chequered history of protecting
our heritage. The federal government has
also failed to provide additional funding to
the states and territories to help them with
this additional responsibility.

The campaign to save Sandon Point in
New South Wales illustrates why we should
not leave it to the states to protect our heri-
tage sites. Archaeologist Dr Peter Hiscock
has found that the area is one of the most
significant Aboriginal sites on the eastern
seaboard. The site has been recorded as a
roosting site for Latham’s snipe, which is a
protected migratory species. The community
in Wollongong has struggled since 1996 to
save this site of natural and Indigenous sig-
nificance from inappropriate residential de-
velopment. People have formed a commu-
nity picket that has just marked its second anniversary. Wollongong City Council and the developers Stocklands failed to adequately consult the community, but the residents' persistence in trying to save this important site has finally led the New South Wales government to appoint a commission of inquiry. While it will not re-examine the portion of the site for which medium- to high-density housing has been approved, it will make recommendations about the use of the remainder of the site. The Greens say that the government should buy back this site. Of course, the final decision on whether to save this area is in the hands of the New South Wales Minister for Planning. This is a strong pointer as to why, at the national level, we should not be moving away from an independent body, the Australian Heritage Commission, to the Commonwealth Minister for the Environment and Heritage as the authority empowered to list heritage sites.

Under the regime that these bills establish, the Register of the National Estate will continue to exist but the limited powers of protection that currently apply will cease to have effect. This means that all places on the register will be at risk unless and until they are protected by a state or territory government or assessed for inclusion on one of two proposed federal government lists: the National Heritage List and the Commonwealth Heritage List. This could take years, and in the meantime these sites are at risk.

The federal government will be responsible only for those places of 'genuine national significance' which end up on the two new lists. The government has provided no information about which places will be on the lists under its responsibility. The icon heritage sites are likely to be included, but these sites are generally well protected under other laws. Even worse, these bills leave the decision to list a site to the minister for the environment. Instead of a place's heritage value being the basis of whether to list, the minister will take into account competing political and economic issues.

The bills also fail to provide sufficient protection for Commonwealth properties of heritage value when the properties are sold. Under these proposals, the Commonwealth agency responsible for a heritage site must ensure that the sale contract includes a covenant protecting the Commonwealth heritage values of the places. However, if the agency believes that such a covenant is unnecessary to protect the values, or is unreasonable or impracticable, then it is not required to enter into one. This provision places the minister in a secondary role. The minister cannot enforce the requirement for a covenant. This creates a loophole that would allow Commonwealth sites to slip outside the protection regime. The discretion of the agency is wide and potentially open to abuse. If the contract does not include a covenant, the minister must enter into a conservation agreement with the prospective buyer or lessee for the protection and conservation of the Commonwealth heritage values of the place. But this may not be a strong as a covenant.

These bills are also a backward step because the strong definition of an 'action', which is outlined in the Australian Heritage Commission Act 1975, has been removed and replaced with the weak definition contained in the Environment Protection and Biodiversity Conservation Act 1999. The effect of narrowing the definition of an action is to exempt all government decision-making and funding activities from the operation of the legislation. Currently, under the Australian Heritage Commission Act, the taking of an action includes: 'the making of a decision or recommendation, including direct financial assistance to a state or territory, the approval of a program, issue of a licence or granting of permission'. However, the Environment Protection and Biodiversity Conservation Act definition of an action excludes these decisions.

The reduction in the types of actions to be covered in this bill will result in many Commonwealth actions that affect heritage places being exempt from proper consideration, assessment and decision. The Australian Greens will be moving or supporting amendments to restore the definition of an action that is outlined in the Australian Heritage Commission Act 1975. The consequential amendments that the government is proposing omit tax deductibility for donations for places listed on the Register of the Na-
tional Estate. These could undermine protection of those places.

Currently, a gift to a place on the register, to any of the National Trust bodies in Australia, is tax deductible. Under the proposed amendment, a gift of a place on the national or Commonwealth lists only will be tax deductible. As the register will continue to exist under the new regime, we see no reason to limit this provision. As it stands in the bill, the proposed provision will act as a disincentive to the gifting to the National Trust of heritage properties that are included on state heritage lists. We will be moving an amendment to restore tax deductibility to properties listed on the register.

The Greens are also concerned about the heritage bill’s reliance on the values approach to heritage protection. This values approach has lessened heritage protection. It has not protected everything that is important about a place, only the defined values of a site. I will provide three examples to illustrate the problem with this approach. The first is the Basslink project in Tasmania. The environmental impact assessment recognised that the Basslink project will cause fluctuations in the height of the Gordon River, in the World Heritage area, of up to four metres above current riparian zones, upsetting sand-banks and adversely affecting riverine plants and animals. Despite these revelations, the final assessment of this project, conducted under the Environment Protection and Biodiversity Conservation Act, concluded that the values of the World Heritage area would not be affected. This conclusion fails to recognise that the damage to a particular place within the listed site affects the entire site.

Another example is the Great Barrier Reef. There have been a number of commercial shipping incidents, including a recent oil spill, on the Great Barrier Reef, none of which have resulted in prosecutions under the Environment Protection and Biodiversity Conservation Act. Although these were incidents of great concern, it is arguable whether they had a significant impact on the ‘values’ of the Great Barrier Reef. An impact on the ‘place’ would, however, clearly bring such actions within the ambit of potential prosecution.

My final example is from the wet tropics. Recent illegal logging in the wet tropics region did not lead to any prosecution under the Environment Protection and Biodiversity Conservation Act. Although the activity was discovered within the World Heritage area, the definition of ‘values’ as opposed to ‘place’ opened up for debate the question of whether these actions could be prosecuted under the EPBC Act. The Greens will be supporting the amendments that we understand Labor has to ensure that both the heritage place and the heritage values are protected.

Australia has a rich natural, cultural and Indigenous heritage, as recognised in the 14,000 sites listed on the Register of the National Estate. These are places of significance to all Australians and the national government is the appropriate sphere for their protection. It is worth remembering that the portfolio minister for this legislation, Dr David Kemp, is the Minister for the Environment and Heritage. The Greens want to see more attention given to heritage protection and more funding for heritage protection, not less protection. These bills fail to deliver stronger protection. They require substantial changes and the Greens will be seeking the support of the Senate for a number of measures to improve these bills.

Senator BROWN (Tasmania) (12.30 p.m.)—I congratulate Senator Nettle on that outline of the shortcomings of the Environment and Heritage Legislation Amendment Bill (No. 1) 2002, the Australian Heritage Council Bill 2002 and the Australian Heritage Council (Consequential and Transitional Provisions) Bill 2002. I also congratulate the previous speakers Senator Carr and Senator Allison for highlighting shortcomings and I note the heritage interest and concern of Senator Santoro, which I welcome. Senator Nettle has outlined the Greens’ position on the legislation. I want to take a little while to talk about why we are in this position today. It is because of the Australian Heritage Commission Act 1975. That legislation was brought in 28 years ago by the Whitlam government after the furore over the destruction
of Lake Pedder in Tasmania, amongst many other things.

When the Whitlam government came to office at the end of 1972, the then Reece Labor government in Tasmania was close to completing the dams that were going to obliterate the gently and magnificently beautiful Lake Pedder National Park, 300 metres up in the highlands of the wilderness of Tasmania. In fact, it was the gem at the heart of the western wilderness of Tasmania. The lake itself was two miles square. The beach, high up in the mountains, was 800 metres in width and two or three kilometres in length when exposed at this time of the year, although it was covered after the heavy rains and snows of winter. It was an extraordinary part not only of the nation but also of the world’s heritage. But it was destroyed by vandals of the Hydro-Electric Commission and the then Labor and Liberal governments that serially supported this destruction of a national park, which was illegal until they brought retrospective legislation through the Tasmanian parliament in the early 1970s.

This led to arguably the first national conservation furore, with people right around the country aghast at serial state governments—the Bethune Liberal government as well as the Reece Labor governments which came before and after it—destroying such an heirloom for a tiny aliquot of electricity, a very tiny fraction of what comes out of the average coal-fired power station. But they were determined and they went ahead. Under enormous pressure, but with the great support of the first Minister for the Environment of that federal government, Moss Cass, there was an inquiry which went national. It came up with a recommendation for an Australian Heritage Commission and from that came the Australian Heritage Commission Act.

We are still in a country where the national heritage is being fragmented and destroyed at a remarkable rate. Look at the increasing number of species of our wildlife and botanical heritage we in this Senate see being put onto the rare, endangered and threatened lists. That is not just happening out of the blue through some natural form of attrition; it is happening because the basic living units of our ecosystems in Australia are imperilled and under enormous threat. This legislation has not staunched it, nor has the other environmental legislation that this country has.

Of all things, 28 years after the legislation was brought in to give the federal government that power—and the Whitlam government signed the World Heritage convention to augment it—we have the Howard federal government moving back to 1972 and handing back powers to the states, all except for a so-far inadequate—and it always will be inadequately defined—smaller list of those places judged to be of national significance and which go onto a national list. But most of the 14,000 places, sites and entities on the list will be handed back to states or will disappear into some sort of non-status. What a remarkable turnaround by the body politic in Australia, under the pressure of the moneyed interests! That is where it comes from. It is not coming from people pressure, but from the pressure of the moneyed interests, moving through this government to dismantle what little there is to recognise and protect in Australia’s heritage.

Let me look at some of the places I know well that will be threatened under this system. They include the Tarkine forest that Senator Nettle referred to—Australia’s greatest temperate rainforest. It is of World Heritage stature, but it has been denied a nomination because the state government wants to log it and not to keep it as heritage. Federal governments, both Labor and Liberal, have said yes to that. That, by the way, is an abrogation of Australia’s obligation under the World Heritage convention to nominate sites of World Heritage significance. But it is listed on the Register of the National Estate and it is being logged. Under a regional forest agreement signed by no less than Prime Minister Howard, it is open for mining. What a way to treat this extraordinary piece of national heritage! That is how it is being treated.

What we should be seeing here today is legislation that says, ‘No; such a place’—this great temperate rainforest of extraordinary importance to the Indigenous people of Tasmania, as well as for its rainforest, wildlife and other values—‘should be protected un-
der national legislation.’ We should be arm-
ing the nation with the means to protect such
a site. In the United States, where the federal
government has authority over lands, this
would be a national park—a big ‘n’ national
park. Here, it is relegated to the cut-up proc-
ess of state governments under pressure from
woodchipping and mining corporations, and
we are getting legislation to say, ‘That’s go-
ing to be okay, Jack.’ What a reversal of the
process of protecting our heritage.

Why should responsibility for the envi-
ronment be passed down the line, as Senator
Santoro argued, saying we should devolve
decision making to the ‘lowest possible level’—he is referring to local government—
when it is of national significance? I cer-
tainly agree that we need to have local input
into heritage decisions, but if you left it at
that, under the pressure of promises of jobs
and development which very rarely come
true we would have lost the Franklin River,
for example. If you leave it to state govern-
ments, we are going to lose much of the
Tarkine Rainforest, which is of national and
World Heritage significance.

Why is it that this government says, ‘De-
volve it to local power’ when it comes to the
environment, but says, ‘Let’s send it across
to Geneva’ when it comes to the World Trade
Organisation and economic matters? There is
duplicity here. If corporations want to get rid
of Australian protective measures for eco-
nomic or trade considerations, the govern-
ment says, ‘Fine. Legislate through the par-
liament, and let’s hand this power across to
1,500 faceless bureaucrats somewhere near
Geneva.’ But if the issue is our national heri-
tage, the pride of this nation, what makes this
nation different, then it says, ‘Devolve the
power.’ The government fails to give it even
federal protection, let alone list it according to
our obligations under the World Heritage
convention where appropriate. The govern-
ment wants to devolve it down to where the
.corporate interest, when it comes along and
wants to develop, can have a smack at it and
rip it to ribbons. What a double standard that
is on the part of the Howard government.

Let me congratulate at this point the Crean
opposition, the Labor opposition of the day,
for making a stand on this issue. They are
making a very important stand, and it is a
stand based on the Labor Party’s history of
having brought the Australian Heritage
Commission into being so long ago but in a
period where, for once, the nation was rec-
ognising through the Whitlam government
the importance of the natural, Indigenous and
historic heritage of this country.

I want to talk about Recherche Bay in
Tasmania. Recherche Bay is a magnificent
natural harbour. If we were in the Northern
Hemisphere, it would have a metropolitan
city built upon it by now. Instead, it is largely
as it has been for centuries and millennia. In
1792, along came D’Entrecasteaux with his
two ships, the Recherche and the Esper-
ance—meaning ‘research’ and ‘hope’ respect-
ively—which were full of scientists. They
had, amongst other things, instructions to
look for La Perouse, who had disappeared
somewhere in the Pacific after going via Port
Jackson on his expedition some years earlier.
When D’Entrecasteaux’s expedition got to
Recherche Bay, having passed the southern
part of Tasmania and gone around a little
onto the east coast, and found this harbour,
they were mightily grateful, because they
had been through some violent storms in the
roaring forties coming across the Indian
Ocean from South Africa.

They stayed there for five weeks. They
loved it so much that—after circumnavigat-
ing Australia and going to Esperance in
Western Australia; Esperance was named
after one of their ships—they decided to
come back again to get fresh water and new
timber. And this time, during their five-week
stay, they met the Indigenous people of the
region, the Palawa people. It is all closely
recorded and is the most magnificent story,
including the planting of a garden ashore
with European vegetables. On the morning
the French met the Indigenous people—for
the first time, the French thought—the
Palawa took them back to their camp site of
the previous night. In other words, the
Palawa had been along and looked them over
during the night, then left them and gone
fishing in the morning. This is a remarkable
interaction between these two societies, and
the places where these walks and this inter-
action occurred are still intact on this small peninsula.

Now Gunns woodchip corporation wants to log it, and the Bacon Labor government, in the spirit of Lake Pedder, has said nothing to indicate it is going to stop that. The Bacon government might protect the postage stamp sized site of the garden—the 211-year old site that is still intact and perhaps the oldest intact European built site in our nation—but the context will be lost. They might even protect the site of the observatory down on Bennetts Point, where a global breakthrough in navigation was made by the French, or the site where a woman fought a duel—she was dressed in men’s clothes so she could get on these ships—and was winged. We do not know exactly where that was yet, but that is a magnificent story in itself. There is so much of our nation’s history in this remarkable place which is about to be wood-chipped. If we were standing here today with legislation to protect that, we could be proud of it, but instead we are devolving the power that we have, which might protect it, back to the Bacon government.

Debate interrupted.

MATTERS OF PUBLIC INTEREST

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

Queensland Government

Senator SANTORO (Queensland) (12.45 p.m.)—Last week the Queensland government released its midyear budget review. It is with displeasure that I inform the Senate that it really is a shocker. It is testimony to Labor’s historic inability to run a budget properly or efficiently. Labor in Queensland has turned in a third consecutive deficit—a massive deficit of $741 million, which only last June was going to be a surplus of $23 million. This is a sad and expensive re-run of the picture last year, when Queensland Labor turned in a deficit of $894 million.

Yet all the forecasts point to Queensland continuing to lead Australia in most of the measures by which economic performance is measured. Most private analysts—and, indeed, the Queensland government—say that the state’s economy will expand at a fast rate this year, fuelled by housing and business investment and continued strong population growth. That is the consensus view for the current budget year, a year in which Queensland government tax revenue is now forecast to rise by 8.6 per cent to $5.3 billion.

With strong revenue growth—from stamp duty and gambling tax in particular—and the inflow of GST dollars from the Commonwealth, Queensland should be sitting pretty comfortably, despite the crippling drought and low commodity prices. Unfortunately, it is not. We need to ask why. The answer is very simple: Labor simply cannot run budgets. They are good at the spin—and the Queensland Premier is particularly keen on turning sows’ ears into silk purses—but they are no good where it matters: in the detail, in the substance of financial management. That is why we see the budget running away from them, to the detriment and the cost of each and every Queenslander.

Labor likes to spend on the headline projects—for example, the Lang Park stadium and that ultimate extravagance the Goodwill Bridge, the footbridge over the Brisbane River that started out as a $13 million project and ended up costing twice that much—but it cannot do the hard yards. It cannot run the public hospital system without forcing the hospital authorities to close beds and cut staff hours and service delivery in an attempt to stay within inadequate operational funding budgets. It cannot run the police service without forcing the police to cut operational and training budgets—and it has made things worse this year by underbudgeting for the new police enterprise agreement.

The Queensland government cannot run the state school system without running foul of underresourced teachers; and classroom numbers, even by its own measures, do not meet requirements. The teachers are among a range of government employees now fighting bitter enterprise bargaining disputes. The Queensland government cannot run the ambulance system—the ambulance system that used to run itself because non-Labor governments allowed local communities to control it and to raise funds locally. Now Labor is introducing a new tax, introduced by a Premier who promised no new taxes, to pay
for its centralised system that simply does not work.  

There is no doubt that the Queensland government is struggling to maintain economic credibility after turning in its third budget deficit in a row. It is plainly desperate. Now it is even proposing to tax ride-on mowers; it wants to make owners pay an annual registration fee to cut their grass—how desperate can you get? Stay tuned.

Queensland is clearly in a serious budgetary position. Nothing demonstrates that with more clarity or more starkly than the fact that for the second year running its midyear review has made a lie of the budget papers. Treasurer Mackenroth has basically had to admit that for the second consecutive year the government’s budget day forecast in terms of net operating balance in the GFS sector was a work of fiction. Last June, in the budget the Queensland government forecast a surplus of $23 million—razor thin in the context of the overall size of the budget but, nevertheless, a surplus. Now it says it will produce a deficit of $741 million. This adds to the horrendous $894 million deficit for 2001-02 and to the $820 million deficit in 2000-01. When he released the midyear budget review last week, the Queensland Treasurer said something truly extraordinary. He told the Australian Financial Review:

I’m able very comfortably to look at this deficit that’s based on only one thing, and that is the returns on our investments. It is funny that when investment returns were running at or near their long-term average of around seven per cent he never felt he had to say—and I will try to imagine the quote he should have been saying—‘I’m very comfortable to look at this surplus that’s overwhelmingly based on only one thing, and that is the returns on our investments.’ What the Queensland Treasurer said in his midyear review on the fully funded superannuation question is very worrying and worth putting on the record, because to date it has escaped significant mention. He said that the:

... is extremely difficult to forecast investment returns associated with the full funding of superannuation and other employee entitlements. For the purposes of the Mid Year Review, an assumption of 0% has been used for 2002-03, which is generally consistent with the assumptions used by other jurisdictions …

While other states have also been impacted by poor investment returns, the impact on the Queensland general government sector is magnified because of the relatively larger asset holding associated with the full funding of employee entitlements; in contrast with other jurisdictions, the assets and liabilities associated with superannuation are held and reflected in the general government sector. The Queensland Treasurer went on to say:

If Queensland’s superannuation arrangements were structured on the same basis as other jurisdictions, the General Government sector underlying result for 2001-02 and 2002-03 would be in surplus …

These are weasel words, and Queenslanders should worry very much about what their subtext is. Does the Queensland Treasurer propose to put up a case for not fully funding public sector superannuation? He makes the point that, if the superannuation investments had been excluded from the budget, the underlying operating result in 2001-02 would have been a surplus of $294 million and that the estimated 2002-03 operating surplus would be $42 million on the basis of the midyear review.

Historically, Queensland has fully funded its public sector superannuation liabilities—something that stands the state in very good stead. But, naturally, these are invested funds and the return they get obviously depends on the global investment market. These funds are invested with the Queensland Investment Corporation. Like every other managed funds investor, QIC showed a negative return last year because of the plunge in the local and world financial markets. I want to make one other thing very clear: what is under critical scrutiny here is state government mismanagement, not the investment returns or the funds management performance of QIC, which is absolutely beyond reproach and described as that by every serious financial commentator in Australia.
It is the Queensland Treasurer who is in the spotlight. He has redone his sums for this year on the basis of a zero per cent return on investment funds this financial year. According to market watchers, that is a very tough call since it implies an expectation of a seven per cent plus turnaround in investment returns over the year. Those interested in the actual outcome will also remember that last year’s midyear review forecast an end of year outcome some hundreds of millions of dollars better than that which actually occurred. On that basis, I would suggest that the new forecast of a $741 million deficit, against the $23 million surplus originally forecast, can only look very shaky.

But the state economy is growing faster than most and government revenue is also rising. As the state Treasury’s midyear review points out, economic growth in Queensland in 2002-03 is again forecast to exceed that of Australia as a whole, with growth of 4¼ per cent against the forecast national rate of three per cent. And this is in an economic environment where drought has taken an estimated one half of one per cent off growth. That is a distinct credit to Queensland’s business community generally, and to the small business community in particular. But it makes the Queensland government’s budgetary performance, when compared with the business community performance, even more woeful.

In the budget brought down in June last year, capital works spending in 2002-03 was estimated to be $4.837 billion. But that was 5.4 per cent less than the budgeted figure of $5.115 billion in 2001-02. If we factor in inflation, which the budget estimated at 2.75 per cent in Queensland in 2002-03, then capital works spending falls in real terms by 8.2 per cent. In 2001-02, capital works declined budget to budget by 3.2 per cent, or six per cent in real terms. So Labor is wrong again. In a development state like Queensland, capital works drives the economy and, unfortunately, Labor is again heading the wrong way.

The midyear review says that investment is forecast to be a major driver of growth, with business investment rising rapidly in response to several large development projects beginning in Queensland this year. This optimism needs to be tempered by future expectations. Both the Commerce Queensland Pulse survey and other analysts say that on the critical question of business expectations—confidence, in other words—the evidence is clear that expectations are falling in terms of conditions business people expect in 2003-04. I note that the Queensland Premier has questioned the findings of this survey. He says that private sector investment in Queensland is rising at a ‘record high’, but Queensland business is saying that its confidence is sliding that the Beattie government has much of a clue about anything and that it is also worrying about future global economic conditions.

These are uncertain and dangerous times globally, and economic expectations are not helped by the stronger Australian dollar and continued slackness in commodity markets. Neither the strengthening Australian dollar nor commodity prices are of course due to the activity or, for that matter, the lack of activity of the Queensland government. At the same time, the primary task of a state government is to manage its budget as the agent of the provider of its funds. I would respectfully suggest that the Queensland government is failing in this primary task. Labor in Queensland has no more excuse than any other state government in this country to blame everyone except itself for this. It signed up for the GST deal on the basis that the states would get all the money and access to the first real growth tax they have had since giving away income-taxing powers 60 years ago. It is true that the full effect of the GST funding flow will not be felt until 2007, but the money is already coming in in Queensland’s case to the tune of around $6 billion a year.

The Commonwealth Grants Commission has just increased Queensland’s funding relativity vis-à-vis the other states in its 2003 review, with a next-year additional benefit of more than $404 million. Queensland’s tax revenue in 2002-03 is up by 8.6 per cent on the figure forecast in the June budget papers. Current grants and subsidies are 2.9 per cent higher than the government was counting on last year. The Queensland government is a
government of stunts and spectacular non-core spending. Labor in Queensland has proved itself to be an appalling manager of the budget it was elected to run efficiently. Queenslanders, as we are now witnessing, are beginning to pay through the nose for Labor’s economic and budget mismanagement.

Centre for Independent Studies

Senator GEORGE CAMPBELL (New South Wales) (12.58 p.m.)—Today I wish to place on the parliamentary record my concern that there is an organisation in this country that is seeking to influence public policy in a directly partisan way, despite claiming the mantle of independence. That organisation is a think tank called the Centre for Independent Studies. The CIS is nothing close to independent; rather, it is the outsourced research arm of the Liberal government. This is the spring from which Ministers Abbott, Howard and Costello and company draw their ideas and turn them into the policies that are ripping up the social fabric of our country.

The CIS advertises a slogan: ‘Tomorrow’s ideas, today’. Its slogan ought to be ‘Tomorrow’s Liberal policies, today’. To explain why, let me start by analysing the background of the directors and staff of the Centre for Independent Studies. This allegedly independent organisation makes conclusions such as ‘behavioural poverty’ is a cause of material poverty. Taking that claim at face value, you would expect those making the claim to have some experience of poverty and you would expect them not to be members or supporters of the Liberal Party. You would hope that it was a balanced and diverse group of people who had come up with such a startling conclusion and only after there had been thorough and rigorous investigation. When it comes to the Centre for Independent Studies, you would be dead wrong.

The researchers at the CIS often have links to the Liberal Party or far Right organisations and the board is mostly rich, white, conservative and male. The board of the Centre for Independent Studies is made up of 17 men and two women. Its members are worth approximately $1 billion and together they run companies worth over $100 billion. At the top of the list is Michael Darling, who is worth up to $400 million and who lives in the dress circle of Bellevue Hill. Then there is John Calvert-Jones, a Murdoch in-law, who makes personal donations to the Liberal Party according to the Australian Electoral Commission. He is worth $300 million according to Business Review Weekly. Calvert-Jones is also a director of a front company for Liberal Party fund raising called Vapold, a company whose purpose is so thinly disguised that its registered address is the same as the Liberal Party’s. You can see that these people are nothing if not independent. I could go on, but rather than take up the Senate’s time listing all those executives on the CIS board earning more than $1 million a year, I will confine my comments to Michael Chaney who most recently reported salary packages making him $8 million a year. Chaney is, of course, a former Liberal Party member and he comes from a pedigree of Liberal politicians and he is head of the Westfarmers empire.

Despite all these Liberal Party connections, the CIS is adamant that it has the right to call itself independent. The question is: independent of what? Yes, they are independent of morals and honesty, but are they independent of partisan politics? The answer is clearly no. In the past, the CIS has actively accepted up to $50,000 a year from a Liberal Party fund raising company called the Cormack Foundation. Who is on the board of that foundation? None other than Hugh Morgan, a CIS Distinguished Fellow, and John Calvert-Jones, a CIS board member.

There are no prizes for guessing that there are no ALP, Democrat or Green affiliated persons on the CIS board. I find this level of partisanship at the CIS, and the deception that is inherent in this partisanship, particularly galling. We are living in a time when it is harder and harder to decipher what is genuine information and what is simple marketing spin or political propaganda. I suggest to the chamber that much of what the Centre for Independent Studies offers as research is in fact thinly disguised political propaganda. It is about time someone exposed it for what it is.
There is a long history to why much CIS work lends itself to use by the Liberal Party. Indeed, the CIS, in the words of its Executive Director, Reg Lindsay, was developed using the example of the think tanks that drove the Thatcher and Reagan policy agenda of the 1980s. The important lesson from similarities between the CIS and overseas right wing think tanks is that their onslaught will continue until every last asset is privatised, every last single parent is blamed for whatever problem their child faces and until every person ironically believes universities should give up their independence and be run like a lean profit making machine.

The CIS prides itself on its international networks, including a little known group called the Mont Pelerin Society. Founded by Friedrich Hayek and including Milton Friedman amongst its alumni, 22 of Ronald Reagan’s economic advisers when he took office in 1980 were members of this society. It is involvement in the Mont Pelerin Society and like-minded networks that is likely to continue feeding the CIS neoliberal propaganda machine well into the future.

I implore members of the public and the press gallery to see through the CIS façade of independence. Do not fall for the slick spin; ask where the research has come from; do a search on the Australian Electoral Commission web site when a new board member is appointed. It is a lack of scrutiny that has allowed the CIS to develop their current reputation and profile and it is proper and ongoing scrutiny that will expose their shonky research.

It is sad that public debate has reached the point where invective once considered to be far Right babble is now taken seriously as policy advice. For example, take a policy program called Taking Children Seriously. The sponsors of the program generally provide about $500,000 a year to the Liberal Party and include its biggest individual donor, Richard Pratt, through the Pratt Foundation. The sponsors of this program, which is meant to focus on the wellbeing of children, also ironically include a tobacco company called Philip Morris.

This babble is given credibility because Liberal politicians have systematically championed it. Right from the outset of the CIS, it has had links to the Liberals. They started with Jim Carlton, the New South Wales General Secretary of the Liberal Party; the Western Australian Liberal MP John Hyde; John Elliott; and Hugh Morgan from Western Mining Corporation who personally contributed to CIS coffers and organised $200,000 in seed funding that kept CIS afloat in its early years. In recent years, Tony Abbott has been the most vocal champion of CIS research. But it must be noted that the four most senior government figures—the Prime Minister, John Howard; the Treasurer, Peter Costello; the Leader of the Opposition in the Senate, Robert Hill and Mr Abbott—were all guests at the 2002 CIS annual conference.

Where has listening to CIS policy advice got Australia? A case in point is the recently revealed fact that Australia has just recorded foreign debt of $350 billion and its greatest quarterly current account deficit ever—some $11.6 billion. Following the CIS’s policy prescriptions certainly has a downside. So, when you read the CIS bulletin Economic Freedom Watch, ask yourself how much freedom a $350 billion debt will buy you. When you take a look at the recent CIS article headed ‘Only deregulation can create jobs’, ask yourself whether skilled and educated workers, fair trade, and research and development might also help to create jobs.

Perhaps one task the CIS are doing effectively for the current Liberal coalition government is that they may well be hiding the debt truck—or the debt road train—by parking it in their backrooms or garages and keeping it well out of public view. Even if you think only deregulation can create jobs, it is difficult to argue in favour of the various CIS policy arguments, which are often hypocritical. Its economic and social lines of argument just do not correlate. It is all for libertarianism when the question is about what to do with markets. But ask the CIS about moral or family decisions according to their wishes and the interfering, thumping fist of 1950s conservatism gets slammed on the table.

To give you an example of some recent CIS work, a former CIS researcher by the
name of Lucy Sullivan claimed in 1999 that poor people are simply lazy and that, until divorce was made a less onerous process under Gough Whitlam, drug problems and youth homelessness simply did not exist. During her time at the CIS, Sullivan also managed to link the increase in women’s participation in the work force to higher levels of rape and homicide. This extraordinary display of intellectual acrobatics is meant to pass as considered academic research. These claims alone are enough to ask: what process does the CIS undertake to review its research before publication? How often does the CIS Academic Advisory Council meet? Why did no-one challenge Lucy Sullivan before her absurd conclusion went to print? I challenge the CIS to put these details on the public record.

In the meantime, the public can shift its concern to other CIS publications such as ‘The Third World Debt Crisis: Can’t Pay or Won’t Pay’, ‘A Private Education for All’ and ‘Why Christians Should Support the Market Economy’. It shocks me that until now these outrageous examples of nonsense have been absent from the Senate Hansard. One place CIS views have not been absent from is the opinion pages of the national newspapers. The CIS receives hundreds of media mentions a year and its staff have more than 100 opinion pieces published each year. I do not deny the CIS its right to push its views wherever it can. However, when the CIS dismisses such serious issues as world poverty, I take offence. Helen Hughes of the CIS did this recently when she backed these claims by Indian economist Surjit Bhalla:

... that the World Bank’s poverty count of 1.15 billion poor people in developing countries is a gross exaggeration.

It would have helped readers to know that Bhalla’s previous book was called Between the Wickets: The Who and Why of the Best in Cricket.

I would like to conclude my remarks by warning others about the dangers of raising similar concerns to mine about the CIS. The CIS have a track record of keeping you out of the loop if you are an uncooperative journalist and, if you are a mere public servant or academic, the CIS is likely to label you a communist or make defamation claims against you. The Australian Bureau of Statistics, the Smith Family and the National Centre for Social and Economic Modelling are recent victims of CIS vitriol, and it will not come as any surprise if I am next on their list.

Communications: Media Ownership

Senator CHERRY (Queensland) (1.11 p.m.)—I rise today to speak on the media. A fortnight ago, Roy Greenslade, a columnist with the Observer in London, did a comprehensive analysis of all newspapers owned by News Corporation around the world—all 175 major titles. And all 175 newspapers in their editorials were running a line that was pro war in Iraq. Mr Greenslade described this as an ‘extraordinary unity of thought’ among editors, which is all the more extraordinary because it happens to coincide with Mr Murdoch’s public views on the war, published last month in the Bulletin magazine.

Conrad Black is also on the record as publicly supporting Tony Blair’s ‘courageous’ stance on the war, a line enthusiastically echoed in his British newspapers. In Australia, it has been left to the Fairfax papers, the electronic media and the public broadcasters to run the contrary arguments. This is all very significant, because in a few weeks, this parliament is set to debate a bill to deregulate media ownership. Already, News Corporation control around 57 per cent of the newspaper circulations in Australia. Under the bill proposed by the government, they will be able to expand their operations into television.

An argument can be put that restraints on cross-media ownership restrict investment, and that investment restricts the ability to develop quality, diversified media. Senator Alston went so far as to tell the Melbourne Press Club last month that our current media laws encourage ‘mediocrity’. On several occasions, he has pointed to the British Labour government, which is in the process of overhauling its media laws to loosen up the cross-media ownership restrictions.

Today, I want to discuss some of the key differences in the British media environment from which Australia might learn, which
underpin fundamentally the deregulation of cross-media laws in that country and which
do not exist as safeguards in the proposed laws for this country. British media laws
contain far stronger protections of diversity and plurality than Australia’s proposed law
regime does. This should concern all senators and citizens who seek to ensure that di-
versity is maintained in Australia’s media environment.

First, the laws will maintain the restriction
on major newspaper companies buying into
television. If a company controls 20 per cent
of the national newspaper market, they will
be prohibited from owning more than 20 per
cent of a television licence. Further, if a
newspaper company controls more than 20
per cent of a regional newspaper market,
they will be prohibited from owning more
than 20 per cent of a regional television li-
cence. The Blair government, in its commu-
ications bill policy paper, defends these
rules by arguing:
National newspapers are the most editorially in-
fluential mass medium.

... joint ownership of a substantial share of the
national newspaper market and a substantial part
of Channel 3, the only commercial public service
broadcaster ... would represent an unacceptable
concentration of influence in the current circum-
cstances.

Second, the British law goes further than the
government’s proposed ‘editorial separation’
of jointly owned television and newspaper
newsrooms by requiring commercial television
operators to contract to a separate news
provider for the provision of their news ser-
vice. The government argues that this meas-
ure, mandated in the new law, ‘makes sure
that the news service is independent of the
licensee and unaffected by any of their
commercial concerns’. The new communica-
tions bill will give the regulator more power
to prescribe how much commercial televis-
ion must invest to maintain quality news
and current affairs coverage, also ensuring
that such coverage is provided in prime time.

Third, the British communications bill
will mandate in the new industry regulator,
OFCOM, the current powers of the Broad-
casting Services Commission to investigate
radio and television against the standard that
news and current affairs should be presented
with due accuracy and impartiality, and that
undue prominence should not be given to the
opinions of particular persons or bodies in
matters of political or industrial controversy.
The government’s policy paper notes:
This power may become more important in the
light of the likely consolidation in local radio
markets, and OFCOM will need to use it to pay
particular attention to matters of impartiality.

OFCOM inherits from the BSC its very wide
powers to regulate matters of impartiality,
fairness and privacy. These include the
power to impose conditions on licences, the
power to require the broadcasting of correc-
tions and findings and the power to fine
broadcasters up to £250,000 or five per cent
of their revenues for breaching conditions.

As the communications white paper notes:
One of the cornerstones of broadcasting in the
UK has been the obligation on all broadcasters to
present news with due accuracy and impartiality.
The Government believes that these obligations
have played a major part in ensuring wide public
access to impartial and accurate information
about our society and the opportunity to encou-
ter a diverse array of voices and perspectives.
They ensure that the broadcast media provide a
counterweight to other, often partial, sources of
news. They therefore contribute significantly to
properly informed democratic debate.

These powers contrast with those of the Aus-
tralian Broadcasting Authority. It has the
power to take complaints on issues of fair-
ness and privacy and make findings. But it
has no powers to enforce its findings against
commercial broadcasters, other than going
through a very cumbersome process of mak-
ing a matter a licence condition. Ironically,
the ABA does have a power to require public
broadcasters but not commercial broadcas-
ters to broadcast corrections.

Fourth, while the British government is
deregulating the mergers and takeover pow-
ers for newspapers, it is maintaining an ex-
ceptional public interest test on plurality.
This test will be directed to cases that in-
volve the public interest in the accurate pres-
etation of news, free expression of opinion
and plurality of views in the press. Where the
exceptional public interest test is invoked,
the competition commission will be expected to carry out effective tests of local opinion, for example, by means of citizen juries. Fifth, the laws carry very heavy obligations on broadcasters to carry regional programming. No such requirement exists in Australia, with only a first tentative move into the area with the proposed regional news licence condition recently proposed by the ABA. Sixth, the public broadcasters play a much more important part in British broadcasting. The government’s white paper restates this role, arguing:

First, public service broadcasting ensures that the interests of all viewers are taken into account. Second, public service broadcasting is a counterbalance to fears about the concentration of ownership and the absence of diversity of views. It means news and current affairs are available in peak times, as part of mixed schedules, where citizens are most likely to see them. It guarantees the availability of full and balanced information about the world at local, regional and global levels. Such scheduling, together with the investment which public broadcasters have put into news and current affairs, is the key foundation of an open, balanced public debate.

It is difficult to imagine our own government making a similar public commitment to public broadcasting here. Indeed, as ABC Managing Director Russell Balding pointed out at the Press Club in September, the BBC receives public funding eight to nine times that of the ABC, even though Britain’s population is three times ours, while its land mass is just three per cent of ours. Mr Balding contrasted the key role that the BBC continues to play—in innovative programming and production and in digital conversion and regional programming—with the approach adopted in Australia by pointing out:

Since 1996, the ABC has been reduced, reformed, refocused and restructured to the limit. Years of doing more with less has taken its toll—and as far as the ABC services go, we are at the limit of our comprehensiveness without additional funding.

To put that into perspective, for the ABC to play the role in the Australian media that the BBC plays in the British media would require a trebling of its current budget. That is a budget increase of around $1.2 billion a year. Are we going to see that? Of course not. Then we need to recognise that the ABC will not be able to play the role of full counterweight to commercial media that the BBC does in the UK. The British communications white paper picks up the mantra that this government runs in terms of new options for news, arguing that plurality concerns may diminish as more people gain access to the range of services now available on digital TV and the Internet, but it concludes:

For the time being, however, most people continue to rely on terrestrial TV, radio and newspapers. Cross-media consolidations which are desirable on economic grounds may tend to reduce the plurality of viewpoints and sources of information available.

The paper points out that most European countries, recognising the importance of the media, have some specific rules entrenched in law to prevent the dominance of various players. These measures include numerical and percentage restrictions on monomedia and mass media ownership and cross-media ownership, the establishment of expert media bodies to advise competition authorities on media ownership issues, measures to promote editorial and journalistic independence and the requirement to promote media pluralism as a prerequisite to licensing.

It is important for policy makers, when they argue that Australia should follow the UK approach to deregulating media ownership, to recognise that, while the UK is looking at deregulating ownership to some degree, this is backed by a far tighter set of conditions on the responsibilities of media owners. The Democrats believe that Australia too could benefit from a tougher regime of responsibilities on media owners in terms of the public policy considerations of what they must provide to the public. We adopted many of the British ideas in our media policy which I released in September last year. I would certainly hope that the government recognises that there is a strong public interest case to be made that must offset the pure economic case for the consolidation of ownership. I would hope that, if our media laws are changed, with the added economic clout of new owners will come added responsibilities as well. The balance implicit in British media regulation is sadly missing in the government’s proposed media ownership laws. It
needs to be there if we are to get the most out of our media.

New South Wales: Hunter Region

Senator TIERNEY (New South Wales) (1.22 p.m.)—I rise today to draw to the attention of the Senate some of the key issues that are coming up in the forthcoming New South Wales state election, particularly as they affect my home area of the Hunter Valley. I am amazed, having watched some of the media and read the press reports, that the Carr government seem to be peddling the same bag of unfulfilled promises that they brought to the Hunter in the 1999 election. Therefore, I am putting Mr Carr on notice and letting him know that the once loyal Labor voters of Newcastle and the Hunter are simply sick and tired of being seen as a sure thing in an election. Like a magician using smoke and mirrors to create the illusion of an elephant that can disappear and reappear as if by magic, the Carr government is employing similar tricks to make old election promises reappear and then disappear. Recently, Mr Carr went to Newcastle with another bag of tricks disguised as election policies. As a resident and representative, I can tell the Senate that the regional residents are tired of being taken for granted just because it is thought they live in a safe ALP seat.

Today, I would like to especially commend the Hunter Business Chamber for exposing the confidence tricks of the Carr government in an objective, non-political piece of research. The business chamber, through its regional infrastructure committee, recently conducted an in-depth analysis of relative infrastructure spending, which compared the amount spent per capita in Sydney with that spent in the Hunter. In the last six years, the Carr government has allocated $390 million in capital works in the Hunter. In the same period, the Premier has miraculously allocated $11 billion to spend on infrastructure works in Sydney. To save senators from rushing to their calculators, I can confirm that, for every dollar spent in the Hunter by the Carr government, $2.50 is spent in Sydney. Mr Rob Monteath, chair of the Hunter Business Chamber infrastructure committee, commented:

We get nowhere near the amount of per capita spending on things like hospitals, schools, TAFE and roads where the need per head of population should be the same regardless of where you are. Mr Monteath said that Western Sydney was often seen as the poor cousin of the northern and eastern suburbs, but even it received $2 compared to every $1 spent in the Hunter. Mr Monteath went on to say:

It also has its own complete Ministry of Western Sydney as opposed to our representation, which is a Minister whose job is to assist the Premier, and then on Hunter development and not the region itself.

The government treats the Hunter as safe Labor territory—meaning there is no need to spend money there to buy votes. Mr Monteath calculated the spending difference by identifying every capital works project in the state budget paper from 1996 to 2002. In that time, for example, Hunter schools received capital works of $55 million and Sydney received $1 billion. Sydney hospitals were allocated $2.5 billion compared with $70 million in the Hunter. Sydney roads were allocated $2.35 billion and Hunter roads were allocated $167 million. Mr Monteath said that the $2 billion spent on Sydney sporting facilities over that time made a mockery of Premier Bob Carr’s offer of $23.6 million for the upgrading of Energy Australia Stadium. Even if he fully funds the stadium, the Hunter would be well behind.

The Carr government is a very Sydney-centric government with its eye comfortably off the ball when it comes to Newcastle and the Hunter. Recently, Mr Paul Murphy, President of the Hunter Business Chamber, pinned this down when he addressed the Newcastle Business Club in his annual address. Mr Murphy said:

I do not dispute for a minute that Australia’s largest city needs massive investment. What I dispute is that our needs here have not even been assessed against those in the metropolitan area, let alone the amount we are allocated.

When he rolled into town recently, Mr Carr brought with him a list of promises aimed to appease the voters on their way to the polling station. In New South Wales, we have in Mr Carr a lacklustre Premier who believes he not only can dish out empty promises to the...
people of the Hunter but in fact can repeat the same empty promises that he made in the previous election.

There do not seem to be any state ALP MPs who are ready to push for the Hunter’s fair share. John Price, John Mills, Bryce Gaudry, Milton Orkopoulos, John Bartlett, Jeff Hunter and Kerry Hickey have obviously been told, ‘You have a safe seat. Stop bothering us for money.’ John Brogden, in a recent visit to the Hunter, commented that the gaggle of state ALP Hunter MPs are very timid in parliament. It is no wonder that the Hunter does not get its fair share from the state budget. Paul Murphy again commented:

Last year I suggested that the working man in the Hunter might in fact think a change is due.

I have some good examples of Bob Carr’s smoke and mirror tricks. I want to deal with two major projects that have been promised for the Hunter and have just evaporated. The first one relates to a new steel mill. In April 2001 and again in October 2001, Mr Carr announced plans for the resumption of steel making in Newcastle with the announcement of the Austeel project for the city. It was reported that the entire steel production for the first 15 years of the giant new Austeel project had been presold for $40 billion. It was hoped that the site at Tomago, which would inject a projected $2.8 billion into the Hunter economy, would be operating by 2004—that is, next year. However, this was reliant on state government approval processes being completed by February 2002. It is now one year after that date and Mr Carr has, again, wheeled out this promise to the Hunter. He is dangling this carrot again before us. He came up and made a big announcement in front of all the media—this is the third time that he has announced this project. He hopes we have all forgotten the earlier announcements.

What else have we been promised that we have not received? In 1998, Mr Carr and the transport minister, Mr Scully, announced that a $1.2 billion high-speed rail link between Sydney and Newcastle would be in place by 2012. This promise was outlined in the government’s ‘Action for transport plan’ unveiled on 23 November, 1998, just four months before the 1999 election. The Newcastle to Sydney link was to act as a second stage to the Sydney to Warnervale link, which would be completed by 2007. How much progress has been made on the high-speed rail link to the Hunter? Despite funding allocation for planning studies, Mr Scully’s office was insistent as late as last November that the state government remained committed to its ‘Action for transport plan’ and subsequent time frames for the construction of the high-speed rail link.

Strangely, though, in December last year, again only months away from this state election, Treasurer Michael Egan released a ‘State infrastructure strategic plan’ where the Sydney to Newcastle high-speed rail link was identified as nothing more than a feasibility study. When questioned on this, Mr Egan denied that the government had ever committed itself to anything other than a feasibility study. Well, Mr Egan, we remember what happened before the 1999 election. Again, we have more smoke and mirrors: the promise of high-speed rail by 2012 with the first stage completed by 2007? Mr Carr boldly stated that the project was fully funded back in 1998. This broken promise—yet another broken promise—should stand as a beneficial lesson to voters that promises made by the Carr government four weeks before an election are just another con.

How can Mr Carr and Mr Scully be so vehemently and publicly committed to this rail link and then find it so unnecessary just five years later? This makes Mr Carr’s promise last Wednesday that more will be spent on community infrastructure an embarrassment to himself, his Treasurer, his transport minister and his entire government. Newcastle and the Hunter do not need policy announcements delivered to them for the sake of political mileage. Mr Carr cannot just rea-
nounce old budget statements when he comes to town and expect us not to notice.

I have put a deliberate focus on Newcastle and the Hunter here today, but the government’s failure in this area is far reaching—right across New South Wales. In a recent article in the *Financial Review*, former Auditor-General of New South Wales Tony Harris has delivered a damning public indictment of eight years of Bob Carr’s government. In an article headed ‘Carr still stuck in neutral’, the former New South Wales Auditor-General indicates that the Carr government has deliberately been sitting on its hands. He writes:

... Carr’s political success has cost the NSW community ... policies requiring thought and effort are ignored.

On revenue raising issues, Mr Harris reveals what a master of smoke and mirrors Bob Carr really is. He says:

A formulaic approach has also been used for budgeting.

... hidden reserves ... have allowed the Carr government to buy its way out of political problems as they arise ...

On vision and initiative, there is little danger of New South Wales suffering from ‘reform fatigue’ under Bob Carr, according to Tony Harris. He points out that where reforms are attempted, the Carr government retreats at the first sign of opposition. Tony Harris writes that his government has avoided difficult policies; it is the ‘unchallenging approach’. Bob Carr is certainly stuck in neutral when it comes to appropriate state government policies in New South Wales.

The Hunter Business Chamber study shows the extent to which Newcastle and the Hunter have been short-changed on the vital infrastructure needs for its rapidly changing economy. To Mr Carr we say that Newcastle and the Hunter can no longer be relied upon to deliver a swag of safe seats because we see through the smoke and mirrors and the same empty promises whenever you breeze into town just before an election.

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**Hawke Labor Government: 20th Anniversary**

Senator COOK (Western Australia) (1.34 p.m.)—I noticed a gap in the speaking order and therefore decided that I would fill it because today is quite a momentous day. Although this speech is off the cuff and has no preparation, I feel confident that I can address the subject because of my experience of the era. Today, of course, is the 20th anniversary of the election of the Hawke Labor government in 1983. It is also the 20th anniversary of my election to this Senate.

Honourable senators—Hear, hear!

Senator COOK—I was elected in that election in 1983. Let me acknowledge Senator Ron Boswell across the chamber. He too was elected in that election and both of us have been joined at the hip because of that for the last 20 years, albeit on different sides of the chamber. I acknowledge the large contribution that Senator Boswell has made to debate in this chamber. Rarely have we agreed, but we have always managed to get on with one another.

Twenty years ago, Australia, under the Fraser government, was suffering from double-digit unemployment, double-digit inflation and negative economic growth. It had been a government in which the now Prime Minister John Howard was the Treasurer. It was a government that had divided Australia. Bob Hawke, in his election campaign, talked about bringing the nation back together again to unify Australia, to focus Australia on its economic goals and to give Australia a sense of common destiny and common purpose. He also talked eloquently about not only uniting Australia but also recognising the dignity and the standing of honest men and women in Australia who worked for a living and putting aside the rhetoric about division and union bashing that had characterised the Fraser government.

That Bob Hawke had been in parliament only for two years is quite an outstanding element of his sudden rise to the leadership. He was of course a well-known popular public figure due to his long period as President of the Australian Council of Trade Unions. He was a new union leader in his era. He was
a Rhodes scholar with a degree in economics from Oxford University who gave his time to work for the ACTU and cut a dash as a most outstanding advocate in national wage cases, arguing for wage justice for ordinary working Australians.

When he became President of the ACTU his most famous signature, when asked a silly question by a journalist, was to dismantle the question, prove how stupid it was, and then provide the question that should have been asked in the first place followed by a long and interesting reply, which then became the authoritative text on that subject. He was regarded as a bit of a larrikin. But he was also regarded as having a lot of intellectual capability, and he was a popular Australian. He was elected in place of Bill Hayden on the very day that the then Prime Minister Malcolm Fraser called on the Governor-General to issue the writs for a federal election.

Labor won that election in 1983 with a 26-seat majority. I am now the only one left from that election on the Labor side of the class of 1983. I wonder what I have done wrong. Everyone else has gone off to pursue other careers or just left the parliament—I am the sole survivor. I think Senator Boswell might be the sole survivor of the class of 1983 on his side too.

Senator Boswell—Peter McGauran.

Senator COOK—Okay, you are not the sole survivor. The National Party is a little more tenacious perhaps. Let me go back to the situation facing Australia at the election in 1983. There was double-digit unemployment, double-digit inflation, negative economic growth and a $6 billion deficit in the budget, as the then Secretary to the Treasury, John Stone, later a National Party senator, would remind us. That was the situation facing the country.

The first act of the new Prime Minister, Mr R. J. L. Hawke, was to call a national economic summit and for the first time in the Old Parliament House to bring into the House of Representatives the captains of industry, the leaders of the union movement, the state premiers and all those from civil society that had a major role to play in committing to a common accord about rebuilding the Australian economy and rebuilding and re-imprinting the Australian ethos as we drew the nation together to tackle what were then insurmountable problems.

Out of that national economic summit came the accord and, as well, the prices and incomes policy approach resulting in a Prices Justification Tribunal commitment. The idea was to trade off wage claims against tax cuts so that the real income of workers remained the same or rose, and to deliver to families Medicare and other services so that the disposable income in their pockets rose as they paid less for health and had greater access to the health scheme and as they paid less for other services.

We often hear in this chamber from members of the now government that real wages under Labor fell, and that as a statistical fact is true. But the real incomes to families rose because the social wage that was delivered to households ameliorated the cost of lower wage growth and the tax cuts delivered also improved purchasing power. So the relative position of ordinary Australian wage and salary earners increased. We knew that before the Hawke government was elected. We were used to wage claims that were large in dollar value terms but were cut down in taxation as soon as they were awarded. We knew that their value was eroded significantly as well as you paid higher prices for access to health and had greater access to the range of other services.

That is what the Prices and Incomes Accord delivered. It was a revolution in the approach to managing the economy of this country. It resulted eventually in lowering inflation. It resulted too in increasing employment and, because a fiscally strong and disciplined ERC in the cabinet of the day presided over the budget, finally the budget was returned to surplus and remained in surplus until the recession that hit in 1991. Appropriately, at that time—as we are now hearing from Mr Costello, given the global recession at the present time—there was pump-priming expenditure to lift aggregate demand in the Australian economy so that the economy could be encouraged to shelter from the worst elements of the recession.
These were groundbreaking and significant achievements. On a number of occasions the Australian Council of Trade Unions traded off a wage increase for a tax cut. On one famous occasion—the year, I think, was 1984—the Australian Council of Trade Unions traded off a wage increase for the introduction of Medicare, the first universal free health service delivered for Australians. Over subsequent elections there were many efforts by conservative oppositions to try to dismantle Medicare. The history of the Australian electoral cycle is that to tamper with Medicare is to lose government. No conservative effort to dismantle Medicare was ever rewarded with a popular vote. So when John Howard came to office in 1996, after many years of trying to undermine, destroy or reduce Medicare, he just promised to keep it. Medicare is a Labor achievement that now endures even though now this government wants to destroy the health system.

One of the other great economic reforms of the Hawke era that needs to be recalled—and is vividly presented in the many magazine and newspaper articles that are doing a retrospective on the Hawke years—is the government’s commitment to reducing tariff protection in Australia. Back in 1983 we were a highly protected economy. There was an interest on both sides of politics in keeping that protection in place. If you recall the Holden motor car in 1983, you will remember it was overpriced and underquality and did not run all that well. The result of protection from global competition was that we had a soft economy that did not produce the quality of goods at the price needed to compete on the international market.

The Hawke government, with the cooperation of many significant employer groups and the trade unions, started to wind back the level of tariff protection at a slow pace but in a manner that enabled Australian business gradually and increasingly to be exposed to international competition—not in a way that would wipe them out but in a way that that exposure to international competition would make them more competitive and stronger. Eventually, when tariffs for all industries fell to about five per cent—with the notable exceptions of the textiles, clothing and footwear industries and the automotive industry—we had a reborn, internationally competitive Australian industry sector. This was done with some cost because, when the old rewarding jobs for the labour-intensive industries fell away, people came out of employment and needed to be retrained or relocated to take up the new jobs in a growing economy. Some people do not like change; there was a backlash about the reform.

What now underpins the strength of the Australian economy, what gave resilience to our economic performance in 1997 when the Asian currency crisis hit and what gives resilience now when there is a global downturn are those fundamental structural changes to the economy. We have a more vibrant economy because of those benchmark changes of the Hawke era. It should always be recalled that that is the truth of the matter. Academic, industry and business economists all say so. Of course, the economic cycle does not always perfectly attune itself to the political cycle. So the beneficiaries of this structural change, pioneered by the Hawke and later the Keating administrations, are the current government. They boast that these economic strengths are theirs. Well, there is precious little that this government has ever done to structurally and fundamentally reform the economy, but they have managed to surf along on the back of Hawke-Keating gains, claiming them to be their own and pretending that they are the responsible government. That is not true. You can consult just about any economist in Australia who will tell you that that is the case. In the retrospectives that we are now seeing in the press of what was achieved in the Hawke-Keating era, that is a point that is strongly made.

Mr Acting Deputy President Sandy McDonald—if I can acknowledge you in the chair as an honourable and distinguished senator representing the National Party—you will be aware that one of the other great fundamental changes that the Hawke-Keating era spawned, led in this case by the then Prime Minister Bob Hawke, was the introduction of Landcare. I happen to know about this because I was the resources minister who had the privilege of introducing that scheme. It has been honoured, because it has
been continued by this conservative government and it continues today.

I am out of time. There are many other things that deserve to be mentioned. I conclude on this fundamental point: Australia, under Hawke and Keating, became a country that is a citizen of this region. We were opened to the world. We forged closer relations with Asia. We established APEC. We led in international trade negotiations by pursuing reform through the Cairns Group, which we helped establish—the Minister for Trade at the time, John Dawkins, formed that. There were a number of fundamental changes which changed the complexion of Australia. Multiculturalism was a good word to use during the Hawke-Keating period and it should remain a good word to use today.

Sitting suspended from 1.49 p.m. to 2.00 p.m.

QUESTIONS WITHOUT NOTICE

Goods and Services Tax: Subcontractors

Senator GEORGE CAMPBELL (2.00 p.m.)—My question is addressed to Senator Coonan, Assistant Treasurer and Minister for Revenue. Can the minister confirm that an Australian subcontractor supplying goods or services directly to an Australian company on behalf of an overseas prime contractor is liable to charge a price that includes a 10 per cent GST? Given most overseas businesses choose not to register for the GST, doesn’t this mean the overseas prime contractor cannot claim input tax credits? Doesn’t this result in an Australian subcontractor having to quote a price 10 per cent greater than an offshore subcontractor where they provide goods and services to an Australian business through an overseas prime contractor?

Senator COONAN—Thank you to Senator George Campbell for the question.

Senator Faulkner—It is a pleasure!

Senator COONAN—I am glad that Senator Faulkner thinks it is a pleasure. The answer to Senator Campbell’s question is obviously a matter of tax administration and it obviously deserves some detailed consideration, not only because it involves a question of law but also because it is important that the Commissioner of Taxation has an opportunity to make a comment. I will get Senator George Campbell an answer.

As Senator George Campbell is so interested in tax reform, he has been here long enough to be making some contribution to debate in this country about tax reform. Of course, we know that the Labor Party is not only missing in action in relation to tax reform—

Senator Faulkner—Mr President, on a point of order: the minister has indicated she is ignorant in relation to the important question that Senator Campbell has asked of her. She has indicated she will try and find an answer, as she should, although I think many would expect her to know the answer and provide it in question time. In this circumstance, I think it would be better if Senator Coonan resumed her seat so that we can get on with the rest of question time. She has indicated she cannot answer the question. Surely, she should sit down.

The PRESIDENT—Senator Coonan, do you have anything further to add to the question asked by Senator George Campbell?

Senator COONAN—On the point of order, Mr President: Senator George Campbell asked me a specific but also a wide-ranging question on the administration of tax policy and the GST, and it is only appropriate in those circumstances that I said that I will get a detailed answer. But, in wishing to add to the answer, it is appropriate that I refer to the utter paucity of tax policy on the part of the Labor Party. As I was saying, the Labor Party on tax policy is not only missing in action but just missing. I understand that it would be very important to the Labor Party to try and take a point of order on this matter, because they do not want to have any attention whatsoever drawn to the fact that they have not had a tax policy since 1993. In those circumstances—

The PRESIDENT—Senator, I presume you are still speaking to the point of order. The point of order was made on relevance, and I do not believe that the latter part of your answer was relevant to the question that was asked, so I uphold the point of order and we will move to the next question.
Senator GEORGE CAMPBELL—Mr President, I ask a supplementary question to the Assistant Treasurer and Minister for Revenue. Minister, isn’t it the case that Treasury and the Australian Taxation Office have been aware of this problem for at least three years? Didn’t you write to Minister Macfarlane in May last year confirming that, “The Tax Office is currently examining this situation with the aim of minimising any competitive disadvantage to Australian entities”? Why is this government hindering Australian companies attempting to reduce the massive current account deficit with these anticompetitive GST laws? Why, Minister, have you done nothing since May last year to rectify this disadvantage caused by your government’s incompetent GST management?

The PRESIDENT—Senator Campbell, I remind you that you are to ask your question through the chair, not directly to the minister.

Senator COONAN—I had, I thought, indicated that I would get an answer from the commissioner relating to the detailed issue that Senator Campbell wants an answer on. But on the broader point, and looking at the competitiveness of our tax system, I certainly hope that by the time we bring some issues on international tax reform to this Senate we will not see the same obstruction that we have seen from the Labor Party on every issue to do with taxation since 1996.

Economy: Performance

Senator CHAPMAN (2.05 p.m.)—My question is directed to the Minister for Finance and Administration and Minister representing the Treasurer. Will the minister provide the Senate with an update on the performance of the Australian economy and the benefits of the government’s responsible economic management? Furthermore, is the minister aware of any alternative policies?

Senator MINCHIN—I thank Senator Chapman for his question. I am happy to give an update on the state of our economy based on the release of the national accounts today, which are a further demonstration of the inherent strength of the Australian economy. GDP in the December quarter grew by 0.4 per cent. Over the year to December, GDP grew by three per cent, second only to Canada among the leading 15 countries in the world. More significantly, the non-farm economy grew by 0.8 per cent in the quarter. That is 3.9 per cent for the calendar year 02, clearly reflecting the underlying strength in the economy. Allowing for the drought, which is a one-in-100-year drought, and the weakness caused by global uncertainty, then clearly, based on these national account figures, our economy is in very good shape. They are consistent with our MYEFO forecasts of growth of three per cent this financial year and four per cent in the ensuing financial year.

This week we have had the very good report from the OECD on the strength of our economy and its performance under our policies. We have also had the restoration, after about 15 years, of our AAA rating by Standard and Poor’s, showing the strength of our economy. From the national accounts, we see very significantly business investment rising by 19 per cent in the calendar year 2002. That is a fantastic outcome and points to how solid growth is out into the future. We have the ACCI Westpac survey of industrial trends also showing very strong expectations for our manufacturing sector. More importantly, our automotive industry, our strongest manufacturing sector, had a record performance in January. It was its best ever January, with 61,000 vehicles sold. This came on the back of the best ever year for the industry in 2002. I think all this good economic news is a very good sign of the strength of our responsible economic management over seven years.

I am very happy to acknowledge today, on the 20th anniversary of the election of the Hawke Labor government, that some of the very sensible things that government did during its period in office have made a big contribution to the strength of our economy. There is no doubt that some of the reforms—which were opposed, no doubt, by the Left of the Labor Party—championed by Bob Hawke, such as tariff reform, financial deregulation and floating the dollar, were all very important in producing the outcomes we have had. I think the tragedy for Australia is that the ALP in opposition has completely
turned its back on economic reform. It has trashed the very good position that Hawke and Keating adopted in the 1980s in relation to economic reform despite the opposition of their own Left. The ALP in opposition, since 1996, has opposed virtually every single economic reform that we have put forward to the Australian people. Paul Keating himself condemned the Labor opposition only last week when he said:

More’s the pity that the Labor Party between 1996 and certainly 2000 vacated the field of competition and productivity. I endorse entirely what Mr Keating said. The point is that it is now 2003 and the Labor opposition is still vacating the field of economic reform. I want to assure the Australian people that, despite the continued opposition from the Labor Party to further economic reform, we will stick to the task. Economic reform is an ongoing task. It must never stop if we are to ensure that we continue to build one of the world’s great economies.

Medicare: Bulk-Billing

Senator CROSSIN (2.09 p.m.)—My question is to Senator Patterson, the Minister for Health and Ageing. Can the minister confirm that on 10 February, the same day that she refused to rule out the means testing of bulk-billing, her office was responsible for briefing journalists on a $1 billion plan to stop the decline in bulk-billing. Why then did the minister tell the ABC program Insiders on 23 February that the $1 billion figure was just the ‘speculation of one journalist, who worked out some figures in a corridor’? Can the minister confirm the report today in the Australian that the government has a $1 billion plan for doctors to bulk-bill disadvantaged patients only or is that also the speculation of one journalist who worked out some figures in a corridor?

Senator PATTERSON—Senator Crossin’s question is a hypothetical question. She was not actually there, but there was a press conference about the issue and one journalist said to me, ‘Will you or won’t you rule this out?’ Senator Crossin, you most probably will never get the chance to be in the situation where you have to do that sort of thing. That is the most dangerous question: will you rule in or rule out something. You say, ‘I am not going to play your game,’ and they say, ‘Well, you are not ruling it out.’ I said, ‘I do not know how you would means test.’ Although I totally disagree with the article that Professor Duckett has in the paper today, he says that he does not know how you would means test because people move in and out. I cannot exactly find where he says it, but he indicates that it would be difficult to means test access to bulk-billing because people move in and out. That is exactly what I said. I said, ‘I do not know how you would do that,’ meaning that I was not even contemplating it. Then the media started running the line, as Labor has done, that I was going to means test.

It is very interesting. If Labor cannot actually get the issue, they concoct a conspiracy about something being hidden or they make up a myth. So the press went out and said that I had not ruled out means testing access to Medicare and bulk-billing and we came out and made a categorical statement on that day to clear the air and make it very clear. I repeat: we will not be means testing bulk-billing. That is the answer to that question. I understand that Senator Crossin was not at that press conference. I was very clear. I said that I do not know how you would do that.

She also asked a question about my appearance on Insiders. I have not briefed anybody about any amount of money. I think there was one comment in one newspaper where some journalist had some figure for what was going to be in this package. I think it was one journalist who reported that figure. That is what I indicated in my response on Insiders. I have not indicated any figure to anybody and, as I said, what I want to do is work on a package to make sure that we have reasonable and fair access to doctors. As I have mentioned over and over again, when we came into government we had a total maldistribution of general practitioners. There were far too many in the city and far too few in the country and outer metropolitan areas. We have spent $562 million getting doctors out into rural areas. In the last five years we have had an 11 per cent increase in full-time equivalent doctors, more in terms of doctors on the ground. That is the first
time we have seen a turnaround in getting doctors back out into rural areas.

Some of the measures we have put in place such as rural bonded scholarships will take time to wash through because the students are still at university. To try and undo the damage Labor left, especially in work force issues, takes ages. The work force and access to doctors are some of the issues that affect access to bulk-billing. Where there are more doctors it is more likely that people will be bulk-billed. I also have indicated that, since the inception of Medicare, there has never been 100 per cent bulk-billing. Even Professor Deeble, the father of Medicare, yesterday agreed with the Prime Minister that no government could guarantee to make bulk-billing 100 per cent universal. He said, ‘We cannot make doctors charge a certain fee and whatever rebate you gave patients there would be some doctors who would not direct bill people.’ So even the architect of Medicare, Professor Deeble, has indicated that you would never be able to achieve a 100 per cent rate of people being directly billed; that is, not having an out-of-pocket expense. (Time expired)

Senator CROSSIN—Mr President, I ask a supplementary question. Minister, can you assure us that no-one in your office briefed journalists on the $1 billion plan to stop the decline in bulk-billing? If the Treasurer is right in saying that there will be no new money for health in this year’s budget, will the government’s $1 billion plan for bulk-billing be funded from the Australian health care agreements? Is that the real reason you refused to attend a meeting of health ministers recently and why you refuse to guarantee that there will be no cut in funds for public hospitals?

The PRESIDENT—Senator Crossin, I also remind you to address your questions through the chair.

Senator PATTERSON—I am grateful for the opportunity to answer the question; it is like a Dorothy Dixer. In the Australian health agreements—the current health care agreements over a five-year period—we have increased the spending on public hospitals by six per cent in real terms. That is over and above inflation, for those people on the other side. Do you know what the states have done to their contribution, which is about 43 per cent? They have not even increased it by the CPI—no real increase. So if doctors in state public hospitals want to know why they have had a $3,000 decrease over the last five years—

Senator CROSSIN—Mr President, I rise on a point of order. The first part of my supplementary question was whether or not the minister could assure us if anyone in her office had briefed the media.

Senator PATTERSON—What a major policy issue! Did someone in my office brief a journalist or not? I was walking down a corridor with a journalist who said, ‘If you did this, it would be $80 billion; or, if you did this, it would be $4 billion.’ I said, ‘You can make up all the figures you like. You were never briefed.’ But that is not a policy issue. I want to talk about the issue of the Australian health agreements, which Senator Crossin raised. The Labor states increased funding to the public hospitals by less than the CPI. We have increased it by just on six per cent, on average, across the five years, over the life of the agreements.

The PRESIDENT—Minister, are you speaking to the point of order?

Senator PATTERSON—I am answering the question.

The PRESIDENT—Your time has expired.

Organisation for Economic Cooperation and Development: Report on Australia’s Economic Performance

Senator MASON (2.17 p.m.)—My question is to the Minister for Revenue and Assistant Treasurer, Senator Coonan. Will the minister update the Senate on yesterday’s OECD report which included analysis of the Howard government’s reforms to our taxation system. Is the minister aware of any alternative policies in these areas?

Senator COONAN—I thank Senator Mason for his question. He has been a keen advocate of the ongoing structural and taxation reforms that the government has implemented since coming to office. I know that he is committed to ongoing tax reform. Senators on this side of the chamber would be
well aware of yesterday’s glowing endorsement from the OECD of the resilience of Australia’s economy and the Howard government’s policies that have delivered that outcome. As Senator Hill pointed out yesterday, the OECD have quite rightly indicated that the pursuit of structural reforms across a broad front has been a key factor in sustaining Australia’s economic performance. These reforms, combined with our exceptional macro-economic management, have made Australia a truly standout performer amongst OECD economies.

While the success of the Howard government’s economic reforms no doubt irks the opposition, it is a fact that most Australians and external observers both appreciate and understand it. The recent OECD report made it quite clear that, on the taxation front, the government has implemented an impressive and comprehensive overhaul of the tax system in recent years. It made the point that the government’s reforms to indirect tax have not only helped broaden the tax base, and thus provide a secure and buoyant source of revenue for the states, but also improved the efficiency of the tax system.

The OECD report notes that these reforms have also delivered a fall in the price of most investment goods and services faced by business due to the removal of the cost of business inputs embedded in the previous wholesale sales tax system. As senators would know, this has removed a huge embedded tax burden on all businesses, particularly so for our exporters. This is important, given the impacts of the drought, the tough trading conditions and the weak external demand faced by our farmers and other exporters.

I have been asked about alternative policies. It is bizarre that the Labor Party argued up hill and down dale, right up to the last election, about the alleged flaws in these tax reforms and how they would damage our economy. But the outstanding performance of the economy since the introduction of tax reform and the recent assessment from the OECD simply shows how utterly wrong Labor were to oppose tax reform and how politically opportunistic their behaviour has been.

The OECD report also points to the ongoing tax reforms and, in particular, the major review of the international tax system. It points out that this provides an opportunity to assess the impact of our current international tax arrangements on the expansion plans of Australian companies offshore and whether there are impediments to the attraction of domestic and foreign equity. We can only hope that, in the interests of a competitive tax system, when these issues eventually come before the Senate, instead of wrongly banging on about the big end of town the Labor Party will adopt a more constructive approach in the interests of all Australians.

Australians should not have their future prosperity and success continually hijacked by a lazy and opportunistic opposition that have not had a tax policy of their own since 1993. The OECD report should act as a wake-up call for Labor, and Labor should stop blocking important budget reforms. If the OECD report concludes that the PBS and disability reforms are necessary and desirable changes, surely the opposition should be listening. These changes are far too important for petty political gains; Australians need responsible action from the opposition, and they need it now.

Superannuation: Children’s Accounts

Senator SHERRY (2.21 p.m.)—My question is to the Minister for Revenue and Assistant Treasurer, Senator Coonan. In light of the minister’s conspicuous failure yesterday to know anything about how many children’s superannuation accounts have been opened since July—

Senator Hill—Mr President, I rise on a point of order. The honourable senator is supposed to ask questions, not to make comments. I suggest you bring him to order.

The PRESIDENT—I agree. Would you reask the question, Senator Sherry.

Senator SHERRY—How many children’s superannuation accounts have been opened since July last year? Can the minister have another go today. How many Australians have responded to the rallying calls from the Assistant Treasurer and the Prime Minister, who has claimed that ‘Australians should participate in order to enjoy com-
pound interest in this trailblazing initiative of children’s superannuation accounts’?

Senator COONAN—I thank Senator Sherry for giving me another opportunity to explain the child accounts policy. Clearly Senator Sherry is obsessed with it, even though the rallying cry for superannuation in this country is for choice, where people do not want to be trapped in underperforming funds. In any event, the government has implemented its ‘superannuation for life’ election commitment to allow superannuation contributions to be made on behalf of children. The measure is only one of a comprehensive suite of superannuation measures designed to make the superannuation system more attractive and more accessible for Australians. Parents, grandparents, other relatives, friends, even those in the Labor Party, can make superannuation contributions of up to $3,000 every three years on behalf of a child. The measure has been in effect for a short time only, with commencement on 1 July 2002. Not surprisingly, the measure is a voluntary savings vehicle and builds on the government’s commitment—

Senator Sherry—Mr President, I rise on a point of order. The point of order goes to relevance. The question asked was: how many accounts have been opened? I want a number.

The PRESIDENT—There is no point of order. The minister is answering the question that you asked. She has not given a precise number yet but I feel that she was heading in that direction. She has two minutes and 42 seconds left to answer the question.

Senator COONAN—This measure only started on 1 July last year and, whilst it is appropriate and required that child accounts be identified within funds, there are certainly no statistics yet available that would indicate whether or not this measure has been taken up and in what sorts of numbers. It is entirely conjecture on the part of the Labor Party and those who would like to see the policy fail as to whether or not this has been taken up.

More broadly, when you look at the suite of measures of which this was only one, and the Labor Party’s obstruction to the implementation of these measures, you see that, against the need for savers and saving in Australia, we have not got a policy on choice yet that has been agreed to by the Labor Party. It is an absolute disgrace when the Labor Party simply obfuscates and tries to invent reasons as to why choice—which will enable people to move funds so that they are not trapped in a poorly performing fund—should not be implemented. The government’s suite of measures that it took to the election—which it costed in the budget and which will comprehensively make superannuation more attractive and more available—are being comprehensively thwarted by the opportunistic Labor Party.

We do not ever see any policy put up by the Labor Party on superannuation. We still have that very famous blank sheet of paper from Senator Sherry. All of the new people who have come in on the Labor side of the record, sitting over there on the other side of the chamber, obviously have not got any ideas to contribute either to trying to do something about Labor’s policy on superannuation. The child accounts have barely had time to be implemented. They only started on 1 July last year. Cavilling about statistics entirely misses the point about the range of superannuation measures ready and costed and available to the Australian people if only the Australian Labor Party would stop obstructing.

Senator SHERRY—Mr President, I ask a supplementary question. I asked yesterday twice and I have asked again today: how many accounts have been opened? Can the minister inform the Senate. Also, given the Assistant Treasurer’s commitment to Senate estimates on 14 February, when she said on this issue: ‘There is obviously a very good underlying policy rationale for it. It is a good policy, and I will be doing everything I can to talk about it,’ when will the minister do something—anything—about some of the real barriers to the opening of children’s superannuation accounts, such as banning the outrageous commissions that apply to some of these accounts, even to children’s accounts? When will the minister ban these sorts of impediments and barriers to her policy?
Senator COONAN—Thank you for the supplementary question, Senator Sherry. This is where we get to the nub of where the Labor Party are on fees and charges. They want to come in and regulate the whole of the superannuation industry. They do not want to see competition and they do not want to see choice. They do not want to see choice for children. They do not want to see choice for adults. They do not want to see choice for anyone in this country. They want an entirely regulated superannuation industry where it is all for the benefit of industry funds—at least it is largely for the benefit of industry funds. The Australian public have had enough; they want choice. We know it works across the board, and the Labor Party should get on with passing that policy.

Iraq

Senator BARTLETT (2.28 p.m.)—My question is to the Minister representing the Prime Minister, Senator Hill. I note the Prime Minister’s statement today, which mirrors that of Senator Hill in answer to my question yesterday, that cabinet will not make a decision on Australian involvement in military action in Iraq until the United Nations resolves its position. Given that the US administration have made it clear that they do not believe a further UN resolution is necessary and have even mooted the possibility of withdrawing the current draft resolution if it looks likely to fail, how can the Australian government be giving any consideration to supporting the US in such a circumstance where the UN would clearly not have resolved its position?

Senator HILL—I think the language the Prime Minister has used is that we want to see the UN processes fully explored. That remains our position. We believe in the Security Council process. We believe in collective security under the Security Council. That is why we have been urging that the Security Council meet its responsibility in this regard. Unfortunately, for 12 years Saddam Hussein has basically operated in breach of a series of UN Security Council resolutions, which we believe has significantly undermined the authority of the Security Council. What we say is that it is now the responsibility of that council to ensure that its resolutions are enforced. That is our preference and we hope that that will be the outcome.

If a resolution fails or if it is withdrawn because of insufficient support then we will move into a new realm. I think the United States has made it clear that it is going to ensure that Saddam Hussein is disarmed whether or not the Security Council meets its responsibility. If that is the case and if Australia is asked to participate in the coalition of the willing in such circumstances, Australia would have to consider that request at that time, which would be considered by the government in Australia’s national interest. We hope that will not come about, because we hope that although there is not much time left the Security Council nevertheless will meet its responsibility and act in this matter.

Senator BARTLETT—Mr President, I ask a supplementary question. I thank the minister for clarifying that situation, which is clearly that the government is willing to follow the US even if the United Nations has not resolved a clear position. Given that that is the case and the government is potentially on the verge of sending Australian troops into a war on Iraq in, as the Prime Minister has said, potentially as little as one week’s time, creating a new generation of Australian veterans of conflict in Iraq, will the government commit to releasing the health study of the last generation of Gulf War veterans from 1991 which has been completed and which has been with the government for many weeks? If we are about to create a new generation of veterans, shouldn’t we at least know what the health impacts on the last generation of Australians sent to war over 12 years ago have been?

Senator HILL—Senator Bartlett misinterprets, for his benefit, what I said. What I said was that if Australia is requested to participate in a coalition of the willing to disarm Saddam Hussein we will consider that request at that time in Australia’s national interest. In relation to the health study to which the honourable senator refers, I will in turn refer that to Minister Vale, who has responsibility for those issues, and see what she is prepared to do.
Banking: Credit Card Schemes

Senator COOK (2.33 p.m.)—My question is to the Minister for Revenue and Assistant Treasurer, Senator Coonan. Through you, Mr President: Minister, do you support the stated intention of Qantas to surcharge customers for using their credit cards whilst offering them no discount if they choose to pay by cash? Do you accept that this would mean that there would be no savings to Qantas customers arising out of the RBA credit card reforms?

Senator Abetz—Mr President, I rise on a point of order. On a number of occasions you have spoken to the opposition about the use of the word ‘you’, as opposed to directing questions through the chair. Just because you preface the question, ‘through you, Mr President,’ that does not allow the asker of the question to revert to the personal. Mr President, I would ask you to draw this to the attention of Senator Cook who, although he has been in this place for 20 years, still does not know the standing orders and is a bad example to its newer members.

The PRESIDENT—Senator, you are now debating the matter. I take your point of order. I have reminded senators on both sides on more than one occasion to address their remarks through the chair and I will continue to do so.

Senator COOK—Through you, Mr President, do you accept that this would mean that there would be no savings to Qantas customers—

Senator Abetz—Mr President, I rise on a point of order. The honourable senator does not understand what the standing orders require. You cannot say ‘through the chair’ and then immediately revert to the personal, saying ‘you’. He might deal with a lot of sheep on that side and therefore the word ‘ewe’ comes to mind, but, Mr President, the fact is he has to address the question to the minister and not through you. It ought to be, ‘My question is to the minister,’ not to ‘you’.

Senator Faulkner—On the point of order, Mr President: it is true that your predecessor, former President Reid, when she was presiding made a ruling in this chamber in relation to the use of the word ‘you’ in question time—that is correct. It is also true that the opposition took strenuous objection to the President’s ruling at the time. It is also true that, subsequent to the issue being raised by former President Reid, she relaxed the use of that terminology in question time because both government and opposition senators regularly used it. It is also true that on no occasion since you have been presiding have you ruled such a matter out of order. What you have consistently done is request that senators address their remarks through the chair. That is, in my view, a correct ruling on your part. This is a deliberate attempt on the part of Senator Abetz to try and help save a minister in this chamber, Senator Coonan, who is struggling in question time, by interrupting the important question that is being asked by Senator Cook. I ask you to rule—as has been consistently done over recent years and months—this absurd point of order out of order.

The PRESIDENT—Points of order during question time do take time from those wanting to ask questions. All I have been doing is reminding senators to put their remarks through the chair. If senators were to refer to the minister occasionally it would be most helpful.

Senator COOK—Thank you, Mr President. Does the minister accept that this would mean there would be no savings to Qantas customers arising out of the RBA credit card reforms? Wouldn’t this contradict the statements made by the minister about the benefits to consumers from credit card reform? Has the minister communicated her view to Qantas and, if so, what was Qantas’s response? What action has the minister taken in response to the statement by Qantas?

Senator COONAN—I thank Senator Cook and congratulate him on finally getting his question up. Before I get to the issue of Qantas, in relation to credit card reforms generally it is important to say that this is, of course, just the first stage of the credit card reforms. On 1 January this year the restriction on merchants charging consumers for using credit cards was lifted. This is the first element of the reforms. The restriction on surcharging has inhibited the normal market mechanisms from operating. Consumers who
do not use credit cards have been paying more and those who use credit cards have been paying less than they otherwise would have been. Price signals about the costs of different payment instruments have been distorted, to the detriment of the economy as a whole. Generally, business has chosen not to surcharge. Customers are aware of surcharging and are prepared to consider payment methods other than credit cards and, generally, to shop around to different providers.

In the case of Qantas, the government would certainly not be sympathetic to the airline, particularly when there are routes on which there is little competition. The reforms have only been in place for a short time, and we need to see how they settle down. To enable monitoring of the implementation of the standard, the RBA is keeping a close eye on the situation and collecting data from financial institutions. The Australian Securities and Investments Commission and the ACCC are, as I said yesterday, maintaining a watching brief on surcharging developments. ASIC is monitoring merchants to ensure that where surcharging occurs there is appropriate disclosure, and the ACCC will ensure that there is no anticompetitive behaviour between merchants in setting the surcharge levels.

The answer to Senator Cook’s question is that, because this is only the very first stage of comprehensive reform in relation to the provision of credit by way of credit card, it is being monitored in the ways I have indicated. I might add that, with the ACCC being one of the monitors, this government would be mightily pleased if those on the other side would use whatever influence they can bring to bear on their Labor mates in the states who are opposing the appointment of Graeme Samuel, as the ACCC clearly needs an outstanding chairman.

Senator COOK—Mr President, I ask a supplementary question now that the minister has danced around the point and not quite answered the first question. Minister, is the answer that you do support Qantas applying the surcharge on credit cards whilst offering customers no discount if they choose to pay cash? Through you, Mr President, isn’t the answer yes? Further to that, what steps has the minister taken to establish how many other companies, if any, intend to follow Qantas’s example? Through you, Mr President, what action has the minister taken to ensure other companies do not follow Qantas’s example in this regard? Can we have straight, clear answers shorn of all the gobbledygook used to misrepresent the position of the government?

Senator COONAN—Thank you for the supplementary question, Senator Cook. You would of course be aware that the Labor Party backed these RBA reforms. Senator Cook asked me to agree with his proposition that Qantas are charging the surcharge fee, and he said, ‘Isn’t the answer yes?’ I hate to spoil his fun, but the answer is no. Qantas have not introduced this, and I do not think they will. They suffered—no doubt quite rightly—a consumer backlash when they suggested it, and it has not been introduced.

Iraq

Senator NETTLE (2.43 p.m.)—My question is to Senator Hill, the Minister representing the Prime Minister. The minister would be well aware that the US Congress, the House of Commons in the UK and the French National Assembly have all had the opportunity to vote on whether to endorse an attack on Iraq. Why does this government continue to deny the representatives of the Australian people this opportunity, a democratic right that our allies and others have seen fit to uphold?

Senator HILL—There is a distinction within our system between executive responsibility and legislative responsibility. It is true that the executive is responsible to the parliament, and if and when the executive makes a decision on this particular issue the Prime Minister has said that the decision will be taken to the parliament and the parliament will have the opportunity to debate it.

Senator NETTLE—Mr President, I ask a supplementary question. Will the government allow the parliament to vote on our involvement in a war on Iraq?

Senator HILL—It might be news to Senator Nettle, but in this place the government do not have the numbers and the oppo-
sition parties can implement whatever process they wish. The distinction is between the responsibility of the parliament and the responsibility of the executive. This is an executive responsibility and the decision will be made by the executive. The form that we have committed ourselves to is the same as that adopted by the Labor Party at the time of the Gulf War in 1991 when a decision was made by the Hawke government and that decision was taken to the parliament and debated.

**Defence: Anthrax Vaccination**

Senator CHRIS EVANS (2.45 p.m.)—My question is directed to Senator Hill, the Minister for Defence. Can the minister inform the Senate exactly how many ADF personnel deployed to the Gulf have refused the course of anthrax vaccines and whether all those who have not been inoculated have returned to Australia? Is the minister aware that two days after telling sailors of the vaccination requirement on 4 February this year the ADF was advising them that they could remain with the deployment if they refused the vaccine? When was the decision taken that those refusing the vaccine would have to return to Australia, and by whom? Why was this decision and the process for informing personnel about the vaccine not put in place in the three weeks between 10 January and the sailing of the HMAS Kanimbla? What happened to cause the change in policy?

Senator HILL—There were many questions asked by Senator Chris Evans. Basically, the ADF has a policy in relation to vaccinations that they are voluntary. Service personnel are not obliged to be vaccinated, as they are in US forces, but if they choose not to be vaccinated, the ADF view is that its duty of care to that person is such that they should not be put at risk. Therefore, if they choose not to be vaccinated, Defence Force commanders will not allow them to be put at risk from that particular threat. In relation to how many have refused the vaccination, I do not have an up-to-date figure on that—I will make inquiries. I am also not sure whether all of those who have declined to be vaccinated have returned to Australia or are in the process of returning or will return—or are being replaced or will be replaced by others. In relation to why they were not vaccinated on the LPA before the ship left Australia, we have answered that question before, and in some depth in estimates when we set out the time frame of when the government made the decision and so forth. I think that pretty much covers the suite of questions asked by Senator Evans.

Senator CHRIS EVANS—Mr President, I ask a supplementary question. I thank the minister for covering the suite of questions but not answering any of them. I would appreciate his commitment to take on notice how many were to return and whether they have all been returned because he has failed to answer that on a number of occasions now. I would also like him to respond to the question of what caused the change in policy. Why were sailors told at one stage that they would be allowed to stay on the deployment if they refused anthrax vaccination and then subsequently told they had to return to Australia immediately and be taken off the ships? I want an answer to the question of why that policy was changed. It is clear from information now received that a change in policy did occur during that period and I would like to know why. I would also like the minister to answer the questions as to whether or not the ADF will be conducting an investigation into the inoculation process, whether or not all information was available to those personnel about the vaccine’s components and whether or not there have been any personnel seeking formal grievance as a result of that process? (Time expired)

Senator HILL—I do not believe that there was a change of policy. I have not heard that suggested before. I have always understood the policy to be as I expressed in answer to the first question. Our policy is different from that of the British, who allow their forces to sign waivers. We think that that is not sufficient to override the duty of care. In relation to information being available, it is true that when the LPA sailed some of the educational information was not available and that was relevant to the decision at that time not to vaccinate—to delay vaccinations. I think that answers the two specific
questions that were asked in the supplementary question.

**Agriculture: Economic Outlook**

Senator COLBECK (2.50 p.m.)—My question is to the Minister representing the Minister for Agriculture, Fisheries and Forestry, Senator Ian Macdonald. Will the minister inform the Senate how recent rains are expected to benefit farmers and the Australian economy?

Senator IAN MACDONALD—I thank Senator Colbeck for again drawing our attention to a natural calamity that has a very significant impact upon the Australian economy and on our exports. I know all senators will be very happy, as I am, with the recent rains. It is a little early to say that the drought is over, but certainly recent rains have been very well received. If we do have some follow-up rain, the winter crop planting season will make the outlook very much brighter for farmers in 2003-04—brighter both emotionally and financially. According to figures that have been released by the Australian Bureau of Agricultural and Resource Economics at their Outlook Conference—which, as all senators will know, is happening over these two days in Canberra—farmers are poised for a $4 billion crop led recovery. ABARE’s predictions for 2003-04 show a dramatic increase in the fortunes of the rural sector, provided that there is a good autumn break in the drought. According to Dr Brian Fisher, the Executive Director of ABARE, the net value of farm production should nearly triple to $6.1 billion in the next financial year and that is in very stark contrast to the $2.3 billion plunge in the current financial year. The recovery will come from increased crop plantings. Plantings should increase by about 12 per cent on last season to a record of 20.5 tonnes. Whilst the increase will come from crop plantings, livestock industries are expected to take a little longer to recover following the drought.

The government has continually pledged its support for those in the rural sector affected by the drought. Part of this ongoing commitment includes the income and business support components of the exceptional circumstances assistance. These will be available—it is important for senators and the community to understand this—for two years following the declaration of exceptional circumstances. So even if rains come, that assistance will be available for another two years.

Since September last year, the Commonwealth has moved to introduce a number of new initiatives to the exceptional circumstances policy, particularly to those parts of the policy over which the Commonwealth really has had no control. We are providing immediate income support once the EC application is referred to ENRAC; we are using predictive modelling, we have waived the 12-month minimum deposit period, and the time taken by the Commonwealth department to determine EC applications has been halved.

However, one of the key problems with the exceptional circumstances assistance is the very recalcitrant attitude taken by all of the states to EC applications. It is a very unfortunate situation that the system at the moment is such that the states are responsible for making the application. Some of them do it with little care or responsibility and use it for political purposes—putting in the application, knowing that someone else will have to foot the bill. Mr Truss has announced the very sensible approach where, when this drought is out of the way, he will be calling a national summit of all of the industry leaders and the states to get a better approach to the exceptional circumstances assistance.

**Centrelink: Family Payments**

Senator FORSHAW (2.54 p.m.)—My question is directed to Senator Vanstone, the Minister for Family and Community Services. Can the minister confirm that she met with the National Council for Single Mothers and their Children in February last year? Is it true that at that meeting Senator Newman’s commitment, made in parliament on 13 April 2000, to conduct a review of the shared care provisions in the family payments legislation was raised? Is it true that the minister made a personal commitment to examine the Hansard record and to conduct a follow-up on the issue? I further ask: what action has the minister taken to honour her promise to the National Council for Single Mothers and their Children about the shared care review
and why is she now claiming, one year later, not to know anything about it?

**Opposition senators interjecting—**

**Senator VANSTONE**—I thought it was a most applicable line to Ms Macklin’s speech yesterday on China. I thank you for the question, Senator Forshaw. I have a pretty good memory and I have to tell you that I do remember meeting with the executive director or president on her own in Adelaide—not the national council—and it was some considerable time ago. I do not remember the detail of that meeting. I will inquire and see whether someone in my office was in attendance with me. They usually would be and they have a daybook. As I said to Senator Faulkner yesterday, I will have a look at that. I have asked someone to do that and, as soon as I have an answer, I will come back to you.

**Senator FORSHAW**—Mr President, I ask a supplementary question. Minister, I thank you for acknowledging that you still do not know, but I put to you that the promise of a review was made. Minister, can you guarantee that such a review, as promised, will be completed quickly and made public when it is completed?

**Senator VANSTONE**—I gave an answer to this matter to Senator Faulkner yesterday. I have asked that the matter be dealt with in my office. I do not have a follow-up briefing on that issue. I say the same to Senator Forshaw as I said to Senator Faulkner: I will get back to you as quickly as I can.

**Medicare: Bulk-Billing**

**Senator ALLISON** (2.56 p.m.)—My question is to the Minister for Health and Ageing. Yesterday in question time, the minister did not answer my question on just how much more people should be expected to pay above the GP Medicare rebate. Again, I ask: will the minister indicate what she thinks is a reasonable amount to pay to see a GP and what the government will do to limit high copayments, particularly for people on low incomes with no access to bulk-billing?

**Senator PATTERSON**—As I said yesterday, there are a number of issues which affect the bulk-billing rate and affect it differently in different areas. One of them is the number of doctors and where they are located—I have said this most probably five times in the last two sitting weeks. Where you have a higher number of doctors, you get a high bulk-billing rate—sometimes up around 90 per cent—and where you have fewer doctors you get a lower bulk-billing rate. Competition is one of the things that drives up bulk-billing rates. When Labor were in government in their last six years, they increased the Medicare rebate for a standard consultation by only nine per cent over that period. Over the last six years we have increased it for a short consultation by 20 per cent. For a long consultation, we have increased the rebate by 23 per cent; Labor in their last six years increased it by only five per cent. All these things affect bulk-billing.

We also now have payments for doctors—it works out at about $18,000 per doctor—for dealing with issues like diabetes, mental health and asthma to achieve better outcomes. Unlike Labor, who had our children being vaccinated at the rate of 53 per cent—which was down around Third World levels—we actually put incentives in and gave doctors assistance to get that rate up. We now have it up at First World levels.

Medicare came in, and I have a paper here from a speech that Dr Blewett made on 26 August 1983 to none other than the Doctors Reform Society. He said, ‘On 1 February next year, all Australian residents will be guaranteed automatic entitlement under a single public fund to a medical and optometrical benefit of 85 per cent of the scheduled fee.’ Do you know what it is now? It is 85 per cent of the scheduled fee. Do you know what it will be tomorrow, at the end of this year and next year? It will be 85 per cent of the scheduled fee.

Despite the myths that are being put around, all Australians will have access to a doctor and a doctor can direct bill a person. If they charge 85 per cent of the scheduled fee, a person will have no payment to make. That is the case now and that will be the case in the future. We cannot tell doctors what to charge. Some of them—92 per cent of them in some cases—in some areas do not charge an additional gap and in other areas they do. One of the things that concerns me—and it does not seem to be a concern for anybody
on the other side—is that, since the inception of Medicare, there have been some people who live in areas where they do not have access to a doctor who direct bills and does not charge them an out-of-pocket expense.

So we have people on the same income living in different areas and some pay an out-of-pocket expense and some do not. That is of concern to me, especially if they are low-income earners. It is not about how much gap or whatever. There has always been a gap. Some doctors charge a significantly larger gap and some charge none. But there is an issue about the fact that we should have equitable access. We have spent $562 million getting doctors into rural areas, and we have seen an 11 per cent increase in the number of full-time equivalent doctors in rural areas. We have a program to get doctors into outer metropolitan areas without detracting and taking away from the incentives in the other areas. (Time expired)

Senator ALLISON—Mr President, I ask a supplementary question. The minister has begun to answer my question. However, I will just expand on what I asked so that she is clear. The most common consultation claimed by GPs is level B. In 1993 the MBS rebate for level B consultations was $24.15. The average copayment was $7.20. That is, people who were not bulk-billed were being asked to pay about 29 per cent of the scheduled fee. The December 2002 statistics show that the MBS rebate for a level B consultation was $29.45 and the average copayment was $12.78. That represents 43 per cent of the scheduled fee. Minister, you said today that you cannot make doctors charge a particular fee, but are you satisfied that patients who are now paying almost half of the scheduled fee can afford to do so? How does this sit with your guarantee that we have universal, free health care in this country?

Senator PATTERSON—Medicare was never meant to be universal, free care, as I said before. Dr Deeeble, the father of Medicare, yesterday came out and agreed with the Prime Minister that no government could guarantee to make bulk-billing 100 per cent universal. What is universal is that every Australian gets the same rebate to visit a general practitioner. Every patient gets the same rebate. That is the universality. The issue is that some people on low incomes live in an area where doctors charge a gap and some people on low incomes live in an area where doctors do not. One gets a gap and one does not. That is of concern to me. I have not heard anybody express that concern. It has been ever thus since the inception of Medicare. It was never set up in a way that would ensure that people on low incomes would be treated the same. There is universal access and everyone has 85 per cent of the scheduled fee.

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

QUESTIONS WITHOUT NOTICE: ADDITIONAL ANSWERS

Iraq

Senator HILL (South Australia—Minister for Defence) (3.03 p.m.)—On 3 March 2003, Senator Bartlett asked me a series of questions. I can provide further responses to those questions. I seek leave to have them incorporated in Hansard.

Leave granted.

The answer read as follows—

Has the US informed the government of which chemical weapons may be used? If so, will the Minister inform the Senate?

The United States, like Australia, is a party to the Chemical Weapons Convention. There has been no indication that the United States would use any weapons in contravention of its obligations under this convention.

Can he also check the veracity of reports that the US Marine Corps confirmed last week that both these substances, CS gas and pepper spray, had already been shipped to the Persian Gulf? Can he also give a guarantee that, if there is any possibility of any agents in contravention of the Chemical Weapons Convention being used, Australian forces will not be operating in support of any such actions?

It would be inappropriate for the Government to comment on what the US military may or may not have shipped to the Persian Gulf. Members of the ADF will at all times comply with Australia's obligations under the laws of armed conflict including the Chemical Weapons Convention. Australian forces are at all times under Australian national command, and appropriate command
arrangements are in place to ensure that ADF personnel do not become involved in any activity that contravenes the Chemical Weapons Convention or other laws of armed conflict.

QUESTIONS WITHOUT NOTICE: TAKE NOTE OF ANSWERS

Superannuation: Children’s Accounts

Senator SHERRY (Tasmania) (3.04 p.m.)—I move:

That the Senate take note of the answer given by the Minister for Revenue and Assistant Treasurer (Senator Coonan) to a question without notice asked by Senator Sherry today relating to children’s superannuation accounts.

On no less than four occasions—twice yesterday and twice again today—I asked Assistant Treasurer Senator Coonan, who is responsible for superannuation in this country, a very simple question: how many children’s superannuation accounts have been opened?

It is a very simple question, to which we have received no answer. One of the minister’s defences is that she cannot find out. That is simply not correct, because the regulatory requirements for children’s superannuation accounts introduced by this government and this minister do stipulate that there have to be special application forms and clear identification of children’s accounts within a superannuation fund in order for them to be opened. Given the regulatory requirements, all the minister has to do is ask how many of these accounts have been opened. But the minister is too embarrassed to ask, because, at least as of yesterday, the Labor opposition has been informed that no children’s superannuation accounts had been opened.

I must inform the Senate that today I have had contact and we now know that one children’s superannuation account has been opened—one. This is an important issue, because children’s superannuation accounts are the latest in a long line of failures in respect of the Liberal government’s approach to retirement incomes policy and superannuation—a failure to protect consumers from entry and exit fees and high fees and commissions; a failure to compensate victims, where a theft and fraud has occurred, with 100 per cent compensation; a failure to protect the superannuation entitlements of those workers whose employers go bankrupt; and, most of all, a failure to come up with anything that will seriously address the problem of the lack of adequacy of retirement incomes that faces many Australians. We know that the real policy of the Liberal Party is to force Australians to work until the age of 70—to work until they drop.

This policy of children’s superannuation accounts was announced by the Prime Minister, Mr Howard, on 5 November 2001—the date of the Liberal Party’s superannuation policy launch. When he launched the children’s superannuation accounts package, he said it ‘trail blazes … in the area of superannuation for children’ and that ‘the wonders of compound interest’ on contributions made on behalf of young people would ‘yield considerable returns’ and produce ‘a strong savings and investment culture’. The Prime Minister of Australia was arguing that children’s superannuation accounts were one of the great magic fixes to retirement incomes.

The Prime Minister said at that time that $42 million was being set aside to provide for the cost to revenue of these superannuation accounts. That $42 million prior to the election was approximately 447,000 children’s accounts—almost half a million children’s accounts were budgeted for in the Liberal Party’s election promises. But by June last year, just before the legislation was passed in the budget, the Liberal government had scaled down from $42 million to $3 million the moneys allocated to children’s superannuation accounts. Treasury informed us that this $3 million was to fund 47,000—not half a million but 47,000—children’s superannuation accounts.

Given the Prime Minister’s boast at election time that children’s superannuation accounts were one of the great fixes to retirement incomes and a trailblazer in the area of superannuation, and his talk of ‘the wonders of compound interest’, the Labor Party is quite interested to know how many Australians have actually taken up children’s superannuation accounts. Before the election 447,000 accounts were planned by the Liberal Party, but they have been scaled down to 47,000. (Time expired)
**Senator WATSON (Tasmania) (3.09 p.m.)—**The election commitment of children’s superannuation accounts is a great initiative and has been passed by the Australian parliament. It enables parents, grandparents, other relatives and friends to contribute to a complying superannuation provider on behalf of children. Up to $3,000 can be contributed over a three-year period for a child under 18. This change came into effect, notes Senator Sherry, on 1 July 2002. I think Senator Sherry is being a bit premature. I ask him: where did he get his statistics that not one account has been opened? Did Senator Sherry write or phone every superannuation fund in Australia to determine this figure? I think not. It is a further example of his scaremongering and worrying people about superannuation.

Where did Senator Sherry get his figure from? He came in here yesterday saying that not one account had been opened. Today he has discovered that one has been opened. It is an interesting statistic. I submit that the Minister for Revenue and Assistant Treasurer, Senator Coonan, has better things to do than to get her office staff to ring up all those super funds right around Australia just to determine how many of these children’s superannuation accounts have been opened when not one year has elapsed since the initiative came into effect. Yes, it is true: it is necessary for the super funds to monitor superannuation accounts. They must monitor these superannuation accounts and the level of contributions to ensure that the limit of $3,000 over three years is not exceeded.

Less than 12 months have passed, and Senator Sherry is alleging that not one account has been opened. I doubt that he has rung up every superannuation fund, so the authenticity of his claims is suspect, to say the least. In time the funds themselves will provide this information. True, we might get some statistical information after a 12-month period—but the honourable senator is preoccupied with figures after nine months. I think he should have better things to do and better questions to ask than those he is asking at present.

The important thing about this great initiative is that contributions are going to be treated as undeducted contributions. They are not deductible. It would be inappropriate for these contributions to be taxed in the hands of the superannuation provider; however, the exclusion of the tax does not extend to non-complying funds. The Prime Minister was right: the magic of compound interest is very important over a 30- to 40-year period—there is no doubt about it. So this is a great initiative to get more people into superannuation and to increase national savings.

I also take this opportunity to congratulate Mr Stan Wallis on returning his $1.6 million in retirement benefits. He has set a fine example, because there is a perception that under the circumstances the payment is unwarranted. To a lot of people in the community superannuation appears to be a gravy train, which is unfortunate. It is up to the superannuation industry to tidy up its act. And it is up to Senator Sherry to tidy up his act and get a bit more relevance into the issues that he believes are important in relation to superannuation rather than create fictions and present inaccuracies to the Senate. It is not good enough on his part.

**Senator COOK (Western Australia) (3.14 p.m.)—**I think Senator Watson’s time should be extended. If that is the best the government can do, we have no fear about the point that we want to make. I did not think that was a very compelling argument.

Today is an important day. Today is the 20th anniversary of the election of the Hawke government. One of the great reforms in this country, which was introduced by the Hawke government, was the reform of superannuation. Those people opposite opposed it, did not support it and, when they got the opportunity, tried to vote it down. We remember well the words of Alexander Downer when in 1985 he described compulsory superannuation in Australia as—and I laugh when I say this—being a threat to the capitalist system; he said that he would remove compulsory superannuation.

We know that compulsory superannuation does three very important things for the Australian economy: it enables Australians to prepare for their own retirement, it enables the level of national savings to be increased and it creates a pool of investment capital to
buy back the farm, to enable Australians to invest in Australian industry. That was one of the great Labor reforms. Before we came along, superannuation was the preserve of the rich and of the Public Service. Only 40 per cent of Australians had it; now 90 per cent do. What did this government do when they came to office? They wanted to abolish superannuation.

Senator Hill—Abolish superannuation?

Senator COOK—Yes, you did. You legislated out the three per cent copayment that Labor had on the books, so the superannuation copayment never went to 15 per cent but remained stuck at 12 per cent. As a consequence, the effect of the measure is far less now than it could have been. The security that Australians could have looked forward to in their retirement will be less as a consequence. That is your contribution—fiddling with the scheme, coming up with stunts, pretending to make the scheme more efficient but all the time trying to undermine it. This is one of the great reforms; you did not like it, you continue to try to undermine it.

I cannot blame Senator Coonan for all of this; her predecessor—the serial incompetent, Senator Kemp—was one of those who tried to do these things too. Senator Coonan today used that favourite Liberal word ‘choice’. I say to Australians: when you hear a Liberal talk about choice, watch out, because when they talk about choice they are going to take from you a right that you have. What are Senator Coonan and this government party up to on this new usage of the word ‘choice’ with respect to superannuation? We know that on 7 August last year the Treasurer said—and this is the way they get you:

More flexible working arrangements, training and re-training, and raising the preservation age for superannuation would all be positive moves...

That jargon—that raising the preservation age for superannuation would be a positive move—makes that sound like something positively virtuous. What does it actually mean? What it means is that the age at which people can access their superannuation savings is now 55, and the government proposal is to raise the preservation age so that you cannot access your superannuation savings until you hit the age of 70. We know that the government wants people to work longer, and there is some virtue in that proposition. But to coerce them into working longer by denying them access to their superannuation entitlements by lifting the preservation age from 55 to 70 is not choice. How can Senator Coonan sit there and pretend to lecture us about choice when she is trying to introduce a coercive measure that lifts the preservation age from 55 to 70 and denies Australians access to their hard-won superannuation entitlements, and thus a more comfortable retirement? That is not choice; that is blackmail. That is not choice; that is coercion. That is not choice or freedom. (Time expired)

Senator BRANDIS (Queensland) (3.19 p.m.)—As Senator Cook rightly said, today is the 20th anniversary of the election of the Hawke-Keating government. In press commentary today and this week we have heard much of the reforms that were undertaken by the Hawke and Keating governments, and we on this side of the chamber give credit where it is due to those reforms. But we ought also today, when we consider that anniversary, consider the lost opportunities of that period.

Two great areas of lost opportunity stand out from the 13 years of the Hawke and Keating governments when it comes to the economy. The first—a battle that we are still fighting today—was the lost opportunity to reform the labour market. The labour market remained unformed through the deregulation of financial markets, the floating of the Australian dollar, the freeing up of the Australian economy that we saw, which was driven particularly in the early days of the Hawke government. The most needed reform of the lot—the reform of the labour market—was serially neglected by the Hawke and Keating governments. Australians are paying for it to this day. Still in this chamber we struggle week by week and month by month to get reforms of the labour market through against the blockage of the Labor opposition—who are tied to the trade unions—and the minor parties. That was the first, and probably the greatest, lost opportunity of the Hawke and Keating years.

The second was the lost opportunity to develop a comprehensive, national savings
strategy. Senator Cook referred to the changes to the superannuation policies that were introduced during the period of the Hawke government. But those policies failed to make the link between superannuation and a comprehensive, lifetime savings strategy. We had to wait for the election of the Howard government before we had a government which laid on the table a comprehensive, lifetime savings strategy for Australian families. An important part of that strategy, a keystone of that strategy, was the ‘superannuation for life’ document. In particular, that document did two things. Firstly, it enabled superannuation savings to be made from the time of childhood onwards. So, as Senator Watson—a person who, I pause to say, is respected by all senators in this place as the Australian parliament’s most learned authority on superannuation policy—said, parents, grandparents, relatives and friends can now contribute up to $3,000 every three years on behalf of a child from its infancy, from the beginning of childhood. That makes the link between superannuation and lifetime savings.

Secondly, it breaks the nexus between superannuation and employment. We in the government do not believe that the only mode of delivering superannuation investment ought to be through the employment nexus. That is why we have facilitated the contribution from childhood onwards to a lifetime of savings. When you break the employment nexus so that superannuation is not exclusively a function of employment, you also give people choice.

Senator Cook used the word ‘choice’ about 20 times in his harangue, but he failed to mention that to this day the Labor Party remains wedded to a superannuation model based around industry superannuation that denies the superannuation policyholder choice. Under the Liberal Party’s superannuation for life policy, the investor is free to go to any superannuation fund of their choosing and not be locked into an industry fund. You know, Mr Deputy President, that the industry funds, generally speaking, have been the poorest performing of the Australian superannuation funds in the recent past. Under Labor policy, people are locked into industry funds that are, funnily enough, by and large controlled by trade union trustees. We are proud of our superannuation policy, because it links the concept of superannuation with the more important and wider concept of lifetime savings and because it instates the core liberal value of choice at the heart of our policy.

Senator WONG (South Australia) (3.24 p.m.)—We saw again today a repeat of yesterday’s performance by the Minister for Revenue and Assistant Treasurer when she was asked yet again to disclose to the Senate the number of Australians who have taken up this so-called great reform that gives one the ability to open superannuation accounts on behalf of one’s children. The question was asked some four times—twice yesterday and twice today—but the minister has refused to provide any information to the Senate about the numbers of accounts that have been opened in this category. It does seem strange that this initiative, which the Prime Minister has described as trailblazing, is something that the minister is so reticent to talk about. It is a reform that Senator Coonan herself said that she would do all that she could to talk about, but that does not appear to extend to providing answers to the Senate in question time about the numbers of Australians who have taken up this initiative. This trailblazing initiative, this trailblazing reform, trumpeted by the government as being one of the answers to the complex issue of ensuring that Australians do have lifetime savings and do have a plan for their retirement, has really been nothing more than a flop. Unless the minister can provide us with an indication that there has been an enormous take-up of this reform, we say that so far it has been nothing less than a spectacular failure.

There are many reasons you could pose for the failure of Australians to take up the option of a children’s superannuation account. The first is an obvious tax incentive issue: there is little tax incentive as contributions have to be made with after-tax income. But the second and probably more important matter at this point is that people are, and continue to be, justly concerned that fees and charges will continue to eat into the savings that they make for their children and may
well leave the children upon their retirement age with very little. It is this second barrier of fees and charges that highlights the Liberal government’s failure to deal properly with the issue of fees and charges. This failure continues despite the fact that a number of reports recently have highlighted—as if it did not already need to be highlighted—the importance of dealing with unreasonable fees and charges in this industry.

Only recently—last month, I think—a report was released by the nation’s prudential regulator, APRA, which was a pretty strong indictment of some aspects of the superannuation industry and the fees they charge. Despite the fact that those on the other side trumpet this issue of choice and argue that it does not matter that some funds charge exorbitant fees—fees that are manifestly beyond what the market rate should really be—because they are well performing, this fallacy has been destroyed by the APRA report. The APRA report quite clearly said that there appears to be no relationship between high administration costs and high returns. So there goes that fallacy that has been articulated on the other side: ‘It is okay, we don’t have to regulate, we don’t have to protect consumers and their retirement savings because, if the funds are charging more, they are getting higher returns.’

APRA has indicated that that is simply not the case. Despite that, you still hear from the other side this view that the big end of town is allowed to charge whatever fees it wants in relation to people’s superannuation accounts. The government says that they do not need to be regulated and that they will just be returned in the returns to the superannuation account, despite the fact that APRA has indicated that is not the case.

A one per cent fee, which is a not unusual fee in the retail sector, does not sound like a lot, but over a lifetime that can translate to over $100,000. Australians should know that this government is basically saying to a certain aspect of the industry, ‘We don’t mind if you charge up to $100,000 to manage this person’s account. We don’t care if that unreasonably eats into their retirement income. We’re not going to regulate it; we’re going to let the market determine what will occur,’

This government has refused to address the issue of fees and charges, and that is a critical issue if we are to have a proper savings plan, if we are actually going to make national superannuation work. Instead, the government will leave it to the market and benefit a particular end of town. (Time expired)

Question agreed to.

Iraq

Senator BARTLETT (Queensland—Leader of the Australian Democrats) (3.29 p.m.)—I move:

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

It was a very straightforward question and for a moment, when I heard the minister’s answer to a question which he gave yesterday, I thought that perhaps there was some faint hope in the position of this government, and then today I saw exactly the same words coming out of the Prime Minister’s mouth. Those words were that the government and the cabinet would not make a decision on Australian involvement in military action in Iraq ‘until the United Nations resolves its position’. The fact that exactly the same phrase was used by Minister Hill and the Prime Minister might lead one to suggest that perhaps this was a clearly decided line of the government’s.

But, as the minister’s answer today made clear, if it was a deliberate line of the government’s it was one deliberately designed once again to deceive the Australian people. As Minister Hill made clear in his answer, if the United Nations does not resolve its position in the near future or in a way that is satisfactory for the United States, that will not be relevant to the consideration that the government gives. As the minister said today, we will then just move to the next phase.

So the minister’s answer yesterday and the Prime Minister’s statements to the Australian people are completely misleading. The government is not going to wait until the United Nations resolves its position; quite clearly, it is going to wait until the United States decides whether or not it is willing to continue
working through the United Nations or whether it is going to withdraw its resolution or ignore the Security Council altogether and go ahead regardless. That is completely different to the statements that the Prime Minister and Minister Hill have made and, again, it is yet another in the great long litany of examples of where the government has completely misled the Australian people by not providing the truth and the facts about what this government has decided to do.

In the same way as this suggestion that the government are waiting until the United Nations resolves its position is clearly not correct, as the minister’s own answer today shows, similarly the suggestion that the minister also made today that they will wait until that stage to decide whether or not to support any military action once the United States initiates it is clearly not correct. Everyone in the country knows what the answer to that question will be. As soon as the United States decides to go to war the Australian government and the Australian cabinet will make that decision to join in that war, regardless of the United Nations’ position or even whether it has resolved a clear position.

That is totally unsatisfactory to the majority of Australian people and, indeed, the majority of people around the world—although, as was pointed out separately in question time today, at least in some of those nations, like the United States, the UK, France and indeed Spain, as I read today, the parliaments have had a chance to actually vote on whether to ratify going to war. Of course, Australia—the Australian people and the Australian parliament—is once again being denied that opportunity and will once again be denied that opportunity. It is worth noting that if statements by US officials are correct—and there is no reason to doubt them—it is quite possible that the end of next week will be the final deadline. So this sitting week—today and tomorrow—is the final opportunity for parliamentary examination of any of the issues involved, and it is an opportunity that once again the government is clearly going to ensure is not utilised.

I should mention also the fact that the minister knew nothing about when the proposed Gulf War veterans’ health study will be released. This is simply a disgrace. It is 12 years after the last Gulf War and we have still not examined and released publicly the health impacts on the last generation of Australians that were sent to that war, just as we are about to create a new bunch of veterans. The government have had this report for ages now; they are sitting on it. It was initiated back in the middle of 2000 and it was meant to take six months, yet here we are nearly three years later with still no sign of a report. It is completely unacceptable and everybody, particularly the veterans and those defence personnel who are in the Persian Gulf at the moment, would have to wonder what it is that the government is trying to hide in relation to the real health impacts. (Time expired)

Question agreed to.

COMMITTEES

Selection of Bills Committee

Report

Senator FERRIS (South Australia) (3.34 p.m.)—I present the second report of 2003 of the Selection of Bills Committee.

Ordered that the report be adopted.

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

Leave granted.

The report read as follows—

SELECTION OF BILLS COMMITTEE

REPORT NO. 2 OF 2003

1. The committee met on Tuesday, 4 March 2003.

2. The committee resolved to recommend—

That—

(a) the Plastic Bag Levy (Assessment and Collection) Bill 2002 [No. 2] and the Plastic Bag (Minimisation of Usage) Education Fund Bill 2002 be referred immediately to the Environment, Communications, Information Technology and the Arts Legislation Committee for inquiry and report by 7 October 2003 (see appendix 1 for statement of reasons for referral);

(b) the provisions of the Designs Bill 2002 and the Designs (Consequential Amendments) Bill 2002 be referred immediately to the Economics Legislation Committee for inquiry and report
(c) the provisions of the Energy Grants (Credits) Scheme Bill 2003 and the Energy Grants (Credit) Scheme (Consequential Amendments) Bill 2003 be referred immediately to the Economics Legislation Committee for inquiry and report by 24 March 2003 (see appendix 4 for statement of reasons for referral);

(d) the order of the Senate of 5 February 2003 adopting the committee’s 1st report of 2003 be varied to provide that the Customs Legislation Amendment Bill (No. 2) 2002 be referred immediately to the Legal and Constitutional Legislation Committee for inquiry and report by 20 March 2003 (see appendices 5 and 6 for statements of reasons for referral); and

(e) the provisions of the Corporations (Fees) Amendment Bill 2002, Corporations Legislation Amendment Bill 2002, and the Corporations (Review Fees) Bill 2002 be referred immediately to the Economics Legislation Committee for inquiry and report by 24 March 2003 (see appendix 7 for statement of reasons for referral); and

(f) the following bills not be referred to committees:
   • Criminal Code Amendment (Terrorism) Bill 2002
   • Dairy Industry Service Reform Bill 2003
   • Health Insurance Amendment (Diagnostic Imaging, Radiation Oncology and Other Measures) Bill 2002
   • Migration Legislation Amendment (Protected Information) Bill 2002
   • New Business Tax System (Consolidation and Other Measures) Bill (No. 2) 2002
   • Workplace Relations Amendment (Prohibition of Compulsory Union Fees) Bill 2002 [No. 2].

The committee recommends accordingly.

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

   Bill deferred from meeting of 20 August 2002

   • Workplace Relations Amendment (Award Simplification) Bill 2002
   • Workplace Relations Amendment (Choice in Award Coverage) Bill 2002.

Bills deferred from meeting of 3 December 2002

   • Environment Protection and Biodiversity Conservation Amendment Bill 2002.

Bills deferred from meeting of 10 December 2002

   • Taxation Laws Amendment Bill (No. 8) 2002.

Bills deferred from meeting of 4 February 2003

   • Terrorism Insurance Bill 2002.

Bills deferred from meeting of 4 March 2003

   • Family Law Amendment Bill 2003
   • Taxation Laws Amendment Bill (No. 4) 2003
   • Workplace Relations Amendment (Compliance with Court and Tribunal Orders) Bill 2003
   • Workplace Relations Amendment (Protecting the Low Paid) Bill 2003.

(Jeannie Ferris)

Chair

5 March 2003

Appendix 1

Proposal to refer a bill to a committee

Name of bill(s):
Plastic Bag Levy (Assessment and Collection) Bill 2002 [No. 2]
Plastic Bag (Minimisation of Usage) Education Fund Bill 2002

Chair
Selection of Bills Committee

Dear Senator Ferris

I ask that the committee consider referring the 2 bills on plastic bags to the Senate Environment, Communications Information Technology and the Arts Legislation Committee.

(signed)

Senator Bob Brown

Appendix 2

Proposal to refer a bill to a committee
Name of bill(s):
Designs Bill 2002
Designs (Consequential Amendments) Bill 2002

Reasons for referral/principal issues for consideration:
• treatment of spare parts under new regime inputs on consumers, insurers and car manufacturers
• proposed maximum term of registration
• proposed reforms to Copyright Act and their effectiveness
• new design registration system

Possible submissions or evidence from:
IP Australia, Attorney-General’s Department,
Insurance Australia Group, Australian Consumers Association, Ford Australia, General Motors Holden

Committee to which bill is referred:
Economics Legislation Committee or Legal and Constitutional Legislation Committee

Possible hearing date:
Possible reporting date(s): One month after hearing
(signed) Senator Sue Mackay
Whip/Selection of Bills Committee Member

Appendix 3
Proposal to refer a bill to a committee
Name of Bill:
Designs Bill 2002
Designs Bill (Consequential Amendments) Bill 2002

Reasons for referral/principal issues for consideration;
Examination of provisions of the bill with specific reference to:
(a) reasonableness in reducing the time limit from 16 years to 10 years;
(b) adequacy of ‘new’ and ‘distinctive’ definition;
(c) cost and other implications of expanding the required prior aunt base to universal application;
(d) robustness of proposed registration process; and
(e) implications of spare parts provisions for consumers, insurers and car manufacturers

Possible submission or evidence from:
Institute of Patent Attorneys and Trade Mark Attorneys of Australia (IPTA)
Federation of Intellectual Property Attorneys (FICPI)
Arthur Robinson and Hedderwicks (Tim Golder)
Law Council of Australia.
IP Australia
Ford
GM Holden
Insurance peak bodies
plus the 14 submitters to the draft exposure of the Designs Bill 2001
(IP Australia have the details but list includes: NRMA Australia; Australian Automotive Aftermarket Association; Watermark Patent Attorneys)

Committee to which bill is to be referred:
Economics Legislation Committee

Possible hearing date(s):
Possible reporting date:
(signed) Senator Lyn Allison
Whip/Selection of Bills Committee Member

 Appendix 4
Proposal to refer a bill to a committee
Name of bill(s):
Energy Grants (Credits) Scheme Bill 2003
Energy Grants (Credits) Scheme (Consequential Amendments) Bill 2003

Reasons for referral/principal issues for consideration:
Explore the provisions of the bills and the impact on the development and uptake of cleaner fuels.

Possible submissions or evidence from:
Australian Institute of Petroleum
BP
Caltex
Shell
Mobil
Australian Conservation Foundation
Greenpeace
Australian Biofuels Association
Bus Industry Confederation
Australian Trucking Association
Australian Railway Association
Australia Natural Gas Vehicles Council
Australian Gas Association
Committee to which bill is referred:
Economics Legislation Committee

Possible hearing date:

Possible reporting date(s):
(signed) Senator Lyn Allison
Whip/Selection of Bills Committee Member

Appendix 5
4 March 2003
Senator Jeannie Ferris
Government Whip

SELECTION OF BILLS AGENDA,
I write to seek your cooperation to add the Customs Legislation Amendment Bill (No.2) to the agenda of the Selection of Bills Committee meeting on Tuesday 4 March 2003.

This Bill was previously considered at a meeting of the Committee but as yet has not been introduced into the Senate.

I am available to discuss this matter with you if required.

Yours sincerely

(signed)
Senator Sue Mackay
Whip/Selection of Bills Committee Member

Proposal to refer a bill to a committee
Name of bill(s):
Customs Legislation Amendment Bill (No. 2) 2002

Reasons for referral/principal issues for consideration
Proposals contained in Part 1 of Schedule 1 of the bill may be in violation of Australia’s obligations to China under the World Trade Organisation’s system of international agreements. Inquiry will look into the extent of such incompatibility and options to remedy them.

Possible submissions or evidence from:
Industry associations, law firms

Committee to which bill is referred:
Economics Legislation Committee or Legal and Constitutional Legislation Committee

Possible hearing date:
Possible reporting date(s): within one month
(signed) Senator Sue Mackay
Whip/Selection of Bills Committee Member

PETITIONS

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

Iraq
To the Honourable the President and Members of the Senate in Parliament assembled. The Petition of the undersigned calls on the members of the Senate to support the Australian Democrats’ motion opposing Australia’s involvement in preemptive military action or a first strike, against Iraq.

We believe a first strike would undermine international law and create further regional and global insecurity.

We also call on the Government to pursue diplomatic initiatives towards disarmament in Iraq and worldwide.

by Senator Bartlett (from 639 citizens)

Petition received.

NOTICES

Presentation

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

That the following bill be introduced: A Bill for an Act to amend legislation relating to private health insurance, and for related purposes. Health Legislation Amendment (Private Health Insurance Reform) Bill 2003.

Senator Conroy to move on the next day of sitting:
That the following bill be introduced: A Bill for an Act to provide for interest to be levied on the late payment of commercial debts arising in relation to contracts for the supply of goods and services, and for related purposes. *Late Payment of Commercial Debts (Interest) Bill 2003.*

Senator Hutchins to move on the next day of sitting:

That the time for the presentation of the report of the Community Affairs References Committee on poverty and financial hardship be extended to 18 September 2003.

Senator Murray to move on the next day of sitting:

That the Senate—

(a) notes that an estimated 41 per cent of the Iraqi population is below the age of 14;

(b) believes that in any war in Iraq that a significant proportion of any killed, wounded, or affected civilians could therefore be children under the age of 14;

(c) requests the Government to advise the Senate in writing, by no later than Tuesday, 18 March 2003, in the event of Australian participation in war in Iraq, what plans it has to contribute to the recovery of injured children, and improving the circumstances of other children materially affected by the war.

Senator Payne and Senator Ridgeway to move on the next day of sitting:

That the Senate—

(a) notes that:

(i) 9 March 2002 is a Global Day of Prayer for Burma, and

(ii) on this day, people throughout the world will pray for the physical and spiritual freedom of Burma;

(b) acknowledges that the human rights situation in Burma remains extremely grave, with severe restrictions on political freedoms and continued use of forced labour, torture, child soldiers and other serious abuses; and

(c) calls on the State Peace and Development Council of Burma to:

(i) take immediate steps to end human rights violations, and

(ii) restore the rule of law to Burma.

Senator Stott Despoja to move on the next day of sitting:

That the Senate calls on the Minister for Foreign Affairs (Mr Downer) to:

(a) use all means at his disposal to investigate allegations that the United States of America (US) has intercepted telephone and e-mail communications of United Nations (UN) delegates in order to ascertain the voting intentions of members of the UN Security Council;

(b) ask the US Ambassador to Australia to explain the US position in relation to the allegations; and

(c) report to the Senate on the outcome of his investigations and the explanation, if any, provided by the US Ambassador.

Senator Greig to move on the next day of sitting:

That the Senate—

(a) notes, with concern, that the United States of America (US) has:

(i) refused to ratify the Rome Statute, which established the International Criminal Court (ICC),

(ii) adopted a national security strategy which seeks to ensure that its military efforts ‘are not impaired by the potential for investigations, inquiry, or prosecution by the ICC’,

(iii) entered into agreements with a number of states under Article 98 of the Rome Statute to prevent the prosecution of American citizens for crimes against humanity, and

(iv) is seeking to enter into such an agreement with Australia;

(b) acknowledges the possibility that leaders and service personnel may be charged with war crimes arising from unlawful conduct during any attack against Iraq;

(c) reaffirms its support for the ICC and the important role that it plays in bringing to justice those who commit crimes against humanity; and

(d) urges the Government to take all measures necessary to ensure that, if Australia joins the US in an attack against Iraq, Australian personnel are subject only to Australian command and are not required to engage in any activity which may render them liable to prosecution under the Rome Statute.

Senator Cherry to move on the next day of sitting:
That the Senate—

(a) notes that:

(i) after more than a year and a half, the Howard Government is yet to respond to the July 2001 unanimous report of the Rural and Regional Affairs and Transport References Committee on the National Ovine Johne’s Disease (OJD) Program,

(ii) the administration of the program continued to cause severe hardship to sheep producers in New South Wales,

(iii) more than 1 000 sheep producers in Forbes on 3 February 2003 passed a vote of no confidence in the handling of the OJD Program in New South Wales,

(iv) New South Wales Agriculture has estimated that, if uncontrolled, the disease would escalate to cost the New South Wales economy $204 million in stock losses and $248 million on lost wool income annually, and

(v) the recent announcements by the New South Wales Government to improve the management of the OJD Program, including:

(A) assistance to stud operators to help them show their animals at shows and trade fairs;

(B) recent changes to policy to provide wider access to the OJD vaccine for farmers in the disease control zone;

(C) the provision of a $4.2 million to cover the shortfall in industry levy funds caused by the drought; and

(D) the creation of the new OJD Management Area, formerly known as the Southern Tablelands Residue Zone, to provide producers with greater trading opportunities; and

(b) calls on the Howard Government to respond to the Senate report, and demonstrate leadership on the development of a national OJD program as its contribution to the alleviation of social and economic hardship experienced by producers and rural communities.

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

That the Senate—

(a) notes, with great sadness, the passing of Maurice Gibb;

(b) conveys its sympathy to Robin, Barry and the Gibb family;

(c) recognises the important contribution that Maurice and the Bee Gees have made to the Australian music industry;

(d) records its appreciation for the inspiration that Maurice and the Bee Gees have provided to generations of young Australian musicians to venture overseas, build international audiences, expand Australia’s exports and economy; and

(e) notes that the works and great success of Maurice Gibb’s career as musician will be shared by future generations through his prolific recordings.

Senator Ridgeway to move on the next day of sitting:

That the Senate—

(a) notes that:

(i) respected world leaders such as Pope John Paul II and Mr Nelson Mandela have called for war against Iraq to be avoided,

(ii) the Pope said ‘the future of humanity can never be assured by the logic of war’, and called for a day of fasting on Ash Wednesday to remind people of the long years of suffering endured by the Iraqi people,

(iii) that Mr Mandela said ‘the problems are such that for anyone with a conscience (who) can use whatever influence he may have to try to bring about peace’, and has warned President Bush that his administration risks destroying the United Nations if it attacks Iraq without international support;

(b) notes also that Interpol have urged the world’s police forces to prepare for an increase in terror attacks in the event of a war, warning that terrorist groups like al-Qaeda could use the war as a pretext to increase attacks; and

(c) urges the Australian Government to stay out of a war with Iraq with regard to Australia’s international standing and the clearly expressed views of the Australian people.

Senator Johnston to move on the next day of sitting:
That the Parliamentary Joint Committee on Native Title and the Aboriginal and Torres Strait Islander Land Fund be authorised to hold a public meeting during the sitting of the Senate on Tuesday, 18 March 2003, from 8 pm.

Senator Nettle to move on the next day of sitting:

That the Senate calls on the Prime Minister (Mr Howard) not to commit Australia to joining a ‘coalition of the willing’ in a military invasion of Iraq.

Senator Cherry to move on the next day of sitting:

(a) notes the opinion of former Australian ambassador to the United Nations (UN), Richard Woolcott:
(i) that it is not in Australia’s national interest to get involved in a distant, costly war,
(ii) that Iraq has been perfectly well contained by the UN for more than a decade, and
(iii) that Australia is becoming increasingly isolated diplomatically in its support for the United States; and
(b) calls on the Government to pursue continuing containment of Iraq under UN supervision as a viable alternative to a devastating and costly war.

Senator Allison to move on the next day of sitting:

That the Senate—

(a) notes:
(i) the remarks by the Prime Minister (Mr Howard) in January 2003 that he believed Iraq’s ‘aspiration to develop a nuclear capacity’ might be a sufficient reason for Australia to join in pre-emptive action, claiming ‘there is already a mountain of evidence in the public domain’,
(ii) that the Prime Minister has not provided any evidence that Iraq has or has access to nuclear weapons,
(iii) that former United Nations inspector, Mr Scott Ritter, has said that, by 1998, Iraq’s nuclear infrastructure and facilities had been 100 per cent eliminated and that whilst scientists there would still have the knowledge to reconstruct this infrastructure, this would not be possible while weapons inspectors were there, and
(iv) that according to United States (US) nuclear weapons analyst, William Arkin, the US Strategic Command is compiling a list of Iraqi targets with planning focussed on the role for nuclear weapons in relation to underground facilities and to stop chemical or biological attack;
(b) acknowledges the letter from the Prime Minister to the President of the Senate, dated 3 March 2003, in which he said, ‘...I see no prospect of nuclear weapons being used against Iraq’ and, ‘...if I believed that nuclear weapons were going to be used, I would not allow Australian forces to be involved’; and
(c) urges the Government to seek guarantees from the US Administration that no nuclear weapons will, under any circumstances, be used against Iraq.

Senator Forshaw to move on the next day of sitting:

That the time for the presentation of the report of the Finance and Public Administration References Committee on recruitment and training in the Australian Public Service be extended to 26 June 2003.

Senator Bartlett to move on the next day of sitting:

That the Senate—

(a) notes that:
(i) the United Nations (UN) General Assembly President, Mr Jan Karvan, has criticised the Australian Government’s statement that the UN would become irrelevant if it failed to enforce its resolution on Iraq, and intends to meet with the Minister for Foreign Affairs (Mr Downer) in the week beginning 2 March 2003 and explain the position of the UN General Assembly, and
(ii) the United States Administration had indicated that it considers another resolution on Iraq desirable but not necessary; and
(b) opposes Australia joining or supporting a war against Iraq without, at a minimum, a UN resolution authorising force.

Senator Brown to move on the next day of sitting:
That the Senate calls on the Commonwealth Government:

(a) to demonstrate leadership in cooperation with the states in addressing the unmet need for disability services, recognising that the Australian Institute of Health and Welfare report, *Unmet Need for Disability Services: Effectiveness of Funding and Remaining Shortfalls*, July 2002, identified that 12,500 people still need accommodation and respite services, 8,200 places are needed for community access services and 5,400 people need employment services;

(b) to publicly release the offers made by the states and the Commonwealth for the next 5 years in the negotiations to date, recognising the failure of the Commonwealth and state governments to reach agreement in the current round of negotiations on a new Commonwealth state and territories Disability Services Agreement;

(c) to immediately double its offer of new funding; and

(d) in consultation with the states, to develop and implement a comprehensive plan beyond the current negotiations to address the unmet need for services over the next 5 years.

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

That the Senate—

(a) notes the outcome of recent action against the International Olympic Committee for using the work of Indigenous artists during the Sydney Olympics without permission and, in particular, that the Olympic Museum Foundation has:

(i) issued an apology to Sam Tjampitjin, Richard Tax Tjupurrula and Mary Kemarre, acknowledging that they are the authors and copyright owners of works displayed on the Museum website from July to 12 December 2000 without proper licence,

(ii) asked any persons who downloaded the artistic works in any digital form to delete it immediately from their computer hard drives, and

(iii) sincerely apologised for any harm or inconvenience their actions may have caused to the artists, regretting any cultural or other harm that may have been occasioned by their families and clans;

(b) further notes that:

(i) Indigenous cultural expression is a fundamental part of Indigenous heritage and identity, and unauthorised use of Indigenous art and cultural expression can be inappropriate, derogatory, and culturally offensive,

(ii) individual Indigenous artists are custodians of the knowledge and wisdom their work incorporates and reflects and Indigenous moral rights are therefore collective rights that are inalienable from their community of origin, and

(iii) Indigenous artists are particularly vulnerable under Australian law, which offers no protection for the moral rights owned collectively by Indigenous communities; and

(c) urges the Government to take immediate action to amend the *Copyright Act 1968* to ensure the adequate recognition and protection of Indigenous collective moral rights, as proposed by the Australian Democrats in 2000.

**Postponement**

Items of business were postponed as follows:

General business notice of motion no. 355 standing in the name of Senator Allison for today, relating to cancer deaths attributed to nuclear testing, postponed till 6 March 2003.

General business notice of motion no. 370 standing in the name of Senator Nettle for today, relating to the detention of Australians in Guantanamo Bay, Cuba, postponed till 6 March 2003.

General business notice of motion no. 371 standing in the name of Senator Nettle for today, relating to the health care system, postponed till 6 March 2003.

**Withdrawal**

Senator **ALLISON** (Victoria) (3.38 p.m.)—I withdraw notice of motion No. 342 standing in the name of Senator Cherry for today.

**Postponement**

Senator **BROWN** (Tasmania) (3.39 p.m.)—by leave—I move:
That business of the Senate notice of motion no. 1 standing in my name for today, relating to the reference of matters to the Foreign Affairs, Defence and Trade References Committee, be postponed till the next day of sitting.

Question agreed to.

**HAWKE LABOR GOVERNMENT: 20TH ANNIVERSARY**

*Senator COOK (Western Australia) (3.39 p.m.)—* I move:

That the Senate notes that:

(a) 5 March 2003 is the 20th anniversary of the election of the Hawke Labor Government;

(b) Bob Hawke served the nation as Prime Minister from March 1983 to December 1991 and is the second longest serving Prime Minister since Federation;

(c) the Australian Labor Party under Bob Hawke’s leadership won elections in 1983, 1984, 1987 and 1990;

(d) the Hawke era saw the restructuring of the Australian economy with the floating of the dollar, the opening of the banking and financial sector, across the board cuts in tariffs and protection, the decentralisation of the wage fixing system, the introduction of superannuation for all workers, the reform of the public service, and formation of the Australian-led Cairns Group of free trading agricultural nations;

(e) significant social reforms during this period included the introduction of Medicare, reform of the social welfare system, establishment of the Office of the Status of Women, and commencement of Aboriginal reconciliation;

(f) major environmental achievements of the Hawke Government were the establishment of the national Landcare program, the formation of the Murray-Darling Ministerial Council, and World Heritage listings in Tasmania and Kakadu;

(g) in foreign relations, the Hawke Government forged closer ties between Australia, Asia and the Pacific, and led the formation of APEC; and

(h) many of these achievements have survived the change of government and are indicative of the Hawke Government’s vision and relevance to the future of Australia.

Question agreed to.

**COMMITTEES**

**Rural and Regional Affairs and Transport References Committee**

*Meeting*

*Senator RIDGEWAY (New South Wales) (3.40 p.m.)—* I move:

That the Rural and Regional Affairs and Transport References Committee be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 5 March 2003, from 6.30 pm, to take evidence for the committee’s inquiry into forestry plantations.

Question agreed to.

**Rural and Regional Affairs and Transport Legislation Committee**

*Meeting*

*Senator FERRIS (South Australia) (3.41 p.m.)—* At the request of Senator Heffernan, I move:

That the Rural and Regional Affairs and Transport Legislation Committee be authorised to hold a public meeting during the sitting of the Senate on Thursday, 6 March 2003, from 4 pm, to take evidence for the committee’s inquiry into the provisions of the Wheat Marketing Amendment Bill 2002.

Question agreed to.

**SENATE: QUESTION TIME**

*Senator BROWN (Tasmania) (3.42 p.m.)—* I move:

(1) That the Senate—

(a) approves a question time each day encompassing a minimum of 14 questions, or more if the hour permits;

(b) allocates questions as follows per 4 day sitting week:

<table>
<thead>
<tr>
<th></th>
<th>Number of senators</th>
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<tbody>
<tr>
<td>Opposition</td>
<td>28</td>
</tr>
<tr>
<td>Government</td>
<td>15</td>
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<tr>
<td>Australian De-</td>
<td>7</td>
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<tr>
<td>mocrats</td>
<td></td>
</tr>
<tr>
<td>Crossbench</td>
<td>6</td>
</tr>
</tbody>
</table>

(c) notes that this involves a loading for non-government senators; and

(d) notes that the Australian Democrats and crossbench groups will work out...
an order of senators asking questions, based on these two groups having the sixth, eighth and twelfth questions each day and the fourteenth question on Wednesday.

(2) That standing order 72(3)(a) is amended by omitting ‘4 minutes’, and substituting ‘3 minutes’.

(3) That standing order 72(3)(b) is amended so that supplementary questions are not permitted when the substantive question is asked by a Government senator.

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

The Senate divided. [3.46 p.m.]
(The Deputy President—Senator J.J. Hogg)

Ayes............ 2
Noes............. 37
Majority......... 35

AYES
Brown, B.J. * Nettle, K.

NOES
Allison, L.F. Barnett, G.
Bartlett, A.J.J. Boswell, R.L.D.
Buckland, G. Campbell, G.
Campbell, I.G. Carr, K.J.
Cherry, J.C. Colbeck, R.
Denman, K.J. Ferguson, A.B.
Ferris, J.M. * Forshaw, M.G.
Hogg, J.J. Humphries, G.
Hutchins, S.P. Johnston, D.
Kirk, L. Ludwig, J.W.
Mackay, S.M. Marshall, G.
McLucas, J.E. Moore, C.
Murray, A.J.M. Payne, M.A.
Ray, R.F. Ridgeway, A.D.
Santoro, S. Scullion, N.G.
Stephens, U. Stott Despoja, N.
Tchen, T. Troeth, J.M.
Watson, J.O.W. Webber, R.
Wong, P.

* denotes teller

Question negatived.

NEW SOUTH WALES: REGIONAL FOREST AGREEMENT

Senator Brown (Tasmania) (3.50 p.m.)—by leave—I move the motion as amended:

That the Senate congratulates the Carr Labor Government on its announcement of Sunday, 2 March 2003 of its decision to protect a further 15 areas of forest in the north east of New South Wales in addition to those areas already protected under the Regional Forest Agreement.

Senator RIDGEWAY (New South Wales) (3.50 p.m.)—I seek leave to amend the motion so it will read:

That the Senate notes that the New South Wales Carr government has announced that it will protect old growth forests in north-eastern New South Wales after its re-election, condemns the fact that under this commitment the same area of forest will still be logged under the New South Wales Regional Forest Agreement between the New South Wales and Commonwealth governments, and no announcements about the south-east forests have also been forthcoming in wilderness and old growth areas like Badger, Deua and Coolangubra, which will continue to be woodchipped.

Leave not granted.

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

The Senate divided. [3.57 p.m.]
(The President—Senator the Hon. Paul Calvert)

Ayes............ 27
Noes............. 34
Majority......... 7

AYES
Bishop, T.M. Bolkus, N.
Brown, B.J. Buckland, G.
Campbell, G. Carr, K.J.
Conroy, S.M. Cook, P.F.S.
Crossin, P.M. Denman, K.J.
Faulkner, J.P. Forshaw, M.G.
Hogg, J.J. Hutchins, S.P.
Kirk, L. Ludwig, J.W.
Mackay, S.M. * Marshall, G.
McLucas, J.E. Moore, C.
Nettie, K. O’Brien, K.W.K.
Ray, R.F. Sherry, N.J.
Stephens, U. Webber, R.
Wong, P.

NOES
Allison, L.F. Barnett, G.
Boswell, R.L.D. Brandis, G.H.
Calvert, P.H. Campbell, I.G.
Thursday, 5 March 2003

SENA TE 9277

Chapman, H.G.P. Cherry, J.C.
Colbeck, R. Eggleston, A.
Ferguson, A.B. Ferris, J.M.*
Greig, B. Heffernan, W.
Hill, R.M. Humphries, G.
Johnston, D. Knowles, S.C.
Lightfoot, P.R. McGauran, J.J.J.
Mason, B.J. Minchin, N.H.
McGauran, J.J.J. Murray, A.J.M.
Minchin, N.H. Murray, A.J.M.
Patterson, K.C. Payne, M.A.
Ridgeway, A.D. Santoro, S.
Scullion, N.G. Tchen, T.
Tierney, J.W. Troeth, J.M.
Vanstone, A.E. Watson, J.O.W.

PAIRS

Collins, J.M.A. Coonan, H.L.
Lundy, K.A. Abetz, E.
Evans, C.V. Alston, R.K.R.

* denotes teller

Question negatived.

BROWN, EILEEN KAMPAKUTA

Senator ALLISON (Victoria) (4.01 p.m.)—by leave—I move the motion as amended:

That the Senate—

(a) notes that:

(i) Eileen Kampakuta Brown, senior Yankunytjatjara/Antikarinya woman and member of the Kupa Piti Kungka Tjuta from Coober Pedy, was awarded an Order of Australia (AO) for services to the community ‘through the preservation, revival and teaching of traditional Anangu (Aboriginal) culture and as an advocate for Indigenous communities in central Australia’,

(ii) Mrs Brown’s extensive traditional cultural knowledge has compelled her to lead a 10-year struggle against the Federal Government’s proposal to dump radioactive waste in the South Australian desert,

(iii) just days before Mrs Brown was awarded the AO, the Federal Government released its final environmental impact statement for the waste dump project, and

(iv) the Government also announced that $300 000 is to be spent to ‘re-educate’ the South Australian public and to nullify opposition to the dump;

(b) points out to the Prime Minister (Mr Howard) the hypocrisy of the Government in giving an award for services to the community to Mrs Brown but taking no notice of her objection, and that of the Yankunytjatjara/Antikarinya community, to its decision to construct a national repository on this land; and

(c) calls on the Government to reverse its decision to construct a national repository in South Australia.

Question agreed to.

ENVIRONMENT: WHALES

Senator BROWN (Tasmania) (4.01 p.m.)—by leave—I move the motion as amended:

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 in areas affecting blue whales or other whale species.

Question agreed to.

SOUTH AUSTRALIA: NATIONAL RADIOACTIVE WASTE REPOSITORY

Senator ALLISON (Victoria) (4.02 p.m.)—I move:

That there be laid on the table, no later than 4 pm on Thursday, 6 March 2003, the written advice provided by the Department of Defence to the Department of Education, Science and Training concerning the defence-related issues in connection with the National Radioactive Waste Repository in South Australia.

Question agreed to.

AUSTRALIAN DEFENCE FORCE: ALLOWANCES

Senator GREIG (Western Australia) (4.03 p.m.)—I move:

That the Senate—

(a) notes:

(i) the commitment by the Prime Minister (Mr Howard) that the Government would look after the loved ones and families of Australian Defence Force (ADF) personnel in or heading to the Gulf and into a potential war with Iraq.
(ii) that this undertaking includes grief counselling, death benefits compensation and surviving spouses' pensions, in the event that ADF personnel are killed or injured,

(iii) that this social, more and financial support only applies to heterosexual, married, and de facto partners in the ADF, and does not apply to the loved ones and families of same-sex partners in the ADF, and

(iv) that this discrimination against gay and lesbian service personnel is inconsistent with the 1992 lifting of the ban on homosexual people serving in the military and inconsistent with the ADF's equity program aimed at redressing discrimination in the forces; and

(b) calls on the Government to end this unacceptable discrimination against gay and lesbian service personnel and their partners to ensure that all personnel and their partners, both heterosexual and homosexual, receive equal treatment, including access to grief counselling, death benefits compensation and surviving spouses' pensions, in recognition of the fact that all ADF personnel are asked to put their lives on the line for their country.

Question agreed to.

GREAT BARRIER REEF MARINE PARK (PROTECTING THE GREAT BARRIER REEF FROM OIL DRILLING AND EXPLORATION) AMENDMENT BILL 2003

First Reading

Senator McLUCAS (Queensland) (4.04 p.m.)—I move:

That the following bill be introduced: a Bill for an Act to amend the Great Barrier Reef Marine Park Act 1975 to provide for an extension of the boundaries of the Great Barrier Reef Region.

Question agreed to.

Senator McLUCAS (Queensland) (4.04 p.m.)—I move:

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

Question agreed to.

Bill read a first time.

Second Reading

Senator McLUCAS (Queensland) (4.05 p.m.)—I move:

That this bill be now read a second time.

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

Leave granted.

The speech read as follows—

It is a great honour and privilege to, on behalf of the Australian Labor Party and the people of Queensland co-sponsor this bill in the Senate. I note that the Labor Shadow Minister for the Environment and Heritage, Mr Kelvin Thomson introduced this bill into the House of Representatives on the 10th February 2003.

The intent of this legislation, is to once and for all protect the Great Barrier Reef from oil prospecting and, ultimately, oil drilling. Extending the boundaries of the Great Barrier Reef Region to include all waters east of the Great Barrier Reef Marine Park Area to the boundary of Australia's Exclusive Economic Zone (EEZ) will achieve this. These are areas currently under threat from oil exploration and drilling. TGS-NOPEC, a multi national oil exploration company is seeking approval to undertake seismic testing in the Townsville Trough, only 50 km from the boundary of the Marine Park.

It is important to note that under the Great Barrier Reef Marine Park Act 1975, the Great Barrier Reef Region and the Great Barrier Reef Marine Park Area exist as separate entities. It should also be noted that mining, and petroleum drilling are not permitted in any part of the Great Barrier Reef Region, under the Great Barrier Reef Region (Prohibition of Mining) Regulations 1999. The extension of the Great Barrier Reef Region boundary will therefore protect the whole area from oil exploration and drilling. It is extremely important to note that the adoption of this legislation will have no other effect than ruling out oil prospecting and, subsequently, drilling—no effect on any fishing, commercial or recreational interests, and no effect on visitation, whether it be private or through tourist operators.

Labor took a policy to the last Federal election that would have effectively ruled out oil drilling under the current TGS-NOPEC application. This private senator’s bill gives effect to that commitment. This legislation will rule out threats to the Great Barrier Reef from all off shore mining forever.

It is particularly pleasing, then, to be supporting this legislation, given the government's lack of desire to protect the Great Barrier Reef. We have been calling for the government to think laterally,
to think differently and to try a little harder to develop a method to protect the reef from oil drilling. The Environment Minister, Dr Kemp and his predecessors however have done everything possible to avoid taking action to protect the reef from oil exploration and exploitation. Can I suggest to the Minister, Dr Kemp that this is his chance? This is his real chance to do something to outlaw oil drilling on or near the Great Barrier Reef.

It is clear that oil drilling is precluded within the Great Barrier Reef Marine Park. This legislation deals with the area between the eastern boundary of the marine park and the Exclusive Economic Zone, and that point needs to be made clear. That is where enormous prospectivity exists, and that is where damage could occur to the reef unless something is done to manage it. As I said before, Dr Kemp can legally make a decision to prevent exploration in the Townsville Trough region, which is in that area between the eastern boundary and the EEZ. He can support this legislation in the House of Representatives and then we will have ruled out oil prospecting and drilling, and protected the reef, I believe, for all time.

Labor has consistently opposed oil prospecting and drilling on or near the Great Barrier Reef. We have pursued the issue consistently since TGS-NOPEC expressed its interest in exploration rights. At the last election, Labor’s policy entitled “Caring for the Great Barrier Reef” included these words:

To preserve the health of the reef, Labor will:

Prohibit all mineral, oil and gas exploration and operations in Australian waters offshore of the Great Barrier Reef.

On April 16 2002, in Townsville, Labor’s leader, Mr Simon Crean, reaffirmed Labor’s commitment to protect Australia’s greatest natural tourism asset—the Great Barrier Reef—from two devastating environmental threats by banning oil drilling and exploration both on and off the reef, and ratifying the Kyoto Protocol to tackle the disastrous impacts climate change would have on the reef. That commitment from the Labor Party is testimony to the ongoing desire that Labor has to protect the reef both from oil drilling and climate change.

The Australian Labor Party recognises the intrinsic values of the Great Barrier Reef. The Great Barrier Reef is one of the most significant listings on the World Heritage register. There are not many other icons in the world that have that level of significance. It is the international icon of all coral reef systems. It is the largest listing on the World Heritage register, listed in 1981. The listing of the Great Barrier Reef Marine Park area on the register complies with all four Natural Heritage criteria: geological phenomena; ecological and biological processes; aesthetics and natural beauty; and biological diversity, including natural processes.

As well as these natural values, the Great Barrier Reef has enormous social and economic values. It is impossible to put a value on the time one spends with family or friends in places like the Great Barrier Reef. There will be many people all over the world who have cherished memories of their time visiting the Reef. Recreational experiences like snorkelling, diving, recreational fishing and boating will hold lasting memories for many millions of people around the world. The education values that flow from the Reef are also enormous. Social values, by their very nature, are not easy to quantify, but it is important in any assessment of such a wonderful icon that we do not overlook these values.

Economic values are easier to quantify. The value of the Great Barrier Reef is estimated to be in the order of $1.5 billion annually to the state of Queensland. Well over half of this value is from the tourism industry with more than 2 million visitors travelling to the Reef every year. In employment terms, the Great Barrier Reef is vital to the ongoing economic health of Queensland. There are workers in the tourism, fishing and associated industries and in hotels, tackle shops, restaurants and on tour desks—the list goes on. There are an enormous number of workers who depend on the viability and sustainability of the Great Barrier Reef for their jobs.

Tourism is an industry dependent on perceptions. Oil rigs, even 50 kilometres from the Marine Park boundary, do not promote a perception to potential visitors of a pristine ecosystem that is valued by its community and by its government.

The tourism industry is opposed to oil exploration or drilling. Stephen Gregg, Tourism Queensland’s Chief Executive Officer has said that Queensland tourism operators want to see a permanent ban on exploration or any potentially harmful activities anywhere near the Reef.

The seafood industry has similar views. John Olsen, President of the Queensland Seafood Industry Association, formerly the Queensland Commercial Fisherman’s Association, has said, “It would be ridiculous for the Federal Government to give the go ahead for a seismic survey—that is, the seismic survey required for the EIA—that if oil was discovered, would inevitably lead to full-scale drilling”.

Mr Olsen can work it out. Why can’t the Government? Guy Lane, an environmental scientist, has said that if they find petroleum reserves in the
Townsville Trough, “It’ll create this enormous political and economic vacuum and there’ll be great pressure to start drilling. It really should be nipped in the bud at this stage”. Don Henry, Executive Director of the Australian Conservation Foundation agrees. He said “It is a disastrous ecological accident waiting to happen if it is approved”, adding that, “the Reef is worth more via tourism than any oil field”.

The Queensland Government supports these calls to ban oil exploration or drilling on or near the Great Barrier Reef.

I can’t understand how the Howard Government can be prepared to jeopardise the Great Barrier Reef’s values—the social values, the economic values and the environmental values. Industry leaders and the broader community can see the sense in protecting the reef from oil exploration and drilling, so why can’t this Government.

The history of oil and the Great Barrier Reef is a long one. I do not intend to give a complete chronology today of those interactions, but it is true to say that in 1968 Mr Joh Bjelke-Petersen, the then Premier of Queensland, issued 16 licences to prospect for oil in the waters east of Queensland. In 1970, two companies, Ampol and Japex, postponed drilling near Whitsunday Island after significant opposition from the community. In 1974, a Royal Commission into oil drilling on the Great Barrier Reef concluded. The commissioners were split on whether oil drilling should be allowed on the Great Barrier Reef. In 1981, the coalition government passed the Act opening the Coral Sea to oil drilling. The government claimed that it would not allow oil drilling within 30 miles of the Great Barrier Reef. In 1990, oil exploration adjacent to the Great Barrier Reef was again proposed. The then Labor Prime Minister Bob Hawke quickly quashed this proposal.

I was disappointed then to find that the current Environment Minister, Dr Kemp trying to rewrite history in a media release of the 10th February 2003 suggesting that Labor was in fact proposing oil exploration back in 1990. It just goes to show how the history of proposals to drill for oil on or near the Reef.

I think the current Environment Minister has much in common with the Liberal Shadow Environment Minister of the time, Fred Chaney, which just goes to show how progressive the Liberal Party is on issues like the environment.

The then Liberal Shadow Environment Minister, Fred Chaney, said on ABC radio: “I’m certainly in favour of continued oil exploration in prospective areas just as I’m firmly of the view that we make sure the Great Barrier Reef is protected”.

I would have said to Senator Chaney—although I was not here then—and I do say now: you can’t have your cake and eat it too. Fortunately, then Labor Prime Minister Bob Hawke intervened to stop oil exploration. The current Prime Minister should do as the then Prime Minister, Mr Hawke did and rule out oil drilling and exploration adjacent to the Reef.

It is becoming increasingly clear that this Liberal Government is seriously considering allowing oil exploration and drilling adjacent to the Reef. We have TGS-NOPEC seeking approval to undertake seismic testing in the Townsville Trough just 50km from the Marine Park boundary and this Government is doing nothing.

The Labor Party though is not going to sit by and allow this Government to place at risk the environmental, economic and social values of the Great Barrier Reef. The position that we need to establish is that we, as a nation and as a community, are not prepared to compromise the values of the Great Barrier Reef—not at all, not in any way. Oil prospecting and drilling on or near coral reefs and the sustainability of those coral reefs are conflicting notions.

The ongoing desire of the oil industry to explore in areas adjacent to the Great Barrier Reef such as the Townsville Trough is not going to be averted until clear direction by government is established. This legislation provides the Coalition with a sensible and practical mechanism that has no cost to Government to provide that direction—to rule out oil exploration and mining for good and I invite the Government to take up this opportunity. I move:

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

Leave granted; debate adjourned.
(i) the power of the World Heritage Committee to inscribe a property on the World Heritage List in Danger without the consent of the state party,
(ii) the power of the World Heritage Committee to remove a property from the World Heritage List without the consent of the state party,
(iii) the current interpretation of the Convention, which recognises that sites have integrity and the management of World Heritage sites be directed at safeguarding both the World Heritage values and the property as a whole, and
(iv) the role of the advisory bodies to the Convention in making representations directly to the World Heritage Committee in relation to any World Heritage property; and
(c) condemns the Government for its efforts to undermine the integrity of the Convention by supporting changes to the operational guidelines which would undermine all the above mentioned powers, interpretations and responsibilities.

Question agreed to.

FOREIGN AFFAIRS: WEST PAPUA
Senator BROWN (Tasmania) (4.06 p.m.)—I move:
That the Senate supports the rights of the people of West Papua to develop their own distinctive culture and institutions and to determine their own political future.

Question negatived.

FOREIGN AFFAIRS: WEST PAPUA CONFERENCE
Senator BROWN (Tasmania) (4.06 p.m.)—I move:
That the Senate—
(a) congratulates the organisers—the Globalism Institute, the New Internationalist magazine and David Bridie—for the successful West Papua conference and concert held in Melbourne last week; and
(b) condemns the Howard Government for cutting university funding so heavily that universities, like RMIT, are forced to rely on revenue from overseas students for their very survival, leaving RMIT vulnerable to pressure from foreign governments to cancel such events.

Question negatived.

Senator Brown—I note that Senator Nettle and I both voted for that motion.

MATTERS OF PUBLIC IMPORTANCE
Education: Higher Education
The ACTING DEPUTY PRESIDENT (Senator Knowles)—The President has received the following letter from Senator Carr proposing that a definite matter of public importance be submitted to the Senate for discussion, namely:

Dear Mr President

Pursuant to standing order 75, I give notice that today I propose to submit the following matter of public importance for discussion:

“The failure of the Government to defend Australia’s national system of higher education, as evidenced by:

(a) declining public funding for higher education,
(b) a deliberate policy of cost shifting to students,
(c) an inability to tackle problems of growing unmet demand,
(d) the continuing brain-drain of researchers out of Australia and the continuing decline in research infrastructure, particularly at regional universities, and
(e) a consequent decline in the standards and quality of higher education.”

Yours sincerely
Senator Kim Carr
5 March 2003.

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

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

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

Senator CARR (Victoria) (4.08 p.m.)—I begin by suggesting that the Australian uni-
The university system is in crisis. Remedial action to repair the damage is desperately needed. This is clearly the view the Labor Party has put over the last two years and the view that I expressed in last year’s research paper entitled Research: engine room of the nation. The Minister for Education, Science and Training, Dr Nelson, says that the Australian university system is characterised by blandness and homogeneity. I take the view that nothing could be further from the truth. The differences between our universities, especially between the largest or wealthiest and the rest, have created a huge gulf between the haves and the have-nots of Australian higher education. That is the basis of the crisis that I am talking about. The problems are well known. It is not just about money, but money is at the core of the problem; the system is increasingly divided between winners and losers. Those universities that are already rich and powerful are being further advantaged by a government that sees the market as an answer to all our problems.

The themes of the government’s Crossroads review of higher education have been emphasised by Dr Nelson. The truth is that he can no longer deny that there is irrefutable evidence of a decline in quality, even if productivity has increased. He cannot deny that access to tertiary education is becoming more difficult for people who are less well off and less well connected. He cannot deny that there is a decline in the regional, social and economic responsiveness of universities as they are forced by the financial squeeze to narrow their teaching and research profiles. Those financial pressures can be measured by simple facts such as that expenses over the last 10 years have increased by 102 per cent while revenues have increased by only 81 per cent. The Commonwealth’s share of those revenues, including HECS, has declined from 72 per cent in 1996 to 61 per cent in 2001. The aggregate sector operating result has declined from $560 million in 1997 to $460 million in 2001. That is a drop of $100 million. I acknowledge that there has been a recent improvement in the financial position. It is due mostly to currency movements and the improved performance of the four big universities in eastern Australia. The ‘great eight’ universities now have a third of the sector’s enrolments and almost half of the sector’s revenue. They account for two-thirds of the operating result and three-quarters of the cash and investments. The 13 regional universities, on the other hand, have less than 25 per cent of the sector’s enrolments, 21 per cent of the revenue, 13 per cent of the operating result and about 10 per cent of the cash and investments, but they have a third of the sector’s debt.

The financial loads on students have skyrocketed under the Howard government. Under Labor, students were required to pay about 25 per cent of the cost of their degree. They now pay on average 40 per cent. Class sizes have blown out, with staff-student ratios up from one to 16 to one to 19. This has obvious implications for staff workloads. The range of subjects and programs offered by our universities and the research that they are able to provide have substantially contracted. These are the facts. There has been an increase in the appeal to the very crude commercial values within the university system itself. The number of qualified students missing out on a place—or unmet demand—is growing at an extraordinary rate across the country. There is now a profound problem, particularly in teacher education and in nursing, which, if not immediately addressed, will have profound social impacts on this country.

The traditional values that once defined our universities—that is, being committed to excellence in both teaching and research, and being committed not just to the pursuit of vocational training but to greater public good and to community service—have all been put under serious strain by this government. A very grim picture is emerging now. For evidence of this we look no further than the government’s own documents, particularly the Department of Education, Science and Training’s own higher education triennial report, which was published in the dead of night on Christmas Eve last year. It lays bare the damage done to universities by deregulation and their exposure by this government to an unnecessarily heavy reliance on the free market. The report says that expenditure by universities is growing faster than their reve-
nue base. They have real trouble identifying further and larger sources of income to compensate for the government’s financial cuts. The financial management of the public higher education institutions is generally pretty poor. Financial reporting processes and practices lack transparency and thoroughness. Universities have made a number of disastrous decisions leading to massive cost blow-outs in the purchase and adaptation of large-scale computer software. The report says that the diversification of revenue sources—for example, through international students and consultancy markets—has created real threats to educational quality as well as, in a number of cases, considerable financial losses. There has been an increased reliance on fee-paying students, particularly through the use of franchising arrangements, which has led to unacceptable risks to quality and financial stability, especially with the smaller universities.

Universities have experienced significant problems managing their capital expenditure—that is, their building maintenance and construction programs. They are increasingly being called upon to use their capital moneys to fund their recurrent operations. This all adds up—as the opposition has been saying for the last couple of years—to a crisis. The undue reliance on an ideological obsession with the market obscures the need for significant public investment in higher education. Instead, our public universities are being thrown wholesale to the wolves in the marketplace and to the broader commercial environment, which is far from benign, especially for inexperienced players.

Minister Nelson tries to reassure us by quoting system-wide financial data, but the financial soundness of Australia’s universities rests largely upon four super performing, what I call ‘megafauna’, universities—the real winners in the competition jungle. They are the universities of Queensland, Sydney and Melbourne and New South Wales. They constitute some 50 per cent of the operating result for the whole sector. We are looking at a situation where the operating surplus of two of these four hyperachieving universities is $29 million, for the University of New South Wales, and $88 million, for the University of Sydney—but the sector-wide average was $12 million.

At risk is the capacity to generate new ideas and new knowledge. Places for Australian students in postgraduate courses has declined by 16 per cent between the 1996 and 2001. The proportion of students obliged to pay fees for these courses jumped over that time by 30 per cent to almost 70 per cent. Higher degree, or research, students commencing study have fallen as a percentage of all new students from about four per cent in 1996 to less than three per cent last year. The government’s new research training scheme, which is part of its flagship Backing Australia’s Ability, looks set to implode after only two years of operation. The four megafauna universities share between them over $200 million of the total $527 million available in 2003. Another $113 million goes to just four more. The remaining 29 universities—or 78 per cent of institutions—are allocated only 40 per cent of the research training funding. The big four are running a sustained campaign to make the allocations of research funding entirely competitive and performance based. Such a change would fundamentally undermine the basic principle we have come to accept in this country as defining a university—that is, an institution that encourages excellence in both teaching and research.

What we are seeing under this government is a change from what we have understood to be the basic principles of what it is that makes a university. Commonwealth funding has declined from 68 per cent to just 61 per cent over the last couple of years. Individual students are being asked to make up the difference. What we also notice—and it was in the press today—is that the Australian Vice-Chancellors Committee are saying that they cannot see anything from the government that would give them reason not to be upbeat about the government’s future intentions.

I was quite surprised by this, because the Australian Vice-Chancellors Committee executive officer says:
Certainly our information gathering is that our objective of 1.6 per cent of GDP by 2007 ... is likely to be achieved.
It seems to me, when I look at the details of it, that if we take the current estimate that higher education is funded at 1.4 per cent of GDP it will require a further 0.2 per cent of GDP to be committed to higher education by 2007. On current estimates of Australian GDP in 2005 and 2006, that will exceed $883 billion. Given that universities rely upon the federal government for about 60 per cent of their funding, that would involve the Commonwealth share increasing by approximately $1.06 billion per year. That is an additional $5 billion to 2007.

You have to ask yourself: what is the AVCC up to in these sorts of circumstances, where a basic mathematical conclusion can be drawn from the statements that have been made that the government commitment would have to be $5 billion extra to meet their claims? The government’s own figures, in table A8 in the first Crossroads paper, show a decline in public spending on higher education as a percentage of GDP—a decline. Those figures are 1.1 per cent in 1991 to 0.93 per cent in 2000. They are official government figures that I am quoting. During the same period, private expenditure increased only marginally, and that was largely off the back of increased student fees.

If we look at the 730 submissions that have been put to the government, the seven discussion papers and the 50-odd forums that have been held as a result of this Crossroads process, we note that the government paid the Australian Vice-Chancellors Committee $100,000 to have one of its officers seconded to this review. We ask ourselves: what is the government proposing under these circumstances? I see nothing in any of the speculation so far which goes to the issue of the fundamental crisis within the Australian higher education system. What we are seeing is that the proposals being advanced will strengthen the already rich, the already privileged—those who are able to call upon the investment for what is now nearly 150 years of public support in those major institutions.

It seems that the government is attempting to shift the burden to students and their families to unprecedented levels. What we are noticing here—and it is a pattern that has emerged over recent years—is a continuation of the government’s policies. It strikes me that, in these circumstances, we are likely to see a situation where a number of universities are going to be facing very serious financial problems in the years to come. We note already the uneven impact of the government cuts. If we look across Australia we see that, because the cuts that have been made were to the forward estimates, the cuts appear disproportionately to affect southeastern Australia. Victoria lost effectively 5.4 per cent of its operating grants; Tasmania lost 5.26 per cent; South Australia lost 5.01 per cent; the Australian Capital Territory lost 2.56 per cent and New South Wales lost 1.28 per cent. Queensland and Western Australia were able to achieve some additional support. The Northern Territory, particularly the Northern Territory University, on the other hand suffered a serious cut of 5.73 per cent. They are official DEST figures.

It pays to remember, when we are looking at these programs, that the government is in fact proposing to fund growth. According to Dr Shergold, at a recent seminar he gave before moving on to bigger and better things, there is likely to be an increase in student places of about 0.5 per cent by 2014. This was predicated on the assumption that Tasmania and South Australia would actually lose places and would see a decline in the number of places that are offered. If we take into account the effect of lifelong learning, we see that many of the calculations the government is making about future demand are quite cavalier and are misplaced. They take no account of the changes to the workforce. They take no account of the changes that are occurring within Australian society. It strikes me, in the circumstance where the government is calling upon us to endorse a proposition that students should take on a greater burden in the funding of higher education, that we are entitled to ask the question: what has the government done to defend higher education in this country? It seems to me the system cannot flourish in circumstances wrought by years of funding neglect and policy vandalism by this government. Our fine university system is reeling. There are very strong reasons to fear what this government is intending to do to the higher education
system. The Australian Labor Party believes that our nation—(Time expired)

Senator MASON (Queensland) (4.23 p.m.)—I listened with interest to Senator Carr’s contribution to this debate and his obsession with our alleged obsession with market ideology. Given that it is 20 years since the election of the Hawke government, I assume his speech was made in tribute to that occurrence. I recall also that today is the 50th anniversary of the death of Joseph Stalin. Perhaps it is the latter that is more important to Senator Carr. However, on the 20th anniversary of the election of the Hawke government it is important to look back at why we are where we are. Writing in the Age last year, the former Labor Federal President Barry Jones said:

A turning point in the history of Australia’s higher education was the comprehensive reorganisation that was initiated, and indeed imposed, from 1987 by John Dawkins, Bob Hawke’s minister for education and training. I have little doubt that Dawkinsisation will prove to have been the greatest single mistake of the Hawke-Keating years.

If the Hawke government got it wrong, and I think they did, at least they had some policies. We have heard the outline of some concerns by Senator Carr, but we have not heard anything about policies or solutions. Of course, that is becoming the theme for the Labor Party in the year 2003. One thing about the Hawke government is—and we read the tributes today in the Australian where Mr Kelly wrote about Mr Hawke being one of the great prime ministers—they did believe in competition. They got over class warfare and all that stuff, and they embraced the market. They believed in competition, but sadly they did not believe in competition in the university sector. They believed, in effect, that one size fits all. Senator Carr and I would probably agree that in the university sector one size does not fit all. The editorial in the Australian Financial Review on 18 February this year said:

In the early 1990s Labor’s John Dawkins tried to do it by merging universities and colleges of advanced education to form fewer large institutions. But, instead of freeing them from bureaucratic controls and letting them compete on price, quality and specialisation, the Dawkins reforms increased interference in academic work and resulted in too many institutions trying to do the same things and getting equally rewarded regardless of how well they did it.

As I say, competition and excellence were not rewarded under the Dawkins scheme. That, of course, was a major problem. In a sense this ideological obsession with equity punished diversity, stifled excellence and failed to reward entrepreneurial activities in higher education. That is the core problem. I have taught at a couple of universities and I know that Senator Carr has taught as well. There are often enormous pressures on academic staff today and I recognise and accept that, but the answer is not simply an injection of public funding. Just like the market that Mr Hawke and Mr Keating embraced in the 1980s, universities have to be able to specialise in what they do well. For example, James Cook University in my state of Queensland might be able to specialise in tropical medicine. For the University of Central Queensland, in Rockhampton, it could be dry basin agriculture. Also, universities specialise in what their strong faculties are and what their strong academics do. That is extremely important. Just like societies and economies flourish by concentrating on what they do well, institutions, and indeed universities, must concentrate on what they do well. That is what they have to be allowed to do, and that is what the Labor Party miss. They think it is a matter of public funding. Universities must be able to do what they do and do it well. That is why Dr Nelson, in a sense, has taken a leaf out of Mr Hawke’s book. He has been very consultative and has spent last year and this year producing seven discussion papers covering a range of topics. He has asked the Productivity Commission to examine the resourcing of the university sector. He has held 49 consultative meetings around the country with 800 participants. He has examined over 700 submissions and consulted with various stakeholders including the Australian Vice-Chancellors Committee, the National Union of Students, the National Tertiary Education Union and the Council of Australian Postgraduate Associations. So the government is listening.

Senator Tierney—Absolutely.
Senator MASON—It is listening, isn’t it, Senator Tierney, to what the stakeholders believe. That is a very important thing. We were all, of course, waiting for the reforms to come through and the report to be submitted. But we listened, and that is important. There is one thing that Senator Carr and I probably agree on—

Senator Carr—Only one?

Senator MASON—It is a very important one from the perspective of social justice, and I know that you would care about that. I refer to access to tertiary education. That is critical. I remember too well when I was an undergraduate student in the eighties that the Labor Party initially opposed tertiary fees. Remember that? They said, ‘If you impose tertiary fees, fewer people will go to university.’ That is what they said 20 years ago. It was appalling. In effect, they were giving the middle class welfare. They were subsidising middle-class kids. These were not disadvantaged kids; they were middle-class kids. The post-Whitlamite baby boomers were giving a pathetic display of middle-class social welfare. To the credit of Senator Walsh and others, finally the Labor Party thought we had to have tertiary fees. Do you know why they thought that? They thought that because it would increase access to tertiary education. It would help poor kids who came from disadvantaged places to have access to tertiary education.

The first part of this process involves increasing access to tertiary education, and access to tertiary education has doubled in 20 years. The next part of the process is to allow universities the entrepreneurial capacity to charge fees and to encourage overseas students because that would give them more money to attract more students. The problem is that we have gone only half way down the road. The Labor Party thinks it is a matter of more public funding. It is not; it is a matter of specialisation, of universities doing what they do well and of carrying on with the reforms introduced many years ago by Senator Walsh and others. As usual, the Labor Party believes that this is simply a matter of more public money. Indeed, it is all about letting universities do what they do well.

Senator STOTT DESPOJA (South Australia) (4.31 p.m.)—I will begin by picking up on a statement made by the previous speaker in relation to people who oppose fees. Senator Mason was referring to arguments put forward in the early eighties. I might add that it does seem a long time ago that the ALP opposed fees. However, when they did or when proponents of publicly funded or free education, for lack of a better expression, opposed fees, we did it not because we thought fewer people would go to university but because we thought fewer people from disadvantaged backgrounds—those traditionally disadvantaged backgrounds—would have access to universities.

If this government had not abandoned the research, by postcodes and other demographic traits, through the higher education roundtable and HEC, as it was called then, we would be able to put on the record today the demographics that have either benefited or been disadvantaged as a consequence of fees and charges in our institutions. Those of us who believe strongly in publicly funded and accessible education believe in it because we acknowledge that higher education, or education generally, is a public investment; it is not a cost. It does not work in the way traditional markets work. In fact, I do not think that it is particularly useful to consider university education in a market context because the conventional market approach is not appropriate.

Returning to the debate initiated by Senator Carr, the Australian Democrats support this MPI debate. We have consistently opposed barriers to education in the form of fees and charges. We remain profoundly concerned about the massive cuts to universities. There have been cuts of more than 15 per cent in real terms since 1996. In the past seven years under this government we have seen massive cuts to public funding for education and specifically for higher education. That has led to the very real decline we see today in the quality of educational experience at our universities.

If people doubt that, it is well documented in the Senate committee report entitled Universities in crisis. You just have to look at staff-student ratios which have blown out
from one to 19 in 2001, up from one to 12 in the early 1990s. There is overcrowding and course closures. We have uncompetitive academic salaries, overworked and stressed staff and general and academic staff who have been waiting on staff pay claims for a number of years in some institutions. There have been major cuts to libraries and other infrastructure. These typify the climate within our higher education institutions in Australia today. The government is well aware of these problems. If we do not believe that, we only have to look at that leaked cabinet submission from Dr Kemp back in 1999. Education is not a mere commodity; it is an investment. At some point, governments that want a sustainable education system and to ensure benefits and access for the students of today and tomorrow will have to acknowledge that.

In the past few weeks we have had selective leaks about the Crossroads paper. I call on Minister Nelson, who I acknowledge has been consultative in this process, to release Crossroads so that we are not hearing just selective leaked reports through certain newspapers. From the leaks so far, we can see that we are looking at further deregulation of undergraduate fees by allowing universities to charge top-up fees. We are also looking at real interest rates on top-up loans; a Big Brother approach to managing students; penalties for slower completions without any examination of the constraints on completions as a result of hopelessly inadequate income support measures in this country; further undermining of universities by providing Commonwealth loans to students in private colleges—an increasing trend we have seen from this government—where private colleges are not universities; and we are looking at an expansion in the number of domestic full-fee undergraduate places from around 25 per cent to 50 per cent in courses. That is really code for this government to say, ‘We have no intention of fully funding genuine growth in places.’ In short, the government is looking to abrogate its responsibility for addressing the very serious and very real problems that afflict our institutions.

The recent Productivity Commission report stated that we already have the fourth most privatised higher education system. That is extraordinary. On average, Australian students pay more than their American counterparts for public university education. We know that fees and charges are a psychological and financial disincentive for aspiring students, particularly for those from disadvantage backgrounds.

I want to send a very clear message to the government today: the Democrats do not believe that reform of student fees is a solution. No amount of fiddling with student debt can mask the real problem of insufficient public investment in higher education. I look forward to debating Crossroads. My message to Minister Nelson is: ‘Bring it on. Let’s have this debate. No more leaks.’ Our education sector requires public funding and any reports of $1 billion or $1.5 billion in around 2007 will only begin to make up for the cuts that were debated in this place in 1996. I would love to have a debate about binary divides versus the unified national system, because that is what Senator Mason was alluding to with the green and white papers introduced by John Dawkins, but now is not the time. (Time expired)

Senator CROSSIN (Northern Territory) (4.37 p.m.)—I rise this afternoon to support the motion moved by Senator Carr. In fact, I believe it goes only part of the way in examining what the government has done in relation to higher education. The words are not strong enough, in my mind, to portray what has happened to this sector of the education system since 1996. It is not only the government’s failure to defend Australia’s national system of higher education but also the abhorrent and abysmal neglect of this system throughout the government’s last seven years in office that needs to be addressed. Well may the Prime Minister celebrate his seventh anniversary this year, because there are not too many people in the higher education sector jumping for joy and celebrating with him, as they have had to endure massive cuts and massive changes in that sector due to the government’s neglect and failure to recognise that there are significant problems.

Not only that, we have a government that is unwilling to accept any responsibility for
the dismal state it has put this sector into since it came to office in 1996. Some 10 years ago, this country had an internationally recognised and renowned and efficient higher education system. That has sadly changed and gone downhill under the Howard government. There have been three major reviews in higher education sector in the last five years—three major reviews and a leaked cabinet submission. We had the West review in 1997-98. We had the Senate inquiry—a massive inquiry which has been spoken about many times in this chamber—where at the end of the day even the Australian Vice-Chancellors Committee admitted to the Senate committee, on the record, that we have a higher education sector in this country that is in crisis. That is from the people who manage the system on the ground on a day-to-day basis. Then there was a cabinet submission, which was leaked. When the wheels started to fall off, the previous education minister tried to cobble together some decent policy. Now we have the Crossroads paper and its seven subsequent discussion papers.

Senator Stott Despoja talks about an education minister who embarks on a consultative process. Let us see at the end of the day whether that consultative process has been genuine. There is consultation and there is real consultation where you actually listen to what the community and the sector are asking for in relation to higher education, not just what the bosses, the Australian Vice-Chancellors Committee or industry are asking for. Parents, students and people who work in that sector need to be listened to as well. At the end of the day, we will see how genuine this consultation has been.

This government has missed in its seven years since being elected an opportunity to invest in the economic and social future of this country by backing, supporting and putting the public funds that are needed into the higher education system. Let us have a look at a report card, if you like, on the university sector in this country at this point in time. We know now that a staggering amount of funds have been ripped out of the public funding purse that should have gone towards the Australian universities since 1996. In fact, you will find that the cuts to the operating grants between 1997 and 2000 in the federal budget have averaged around six per cent. The costs have shifted from this government to students and their families by increasing the HECS fees as well. Under this government, HECS fees have risen by 69 per cent from 2000—from $2,442 to about $4,120. We have had massive cuts to operating grants and the cost of funding higher education in this country has shifted to families and students.

Senator Tierney—Try looking at the total money.

Senator CROSSIN—The figures are there, Senator Tierney. Get up and explain to us why your government has increased HECS by 69 per cent and why you believe you can justify students propping up a higher education system that used to be well funded and publicly funded before your government was elected. Not only that, we have also seen massive pressure put on students. As I said, HECS contributions are up. Australian students are paying some of the highest study and living costs in the world—higher than the US, Britain and Germany. We have seen a shift in the responsibility—from publicly funded institutions to students having to find those funds in order to study and survive, and to prop up a system that should be publicly funded. We have seen overcrowding in classrooms. Students, we know, are forced to sit on stairs and in corridors. Tutorials of 30 students and lectures of 400 or more are common.

Senator Tierney—Where are your policies?

Senator CROSSIN—We heard that, Senator Tierney. You were sitting with us during the Senate inquiry when you would have heard day after day about crowded lectures, packed tutorials, not enough staff and staff being overworked and severely stressed. In fact, the figures show that increases in the average number of students per teaching staff are up to as high as 70 per cent in some places. At Central Queensland University the staff-student ratio increased by 70 per cent from 1996-2001. At Charles Sturt University the ratio increased by 53 per cent. At RMIT it increased by 40 per cent. At my own
Northern Territory University the staff-student ratio has increased by 28 per cent. Universities are having to do less with the publicly funded purse and the emphasis has gone onto either students or private industry.

The evidence does not support suggestions that Australian universities are over-reliant on public funding or are heavily subsidised by international students. In fact, our tertiary education system, as Senator Stott Despoja said, is already the fourth most reliant on private funding, largely through student fees or funding from privately owned and operated entities attached to universities. Only Korea, Japan and the United States are more heavily reliant on private funding than Australia. In fact, if we look at the source of funds for Australian universities from 1981 to 2000, funds from the government in 1981 amounted to 90 per cent; by the year 2000 they were down to 46.8 per cent, so less than 50 per cent. By the year 2000 this government was putting into the higher education system from the public purse less than 50 per cent. Non-government funds have risen from 9.9 per cent in 1981 to 17.1 per cent in 2000. Student fees in 1990 accounted for 20.3 per cent of funds to the higher education sector and now account for 36.2 per cent.

So the evidence is clearly there before us, and there are figures to back up the claims, that funding from the public purse to the higher education system has significantly reduced in the last 20 years and that funding out of the purse of students has significantly increased since 1990 to at least the year 2000. This is really about the government walking away from its responsibility to support a publicly funded system of higher education in this country. We know that students are paying more and the universities are getting less. In real terms universities received on average $1,103 less per student in 2001 than they did in 1996. We know that the share of the costs of subsidised places borne by students has increased from 19.6 per cent in 1996 to 34.5 per cent in 2001. On average, students were liable for $1,745 more per year in 2001 than they were in 1996. We have a system that is in crisis. We have a government that is blinded by the 'fact' that nothing is wrong. It believes that everything is going quite fine along this road in the higher education area and that if there are any changes to be made its hands will be totally off the wheel and it will not be the government that picks up the pieces. (Time expired)

Senator JOHNSTON (Western Australia) (4.47 p.m.)—I want to talk about excellence in higher education. Excellence is the new currency, the new perspective, in higher education in Australia today, thanks to the quality and outstanding work by the Minister for Education, Science and Training, Dr Brendan Nelson. Higher education outcomes have dramatically improved since the Howard government introduced a long overdue degree of sound administration in this area, which was mismanaged and neglected by the Labor government prior to 1996. There were almost 500,000 domestic student places in 2002, up 75,000 since 1995.

Senator Carr—What has happened to quality?

Senator JOHNSTON—I will say that again for the benefit of Senator Carr—up 75,000 since 1995. Of these, just over 393,000 were subsidised undergraduate and postgraduate places, around 23,000 were government supported research student places and the remaining were undergraduate and postgraduate fee paying places. There were around 6,500 fee paying places in 2002, representing less than two per cent of undergraduate students. Only 242 transferred to a HECS place after the first year. There are 23 institutions offering undergraduate fee paying places around the nation. Fee paying undergraduate places are additional to those places subsidised by the government. Most domestic fee payers would be in a HECS place for a different course if they did not pay fees. By taking a fee paying place, they have freed a HECS place for someone else.

Generally, institutions that accept fee paying students keep their entry scores to within five points of HECS cut-off. Courses that accept fee paying students tend to be highly competitive with high cut-off scores pushed up by strong levels of demand from students. Fee paying students are still required to meet academic standards set by the universities and are deemed by the particular institution
to be above the academic cut-off for the relevant course. Commonwealth funding for higher education in 2003 will be $6.7 billion, $500 million more than in 1995.

Senator Carr—Get your brief right!

Senator George Campbell—Who wrote this speech—the minister’s office?

Senator Johnston—Let me say it again for the benefit of senators opposite—$500 million more than in 1995. It is estimated that universities will reap revenues of $11.3 billion this year, $2.7 billion more than in 1995. The sector has net assets of $20.8 billion and cash and investments of $4.8 billion—a very healthy sector. Unmet demand was highest under Labor in 1992, when 100,000 applicants missed out on a university place. There is the mark of their great management! There is the mark of their great expertise: 100,000 students seeking to get a place in higher education could not do it in 1992. The Australian Vice-Chancellors Committee estimated that in 2002, after discounting for a range of factors including people applying multiple times, the number of genuinely unsuccessful eligible applicants was between 10,600 and 17,450. One in 20 missed out. The number was much higher under Labor in 1994: one in 10 missed out. What a track record! What a recipe for success those opposite bring to this debate! In your own state, Senator Carr, 9,800 to 14,400 applicants could not get a spot in 1994. Currently 2,800 to 5,200 cannot—what an improvement.

Senator Carr—That is not true.

Senator Johnston—What an improvement—thank you, Minister Nelson.

Senator Carr—That is not true.

Senator Johnston—What an improvement—thank you, Minister Nelson.

Senator Johnston—This situation is evident: six months ago Labor’s education spokesman, Ms Macklin, admitted in a television interview that Labor had nothing to contribute to the debate about the future of higher education in Australia. She said we would see Labor’s ideas over the coming months. We are still waiting. The minister for education, Dr Nelson, repeatedly invited the federal Labor Party to contribute to the review of higher education which he conducted last year. While Labor’s state colleagues and union friends all put their hands up and all had a say, we have heard nothing from the federal Labor Party. There is a policy black hole from them. However, Senator Carr, to his credit, has raised some issues that the government has sought to highlight over the last 12 months.

Senator Carr—Some issues!

Senator Johnston—These have included how universities are funded, how we should support both university research and teaching—

Senator Carr—And quality.

The ACTING DEPUTY PRESIDENT (Senator Knowles)—Senator Carr, you have done nothing but yell since Senator Johnston started. Could you please desist.

Senator Johnston—And the availability of university places. It is pleasing that Senator Carr sees these issues as important. It is a tragedy that he has no-one behind him. There is an absolute constipation of policy on that side of the House.

Senator Carr—A constipation of policy.

Senator Johnston—Absolutely, a constipation of policy. Let us talk about what the Australian Financial Review said on this subject:

... liberating universities from the straitjacket of current funding and bureaucratic controls and letting them map their own courses is as important as boosting grants.

In the early 1990s, Labor’s John Dawkins tried to do it by merging universities and colleges of advanced education to form fewer, larger institutions. But instead of freeing them from bureaucratic controls and letting them compete on price, quality and specialisation, the reforms increased interference in academic work and resulted in too many institutions trying to do the same things and getting equally rewarded regardless of how they did it.

There is your history. There is your track record. There is your form. The article in the Australian Financial Review went on to say:

Dr Nelson has set out to fix these problems ... His methodology ... merits a distinction for transparency and thoroughness.

The Nelson reforms face a rocky path in the Senate but none of the opposition parties have put up
a credible alternative. They should treat the Nelson reforms on their merits.

There you go, Senator: we are waiting to hear from you. We are desperate to hear a modicum of policy. We are screaming to hear something concrete, something well thought out and something intellectual on what is one of Australia’s most important issues, and all we get is carping or silence.

Senator NETTLE (New South Wales) (4.54 p.m.)—Higher education is not so much at crossroads but in crisis. A healthy education sector is a necessary prerequisite for a healthy economy and a healthy society. What we need is speedy and diligent action on behalf of the government to return the sector to full health, continuing this country’s proud tradition of equitable access to a quality higher education system. But, of course, this is not what is happening.

Instead, we are about to see the culmination of a long-term goal of this government: to enact a significant withdrawal by the Commonwealth from the responsibility of delivering a high-quality university sector. This is a transformation that has been under way since the coalition government came to office—and to a certain extent before that as well—which has seen the systematic underfunding of the sector, softening up the key players for the sucker punch that appears imminent.

The leaks in the Sydney Morning Herald have made this abundantly clear. In the area of fees, we are looking at further deregulation of the current fee structure, an increase in the HECS-liable fee for all students—an increase that will be used to the maximum by vice-chancellors eager for precious resources—and the threat of a move back to a two-tiered system with some, perhaps those regional universities, forced to focus on teaching and losing their research component. This is in spite of a mountain of evidence that shows that such a move will undermine teaching quality. A third tier may also be in the offing, consequent to Dr Nelson’s fixation on having one or two top 100 universities, even if this comes at the expense of the sector as a whole. We are looking at a continuation of the process embarked on last year with the extension of PELS, which is public money, to private providers within the sector.

Dr Nelson’s elitist views that universities are overpopulated with students who do not really belong there are complemented by an attack on those who have made it through: the introduction of a Big Brother style ID card and a database system to deal with slow completion rates in a coercive and aggressive manner that looks to strip numbers and make savings rather than assist struggling students and increase completion rates. The government has abandoned the goal of universal, comprehensive, equitable public higher education. Instead, it is ushering in a bargain basement, deregulated, user pays service, which features growing privatisation both in public university services and in competition with them.

The Greens’ vision is for a comprehensive, publicly funded, well-resourced and accessible higher education sector. The peak student bodies, academic staff and unions are crying out for an immediate injection of funding of $1 billion. Solutions to the problems caused by reduced public funding and increased competition will not be solved by more reductions in public funding and increased competition. The Greens will oppose the systematic attack on this country’s comprehensive public university system—an investment we cannot afford to shirk.

Senator TIERNEY (New South Wales) (4.58 p.m.)—I rise also to speak in this discussion of a matter of public importance regarding higher education. I have listened very carefully to the Democrats, the Labor Party and the Greens. I have listened very carefully but, I am afraid, it has been in vain because there has not been anything vaguely resembling any policy ideas on the future of higher education. We have heard a lot of carping, and a lot of dodgy figures have been thrown around, but we have not heard a vision for the future. Having been in government for seven years now and having been through a number of elections, all parties on the other side have form in terms of putting up policies that are credible in regard to the future development of higher education.

We are incredibly fortunate to have Brendan Nelson as the Minister for Education,
Science and Training. With his Crossroads document and the whole process of Crossroads, he has done a systematic review of the entire higher education sector. He has undertaken consultation right across the sector and has come up with a coherent plan for the future direction of higher education. We are still waiting to hear a peep of an idea of any description from the ALP.

Senator George Campbell—You will get it, just be patient.

Senator TIERNEY—Oh, will we, Senator? We have actually been waiting 20 years, Senator. I have here a document titled ‘Labor’s policy for higher education 1983’. This is a very interesting document. It is the 20th anniversary of the election of the Hawke government, so I pored over this document to see what visionary approach the Labor Party was trying to adopt at that time. Well, I was out on Cape Barren, I tell you! I could not find anything here at all in terms of vision for higher education—notting whatsoever. There was a bit of tinkering here and there at the edges and criticism of the Fraser government, which was pretty predictable, but no vision for higher education.

Let us move on in time to the next opportunity. Let us look at what they were doing at the end of the Hawke-Keating era. For 13 years we had massive numbers of students who could not get into higher education; we had a funding crisis in higher education; we had increased enrolments and we did not have matching resources. What was Labor’s answer at the end of 1996? Their plan—this is a serious plan; the Minister for Finance and Administration is here so I am sure he will be very interested in this plan—is to suggest to universities that they take out loans. It is suggested that universities take out loans to pay for their expansion and for their increased costs and repay that money within six years.

If the former Labor government had remained in office, just think of the position we would be in today. We would have a totally cash-strapped higher education system because they would be not only fighting to find funds to expand higher education but also having to pay back the loans that the Labor government said they were going to make it take out if they had won the election in 1996. Not only were they bereft of ideas; they were a bit bereft of money, having a $10 billion black hole at the time. They certainly had no way of funding the future expansion and development of higher education.

Let us move on to 2001. Kim Beazley came out with his policy for higher education. We had Knowledge Nation. We all waited with bated breath for Knowledge Nation, and all we got was spaghetti and meatballs. They did not have any really visionary idea. They did not provide two things: first, they did not provide any money—there was no extra money for this program, as usual, from the Labor Party—and, second, they had no vision for where the sector was going.

I have had a look at the plan regarding where we are going in higher education. Compared to what those opposite were proposing at that last election, the difference is just incredible. All they put up, really, was a proposal to have a cyber university with 100,000 students. We asked the question: ‘When is this going to happen? ’ The answer was: ‘It is going to happen in 10 years.’ There was going to be an extra 100,000 students and it was going to take 10 years to do, and they were all going to be online. We know now—and I am not going to go into the details—what professional educators think of that idea. It was just a wacky idea. It was never, ever going to work.

Those are the ideas of the Labor Party. We have heard from Labor Party senators today, as they have joined in this debate, or tried to create a debate on higher education, criticisms of the system but, as I have said, we have heard absolutely no plans in relation to where higher education would go. They have had plenty of opportunity to contribute. We have had the Crossroads review and we have had the minister provide the opportunity for the Labor Party to join in that review. We welcome their ideas. But did they participate at all? Did Jenny Macklin put anything in? Did the Labor Party put anything in? The Australian Education Union did; they put in a submission. I was at the plenary session when we heard what they had to say. But there were no new ideas. There was no co-
herent plan for actually developing the future of higher education.

Senator Crossin—Yes, there was; move public funds back into it.

Senator Tierney—Oh, we have a simple answer, again, from Senator Crossin. Senator Crossin wants fully publicly funded higher education. Is that what you want, Senator? Supporting the Democrats, no doubt, in that regard. Let us have a look at that idea. If you want to do that and just maintain universities at their current level, you are going to have to find another $5 billion to do it. Senator, where are you going to find $5 billion? What is it going to come out of? Schools? Is it going to come out of roads? Is it going to come out of hospitals? What is it going to come out of, Senator? You have no answer at all. You put up this simplistic solution that has absolutely nothing to do with the real world of funding in higher education.

In contrast to that, we have a minister who has come out with a very systematic review process. In addition to coming out with a systematic review process, he has a series of plans and ideas for the future of higher education. He put out seven discussion papers covering a range of topics. He tasked the Productivity Commission to do a thorough analysis of the sector. He held 49 consultative meetings, examined 700 submissions, consulted with the stakeholders and then produced a series of documents, and now we are moving that through to the cabinet process.

We have a plan for higher education. We had a Labor government that left the sector bankrupt. We have managed over the last six years to diversify the funding sources. We have an excellent education export industry that is bringing $3½ billion into the sector. We have continued the fee system which was established by the ALP, and which Senator Crossin now wants to abolish. But she knows that if Labor ever got into government it would not change that at all. We have industry far more involved. We have developed, through the Backing Australia’s Ability program, a range of different research approaches and increased real funding through Backing Australia’s Ability to things like the ARC, the CRCs and other research mechanisms.

We have actually developed the university system. We are meeting demand far better than Labor ever did. We have funding devices that will actually maintain the university system and expand it. We have a very comprehensive plan for the future of higher education. We wait with bated breath to hear from the Australian Labor Party, the Australian Democrats and the Greens as to what their plan is. We will be waiting a while because, as the last few elections have shown, no such plan has been put down and I doubt that within the next few years it will be. That is why this opposition deserves to stay in opposition.

The Acting Deputy President (Senator Hutchins)—Order! The time for discussion of the matter of public importance has expired.

COMMITTEES

Employment, Workplace Relations and Education References Committee

Corrigendum

Senator George Campbell (New South Wales) (5.08 p.m.)—I present a corrigendum to the report of the Employment, Workplace Relations and Education References Committee entitled Education of students with disabilities, which was tabled in the Senate on 10 December 2002.

Ordered that the report be printed.

Scrutiny of Bills Committee

Report

Senator Crossin (Northern Territory) (5.08 p.m.)—On behalf of the Chair of the Standing Committee for the Scrutiny of Bills, Senator McLucas, I present the second report of 2003 of the Senate Standing Committee for the Scrutiny of Bills. I also lay on the table Scrutiny of Bills Alert Digest No. 2 of 2003, dated 5 March 2003.

Ordered that the report be printed.

Senator Crossin—I move:

That the Senate take note of the report.

Senator McLucas (Queensland) (5.09 p.m.)—In speaking on the motion to take note of the report of the Standing Committee
for the Scrutiny of Bills, I would like to make some comments to the Senate on the committee and its report. Together with my colleague Senator David Johnston, I recently had the pleasure of representing the committee at the Eighth Australasian and Pacific Conference on Delegated Legislation and the Fifth Australasian and Pacific Conference on the Scrutiny of Bills held in Hobart from 4 to 6 February. These biennial conferences have been held around Australia and New Zealand since 1987 to discuss problems and issues of mutual interest.

As usual, the chairs and deputy chairs of the Australian legislative scrutiny committees met a day before the conference to review the activities of the working group which operates between conferences. Among other things, the meeting discussed the many significant matters affecting national uniform scheme legislation—and I know that topic has been a bit of a hardy perennial. But it certainly resulted in a series of imaginative proposals. Another subject was regulation impact statements which, as a part of the explanatory material for a bill, is of concern to our committee.

The conference itself was opened with a paper by the Chief Justice of Tasmania, the Hon. Mr Justice William Cox, which continued a tradition of having these conferences opened by senior figures in public life. For instance, when the Commonwealth held one of the previous conferences it was opened by the then Governor-General, the Hon. Bill Hayden. The Hobart opening was also attended by the President of the Legislative Council, the Hon. Don Wing, and the Speaker of the House of Assembly, the Hon. Michael Polley, which illustrated the parliamentary rather than party political character of legislative scrutiny committees.

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The chief justice emphasised the protection by our committees of fundamental civil liberties and rights and their development of procedures to ensure good governance and accountability. He added that legislative scrutiny was not concerned with the political acceptability of what was proposed but rather—in words that I think are very apposite—it looks for wisdom, fairness, justice and restraint in the way policy objectives are achieved. The existence of these committees, in the view of Justice Cox, clearly stimulates and promotes a democratic environment.

The chief justice returned to these themes in comments expressly addressed to scrutiny of bills committees, noting that their importance cannot be understated. He observed that an important function of such committees is to stimulate debate to provide a more principled answer to complex issues rather than a policy process whereby discussion of rights is either absent or marginalised. In his opinion, processes under which governments had to justify their actions relating to rights should be welcomed, particularly where a parliament is likely to be dominated by the executive.

The chief justice illustrated his comments by reference to uniform national schemes of legislation under which the Commonwealth, state and territory executives agree on a model of legislation which cannot be amended from that agreed form. He suggested that the result is effectively no parliamentary scrutiny of this type of bill. As a consequence there is a real challenge to ensure that parliament is not relegated to a rubber stamp for national legislative schemes. In a generous concluding comment, the chief justice observed that the systematic referral of bills to committees in the Senate has been a significant and in many ways a successful innovation.

One of the other highlights of the conference was a paper by former Senator Barney Cooney, who was a member of the Scrutiny of Bills Committee for 17 years and a chair of that committee for 12 years. The conference recognised former Senator Cooney’s contribution to legislative scrutiny by inviting him to be a co-patron of the next conference, together with Dame Catherine Tizard, a former Governor-General of New Zealand.

Former Senator Cooney’s paper emphasised the role of legislative scrutiny committees in the original dimension of parliament, which saw the development of the rule of law, the curbing of arbitrary power and the appropriate restraint of the executive. This function was vital to a fair and democratic society. Former Senator Cooney observed that the parliamentary committees which
scrutinise legislation may be the only way to ensure that some action is taken over flawed legislation. Former Senator Cooney saw the parliament as having a central position in good governance, exemplified by legislative scrutiny.

Former Senator Cooney saw common values in legislative scrutiny principles which were recognised by parliamentarians regardless of their party political stance. These values were a continuation of those expressed in great historical documents such as the Magna Carta, the United States Bill of Rights, the French Declaration of the Rights of Man and, in more recent times, the United Nations Universal Declaration of Human Rights. He warned, nevertheless, of the tension created in parliament between its ancient role as a check on the executive and more recent perceived dominance of the legislature by the executive. Happily, however, former Senator Cooney concluded that parliament had not surrendered its older function. Legislative scrutiny committees were vital in protecting personal rights and liberties, which are the foundations of civil society.

Other papers and ensuing discussion also raised issues with which the committee has been concerned. Among others these included international best practice for ex- planatory material for primary legislation, about which the committee recently agreed to write to the minister responsible for the legislation handbook. Other topics included matters with which the committee has become only too familiar, such as incorporation by reference to external material, and delegated legislative power with no provision for parliamentary scrutiny. However, the conference did not restrict itself to current concerns but included more speculative questions such as the desirability of routine public hearings for the legislative scrutiny process and whether our committees should issue press releases, in the same way as courts, in relation to their more significant actions. The relationship between the scrutiny of bills committees and a possible bill of rights attracted considerable attention.

On behalf of the committee I presented a paper on entry and search provisions in Commonwealth legislation, illustrating the role of the committee in protecting personal rights, while Senator Johnston gave a paper on regulation making powers in bills which focused on the committee’s function in relation to parliamentary propriety. The committee’s report to the conference on its activities during the last two years indicated that for the first time it has reported in a systematic way upon amendment of bills, and noted the encouraging number of cases where ministers have agreed to amend provisions upon which the committee has commented. The committee will table a detailed report of the conference papers and proceedings after consultation with our colleagues on the Regulations and Ordinances Committee.

The Commonwealth has always been an active participant at these conferences, and Senator Johnston and I found this one to be worth while and productive. The nature of the conference was perhaps best expressed by the chair of a state legislative scrutiny committee who was on the record as saying that he learnt more from one hour at the conference than from his previous nine months in parliament. I put on the record my thanks to Janice Paull from the Regulations and Ordinances Committee for her support to Senator Johnston, Senator Marshall and me in attending the conference.

Question agreed to.

Public Accounts and Audit Committee

Report

Senator WATSON (Tasmania) (5.17 p.m.)—On behalf of the Joint Committee of Public Accounts and Audit, I present the 394th report of the committee entitled Review of Australia’s quarantine function. I seek leave to move a motion in relation to the report.

Leave granted.

Senator WATSON—I move:

That the Senate take note of the report.

This report presents the committee’s review of Australia’s quarantine function. The review arose from the committee’s statutory obligation to review reports of the Auditor-General, namely, Audit report No. 47 of 2000–01, Managing for quarantine effec-
tiveness, which was tabled in June 2001. Besides the audit findings, the government provided in the 2001-02 budget almost $600 million over four years to strengthen Australia’s defence against the introduction of exotic pests and diseases. This followed the foot and mouth disease outbreak in the United Kingdom in February 2001.

The committee has therefore sought to reassure the parliament on two issues: (1) that the Auditor-General’s recommendations have been carried through; and (2) that the additional funds allocated to the quarantine function are being well spent. In general, the committee believes that Australia’s quarantine function is in good shape and additional funding is being appropriately used. It is not possible for Australia to adopt a zero risk stance with regard to quarantine, so there will be, from time to time, incursions of exotic pests and diseases. The committee believes Australia is well placed to meet those threats.

However, the committee has found some gaps where enhancement is warranted. Evidence to the inquiry has revealed a significant gap in border protection with regard to the potential for exotic biofouling organisms to enter Australia on the hulls of foreign vessels. The committee believes that biofouling organisms on foreign vessels is primarily a quarantine matter and has recommended that in Northern Australia, where the threat is greatest, the activities of the Northern Australia Quarantine Strategy—NAQS—be expanded to meet this threat. The committee considers that the Quarantine Act should be amended so that biofouling organisms fall within the legislation. As well, the committee has recommended that relevant agencies identify areas and introduce procedures whereby vessels posing a quarantine risk can be routinely, expeditiously and safely disposed of. The committee has reviewed quarantine preparedness and effectiveness under the NAQS program and has taken evidence on Australia’s ability to meet the threat of exotic pests and diseases. The committee believes that Australia is well prepared to meet existing and future quarantine threats, especially those emanating from the north.

Notwithstanding these comments, the committee received evidence of a long-term decline in the level of scientific expertise available in Australia which might be needed to assist in identifying disease incursions. The committee is concerned at this decline. The creation of a critical mass of expertise often requires a significant lead time, beginning with university undergraduate courses. While the committee did not take detailed evidence regarding how to build up scientific expertise, it supports any practical moves to address this particular weakness.

The committee has reviewed Australia’s appropriate level of protection, or ALOP, and in particular whether the ALOP needs to be more precisely defined. The committee does not consider greater definition is warranted. A more quantitative ALOP would invite debate and legal challenge as to whether quarantine measures for particular imports were consistent with the ALOP. Moreover, the World Trade Organisation considers that Australia’s current definition is appropriate. Indeed, other countries do not have a precisely defined ALOP. There is little by way of precedent provided by previous dispute cases before the World Trade Organisation, so altering Australia’s ALOP would needlessly increase uncertainty.

Evidence received by the committee is that Australia is no longer at the forefront regarding import risk analysis and has, in this respect, slipped behind New Zealand and the United States of America. The committee believes, therefore, that it is time to revisit the recommendation of the 1996 Nairn quarantine review that a centre of excellence be established to undertake risk analysis research.

A problem with the import risk analysis process identified by the Auditor-General and confirmed by the committee is that there is a significant backlog in dealing with applications to import commodities. A contributing factor is that Australia is vulnerable to a wide range of exotic pests and diseases. Nevertheless, evidence indicated that the backlog was leading to a degree of frustration expressed by some of Australia’s trading partners. The committee believes that it would be reasonable for applicants to have to
wait no longer than six months before consideration of their application was commenced, and it has recommended that additional resources be provided to allow this to be achieved.

I turn to current and projected free trade negotiations. The committee notes that there has been no credible indication that Australia is likely to trade off its current position on quarantine. However, the committee emphasises that determination of quarantine measures based on scientific assessment and risk analysis should not be compromised to facilitate free trade agreements.

During the inquiry, the committee conducted extensive inspections of Australia’s quarantine border operations. The committee was impressed with the enthusiasm, professionalism and performance of those officers it met and the strategy in Northern Australia of involving Indigenous peoples in quarantine activities. During the inspection of the Sydney Mail Exchange, the committee saw various goods, such as vacuum packed bratwurst sausages and plant material that had been seized from international mail items. These had been detected by X-ray operators. The sensitivity of the quarantine detector dogs was also demonstrated when a packet of seeds in an airmail letter from Europe was detected during the committee’s visit.

Indeed, the committee experienced at first hand quarantine in action when it returned from its Torres Strait inspection visit. To his embarrassment, the inquiry secretary was bailed up by a beagle: his bag had contained several oranges some days before. The committee also took the opportunity to inspect the new Customs container X-ray facility in Melbourne. This facility is expected to X-ray some 100 containers a day and is able to detect items such as illegal hand guns, drugs and plant material, including contraband cigarettes. The committee notes that in December 2002 this facility identified some 3.8 million cigarettes secreted in a consignment of radio headphones.

I would like to express the committee’s appreciation to those people who contributed to the inquiry by preparing submissions and giving evidence at the public hearing. AFFA was particularly cooperative in shadowing the evidence which was being received by the committee and addressing issues as they emerged, as well as responding to the committee’s queries. I would also like to thank members of the sectional committee involved for their time and dedication in conducting this inquiry. I also thank the secretariat staff: the previous secretary to the committee, Dr Margot Kerley; inquiry secretary, Dr John Carter; research staff member Ms Mary-Kate Jurcevic; and administrative staff member Ms Maria Pappas.

I would like to add a couple of other comments which I thought were quite significant. For example, evidence from the Australian Society of Parasitology suggested the biggest threat to Australia’s future quarantine function is the national decline in educational research training. They said:

There is no department of parasitology left now in this country. That has become a department of microbiology, and I believe from next year there will be two people who are parasitologists left in that place.

They then go on later in their submission to say:

CSIRO have cut back extensively on their parasite area as part of their cutback in the whole of the agricultural research area.

These are issues that I want to draw to the Senate’s attention. Also, as I mentioned earlier, in all the inspections we have been impressed with the professionalism, dedication and enthusiasm of the various personnel in the field. I would like to take this opportunity to recognise, for example, the dedication and professionalism of NAQS botanist Dr Barbara Waterhouse. Dr Waterhouse, in her own time, in addition to her other duties, has provided many thousands of specimens, including Siam weed, to the Queensland Herbarium. Officers like Barbara Waterhouse really do need public commendation for their dedication and hard work in the interests of keeping exotic weeds and diseases out of Australia. I think Australia is well served by people with the professionalism of Dr Barbara Waterhouse and her colleagues. Indeed, we would like to thank all people who have gone beyond the call of duty in keeping undesirable plant material out of Australia. I commend the report to the Senate.
Senator O’BRIEN (Tasmania) (5.27 p.m.)—I am pleased to support the motion to take note of this report. I congratulate the Joint Committee of Public Accounts and Audit on its review of Australian quarantine functions. I want to address the term of reference concerning the impact of international agreements on quarantine activities, including proposed bilateral free trade agreements. From the government’s point of view, formation of the free trade agreement between Australia and the United States is this nation’s key trade focus. The WTO Doha Round negotiations have faded into the background as the Howard government has turned its full attention to the proposed FTA with the United States. So skewed has the government’s focus become that yesterday the Minister for Trade, Mr Vaile, signalled that the government had just about given up on success at the World Trade Organisation. According to Mr Vaile:

... we cannot discount the possibility that the WTO round will not deliver a result—in agriculture, or in any other sector for that matter.

This is the sort of defeatism that only a trade minister who is not up to the job would engage in. Success during the Doha Round is crucial for Australian exporters, particularly exporters of agricultural commodities. Equally important to our agricultural sector is the maintenance of our quarantine barrier. In part, that is why the government’s focus on an FTA with the United States is of such concern to so many of our rural industries. The fact is that the United States has our quarantine system firmly in its sights. I want to tell the Senate what the US administration told the US Senate about its ambitions for our quarantine system. The Bush administration’s Special Trade Representative, Mr Robert Zoellick, wrote to the US Senate on 14 November last year. He said:

We recognize that an FTA with Australia is of particular interest and concern to the U.S. agriculture community. Making progress on a number of issues of concern to U.S. agriculture will be essential for the successful conclusion of these negotiations.

Mr Zoellick specifically identified our quarantine system as a target, again saying:

... several US agriculture interests have raised serious concerns about Australia’s use of sanitary and phytosanitary measures as a means of restricting trade.

For those who are not aware, that is a reference to the measures relevant to our quarantine system.

This week the Minister for Trade made a song and dance about Australia’s objectives in respect of negotiations about an FTA with the United States. The government has been much more reluctant to tell the Australian community about the United States objectives, which include, in addition to diminishing our quarantine barrier, the dismantling of our single export desks for wheat, sugar and rice. On Tuesday this week, the Minister for Agriculture, Fisheries and Forestry, Mr Truss, said the government would defend our quarantine system and the single desk. What he did not say is that these issues are on the table and subject to ongoing negotiations with the United States. How do we know this? Because that is what the Department of Foreign Affairs and Trade told Senator Cook and the estimates committee during the recent estimates round.

Senator Boswell—They don’t make the decision.

The ACTING DEPUTY PRESIDENT (Senator Hutchins)—Order! Senator Boswell, if you want to make an interjection, you should come and sit back in your seat.

Senator O’BRIEN—Yes, I think you should remind Senator Boswell to be orderly in his conduct in the Senate chamber. Just three weeks ago, Australia’s senior free trade agreement negotiator told a Foreign Affairs, Defence and Trade committee—and he should know—that:

The government’s consistent position in relation to the FTA negotiations with the United States has been that no sector or issue would be excluded from the scope of the FTA negotiations.

The clear position of the government is that no sector or issue is excluded from the scope of the free trade agreements negotiations. As a matter of fact, the committee was told that ‘nothing is ruled out’.

Compare that statement to the assurance given by the minister for agriculture to farm-
ers earlier this week. Mr Truss said our quarantine system and the single desk would not be on the negotiating table. This government has a well-deserved reputation for verbal dexterity on matters of honesty. In this case Mr Truss, the Department of Foreign Affairs and Trade, and the senior FTA negotiator cannot all be right. The government is running with the hares and hunting with the hounds: on the one hand, fronting up to Senate estimates and telling the truth—that is, that it is all laid out on the table and up for grabs: quarantine, the single desk, the lot—but, on the other hand, turning up to farming meetings and saying that the government would not think about giving up the right to manage our quarantine system. This issue is particularly important in the context of the import risk assessment management process that Senator Watson touched on.

I understand that informal discussions between the Department of Foreign Affairs and Trade and industry representatives have raised the outcome of the current import risk assessment processes concerning chicken meat, pig meat and citrus, which have been identified as matters that may be of interest to the US free trade agreement negotiators. The government says that the free trade agreement negotiations will not compromise the integrity of our quarantine standards. That is all well and good, but the government must also commit to ensuring that the integrity of the import risk assessment process will not be compromised. I am concerned that, while the priorities that underpin our quarantine standards may survive the FTA negotiations, they will survive in name only—that is, the integrity of the import risk assessment system will be diminished.

I am also concerned that the import risk assessment process will be compromised through reducing the number of steps in the process, the time available for each step in the process, or a combination of both of these actions. Taking short cuts in an IRA process is a dangerous move that may risk hundreds of thousands of rural and regional jobs. I understand the government is placing pressure on Biosecurity Australia to release a draft import risk assessment for uncooked chicken meat before serious negotiations with the United States commence. That would be a deadline based not on a considered process but on a need to gain some leverage in upcoming trade talks.

I am also aware that representatives from a company known as Smithfield, the third largest pork producer in the United States, were in Australia in January looking at strategies for marketing their product in this country—

Senator Boswell—They might want to—

Senator O’BRIEN—Their product from the US, Senator Boswell. That company is clearly backing the Bush administration to get the right outcome on pig meat in the upcoming free trade agreement negotiations. Most of us have an understanding of the threat to our domestic industries from uncontrolled disease outbreaks. Australia is blessedly free from many animal and plant diseases that afflict our international competitors, but the difference between our situation and theirs is sliver thin. The only difference is the foresight of previous governments in establishing a comprehensive, rigorous and science based quarantine system—the system which complies with the WTO rules and serves our national interest.

It is vital that the government stands up and defends the integrity of our quarantine barrier. That is the clear message received by the committee in written submissions and evidence. It is a message that Labor acknowledges and understands. It is disappointing enough that the government has given up on the reform of agricultural trade barriers through the WTO, but I am calling on the Minister for Trade to reconsider his defeatist approach. I call on the government to come clean on what is really up for grabs during negotiations on the free trade agreement with the United States.

I want to congratulate the participants in the inquiry. I was not part of it, but I think it has done a very good job. I want to acknowledge the many individuals and organisations that provided submissions and evidence to the inquiry. The interest in the inquiry is due to the evidence of the important role that quarantine plays in protecting our rural industries, our natural environment and the
health and welfare of the people of Australia. Any attempt by the Howard government to undermine our quarantine regime will be at its peril. I referred earlier to a document, a letter from Mr Zoellick, which I seek leave to table. (Time expired)

Leave granted.

Senator BOSWELL (Queensland—Leader of the National Party of Australia in the Senate and Parliamentary Secretary to the Minister for Transport and Regional Services) (5.37 p.m.)—I thought we would have a bit of relief from Senator O’Brien. He usually books himself in on Wednesday for his weekly tirade against the minister for Agriculture, Fisheries and Forestry, Warren Truss. But unfortunately that was a hope rather than an expectation, because all he did was put it off until a later date. That must be one of the most desperate speeches I have ever heard in this chamber. It was almost like something from the McCarthy era—that is, looking for something to turn up so that you can attack it. The essence of the speech was that a public servant said in a statement at an estimates committee that everything was on the table.

Senator O’Brien—you had a negotiator, Mr Deady. Didn’t he know what was going on?

Senator BOSWELL—I do not care who he was. The point is that in this government it is not the Public Service that makes the decisions on what is going to happen; it is the minister, the party room and the cabinet that make the decisions. It does not matter a hoot what a public servant says to an estimates committee that everything was on the table.

Senator O’Brien—You had a negotiator. Where are the National Party in the bush? You have lost all your seats.

Senator BOSWELL—The National Party is doing very well in the bush. It still
holds the portfolio of primary industry, where the decisions are made. Do not think you are ever going to get the ministry. I have been here 20 years and I will be here another 20 years before you even get across to this side of the house. That speech was a nonsense. A couple of inconclusive remarks made on different occasions were strung together out of desperation to say that the government is going to put at risk the whole great primary industry of Australia. What absolute, unmitigated nonsense.

Question agreed to.

DOCUMENTS

Auditor-General’s Reports

Reports Nos 31 and 32 of 2002-03

The PRESIDENT—In accordance with the provisions of the Auditor-General’s Act 1997, I present the following reports of the Auditor-General:

Report no. 31 of 2002-03—Performance Audit—Retention of military personnel follow-up audit.

Report no. 32 of 2002-03—Business Support Process Audit—Senate order for departmental and agency contracts.

Senator HOGG (Queensland) (5.44 p.m.)—by leave—I move:

That the Senate take note of report No. 31 of 2002-03.

I rise to speak on audit report No. 31 2002-03, Performance audit: retention of military personnel follow-up audit. Having been involved in both the Senate Foreign Affairs Defence and Trade References Committee and the legislation committee for a long time now, I have had a great interest in this. I know that you, Mr Acting Deputy President Hutchins, were involved, with me and other members of this chamber, in an inquiry which looked specifically into the issue of recruitment and retention of ADF personnel.
A project to assess the cost of replacing personnel is expected to be completed by 2004.

Given that the previous report of the ANAO was back in April 2000, and we had a Senate inquiry report in October 2001, finally we see in this report that Defence are getting around to assessing the cost of replacing personnel and are to complete this by 2004. Surely that is something that they could easily have got on top of a lot earlier, because it is one of the key issues in looking at the wastage that is occurring in retention of personnel in the Australian defence forces. One then goes on to recommendation 2, which says:

Specific responsibility for retention has been assigned to several organisational levels in defence. Immediately I see that, I start to shudder, because it means that it is getting the good old shuffle around the Department of Defence once again. It goes on:

The Services ... are also working to refine the key drivers and the effects of retention issues. Surely these have been canvassed enough over the years, going back, as I said, to the Hamilton report in 1986; the Cross report, which was a very comprehensive report making 48 recommendations, in 1988; the Glenn report in 1995, which made 120 recommendations; issues arising out of the Defence efficiency review back in 1997; the From phantom to force: towards a more efficient and effective Army of August 2000; and, of course, the Defence white paper itself.

One wonders what is really happening inside Defence. Are they just stalling once again to have appropriate reform take place so that the important issue of retention can be addressed? In recommendation 2, they go on to say:

It is estimated this framework will be completed in July 2004. Personnel matters within Defence have been, and continue to be, the subject of new planning processes ...

If anything has ever been planned, it must be personnel matters within Defence. They have been hauled over, they have been reviewed, they have been put under very close scrutiny over a long period of time and, with three fairly substantial reports on the status of retention and recruitment within the ADF, we find now that they are subject to a number of new planning processes. The report goes on to say that the proposed Defence people plan will continue to provide a vision and strategic guidance for Defence personnel policies, will specifically target recruitment and retention issues, and is to be considered by the Defence People Committee in 2003.

One would hope that we are going to see more activity than just these platitudes that are repeated in the ANAO report tabled here today. One would trust that there is more activity in the Department of Defence than is indicated here. Looking at the issue of education in this report, which is a real problem within the Department of Defence, would tickle the fancy of anyone. Young people, moving with defence families, find themselves the subject of a number of education systems throughout Australia because of the transfer system. This report alludes to the fact that Defence is continuing to use the Ministerial Council on Education, Employment, Training and Youth Affairs, together with ongoing discussions with state and territorial education departments, to promote the educational interests of defence families. I met a young person the other day who, during their school career, had been to 13 different schools. Of course, that must have an impact on the continuity and quality of education they receive. In our Senate defence committee inquiry into the retention and recruitment in Defence, we found that that is a major issue. Here in this ANAO report we find that there are still ongoing discussions. This is something that has been the bane of Senate Foreign Affairs, Defence and Trade References Committee inquiries over a long period of time. Former Senator West often spoke of the difficulties in this area. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

Responses to Senate Resolutions

The ACTING DEPUTY PRESIDENT (Senator Hutchins)—I present various responses to resolutions of the Senate as listed at item 15(a) on today’s Order of Business.

The list read as follows—

Response from the Prime Minister (Mr Howard) to a resolution of the Senate of 6 Febru-
ary 2003 concerning the use of nuclear weapons
Response from the Minister for Police and Emergency Services (Mr Wood MLA) to a resolution of the Senate of 11 December 2002 concerning the protection of unsupervised children
Response from the Premier of Western Australia (Dr Gallop MLA) to a resolution of the Senate of 9 December 2002 concerning photovoltaics in Australia

Iraq

Senator BARTLETT (Queensland—Leader of the Australian Democrats) (5.54 p.m.)—by leave—I move:

That the Senate take note of the document.

This response from the Prime Minister is to a resolution of the Senate of 6 February, and is a particularly important response in the current context of Australian troops who are quite likely to shortly be committed to war in Iraq with troops from the US, the UK and possibly other nations. The resolution of the Senate specifically expressed opposition to any use of nuclear weapons in any conflict in Iraq and sought that the Prime Minister oppose any Australian involvement in a war where there was the possibility of nuclear weapons being used. It builds upon questions that were asked by the Australian Democrats of the Prime Minister’s representative in this chamber, Senator Hill. These questions sought the Prime Minister’s action in getting a clear-cut statement ruling out the possible use of nuclear weapons by the governments of the UK and the US. We wrote to the Prime Minister specifically asking him to use his so-called peace mission to the US and the UK, and to the United Nations, to get a clear-cut guarantee from those nations that they would not use nuclear weapons. What we have, in this response by the Prime Minister, is another occasion where he will not make a clear-cut statement, leaving himself wiggle room all the time. You wonder why the Australian people sense that there is something just not right at all about this whole plan for war when even on something as basic as the possible use of nuclear weapons you cannot get a clear-cut statement from the Prime Minister. His statement says:

At no point during my recent meetings in Washington and London was I given any cause for concern with regard to the threat or use of nuclear weapons … There is a big difference between not being given any cause for concern and being given a clear-cut guarantee that nuclear weapons will not be used. We all know, and the Australian public knows—they are not fools—that this Prime Minister is very good at not being told what he does not want to know.

We have seen it with this Prime Minister in the children overboard affair amongst other things. People who have discussions and meetings such as these are clearly not going to raise anything. Who in their right mind would raise the possibility with the leader of another nation that nuclear weapons might be used if that leader has said that if he knows there is going to be the use of nuclear weapons Australia will not be involved? Of course they are not going to tell him, which is why the Prime Minister should have asked for—it is pretty straightforward—and received a clear-cut guarantee. Simply providing this misleading half statement to the Senate in this response to the Senate’s resolution, saying that he had not been given any cause for concern, is simply not good enough. It is the sort of diplomatic double-speak that might sound fine on the surface but is clearly not convincing. If he did get a clear-cut guarantee he would say so. So, again, you have to wonder why he didn’t get it and why he won’t make such a simple straightforward statement.

From the Democrats’ point of view, it is another indication of the approach this government has taken in leading Australia into an unjust and unnecessary war, tying us immovably to the foreign policy objectives of United States and ignoring the multilateral frameworks for peaceful disarmament. Every step of the way there has been obfuscation. There has been an unwillingness to provide information to the Australian people. There has been a lack of interest in providing information to the parliament. There has been continual dodging and weaving about what decisions were made when and what the decisions actually mean. We still have the pretence being followed that, somehow or other, it is actually a realistic possibility that if war
starts the Australian government may still decide to turn our troops around and pull out. That is an absurd concept, as every Australian knows, yet we still have the Australian Prime Minister continuing to hold up this fiction that no decision has been made and Australia may still decide not to participate in any war that starts.

We had the fiction today and yesterday when the Prime Minister and Minister Hill said that no decision would be made until UN processes were finalised. When pressed on what that meant in question time today, it quite clearly meant nothing of the sort. It meant, ‘If we don’t get what we want out of the UN then we’ll look at the situation and do something else if we so decide.’ This continual sophistry and the Prime Minister’s lack of being direct, straightforward and upfront is part of the reason why so many Australians are apprehensive and very concerned about the prospect of war. They know the case does not stack up. They know that the arguments are flimsy and the justifications are poor. When you continue to get from the Prime Minister these half answers, containing escape clauses, as some kind of response to a clear-cut resolution of the Senate, it is no wonder that the Australian people do not support this approach.

For the Prime Minister to get a clear-cut guarantee from his allies that they will not use nuclear weapons is a simple request and, one would have thought, a simple thing to achieve. The reason why these questions continue to be asked and the reason why the Senate supported this resolution on 10 February is that Prime Minister Blair and the UK defence secretary, Mr Hoon, continually refuse to answer—using the usual diplomatic trick of neither confirming or denying and saying that it is hypothetical and all those sorts of tricks—the straightforward question: is there any prospect of nuclear weapons being used? As Mr Howard says in the response, ‘I see no prospect of nuclear weapons being used.’ It is easy not to see something if you do not want to look, but that is simply not good enough for something as fundamental as this.

Let us remember that one of the key justifications for this potential conflict is disarmament. President Bush was on the television again today saying, ‘We will disarm Saddam Hussein.’ That is good. Everyone wants to do that. The Democrats say we should ensure peaceful disarmament and let the current processes through the UN run their course and not cut them short because they do not meet the US timetable. If we are seriously considering doing this as a government and as a nation—because if the government decides to pull us into war our nation will, for better or worse, be at war—supposedly we are doing that predominantly for disarmament. However, one of the key issues that would undercut any prospect of genuine disarmament around the globe is the use of nuclear weapons. It would dramatically annihilate any prospect of serious disarmament. If we are serious about disarmament, it cannot stop at Saddam Hussein. There has to be a genuine global commitment—a commitment globally that seems to have weakened in recent years, I might add—for disarmament across the board with other nations building on the frameworks, conventions and agreements to reduce those weapons and particularly weapons of mass destruction, such as nuclear weapons.

For the UK to refuse to rule out the use of those weapons, and for many senior US officials, including their defence secretary, to have repeatedly refused to rule out the use of nuclear weapons—leaving aside any prospect that Australia could be party to an action that may lead to our side using nuclear weapons—is grossly irresponsible. There should be no wriggle room. There should be no room for doubt or for manoeuvre. There should be no prospect whatsoever of that. Any risk is too big a risk in this area. I acknowledge that some people who are genuinely concerned about weapons of mass destruction argue about humanitarian issues in Iraq. Some people, whose views I respect, say that the choice is difficult, but there is a case. The Democrats believe that that case has not been made by a long shot, but I recognise some people believe that. However, if people feel that there is some need for war as a difficult, hard and unfortunate choice, the least they can do is ensure that there is a cast-iron guarantee that nuclear weapons will not be used. The Prime Minister has failed to
get that guarantee from the UK and the US governments when he is in the perfect position to get it, and he has failed to give that guarantee to the Australian people despite being given the opportunity by the Senate’s resolution. In his response to the Senate today he has once again left the door open and refused to make a simple, clear-cut, categorical statement of absolute certainty. (Time expired)

Senator BROWN (Tasmania) (6.04 p.m.)—The Prime Minister has been very duplicitous on this matter. He initially said, and he reiterates this in his letter to the Senate, that if he believed that nuclear weapons were going to be used, he would not allow Australian forces to be involved. His original statement on that led me to put the motion before the Senate, which the Senate supported, that, during his trip to Washington and to London, he should put to President Bush and to Prime Minister Blair the Australian position that no nuclear weapons should be used in any war with Iraq.

If you read the Prime Minister’s letter carefully—and you have to read between the lines with this Prime Minister—he did not do that. The Prime Minister did not have the gumption when speaking about war preparations with President Bush or Prime Minister Blair to say, ‘I am not going to allow Australian defence personnel to be involved in a war where there is even the smallest potential for nuclear weapons to be used.’ He did not have the gumption to say that on behalf of the Australian people, let alone on behalf of the 2,000 defence personnel he has placed in that theatre of war. The Prime Minister quite clearly should have had the guts to raise the issue because it has been raised in the international media. In fact, it has not just been raised out of thin air; it has come from US defense sources. They leave open the option of using nuclear weapons—so-called bunker busters—if needs be. It is a remote chance, but that option is left open. The President of the United States, no less, has refused to rule out the use of nuclear weapons.

Australians would be appalled by the use of nuclear weapons. But this Prime Minister will not say, ‘Australian Defence Force personnel are not going if nuclear weapons could potentially be used.’ This Prime Minister does not have the gumption to say to the President of the United States, ‘I want you to clearly rule out nuclear weapons.’ That is what the Senate asked him to do, and that is what commonsense says he should do, but he did not do it—and ditto for London and Prime Minister Tony Blair. That is irresponsible of Prime Minister Howard. He said that he would rule out our troops being in Iraq if there was a chance that nuclear weapons would be used, but he failed to clear the air on the matter when he could have. He told the Senate:

At no point during my recent meetings in Washington and London was I given any cause for concern with regard to the threat or use of nuclear weapons should there be conflict in Iraq.

Because he did not ask, and that was stupid and irresponsible. That was a prime minister tugging his forelock to George W. Bush. Our Prime Minister does have a subservient attitude to the President of the United States if he is unable to raise a question like this, eyeball him and say: ‘No nuclear weapons, George, or Australia is not going to be there. Let’s clear the air on that.’ Prime Minister John Winston Howard does not have the gumption, so the spectre of nuclear weapons, however dim, remains hanging over the potential for war—which is effectively a reality now—with Iraq.

Many of us here will remember the threat by President Nixon of the use of nuclear weapons in Vietnam. The world was horrified. When you look at the character of that president, you can see that that threat had to be taken seriously. We have to remember that there is only one country on the face of this earth that has ever used nuclear weapons in conflict, and that is the United States of America. The Iraqis do not have the wherewithal; they do not have nuclear weapons. The biggest arsenal in the world is under the control of George W. Bush. The reports coming from his camp—and maybe they are just to frighten Saddam Hussein, but nevertheless they are reported in the American and world media—say that there are exigencies where bunker buster nuclear weapons are going to be used in this war.
The Senate told our Prime Minister, when he left to go to the United States and Britain, to raise the issue and clear the air on this. He did not do that, and instead he sends this fob-off, pathetic letter to us. The Prime Minister has squibbed on this. He has squibbed on the right of his Defence Force personnel to know that nuclear weapons are ruled out as far as the coming conflict is concerned. He has let them down. These are the very people he went to see off. They have a right to maximum security and backing from their government, but they do not get it when it counts.

We know the fear there is about having injections to vaccinate against anthrax and smallpox, which personnel could be exposed to in this war. We know the division of feeling there is about that among our Defence Force personnel. Let none of us believe that the spectre of even the smallest chance of nuclear weapons being used in this war is not a matter of enormous concern to our Defence Force personnel, their families and this country. The Prime Minister has let the country down once again. He has let the troops down, and he cannot say, ‘I didn’t know,’ because the Senate asked him specifically, days before he went, to speak to President Bush and Prime Minister Blair. He did not and he sends this pathetic response to the Senate. Let that be on his record, and let us all pray that nuclear weapons do not enter into the coming conflict which Prime Minister John Howard supports and to which he has sent our Defence Force personnel to engage in against the wishes of the majority of the people of this country. But it should not be left to us to pray that that will be the outcome. The chance of this should have been eliminated, but the Prime Minister failed when he had the opportunity to do just that.

Question agreed to.

WORKPLACE RELATIONS AMENDMENT (SECRET BALLOTS FOR PROTECTED ACTION) BILL 2002
[No. 2]
First Reading

Bill received from the House of Representatives.

Senator ELLISON (Western Australia—Minister for Justice and Customs) (6.14 p.m.)—I move:
That this bill may proceed without formalities and be now read a first time.

Question agreed to.

Bill read a first time.

Second Reading

Senator ELLISON (Western Australia—Minister for Justice and Customs) (6.14 p.m.)—I move:
That this bill be now read a second time.

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

Leave granted.

The speech read as follows—

This bill makes a secret ballot of employees a precondition for protected industrial action.

This bill is identical to one introduced into the House of Representatives on 20 February 2002, which was rejected by the Senate on 25 September 2002.

A secret ballot is a fair, effective and simple process for determining whether a group of employees at a workplace want to take industrial action. It will ensure that the right to protected industrial action is not abused by union officials pushing agendas unrelated to the interests of the workers at the workplace concerned.

Predictably, the ALP opposed the previous bill in the Senate. The Australian Democrats also opposed the previous bill, but proposed amendments. Those amendments would not have made a secret ballot a mandatory pre-condition to protected action. They would not have protected union members from possible coercion or intimidation in requesting a secret ballot prior to industrial action. Hence the government rejected the Democrats’ amendments, and is pursuing the present bill.

Under this bill, secret ballots will not impede access to lawful protected action, but will provide a mechanism to ensure that protected action is a genuine choice of the employees involved. This will protect jobs by avoiding unnecessary strikes. The bill will enhance freedom of choice for workers and strengthen the accountability of unions to their members.

The conduct of a ballot will commence with an application to the commission for a ballot order. The applicant will propose a ballot agent, to conduct the ballot, and will propose the ballot ques-
tion and the way in which the ballot is to be conducted.

An applicant, such as a union, can be the ballot agent, provided an independent advisor is appointed to oversee the ballot process.

The bill provides for postal ballots as the default method for a ballot, but gives the commission discretion to approve other methods, including on-site ballots.

If a union applies for a ballot, only union members whose employment would be covered by the proposed agreement would be entitled to vote. Where employees seeking a non-union agreement make an application, all employees whose employment would be covered by the proposed agreement would be entitled to vote. Only those union members or employees entitled to vote in a ballot would be able to take any subsequent authorised protected industrial action.

The bill does not require precise details and timing of the proposed industrial action to be specified in the ballot question. The bill allows for industrial action to commence within a 30 day period, beginning from the date the ballot result is declared, or the nominal expiry date of the relevant certified agreement, whichever is the later, although the commission may extend this validity period once, with the agreement of the parties.

The bill makes the Commonwealth liable for 80 per cent of the reasonable costs of a ballot, which the Commonwealth will pay directly to the ballot agent. This addresses accessibility concerns by requiring the Commonwealth to bear the majority of the cost, and limiting the impact which upfront costs would otherwise have on applicants.

The bill limits the scope for legal challenges to ballot orders and ballots, to minimise the possibility of delays and uncertainty that could affect employees’ access to lawful protected action.

At the completion of a ballot, both the ballot agent and the independent advisor, if any, will provide the industrial registrar with a written report about the conduct of the ballot.

As before, the bill sets out simple and practical ballot requirements that guarantee the opportunity for employees to democratically decide whether to take industrial action.

Debate (on motion by Senator Mackay) adjourned.
relation to more than one employee of a single employer.

The major issue of contention is the successful move by the Australian Labor Party to not remove from federal legislation and from federal awards provisions that entitle employees of small business to argue a case of unfair dismissal in front of the independent Australian Industrial Relations Commission. In the Senate the Labor Party has removed a provision that the Liberal government was attempting to have passed which removes a fundamental protection and security and right of employees of small business where they believe they have been unfairly dismissed—and I would acknowledge it is a small number of cases where a small number of small businesses behave prima facie incorrectly and do not follow due process in dismissing employees—to argue for their reinstatement and/or compensation in front of the independent industrial commission.

The Liberal government’s legislation removes that basic, fundamental right and security and protection from small business employees in respect of the federal industrial relations jurisdiction. We estimate that this would remove that right and protection and security from the 30 to 40 per cent of small business employees who are covered by the federal industrial relations jurisdiction. The Labor Party will maintain its position and will vote tonight to reject the message from the Liberal government. We believe that all Australian workers have a fundamental right to security and protection and the right to argue that their dismissal was unfair.

This matter has been before the Senate on, I think, seven or eight occasions. The Labor Party will not be backing down. It will not be changing its mind. It will not agree to the removal from a substantial number of Australian employees the fundamental right to have their day in front of the independent industrial commission to argue that they have been unfairly dismissed. The Labor Party believes that it is fundamental in Australian political culture that all Australian citizens have a right to their day in court if they so choose. A Liberal government wants to remove that right for a considerable number, probably a million plus, of Australian workers. That is unacceptable to the Australian Labor Party. It is a fundamental principle from which it will not be backing down.

I have indicated that there were a number of amendments. The Labor Party took a positive approach to this legislation. It successfully moved what would be considered to be minor amendments in the context of the issue I have been discussing but, nevertheless, they are important amendments because they
improve the process of unfair dismissal for small business. But the Liberal government cannot even see that these amendments improve the process of considering an application of unfair dismissal by a small business employee in the federal jurisdiction.

As I said earlier, I think this matter has been debated by the Senate seven or eight times. The Labor Party has not changed its view, and it will not be supporting the message from the Liberal government in the House of Representatives. It will not back down on the fundamental principle of protecting small business employees and providing security for them in the federal jurisdiction. As a consequence, if this message is rejected, the government has two or, possibly, three options. Firstly, it will have established a trigger for a double dissolution election. Of course, exercising the use of that trigger is a decision for the Liberal-National Party. Secondly, it can choose not to proceed with what the Labor Party believes is an unfair approach which removes essential protections and securities and removes the fundamental legal right of all Australians to a fair go to argue, in this case, in an independent industrial tribunal. That is the Liberal government’s call. That is a decision that it will have to make on the assumption that the Senate continues on the path of ensuring that small business employees continue to be protected and continue to have a right to argue for unfair dismissal in the federal industrial commission.

Senator MURRAY (Western Australia) (6.26 p.m.)—The starting point for me is the question of whether the truth is being told in this matter. In this place we all put up with—and probably indulge in at times—a bit of hyperbole or political puffery. The difficulty for the government is that, when it wants to be believed on a big issue like Iraq and it wants people to trust them and to believe its assertions and its point of view, it must remember that people take into account when the government does not tell the truth or when it exaggerates a situation. Things stick in people’s minds. They say, ‘Well, it is the government, they must know what they are doing.’ I ask, ‘Do you trust them?’ They say, ‘Perhaps not.’ I say, ‘Think of the times that you know that they have said things which have turned out not to be true.’

I can easily name a few of these times, although I am sure that senators around the chamber can think of more than I can. There was the statement that 70 per cent of Australia faced a land grab by Indigenous people for native title and that people were at risk of losing their freehold title. There was the ‘children overboard’ affair. There was the claim that getting rid of a couple of thousand unfair dismissal applications involving small business under federal law would result in 50,000 jobs. The trouble is that the Senate record shows that the person who originated that claim is the head of COSBOA. He told the Senate committee quite clearly how he did it. It was a thumb-suck; it was an off-the-cuff remark. Subsequently, he recanted that claim. However, ever since, the government has hung its hat on that specific claim.

I want to return to a more immediate bit of excessive hyperbole and exaggeration. Senator Ian Campbell, who otherwise is a very nice man, gave a radio interview—and he can correct me if the record shows otherwise—in which I recall him saying that the Senate opposes legislation all the time, that the Australian Labor Party and the Democrats should stop being negative all the time and stop opposing for the sake of opposing, and that we do not have any alternative policy ideas. Those comments were made with a view to persuading the people of Australia that the non-government parties in the Senate behave in a particularly obstructive and destructive way, and with a view to trying to insist that the executive government of this country has an authoritarian right to impose its will.

Let us look at the facts and at this idea that the Labor Party and the Democrats are negative and oppose legislation all the time. Let us start, if we may, with the period when Labor were in government. You would assume that the coalition would let through every single bill. Of course, they did not. In conjunction with the Democrats, they quite properly stopped certain legislation going through. For the period May 1990 to December 1992, 602 bills were passed by the Senate; two bills were negatived. Again, un-
der the Labor government, from the period May 1993 until December 1995, 496 bills were passed by the Senate and seven were negatived. I assume that at that stage Senator Ian Campbell was in the chamber and would have participated in opposing bills, quite properly and well done for it. For the period May 1996 to July 1998—this is the first period in which the coalition were in power—427 bills were passed by the Senate and two were negatived by the Senate. For the period November 1998 to September 2001, 582 bills were passed by the Senate and 14 were negatived.

The number of bills passed from February 2002 to 3 March was 162 bills in 123 packages. Six bills were negatived by the Senate: the National Health Amendment (Pharmaceutical Benefits-Budget Measures) Bill, in June 2002; the Trade Practices Amendment (Small Business Protection) Bill, in August 2002 and March 2003; the Workplace Relations (Secret Ballots for Protected Action) Bill, in September 2002—voted against, I seem to recall, by the government—the Family and Community Services Legislation Amendment (Disability Reform) Bill, in November 2002; and the Migration Legislation Amendment (Further Border Protection Measures) Bill, in December 2002.

Three bills have been laid aside by the House with unacceptable Senate amendments: the Workplace Relations Amendment (Fair Dismissal) Bill, in June 2002; the Workplace Relations Amendment (Prohibition of Compulsory Union Fees) Bill, in September 2002; and the Australian Security Intelligence Organisation Legislation Amendment (Terrorism) Bill, in December 2002.

The point is that the people of Australia were misled by the view of the parliamentary secretary, who carried the debate on this bill and who is the Manager of Government Business in the Senate. He misled the people of Australia over the behaviour of the non-government parties in the Senate. But he is truthful in saying that some bills were rejected—he did not say ‘some bills’: he said ‘lots’ or ‘all’ or ‘many’—because the Senate is the only chamber, unlike the house of the executive, which is sometimes called the House of Representatives, where legislation is productively debated, often clause by clause, where expert and community input into that legislation is invited by the Senate’s committee system and where it is possible to make the government of the day accountable. They have to justify their legislation. They cannot just impose it.

There is another bit of information which concerned me in terms of its accuracy. In a press release on Sunday, 2 March 2003 the Parliamentary Secretary to the Treasurer, Senator Ian Campbell, said:

Opposition parties have voted against the unfair dismissal legislation 27 times.

I do not know how that figure is arrived at. I went back and checked. Perhaps you can substantiate it. Unfair dismissal and small business legislation, as I have it, have been rejected in seven bills. Maybe there have been more but these are the only ones I can find. The first is the Workplace Relations Amendment Bill in 1997, which was negatived at the second reading on 21 October 1997.

By the way, you might recall that in the debate I said that the Democrats had an agreement with the government that there would be a fair go all round and that fair dismissals would apply for all workers—every worker would be entitled to access unfair dismissal legislation. I said that the government had made a public commitment in the 1996 election that all workers would be covered by unfair dismissal legislation. In response, the parliamentary secretary said: ‘Ah, but we went to the election in 1998 and 2001 with a changed policy and we have the mandate of the people.’ I will remind you that the Workplace Relations Amendment Bill in 1997, after our agreement but before the next election, actually reneged on our deal. That was negatived at the second reading on 21 October 1997.

The Workplace Relations Amendment Bill 1997 No. 2 was negatived at the second reading on 25 March 1998. The Workplace Relations Amendment (Unfair Dismissals) Bill 1998 was negatived at the second reading on 14 August 2000. The Workplace Relations Amendment (Unfair Dismissals) Bill 1998 No. 2 was negatived at the second reading on
Wednesday, 5 March 2003

26 March 2001. In the case of the Workplace Relations and Other Legislation Amendment (Small Business and Other Measures) Bill 2002, which was introduced to the House of Representatives on 30 August 2001, an election was called before the bill was dealt with in the House of Representatives. The Workplace Relations (Fair Dismissals) Bill 2002 was laid aside by the House of Representatives on 28 June 2002 with unacceptable Senate amendments. The Workplace Relations (Fair Dismissals) Bill 2002 No. 2 passed the Senate on 3 March 2003 with amendments yet to be considered by the House of Representatives. I am sorry to take you through that litany but that says to me seven bills, not 27 times. But perhaps the parliamentary secretary can justify it.

My point is that I do not see why on radio that night Senator Ian Campbell felt the need to exaggerate. I think he is right. I think his constituency absolutely supports the coalition campaign to get rid of unfair dismissal legislation, not just for small business workers but for all business workers. I think that is so. But the fact is that the parties which represent the rest of the Australian population do not support that, and that is a debate contest. You do not need to say that the Senate opposes legislation all the time—I have read you the record that it does not—or that it has been voted against 27 times when I can find only seven bills.

The other thing that emerged since the debate which interested me—and I was interested to hear Senator Coonan recounting from the document today—was the OECD Economic Survey into Australia, March, 2003. It says at page 80:

OECD assessments consistently show that Australia’s employment protection legislation is one of the least strict in the OECD area—

this is March 2003—

the only countries with more relaxed EPL being the United States, the United Kingdom, Canada and Ireland. Australia’s strictness of EPL ranks particularly low with regard to procedural requirements in the case of individual dismissal and on the criteria used in the compensation given for unfair dismissal.

This is despite the fact that many of the states have more rigorous regimes than does the federal regime. The report continues:

Employee conduct in economic redundancy or retrenchment are legitimate grounds for dismissal. There are also relatively low legal requirements for notice periods. In addition, regulations for temporary employment are comparatively light-handed. There are no restrictions on the type of work or areas of economic activity where temporary work agencies can become active. Current legislation neither specifies a maximum number of successive contracts or contract renewals. It is likely to have played a facilitative role in the adoption of new techniques such as ICT, which often require changes in personnel.

My interpretation is that they are saying we are an easy to dismiss country where flexibility in work practices contributes to job growth and performance. To be fair, the article does then go on to quote the Harding report. It does go on to say that the government is attempting to make further changes to make it even easier. But Australia is not regarded by the OECD at least as a repressive regime which restricts job growth. It has been included in an overall report which ticks off Australia very well as a highly productive and performing economy.

The points I want to conclude with are as follows: we and my party, who are not beholden to either business or the unions, have the view that the evidence does not show that you should be taking away the human rights of individuals in employment circumstances where they have been unfairly dismissed. When this legislation was defined and set out originally we know that all parties agreed to the 1996 election commitment that all workers would have unfair dismissal coverage. We believe that the government invented this bill and type of approach solely to provide double dissolution triggers, and they have used them for that purpose for three elections. We believe that no evidence has been proven to show the actual job consequence of getting rid of unfair dismissals. We accept that getting rid of impediments to how you hire and fire do indeed affect the mentality of people when they hire and fire, but quite properly they are therefore more careful about the people they hire and they are there-
fore more careful about the means by which they dismiss them.

Our view remains that the Workplace Relations Amendment (Fair Dismissal) Bill is a contrived bill and it should not be supported. But our view remains, as does the Labor Party’s view, that the unfair dismissal regime does need further reform. And we and they, I am sure, will contribute to further reform of the processes concerned.

Senator IAN CAMPBELL (Western Australia—Parliamentary Secretary to the Treasurer) (6.41 p.m.)—With the exception of the last few minutes, Senator Murray has spent the last 15 minutes responding to my claim that the opposition parties—particularly the Labor Party and the Democrats—in relation to this measure and some other key budget measures including the PBS reforms that were negatived by the Senate yesterday—were oppositionist. As I said in an interview on the AM program, they displayed an oppositionist mentality. It was negative and carping. It also defined the Labor Party because they define themselves by what they oppose not what they propose. I stand by that.

Senator Murray has had to show a sensitivity to being exposed as being part of a trenchant opposition to a number of measures. It is not entirely fair on the Democrats because they have, particularly where he has been involved, shown an openness to negotiating and trying to get better public policy—and I commend him for that. But I stand by my claims that the government has been re-elected twice on a mandate—and I think he respects this—to reform unfair dismissal laws, particularly in relation to small business.

Senator Murray described me as a nice guy—I do not know whether I would do that or not. I try to be nice sometimes and it is struggle sometimes, but I am sure I can be grumpy, nasty and horrible sometimes as well. I do try to be nice, unlike Senator Murray who is nice almost all of the time. There are some who may disagree, Senator Murray—some dog owners in Perth in particular.

Senator Murray—I do not think they are in this chamber.

Senator IAN CAMPBELL—No, four-legged dogs are not allowed in here! But you have admitted that you at least thought I was a nice guy, perhaps just because I buy you the odd brandy or so—and we are cooking up some reform on alcohol taxation behind the Treasurer’s back. Senator Murray, against his better judgment, because he is very sensitive about this obstructionist tag, would respect the fact that when the government loses measures that are close to its heart and to its program we are not likely to go on the AM program and say, ‘Sorry, we will try harder next time.’

We are very committed to this reform. Small business are committed to it. The trouble is small business are a minority. They do not have a powerful trade union representative. They are disorganised in terms of a national structure. Small business people, as Senator Murray knows, spend an enormous amount of their waking hours just trying to pay the bills and the rent and put food on the table for their families. They do not have a lot of time to get involved in political activity. They do not have a trade union. They do not have a union structure that puts the representatives of the labour movement into the Senate on an almost guaranteed set of railway tracks. They are not organised; they are a minority. But they feel very strongly about this measure. We feel strongly not only because they do but also because we believe that it will in fact improve employment opportunities for the most disadvantaged people in Australia.

Senator Murray wants to have a piece of the best econometric modelling in the country which will give him a cast-iron guarantee that it will create 50,000 new jobs before he will even contemplate putting this measure into place. His main argument is that we do not have any evidence to show that it will create that outcome, so he is not prepared to buy it. I doubt that we could buy the research that Senator Murray wants.

In relation to his attack on my truthfulness, I have said that this is an oppositionist and obstructionist Senate. If you analyse the figures that Senator Murray quoted to the
Senate about the number of bills negatived under the previous Labor governments—the terms of the Hawke and Keating governments—and our government, they show that this is in fact the most obstructionist Senate, in those terms, that there has been. I am happy to analyse and debate that at another time, but the Senate has opposed a number of serious measures that are at the core of this government’s program. The Senate has the right to do that, and I will defend that right. But if you are going to do that, please accept the political responsibility for doing it. The government wants to put a program in place to deliver economic reform, economic growth, job security and enhanced employment prospects. You do not get job security by locking people into jobs that they are not suited to.

In defence of my truthfulness in relation to this, the opposition’s record on defeating unfair dismissal reform goes back to 1996. The opposition had voted against these measures 27 times up till when I made the claim, 28 times by Monday, 29 times by the debate in the House of Representatives yesterday and, I suspect, 30 times by tonight.

Senator Sherry—Haven’t you got the message by now?

Senator IAN CAMPBELL—I will table—in fact, I will give it to Senator Murray over a brandy later—the full list of the number of times the Australian Labor Party have voted against unfair dismissal laws. I hope he will accept that they had voted against it on 28 occasions up till Monday and, in about one minute’s time, it will be 30 times in both chambers.

So we get the message that Labor do not want to reform unfair dismissal laws. They do not want to help small business. They are beholden to their trade union roots. They are beholden to their vested interest of supporting their mates in the trade unions. They care about the rights of people who are members of unions and who have jobs. We care about those people too, but we also want to give other people who do not have a job an opportunity to get a job and to get the self-esteem and economic opportunities that attach to having employment. We want to build an opportunity society not just for trade union members, trade union bosses and trustees of trade union superannuation organisations; we want to build an opportunity society for the people who are least able to defend themselves because they are not a member of the Labor Party or a member of a trade union. The government will insist on this bill. I commend the motion to the Senate.

Question put:

That the motion (Senator Ellison’s) be agreed to.

The committee divided. [6.53 p.m.]

(The Chairman—Senator J.J. Hogg)

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AYES

Alston, R.K.R.
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Chapman, H.G.P.
Coonan, H.L.
Ellison, C.M.
Ferris, J.M.
Johnston, D.
Knowles, S.C.
Macdonald, I.
Mason, B.J.
Minchin, N.H.
Payne, M.A.
Scullion, N.G.
Tierney, J.W.
Watson, J.O.W.

NOES

Bartlett, A.J.J.
Bolkus, N.
Buckland, G.
Carr, K.J.
Collins, J.M.A.
Cook, P.F.S.
Denman, K.J.
Greig, B.
Hogg, J.J.
Kirk, L.
Ludwig, J.W.
Marshall, G.
Moore, C.
Murray, A.J.M.
O’Brien, K.W.K.
Ridgeway, A.D.
Sherry, N.J. Stephens, U. Stott Despoja, N. Webber, R. Wong, P.

PAIRS
Heffernan, W. Faulkner, J.P. Hill, R.M. Forshaw, M.G. Troeth, J.M. Lundy, K.A.
* denotes teller

Question negatived. Resolution reported; report adopted.

The ACTING DEPUTY PRESIDENT (Senator Knowles)—I now call on consideration of government documents. Senator Murray, are you seeking the call?

Senator Murray—Yes, Madam Chair. I just have a query. If there is a double dissolution resulting from that, will we all be able to claim unfair dismissal?

The ACTING DEPUTY PRESIDENT—We will take that on notice, Senator Murray.

DOCUMENTS

National Health and Medical Research Council

Senator STOTT DESPOJA (South Australia) (6.58 p.m.)—I move:

That the Senate take note of the document.

I wish to refer to a specific section of the review of the implementation of the National Health and Medical Research Council’s strategic plan 2000-03. That is the section that relates to the Australian Health Ethics Committee and the Australian Law Reform Commission’s joint report into the issue of human genetic information. Members in this place would know that this is an issue that the Democrats have had a long-running interest in. I would like to begin by commending the ALRC and the Australian Health Ethics Committee for their joint inquiry. They have yet to present their final report into the protection of human genetic information; however, the comprehensive discussion papers that have been provided so far through a series of wide-ranging consultations are impressive indeed.

Most people in this place, particularly those involved in the stem cell and other science debates recently, would recall that genetic information is often predictive rather than prescriptive. There are some specific ethical and certainly privacy issues that relate to this information. Also, in Australia we have yet to come up with a comprehensive regulatory regime that seeks to protect people’s personal information—that is, their genetic information—DNA, for example. We have no state laws, and certainly no federal laws, that specifically refer to the special characteristics of genetic information and thus seek to guard it in a way that ensures that people not only have confidence that that information is protected but also that it cannot be used in any form of discrimination against them.

In late 2000 the government announced a joint committee inquiry into genetic privacy. I am glad to see some of the recommendations and some of the debates that have surrounded this joint inquiry and I look forward to seeing some legislation, some regulatory system, emerge as a consequence of the work that has been done. One of the recommendations that has come out of this inquiry is the establishment of a Human Genetics Commission of Australia—the HGCA. That was recommended through the discussion papers, particularly the one released last August. I think honourable senators should look at some of those recommendations, but that one in particular. I think it is a very good idea to establish such a genetics commission.

For issues as complex as the protection of the genetic information of humans, I think detailed consideration must be provided. The best way of doing that would be through an independent, stand-alone statutory authority such as the proposed commission. It is intended that that body would provide high-level technical advice about human genetics and, of course, advice on the ethical, legal and social implications that arise from the advances in biotechnology. I agree that the commission should liaise closely with other government departments, authorities and entities to provide a national and coordinated approach to the protection of genetic information. However, the requirement for wide-ranging consultation should not be so onerous that the entire process is allowed to delay the introduction of federal laws to protect genetic information.
While I commend the work of the committee, and it is certainly outlined in the report before us this evening, the instigation of that inquiry was long overdue. It has been a long time coming. When I first introduced some of these issues to the Senate back in 1998—and certainly as others before me have done, such as my predecessor, Senator John Coulter—it was described as simplistic, futuristic or just not necessary. Since 1998 and the Senate committee report into my private member’s bill in 1999, we have fully-fledged, documented cases of genetic discrimination in this country—cases of people who have applied for bank loans and have been denied bank loans on the basis of their genetic information or indeed information that suggests that they could get a disease at a certain point in time, or people who have been discriminated against in employment situations. It is time for law; it is time for regulation. I look forward to seeing the final report. I urge members of the Senate to consider such a regulatory approach in the near future.

Question agreed to.

National Biotechnology Centre of Excellence

Senator HARRADINE (Tasmania) (7.04 p.m.)—I move:

That the Senate take note of the document.

The Allen report was tabled this morning. That report is a whitewash of the decision by a panel recommending the grant of $43.55 million to Dr Trounson’s National Stem Cell Centre. Saying it is a whitewash is no reflection at all on Mr Allen or the Allen group. The fact is that the Allen report was written to address very narrow terms of reference which ignored the central ethical issue of funding human embryo experimentation. It will be said that these will go through a human research ethics committee, but they are institutional committees and are not answerable to the public. The grant was for activities that are contrary to Victorian law and the grant pre-empted parliamentary debate on human embryo research legislation.

In August last year the Prime Minister announced that the government would be reviewing the May funding decision to award the money to the National Stem Cell Centre. The centre will undertake experiments on human embryonic stem cells derived from the destruction of human embryos. It was 10 weeks between the Prime Minister’s announcement and the tabling of this report. Again I say that the report is in fact a whitewash because of the narrow terms of reference.

The concerns I raised earlier have not been addressed. The report is limited to examining the bureaucratic selection process for awarding the grant. But the selection panel, which was heavily influenced by commercialism and persons with drug company interests, made no ethical evaluation whatsoever of the proposal. In addition to that, no evidence was provided in the application of any proof of concept that there was a likelihood of funding cures for diseases using this money, let alone proof of actual cures anywhere in the world using human embryonic stem cells. Mr Allen nevertheless highlighted a number of disturbing trends, including the involvement of a concentration of experts ‘in peer review in grant making, complicated by the inevitable interconnexion between their institutions and research programs’.

In December I called on the Prime Minister to give an undertaking that this funding would be supervised by an independent and publicly accountable ethics body. Without this guarantee, ethical review of the Stem Cell Centre will be undertaken by an in-house ethics group whose members will be appointed by the centre itself. The centre will not of course appoint people who are likely to slow or interfere with its work. The Prime Minister has not responded as yet to that call, and I urge him to do so.

Senator BOSWELL (Queensland)—Leader of the National Party of Australia in the Senate and Parliamentary Secretary to the Minister for Transport and Regional Services) (7.09 p.m.)—The Review of the National Biotechnology Centre of Excellence selection process makes it clear that there are numerous potential conflicts of interest in this matter, as I and others have sought to show. The following expert panel members are listed as having conflicts of interest: Dr
Geoff Garrett, who resigned over it, and Professor Wade, Professor Langridge, Professor Sutherland, Dr Pitman, Professor Sawyer, Dr Sleigh and Dr Tolstoshev. The report found that Dr Tolstoshev had share options in BresaGen and that Dr Sleigh did not raise with the panel her connection with BresaGen. The report notes:

... there is a high degree of interlocking relationships ... This has led to the same names appearing on many projects, governing and advisory committees, grant making bodies and commercialisation enterprises.

This has been further illustrated by the numerous declarations of interest and withdrawals of Panel members from the Centre of Excellence selection process.

The report further notes:

On 26 August 2002 Professor Trounson indicated to Senator Boswell that he had “given back my shares in ESCI”—ES Cell International Pty Ltd—however, formal checks revealed they were still registered in his name.

While the process of divestment had commenced at the time he spoke to Senator Boswell, it had not technically been accomplished.

The report also states:

Professor Trounson’s wife has also divested herself of her shares held in ES Cell Australia Ltd.

The divestment of shares occurred only after they were made publicly known. The report notes that Bob Moses, the Chair of the National Stem Cell Centre, held shares in BresaGen. It says:

Collaboration with foreign entities that might benefit from the public funding was a concern outside the scope of this review. Nevertheless, it remains a significant concern.

In relation to selection on the basis of scientific assessment, the report makes much of the options of the international referees nominated by the applicant. No mention is made of any checks of their conflicts of interest.

The report goes on to note that Professor Trounson’s application contained an error. He had apparently claimed a grant which he had not won. This is described as ‘a careless error’. This is in addition to the errors relating to shares, the rat video and the claim that a supportive paper had been published by the prestigious journal *Nature* when it actually had been rejected. The report calls for ‘the most stringent and transparent arrangements concerning conflict of interest’ and says that ‘the Commonwealth should satisfy itself particularly with the detail’ of the arrangements with ES Cell International and BresaGen. In relation to the interest held by the CEO and chair of the Stem Cell Centre, the report states:

There may be a reasonable expectation of a requirement in the formal application documentation to demand a declaration of such interests. Equity involvement in potential business partners or other pecuniary interests of parties related to proposed Centres were not required to be disclosed. Such equity participation was not in the sights of the probity, risk assessment or due diligence advisors and the review is not aware that any other Commonwealth granting process ... requires that shareholdings of applicants be cross-referenced with participant organisations during the selection process.

I find it difficult to understand how grant applicants could be assessed without a basic knowledge of their financial interest. This report requires a lot more time to investigate than the five minutes that I have available to me at the moment. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

**ADJOURNMENT**

The ACTING DEPUTY PRESIDENT (Senator Cook)—Order! There being no further consideration of government documents, I propose the question:

That the Senate do now adjourn.

Political Debate

**Iraq**

Senator VANSTONE (South Australia—Minister for Family and Community Services and Minister Assisting the Prime Minister for the Status of Women) (7.14 p.m.)—I would like to commence by thanking those colleagues who had their names on the list before me but who, I think in acknowledgment that I very rarely take this opportunity, were kind enough to make way for me. I would like to make some general remarks this evening about the obligations that we have to listen to each other and to consider
each other's views rather than the opportunities that we have to slag off at each other because we are on different sides of politics. I am talking about when someone has a different view in the community generally rather than in this chamber.

This proposition was brought to my attention recently because a mate of mine who had a very strongly different view from mine on a relatively minor issue became exasperated when he was arguing his case because of questions and counterarguments that I would put. He then tried on me the oldest trick in the book, which all of us, in opposition and in government, would have played on us. He said: 'Look, am I just wasting my time? Haven't you made up your mind on this issue?' I thought: 'Hello! Are these the words of someone who has made up his mind on the issue but expects me to keep an open one?' We would all have found this to be a common situation; one that politicians are often afflicted with. People approach us, they expect us to have an open mind to their view, but they do not necessarily have an open mind to our view and certainly do not have an open mind to the views that others express.

This is not unusual. All of us will have had the experience, in opposition and in government, of people expecting politicians to agree with them. That is just par for the course. Many will have experienced being told that they are weak, lily-livered populists—people unwilling to lead. When we choose to do something that is popular, that a Joe Citizen happens to not agree with at the time, Joe Citizen will say we are weak, lily-livered and unwilling to lead. He will remind us that you cannot lead from behind; you cannot lead by following opinion polls. However, when we do something unpopular, it may well be that the same Joe Citizen will claim that we simply do not understand; that we are servants of the people, polling clearly shows what the people want and we should follow what they want.

Generally, I welcome dissent. I enjoy the battle of ideas. I think the voice of dissent is the bell of freedom. But I do think we need more respect for the views of others and we are entitled to get in return, if we give that, more respect for our own views. The bell of freedom can be extremely frustrating, and I think never more so for me at the moment than in relation to a potential war in the Middle East. I have never thought that free speech means that person A gets the right to speak and person B must listen but person A does not have to listen. It does not mean you must listen to me because I have got free speech and you have to hear my views but, by the way, I am not going to stay around and listen to yours. Free speech does not mean that; it is meaningless if you try to attribute that process to it.

I completely accept that there are many people who hold very genuine reasons for believing that Saddam Hussein should be given more time, that he should have been believed in the first place or that some additional form of appeasement should be endorsed. I do not happen to agree with any of the views I have heard so far, but I accept that there are people who genuinely hold those views, and I welcome a proper airing of them and a further airing of them if anyone feels they have not properly had their say. But I would also welcome those people having the good grace to listen to alternative views, just as I argue theirs should be listened to.

What I do find somewhat repugnant is a view by some who were protesting a few weekends ago that somehow, because they were protesting, they were right and that the rest of us should understand that there were hundreds of thousands of people out there so we all have to agree with them. I find equally repugnant the proposition: 'Because I am protesting, I care and it follows that the rest of you do not.' I am sure the rest of us do. Even people who disagree with the prospect of a war and did not protest, care; and certainly those who might see it as being more inevitable than otherwise, nonetheless care. Perhaps the most offensive of the propositions is: 'I'm opposed to war'—as if it follows that anyone else is in favour of a war; as if anybody could be in favour of that as an ideal option. And then there is the ever present: 'I want peace, I want to march for peace, I feel good about it. I have made a contribution. I can go home and have my
As if anybody I know would not prefer peace— yet it is the somehow smug and condescending attitude of some of the protesters and some of the people participating in this debate to make the immediate assumption that, because they do not want war and they do want peace, everyone else has the contrary view. That is simply not the case.

I would like to make the point, although it probably does not need to be made, of how horrific war is. People die. Families are shattered. Civilian deaths are quite chillingly referred to as collateral damage. But, despite the horrors of any war, there is a certain type of honesty to it in the sense that it is missing of the covert acts of terrorism that we see. There is a warning, there is a build-up, there are rules of engagement, there is the Geneva convention. As ghastly as it is, it is conducted in some type of order. It is quite the opposite to terrorism, where there are no rules of engagement. The Geneva convention is not recognised by terrorists and they would not see it as being applicable to them. Terrorism is quite the opposite to war: military targets and military personnel are not the focus; civilians are. So, pretty clearly, I would have a preference for one over the other.

The horrors of Saddam’s regime have been terribly well documented. I have not heard anybody arguing that it is a great regime. I have heard arguments for believing him or giving him more time and more appeasement. I have not seen a better outline of the horrors of that regime, and the people who have assessed it as being horrific, than an article by Paul Kelly in the Australian last Wednesday, entitled ‘Craven trudge to a moral morass’. I would like to remind those who take some comfort from recent concessions that they are concessions, they are not cooperation. They have not been made willingly and they have only been made because of a building threat of war against Saddam Hussein. I hope the UN debate expands the coalition of the willing and I hope the words of a former Secretary-General about the UN, that it is there not to take us to heaven but to save us from going to hell, are borne in mind.

Lastly, I draw attention to remarks made by a United States admiral, who visited here in the 1980s for one of the Coral Sea commemorative services, which as you know we have in Australia in early May. He reminded the people present that Australian servicemen lie in graves all over the world, but he made the point:

... the only territory which Australia has won from those wars is the soil in which its dead lie.

That is an important point to understand: Australians have never gone to war to take other peoples’ property or land. He says:

... the Australian came as a liberator and ... died with his allies in a common quest to turn back the tide of aggression.

He goes on to point out that Australians have always acted on the belief that the security of the free world is indivisible. I think that is a very important point. I have heard people say, ‘This isn’t our problem. This is far away.’ He congratulated Australia on being, in this century, a model of a distant country that has recognised the responsibilities of free men everywhere and who have sent their sons to fight, and sometimes to die, for those responsibilities. Everyone I know hopes that that does not have to happen, just as we hope that our policemen, on a day-to-day basis, do not lose their lives when protecting the rest of us. Finally, he says:

Australians have stood and died with other free men in defence of others, just as American sailors stood and died in defence of others here in Australia and in the Coral Sea.

I think it is worth asking ourselves where we would be if people in the United States had said at that time, ‘That is on a distant shore; it is not our problem.’

**Australian Defence Force: Townsville**

Senator McLucas (Queensland) (7.24 p.m.)—I rise to provide the Senate with some clarity about reported events that involve the member for Herbert, Mr Peter Lindsay, making comments about harassment of Defence Force personnel in Townsville in mid-February. I am motivated to provide this explanation for a number of reasons. Firstly, there has been some local and national coverage of Mr Lindsay’s allega-
tions and it is of concern to me that the level of accuracy in the coverage varied considerably. Secondly, on returning to Canberra this week, I was concerned at the number of my colleagues who expressed concern to me that ADF personnel had been mistreated in Townsville. Mr Lindsay himself is responsible for the story gaining any status at all. He is personally responsible for raising the issue and bringing the obvious support for the Australian defence forces in the cities of Townsville and Thuringowa into question. On Wednesday, 19 February Mr Lindsay was interviewed on The World Today. The transcript states:

Louise Willis: Can you describe some of the abuse that you’ve heard about?

Peter Lindsay: Well, the terms used were “warmongering”; that sort of thing.

Louise Willis: Could it be mistaken for just people expressing a normal expression of views about the federal government’s stance on Iraq?

Peter Lindsay: There was no mistake on the tone of the harassment that occurred. It was people—note the plural—targeting, directly targeting, members—again, note the plural—of the defence force. And you’ve got to, you’ve got to listen to people’s views. There’s ways of doing that in Australia. But you don’t go to a shopping centre and verbally spit at a soldier from the Defence Force.

Fortunately, Louise Willis did take the opportunity to interview General Peter Cosgrove, who attempted to clarify the situation. He said that it was, ‘One report of a minor incident.’ But, unfortunately for Townsville, the damage was done. This became a national story that escalated to other alleged incidents, including alleged spitting. Quite rightly, the next day the Townsville Bulletin reported that a soldier was vilified in a Townsville shopping centre as a warmonger. The story apparently came from a group of soldiers who told Mr Lindsay of the incident on Tuesday night. There was also a rumour going around that soldiers had been told not to wear uniforms in public places.

I know Townsville fairly well—I have lived in the city for some years and I speak to Defence Force personnel quite a lot. There is a deal of resentment about Mr Lindsay beating up a story to make their community looked divided in the national media when, in fact, there is an extremely high level of local support for our defence personnel. Senior officers in the ADF in Townsville were appalled that this story got away in the way it did. Unfortunately, the editorial writer of the Cairns Post picked up the Lindsay line, did not bother to check the veracity of the story and blew it up into an attack on the opposition, amongst others. He essentially blamed the opposition for the ‘ratbags in the anti-war movement’. The Townsville Bulletin was far more circumspect. The editor did not blame media outlets for simply doing their job but certainly had a good swipe at Mr Lindsay for jeopardising the bond between the ADF and the Townsville community. The editorial went further by saying, ‘One stupid incident could serve to harm those putting one side of the argument—the peace movement—unfairly.’

So this is where the story started and where ‘spitting’ at soldiers comes from—Mr Lindsay’s careful choice of words. This is someone trying to ratchet up what sounds like one exchange of views between a soldier and a member of the public at a shopping centre into Mr Lindsay’s several incidents, spitting and a no-uniform guideline—all in a town where relations between the Army and the public are extremely good. Thank you, Mr Lindsay. It is a low act. The Townsville Bulletin did not buy the whole vilification story and went back to one of the local members. On the following day, 21 February, the state member for Thuringowa, Ms Anita Phillips, challenged Mr Lindsay to prove his allegations. What did he say? The Townsville Bulletin states:

The army had acknowledged the case of harassment and he had spoken to several soldiers who had confirmed a number of instances, but he would not name the soldiers.

The article quotes Mr Lindsay as saying:

“Their commanding officer would just come out and say to them, ‘Why have you been speaking to a federal politician?’”

I have to say that is just pathetic, considering Mr Lindsay is their federal representa-
tive and they have every right to speak to him, given that any alleged vilification could be because of the government’s decision to deploy.

The Townsville Bulletin went on to say that Mr Lindsay said his objective for putting the issue on the national agenda was to ‘stop this sort of behaviour before it gets away on us’. This is more slippery rationalisation. So the behaviour that was widely reported, thanks to Mr Lindsay running breathlessly to the media, had not taken off. Mr Lindsay is heroically stepping in and beating up an issue which he imagines may occur around Australia.

Mr Lindsay has a history of trying to politicise the ADF for his own personal agenda. During the 2001 election campaign, he claimed that the 2nd Battalion commonly referred to themselves as ‘Howard’s own’. This was complete nonsense. The Financial Review reported on 19 October 2001 that at least one soldier:

... was perplexed by a report in the local newspaper yesterday claiming that Lavarack’s second battalion referred to themselves as ‘Howard’s Own’ because of the PM’s close affinity with the soldiers he had previously deployed to East Timor.

The press corps asked Major Bob Worswick whether that was really how the battalion referred to itself. He looked perplexed and replied, ‘We are the 2nd Battalion Group.’

Another paper at the time reported other soldiers ‘blaming local Liberal member Peter Lindsay’ for the battalion’s new name. The Adelaide Advertiser went on to say:

Certainly none of the dozen or so troops we chatted to thought much of it. They were clearly bemused.

This is the sort of weaselly disingenuous behaviour that we have come to expect from Mr Lindsay. Just last week he claimed that everyone in Townsville has access to a bulk-billing doctor. That is nonsense and everyone in Townsville knows it. Let me make my position very clear: I have no time for those who would abuse ADF personnel—no time at all. But I also have no time for a politician who will use a casual conversation, not investigated or substantiated, to beat up a national story to get his name in the limelight.

Using the ADF to bring into disrepute the protests against the war, to bring into disrepute the good relationships between the community and the barracks in Townsville and to generally cause bad feeling around the place is to be condemned. To make Townsville look divided in the national eye is also disloyal to his own constituents because it is not true.

Senator Lightfoot interjecting—

Senator McLUCAS—I will take up Senator Lightfoot’s interjection because there was no spitting. Read the transcript later.

The DEPUTY PRESIDENT—Order! Senator McLucas, address your comments to the chair.

Senator McLUCAS—The ADF is nonpolitical, no matter what this government may want to do with it. Their brief is to professionally serve the government of the day and they do so to the best of their ability. They should not be used as Mr Lindsay’s or Mr Howard’s propaganda tool. Mr Lindsay should stop using the ADF to make political capital and to get his name in the newspapers.

Foreign Affairs: West Papua

Senator STOTT DESPOJA (South Australia) (7.33 p.m.)—I rise tonight to address the current situation in West Papua. I begin by congratulating the RMIT Globalism Institute and the New Internationalist on organising a successful conference in Melbourne last week that debated issues in relation to West Papua. I would also like to acknowledge and congratulate David Bridie on his extraordinary efforts not only in relation to the conference but in staging a concert on the Friday evening for the benefit of the West Papuan people and for the protection of their human rights.

The conference provided a long-overdue opportunity for a comprehensive, honest and wide-ranging debate on the future of West Papua. It is encouraging to hear that, among the people who participated in the conference, there were a number of Indonesians who participated actively in the deliberations. Any debate on the future of West Papua has to begin with an honest assess-
ment of the past and particularly in the case of West Papua there is clearly a need to acknowledge the mistakes of the past.

Many countries, if not most—I presume—have some aspects of their history which continue to cast a shadow on the present. Of course, Australia and certainly Indonesia and other countries are not immune from that. Each country, and its people, has a responsibility to account for past actions and recent past wrongs, whether that involves quashing legal untruths such as the doctrine we have seen in our country of terra nullius, or simply saying sorry. However, it is not about who is right or who is wrong. It is not about guilt or blame. It is about moving forward, particularly in the case of West Papua. Obviously wrongs should be acknowledged where possible and remedied if they can be.

In the case of West Papua, there are two obvious issues that require attention. One is the appalling human rights abuses that have occurred and the other is the illegitimacy of the Act of Free Choice. There is now a great deal of evidence to establish that grave human rights abuses have taken place against the West Papuan people over a number of decades. I know that there is conflicting evidence over the number of deaths that have occurred, but it is widely accepted that at least 100,000 West Papuans have been murdered by the Indonesian army. In addition to these murders there is clear evidence of wrongful imprisonment, torture and general intimidation. The first priority in considering the future of West Papua is to put an end to these human rights abuses. This will require the further establishment and maintenance of proper democratic processes and the rule of law in West Papua.

The history of atrocities committed against the West Papuan people also stands as a clear warning to our country and to Australians that we should not engage in joint military activities with Kopassus. The evidence against Kopassus, as we have seen over many years, is overwhelming and its disregard for human rights continues to this day. Australia should have nothing to do with an organisation that so flagrantly violates human rights and particularly the rights of innocent civilians.

The other outstanding issue relates to the 1969 Act of Free Choice, an act which many of us consider to be legitimate. The Act of Free Choice—ironically named, I think—has consistently been challenged by the West Papuan people and is frequently referred to as the ‘act of no choice’. Under the terms of the New York agreement, which gained the support of the UN Assembly, all West Papuans were to be given the right, given the opportunity, to vote on their future. Instead, as we know in retrospect, the Indonesian government selected 1,025 people to represent the entire population of 800,000. Those people voted—and I think most of us know the history—to remain a part of Indonesia. It has since been revealed that there was considerable duress involved. In fact some of those voters have claimed that their lives were threatened. They were told, for example, that they would have their tongues cut out if they voted for independence.

It is useful, in this context, to think of article 21 of the Universal Declaration of Human Rights, which states:

Everyone has the right to take part in the government of his country, directly or through freely chosen representatives. Not through hand-picked individuals who are unable to represent the views of the wider population because they are prevented from communicating with them or they are subject to serious threats to compel them to vote a particular way. Article 21 of the universal declaration also provides:

The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures. If these procedures are considered a minimum standard for the election of governments, it follows that they should also apply to decisions regarding independence—which are, after all, decisions about who should ultimately govern a group of people.

Given the circumstances surrounding the Act of Free Choice, it cannot be said that the West Papuan people have ever been given a genuine opportunity to determine their own future. As such, they have been prevented
from exercising a fundamental right under international law, such as the Universal Declaration of Human Rights. It is time this was acknowledged by Indonesia and by us, as a country, remembering that Australia played a key role in the Act of Free Choice. I hope, too, that the international community will recognise the fact that the West Papuans have not had a genuine opportunity to determine how they want to be governed.

If such an acknowledgment were to be made, the real challenge would then lie in determining how to remedy the injustice. For example, should another vote for independence be conducted? If so, who would be eligible to participate in such a vote? I am not pretending that these issues are anything less than complex. To what extent would the more than one million transmigrants who now reside in West Papua affect the outcome of the vote? What practical planning would need to be involved to facilitate West Papuan independence if that were the outcome of the ballot? These issues are hard, but they should not dissuade us from remedying the wrongs of the past and assisting the West Papuans to determine their own future. We must tackle these issues. We must ensure that all parties are equipped with the relevant information, that they have the opportunity to freely participate in democratic governance processes without the threat of human rights violations, and that the debate can occur in good faith.

It is important to recognise that independence will not signal the end of West Papua’s challenges; it will probably signal a whole set of new challenges, and we have seen that in relation to East Timor, of course. It would be a mistake to restrict this debate to the issue of independence alone. There are broader issues to be considered, such as how to ensure that the West Papuan people benefit from their rich natural resources and how to prevent further degradation of their environment. Australia, too, must take responsibility for our involvement in past wrongs against the West Papuan people. It is a documented fact that in 1969 Australian government officials boarded a plane at Port Moresby and forcibly removed two prominent pro-independence West Papuans who were travelling to meet with UN officials in New York. As a relatively powerful neighbour of West Papua, separated by only 200 kilometres or so, Australia has a responsibility towards that region and the West Papuan people. First and foremost, our priority must be to prevent any further human rights abuses being committed against them. This will involve listening to the accounts given by West Papuans and providing them with whatever assistance we can to ensure that democratic processes are adhered to and that the rule of law operates effectively, and that has to involve the allocation of resources, too. The East Timor experience demonstrated the effectiveness of concerted action by the Australian government. This should inspire us to play a role, particularly in relation to West Papua.

At the conference last week, Mr John Rumbiak—who will visit Parliament House tomorrow, I understand—warned that tensions in West Papua are escalating. He said that West Papua had the potential to erupt into a bloodbath. In this respect, he predicted that West Papua could well be the next East Timor. At a time when Australia is sending its troops to engage, potentially, in a war against Iraq, I think that Mr Rumbiak’s warnings are timely in reminding us that our immediate responsibility has to be to our region. I hope that the Prime Minister, and others in the parliament, listened to the warnings of Mr Rumbiak and I encourage people to look at the papers from last week’s conference—it is fascinating reading. Given our proximity to West Papua and our comparative wealth and power, we have a unique opportunity to play a role in putting an end to the human rights abuses that the West Papuans have suffered for so many years. I hope this government will play a leading and compassionate role in resolving this issue in a way that assists our region as a whole.

(Time expired)

Centrelink: Service Delivery

Senator JOHNSTON (Western Australia) (7.43 p.m.)—In rising to speak tonight, it is with considerable pleasure that I bring to the Senate in this adjournment debate a positive story of service delivery by a Commonwealth agency in my home state of Western Australia. I raise the issue of service delivery
in the area of social welfare and social justice in response to the relentless cynicism and negativity brought to this issue by the opposition. I want to discuss the concept of mutual obligation—and its administration by Centrelink in Western Australia—a concept which is obviously going to continue to shape and influence Australian social security beneficiaries in a positive and successful way long into the future. Having been the target of constant opposition attack, mutual obligation is said to be not working and to be difficult to administer. I want to make the point that I see no opposition policy on the subject matter at all. More particularly, there is no policy that has, as a central plank, the removal of mutual obligation as the foundation stone of social service delivery.

My comments tonight relate to and arise from a very positive and uplifting experience that I have had, in the short months that I have been a senator for Western Australia, in dealing with Centrelink and their delivery of services to beneficiaries and recipients in Western Australia, particularly during the performance year 2001-02. One of the key performance indicators of a service organisation such as Centrelink always is, of necessity, client satisfaction. The story of Centrelink in Western Australian is a very positive and encouraging one from the perspective of policy initiative and delivery within the reform context that this government has laid out. In 2001-02 customer satisfaction commenced at 73 per cent. It rose, on their benchmarks, in the 12-month period to 82 per cent. This is a truly outstanding effort.

I pause to observe that this organisation has a central function of directly dealing with very large numbers of people and with meeting their demands and needs. At Centrelink’s Cannington and Mandurah offices, for example, highly professional and dedicated staff see on average hundreds of people every day, thousands of people every week and hundreds of thousands of people every year. There are, for example, 800 personal contacts at the Cannington office each day. That is quite a staggering figure, and when I visited that office I was amazed to see the level of expertise and enthusiasm there.

This gratifying outcome has been achieved because of the professionalism, dedication and sheer hard work of the staff and senior management and, most importantly, because of the innovative policy guidelines put into place by my colleague Senator Vanstone, the Minister for Family and Community Services. The policy innovations in this area are working, are successful and are an enduring example of plain good government. The minister’s and the department’s achievement in this area stands as one of the government’s brightest stars.

I say this acknowledging that the opposition have now plainly lost the high ground that they once prided themselves on occupying, a loss which they themselves concede daily in their total incapacity to provide any hint of a policy initiative which does not have mutual obligation as a central plank. We live in an ever-changing world and the government have now firmly stamped our authority on an area that we have reformed for the betterment of all stakeholders, including vastly improved services and outcomes for those who need assistance, particularly in the area of unemployment benefits.

Centrelink in Western Australia has responded magnificently to the reform agenda and continued to work hard to achieve outstanding results in providing high-quality services to its clients. In Western Australia there are 24 Centrelink offices stretching from South Hedland, in the north, to Kalgoorlie in the east, and Esperance in the south. Two years ago, only three of the offices were meeting 65 to 70 per cent of their key performance indicators. The performance of other offices ranged down to meeting just 35 per cent of KPI measures, with a general feeling that it was impossible to improve their performance to any significant degree.

By June 2002 the position had improved to such an extent that 18 out of the 24 offices were able to meet over 90 per cent of the KPI measures, including seven who achieved 100 per cent. The lowest-performing office was able to achieve 81 per cent of its KPI measures. Remember that only 12 months previously achieving 50 per cent or more of the KPIs was not seen as attainable by the
majority of offices in Western Australia. By June 2002 the position was reached that all offices across the state attained 100 per cent of their KPIs, a remarkable turnaround and achievement. At this time 17 per cent of WA’s offices were in the top five per cent of national office performance across the nation. This level of performance is truly a cause for celebration and a credit to Centrelink’s WA management and staff.

In Western Australia the number of complaints received by this agency has fallen, from 342 in May 2001 to 225 in April 2002. Through weekly discussions with the Ombudsman’s office, the feedback has been that complaints about timeliness have been greatly reduced. The most significant drop in the number of complaints has been in the student allowance area. This is largely attributed to the establishment of the Student Servicing Centre. With the encouragement of the minister, a new office on the Curtin University campus is soon to be opened. The Western Australian Centrelink offices have made great gains over the past 12 months. The achievement of all offices in meeting 100 per cent of their KPIs is nothing short of magnificent, considering that only 12 months ago such an achievement was not even contemplated or indeed thought about.

To gain a short insight into Centrelink’s operations, one has only to look at the efforts of their officers after the devastating Bali bombings—and members of the Kingsley Football Club and many Western Australians were deeply affected by that tragedy. Staff from Centrelink helping victims of the Bali bombings went above and beyond the call of duty. On the Sunday morning after the event one of my staff spoke to a Centrelink employee on his mobile phone and on that Sunday he actually went into the office to assist one of my constituents with an issue. I was gratified by the level of commitment, enthusiasm and ease with which that employee shouldered the burden and assisted us. Centrelink staff have shown great compassion towards and empathy with the people affected by the Bali tragedy by assisting with payments, helping with flights to other states for funerals and referring people to other services that were needed. They are a real example of how ordinary people can do extraordinary tasks when they are needed and of how people in their normal jobs, even often much maligned public servants, can do more than what is asked for in the spirit of helping their fellow Australians in a time of great crisis.

I have attended the Cannington offices of Centrelink and have been impressed and amazed by the capacity and ability of the staff in their dealings with their clients. They have lived up to all my expectations of what an efficient and successful government agency should be. As members of parliament, we often hear of only the worst-case experiences of our state and federal departments and it can, I believe, warp our perspective. When do we ever get a call out of the blue from one of our constituents saying what a good result they have had or complimenting us on administration or service delivery? This is why I wanted to congratulate the staff of Centrelink around the country and particularly in Western Australia, where my personal experience has shown me that they are making a fine contribution by carrying out fine work on behalf of the parliament, the government and all Australians.

Senate adjourned at 7.52 p.m.

DOCUMENTS

Tabling

The following government documents were tabled:

Advance to the Finance Minister—
Statements and supporting applications for
funds for—
October to December 2002.

Airservices Australia—Corporate plan July
2002 to June 2007.

National Biotechnology Centre of Excellence—Review of selection—Report to
the Prime Minister by the Allen Consulting
Group, December 2002.

National Health and Medical Research
Council—Review of the implementation of
the National Health and Research Coun-
cil’s strategic plan 2000-03, December
2002.
Telecommunications carrier industry development plans—Progress report for 2001-02.

**Tabling**

The following documents were tabled by the Clerk:

National Health Act—Determination under—
- Section 5D—PHS 1/2003.
- Schedule 1—PHS 2/2003.

**Indexed Lists of Files**

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

Indexed lists of departmental and agency files for the period 1 July to 31 December 2002—Statements of compliance—Department of Education, Science and Training.
QUESTIONS ON NOTICE

The following answers to questions were circulated:

**Aviation: Air Traffic Controllers**
*(Question No. 1025)*

**Senator O’Brien** asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 11 December 2002:

Further to the advice given to the Rural and Regional Affairs and Transport Legislation Committee in the estimates hearing on 20 November 2002 that Air Marshal Houston and Airservices Australia had agreed to work towards the provision by Airservices Australia of air traffic control services at Townsville and Darwin airports:

(1) (a) When will the consultation phase commence and conclude; and (b) which transport and related agencies and organisations will be included in that consultation.

(2) Will this involve Airservices Australia providing defence and civilian air traffic control services.

(3) Does this decision relate to previous reports of a shortage of defence air traffic controllers; if so, can the Minister assure the public that sufficient defence resources exist to safely cover the functions until the proposed changes occur or, if defence resources are not sufficient, will interim measures be put in place.

(4) Is the decision to transfer functions from the department to Airservices Australia a ministerial or an agency level decision.

(5) Will any other airport or aviation functions be involved in the transfer of functions at Darwin and/or Townsville airports, or any other location; if so, which services and locations.

**Senator Ian Macdonald**—The Minister for Transport and Regional Services has provided the following answer to the honourable senator’s question:

I would refer to the answers provided to these questions by the Minister Assisting the Minister for Defence (House of Representatives question on notice number 1218), which are set out below:

(1) The decision on which organisation will provide air traffic control services at Darwin and Townsville is still to be made. Government is reviewing the feasibility of integrating military and civil air traffic management systems to reduce duplication and costs. (a) January 2003. (b) July 2003.

Department of Transport and Regional Services, Civil Aviation Safety Authority, Regional Airspace Users Advisory Committee, local aviation groups.

(2) Possibly. The review is to determine whether integration would cut duplication and costs.

(3) Sufficient Defence resources exist to safely cover existing functions.

(4) Ministerial level decision. The decision to conduct the study was made by Ministers Hill and Anderson.

(5) The review will focus on integrating civil and military air traffic management systems at Darwin and Townsville. This focus could broaden in time.

**Civil Aviation Safety Authority: Western Australian Police Air Support Unit**
*(Question No. 1044)*

**Senator O’Brien** asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 20 December 2002:

With reference to the answer to question on notice no. 856 (Senate Hansard, 2 December 2002, p. 6636) and the completion on 17 December 2002 of the coronial inquiry in Western Australia into the circumstances surrounding the crash of a police aircraft:

(1) Did the Western Australian Police Air Support Unit lodge an amended Air Support Unit operations manual and a request for a reissue of the Police Support Wing Air Operators Certificate with the Civil Aviation Safety Authority (CASA) for approval in early 1998; if so: (a) what was the exact date of the lodgement of the amended manual; and (b) which CASA office received the application.

(2) Were the proposed amendments approved; if so: (a) who approved the amendments; and (b) on what date were the amendments approved.
If the amendments were not immediately approved: (a) what was the concern with the proposed amendments; (b) who raised those concerns; (c) when were those concerns raised with the unit; and (d) how were the concerns raised.

Senator Ian Macdonald—The Minister for Transport and Regional Services has provided the following answer to the honourable senator’s question:

(1) The Civil Aviation Safety Authority (CASA) has no record of an amended operations manual for the Western Australia Police Air Support Unit being lodged with the Authority for approval in early 1998. While CASA may have received specific amendments to the Manual, these details are not recorded on file. A request for the re-issue of the Western Australia Police Air Support Unit Air Operator’s Certificate (AOC) was received on 7 April 1998. The AOC was issued on 14 May 1998.

(2) Not applicable.

(3) Not applicable.

Civil Aviation Safety Authority: Western Australian Police Air Support Unit

(Question No. 1045)

Senator O’Brien asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 20 December 2002:

With reference to the answer to question number no. 855 (Senate Hansard, 2 December 2002, p. 6636) and the completion on 17 December 2002 of the coronial inquiry in Western Australia into the circumstances surrounding the crash of a police aircraft, and in relation to the Western Australian Police Air Support Unit’s request to amend its Air Support Unit operations manual and for its Air Operator’s Certificate to be reissued by the Civil Aviation Safety Authority (CASA) in early 1998:

(1) If there were concerns held by CASA officers about the proposed amended arrangements, what was the nature of the concerns.

(2) Did the CASA officers who raised concerns about the amendments to the operations manual refer those concerns to their superiors within the authority: if so: (a) to whom were those concerns referred; (b) when were these concerns referred; and (c) how were these concerns referred.

(3) If those proposed amendments to the operations manual were eventually approved: (a) who finally approved the amendments; (b) how was that information communicated to the unit; (c) what was the name of the police officer to whom the communication was addressed.

Senator Ian Macdonald—The Minister for Transport and Regional Services has provided the following answer to the honourable senator’s question:

(1) See answer to number 1044.

(2) Not applicable.

(3) Not applicable.

Civil Aviation Safety Authority: Western Australian Police Air Support Unit

(Question No. 1047)

Senator O’Brien asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 20 December 2002:

With reference to the answer to question on notice no. 853 (Senate Hansard, 2 December 2002, p. 6635) and the completion on 17 December 2002 of the coronial inquiry in Western Australia into the circumstances surrounding the crash of a police aircraft, and in relation to the Western Australian Police Air Support Unit operations manual and its Air Operator’s Certificate:

(1) On how many occasions since January 1998 has the unit been the subject of an audit, scheduled or unscheduled, by the Civil Aviation Safety Authority (CASA).

(2) On how many occasions during these audits were the qualifications of the officers checked against those required by the operations manual to ensure the safe operation of the unit.

(3) In each of those audits, on how many occasions were the qualifications of officers not in compliance with the requirements of the operations manual.
(4) In each case: (a) what action did CASA take; (b) when was that action taken; (c) who took that action; (d) what was the result of that action.

Senator Ian Macdonald—The Minister for Transport and Regional Services has provided the following answer to the honourable senator’s question:

(1) Since January 1998, CASA has performed 18 audits of the Western Australian Police Air Support Unit.

(2) In accordance with the audit requirements, the qualifications of the officers were checked against those required by the Western Australian Police Air Support Unit Operations Manual on 6 occasions.

(3) to (4) CASA believes it is inappropriate to provide the level of operational detail requested. Disclosure of information on the outcomes of audit processes could prejudice the ability to obtain information from other operators during the course of CASA’s normal investigations where compulsory extraction powers are not used.

Civil Aviation Safety Authority: Western Australian Police Air Support Unit

(Question No. 1048)

Senator O’Brien asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 20 December 2002:

With reference to the answer to question on notice no. 852 (Senate Hansard, 2 December 2002, p. 6635) and the completion on 17 December 2002 of the coronial inquiry in Western Australia into the circumstances surrounding the crash of a police aircraft, and in relation to the Western Australian Police Air Support Unit operations manual and its Air Operator’s Certificate: (a) on how many occasions since January 1998 has the District Flying Operations Manager raised concerns with the Officer in Charge about the safe operation of the unit; and (b) in each case: (i) what was the nature of the concern; (ii) when was the concern raised; (iii) how was the concern raised; and (iv) what action followed the concern raised by the manager.

Senator Ian Macdonald—The Minister for Transport and Regional Services has provided the following answer to the honourable senator’s question:

(a) CASA’s files have revealed two occasions in which the District Flying Operations Manager at the Perth Area Office raised concerns with the Western Australia Air Support Unit’s Officer in Charge.

(b) (i) It is inappropriate to provide the level of operational detail requested. Disclosure of information on the outcomes of audit processes could prejudice the ability to obtain information from other operators during the course of CASA’s normal investigations where compulsory extraction powers are not used; (ii) 1998 and 1999; (iii) by letter and by telephone; and (iv) it is inappropriate to provide the level of operational detail requested. Disclosure of information on the outcomes of audit processes could prejudice the ability to obtain information from other operators during the course of CASA’s normal investigations where compulsory extraction powers are not used.

Civil Aviation Safety Authority: Western Australian Police Air Support Unit

(Question No. 1049)

Senator O’Brien asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 20 December 2002:

With reference to the answer to question on notice no. 851 (Senate Hansard, 2 December 2002, p. 6635) and the completion on 17 December 2002 of the coronial inquiry in Western Australia into the circumstances surrounding the crash of a police aircraft, and in relation to the Western Australian Police Air Support Unit: Was the Civil Aviation Safety Authority (CASA) advised of the appointment of a new Officer in Charge in January 1999; if so, how did CASA satisfy itself that the officer appointed to the position had the appropriate qualifications and experience to ensure he could meet his responsibilities under the terms of the unit’s Air Operator’s Certificate; if not why not.

Senator Ian Macdonald—The Minister for Transport and Regional Services has provided the following answer to the honourable senator’s question:
CASA advises:
Yes; CASA is not required under current civil aviation legislation to formally assess persons who occupy the CEO position or equivalent.

Civil Aviation Safety Authority: Chief Pilot
(Question No. 1050)

Senator O’Brien asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 20 December 2002:
With reference to the answer to question on notice no. 850 (Senate Hansard, 2 December 2002, p. 6634) and the completion on 17 December 2002 of the coronial inquiry in Western Australia into the circumstances surrounding the crash of a police aircraft:
(1) Is a chief pilot required to hold all appropriate licences, endorsements or ratings to cover operations authorised by an Air Operator’s Certificate (AOC) for which he or she is responsible; if not, in what circumstances is a chief pilot not required to hold such qualifications.
(2) If a chief pilot does not hold all necessary qualifications to cover the terms of an AOC, how does the Civil Aviation Safety Authority satisfy itself that the organisation has the necessary qualifications and experience to ensure it is able to comply with the terms of its AOC.

Senator Ian Macdonald—The Minister for Transport and Regional Services has provided the following answer to the honourable senator’s question:
(1) and (2) Yes, the chief pilot is required to hold all appropriate licences, endorsements or ratings to cover operations authorised by an Air Operator’s Certificate.

Civil Aviation Safety Authority: Mr John Brown
(Question No. 1051)

Senator O’Brien asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 20 December 2002:
With reference to the answer to question on notice no. 848 (Senate Hansard, 2 December 2002, p. 6634) and the completion on 17 December 2002 of the coronial inquiry in Western Australia into the circumstances surrounding the crash of a police aircraft:
(1) When did the Civil Aviation Safety Authority (CASA) suspend the medical certificate of Mr John Brown of Bibra Lake, Western Australia.
(2) (a) What was the basis of the suspension; and (b) what procedures did CASA officers follow prior to the suspension of the above medical certificate.
(3) Was a notice to show cause issued to Mr Brown prior to the suspension of his medical certificate; if so: (a) when was the notice to show cause issued; and (b) what actions were then undertaken by CASA following the issue of that notice to show cause; if no notice to show cause was issued, what was the process followed by CASA that led to the suspension of Mr Brown’s medical certificate.
(4) Did Mr Brown advise CASA that he was on sick leave prior to the suspension of his medical certificate; if so: (a) on what date was that advise provided to CASA; (b) which CASA officer was provided with that information; (c) where was the officer located; and (d) what was the officer’s position within the Authority.
(5) (a) What action was taken by the CASA officer in receipt of the advice from Mr Brown; (b) when was the action taken; and (c) when was the decision to suspend Mr Brown’s health certificate taken.
(6) If the matter was referred to other CASA officers before the decision to suspend Mr Brown’s medical certificate was taken, which other officers were involved in the assessment of Mr Brown’s circumstances and the decision to suspend his certificate.

Senator Ian Macdonald—The Minister for Transport and Regional Services has provided the following answer to the honourable senator’s question:
Civil Aviation Safety Authority (CASA) has advised it does not provide detailed information about its enforcement actions against individuals to public forums without those individuals’ express authorisa-
tion. In particular, matters relating to the medical standard and fitness of individuals are of great sensitivity, and have only limited and highly controlled circulation even within CASA.

**Civil Aviation Safety Authority: Mr John Brown**

(Question No. 1052)

Senator O’Brien asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 20 December 2002:

With reference to the answer to question on notice no. 847 (Senate Hansard, 2 December 2002, p. 6633) and the completion on 17 December 2002 of the coronial inquiry in Western Australia into the circumstances surrounding the crash of a police aircraft:

(1) Prior to CASA suspending the medical certificate of Mr John Brown, what action did CASA take to establish Mr Brown’s medical condition and its impact on his ability to meet the conditions of his licence.

(2) (a) How many medical practitioners were consulted by CASA in relation to Mr Brown’s condition; (b) what were the names of those medical practitioners; (c) what were their qualifications; and (d) in each case, where were they practising medicine.

Senator Ian Macdonald—The Minister for Transport and Regional Services has provided the following answer to the honourable senator’s question:

Civil Aviation Safety Authority (CASA) does not consider it appropriate to answer the questions in the absence of specific authorisation to do so by the individuals concerned.

CASA has advised it does not provide detailed information about its enforcement actions against individuals to public forums without those individuals’ express authorisation. In particular, matters relating to the medical standard and fitness of individuals are of great sensitivity, and have only limited and highly controlled circulation even within CASA.

**Civil Aviation Safety Authority: Pilot Qualification**

(Question No. 1053)

Senator O’Brien asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 20 December 2002:

With reference to the answer to question on notice no. 846 (Senate Hansard, 2 December 2002, p. 6633) and the completion on 17 December 2002 of the coronial inquiry in Western Australia into the circumstances surrounding the crash of a police aircraft, and with reference to Civil Aviation Safety Authority (CASA) instrument number 53.99/00, the Approval under Civil Aviation Order section 82.0, issued on 12 January 2000:

(1) What qualifications were required by Pilot Special Constable Pek Ha (ARN 537160) to perform the functions delegated to him.

(2) Specifically, what qualifications and experience are required to carry out pilot emergency training and testing under Civil Aviation Order 20.11 Appendix IV.

(3) (a) What processes were followed by CASA officers to satisfy themselves that Constable Pek Ha was appropriately qualified; (b) who undertook those checks; (c) when were the checks undertaken; and (d) what were the results of these checks.

(4) What were the other company standards for operations conducted under the company’s Air Operating Certificate (AOC) referred to in the above instrument.

(5) What qualification and experience are required to satisfactorily perform these other company standards for operations conducted under the above AOC.

Senator Ian Macdonald—The Minister for Transport and Regional Services has provided the following answer to the honourable senator’s question:

(1) In accordance with Instrument Number 53.99/00, Pilot Special Constable Pek Ha was required to demonstrate competency and experience on the helicopter aircraft type.

(2) In accordance with the pilot emergency training and testing requirements detailed under Civil Aviation Order 20.11 Appendix IV, Constable Pek Ha was required to demonstrate competency and experience on the helicopter aircraft type and competency and knowledge of the requirements of Civil Aviation Order 20.11, Appendix IV.
(3) Constable Pek Ha demonstrated proficiency in the emergency procedures. 
(4) and (5) While the Instrument required Constable Pek Ha to have regard to other company standards for operations conducted under the company’s Air Operator’s Certificate, there were no specific tasks to be assessed against this requirement.

Environment: Greenhouse Gas Emissions
(Question Nos 1061, 1062 and 1063)

Senator Brown asked the Minister representing the Minister for Industry, Tourism and Resources, upon notice, on 7 January 2003:

(1) (a) What is the best current estimate of the cost of sub-surface sequestration of carbon dioxide, separated into capture, compression, transport and storage; (b) on what evidence is this estimate based; and (c) does it take account of the loss of efficiency (energy cost) resulting from the sequestration process itself.

(2) (a) What is the meaning of ‘zero emissions coal’; and (b) what evidence is there that this is technically feasible.

(3) (a) What funding or other assistance has been given by the department or related agencies to research, develop or commercialise any aspect of subsurface sequestration in each year since 1995; and (b) on each occasion what was: (i) the name of the recipient, (ii) the amount of funding or assistance, and (iii) the purpose of the grant or other assistance.

(4) Has subsurface sequestration been demonstrated or implemented overseas; if so what aspects and where.

Senator Minchin—The Minister for Industry, Tourism and Resources has provided the following answer to the honourable senator’s question:

(1) (a) Analysis presented by the International Energy Agency Greenhouse Gas R&D (IEA GHG R&D) program in a publication entitled “Solutions for the 21st Century – Zero Emissions Technologies for Fossil Fuels”, provides reliable estimates of the costs of subsurface sequestration of CO₂ produced in electricity generation. This study estimates the costs of CO₂ avoided from different electricity generating technologies, namely pulverised coal power stations (PC), natural gas combined cycle power stations (NGCC) and coal integrated gasification combined cycle power stations (IGCC).

This report estimates that the total cost per tonne of CO₂ avoided ranges between $US22 and $US111, of which $US16-86 or around 75% of the total cost is the additional cost of capturing and compressing CO₂ at the power station, $US1-3 is the cost of transporting CO₂ per 100km of pipeline, and $5-21 is the cost of CO₂ storage.

The additional cost of capturing and compressing CO₂ at the power station is estimated to increase the cost of electricity by US 1.7 cents per kilowatt hour for IGCC, US 3.32 cents per kilowatt hour for PC and US 1.61 cents per kilowatt hour for NGCC. It is estimated that by 2012, these additional costs could be reduced to US 1.04, 2.16 and 1.23 cents per kilowatt hour respectively.

(b) These estimates are based on research, analysis and other analytical evidence examined by the IEA GHG R&D Program as reported in “Solutions for the 21st Century – Zero Emissions Technologies for Fossil Fuels”, published in May 2002.

(c) The analysis presented by the IEA GHG R&D program in “Solutions for the 21st Century – Zero Emissions Technologies for Fossil Fuels” appears to indicate that it does take into account the loss of energy efficiency resulting from the CO₂ capture and sequestration process.

(2) (a) Zero emissions is a relatively new concept but is receiving increasing interest, particularly in terms of developing sustainable long term greenhouse solutions. The concept involves the capture and storage of emissions such as CO₂ or their conversion into inputs that can be used in other production processes. These technologies have the potential to reduce CO₂ emissions from coal power generation to very low levels.

(b) Many of the technologies associated with zero emissions technologies are available on a commercial basis in various applications including power generation, the petroleum industry, chemical industry and food processing. Recent advances in clean coal technologies and the bringing together of various energy research and development streams suggests that zero
emissions technologies are technically feasible and can be developed into affordable solutions for achieving large scale reductions in greenhouse gas emissions.

(3) (a) The Australian Greenhouse Office provided $100,000 in 1999/00 and $100,000 in 2000/01 to the Australian Petroleum Cooperative Research Centre (APCRC) GEODISC Research Program.

Geoscience Australia provided in-kind assistance valued at $158,000 in 1999/00, $248,000 in 2000/01 and $355,000 in 2001/02 to the APCRC GEODISC Research Program.

Under the Department of Education, Science and Training’s Cooperative Research Centres (CRC) Program for the period 1997 to 2004, the Commonwealth provided funding to APCRC for use in its approved research program. This program includes research into six discrete topics, one of which is the GEODISC program which is assessing the feasibility of geological sequestration of CO₂ through injection into deep geological formations.

As a core participant of the APCRC, CSIRO (through its Division of Petroleum Resources) has provided in-kind contributions of $300,000 per annum from 1999/00 to 2001/02 specifically to the GEODISC project.

The Australian Research Council (ARC), within the Education, Science and Training portfolio, will provide grants awarded on a competitive basis to two projects related to sub-surface sequestration. In each case the recipient is Associate Professor V. Rudolph of the University of Queensland. The titles of the projects and the amounts are:

- Multi-components gas transport in deep coal - $340,000 over 3 years (2003-2005), and;
- Sequestration of CO₂ with enhanced methane recovery from deep coal - $660,000 over 3 years (2003-2005).

(b) (i) Advice on recipients is provided in the response to 3(a).

(ii) Advice on funding is provided in the response to 3(a).

(iii) The purpose of funding and other assistance provided to the APCRC GEODISC Research Program was to research the technological, environmental and commercial feasibility of geological sequestration of carbon dioxide in Australia. Part of this research involved assessing Australia’s potential for geological storage of CO₂ derived from any source, and then injecting it into geological formations and depleted oil and gas reservoirs, as well as using it for enhanced oil recovery.

The purpose of the grants to Associate Professor V. Rudolph is to support basic research to improve the understanding of aspects of deep coal seams related to the use, management and optimisation of deep coal as an economic resource for methane recovery, CO₂ sequestration, pipeline gas storage and underground gasification.

(4) Various projects in North America and Europe are being undertaken to develop subsurface CO₂ sequestration. The Weyburn Project in Canada involves CO₂ being transported from a power station in North Dakota to Weyburn in Canada for enhanced oil recovery. In Norway, approximately 1 million tonnes per year of CO₂ has been taken from the Sleipner gas field since 1996 and injected into a saline formation located around 1000 metres below the ocean floor for geological storage. In New Mexico (USA) a demonstration project is currently underway investigating storage of CO₂ in a fully depleted oil field.

**Gippsland Electorate: Programs and Grants**

(4) Senator O’Brien asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 17 January 2003:

(1) What programs and/or grants administered by the department provide assistance to the people living in the federal electorate of Gippsland.

(2) When did the delivery of these programs and/or grants commence.

(3) What funding was provided through these programs and/or grants for the people of Gippsland in each of the following financial years: (a) 1999-2000; (b) 2000-01; and (c) 2001-02.

(4) What funding has been appropriated for these programs and/or grants in the 2002-03 financial year.
(5) What funding has been appropriated and/or approved under these programs and/or grants to assist organisations and individuals in the electorate of Gippsland in the 2002-03 financial year.

Senator Ian Macdonald—The Minister for Transport and Regional Services has provided the following answer to the honourable senator’s question:

(1) Black Spot Programme
Roads to Recovery
Financial Assistance Grants to Local Government
Regional Flood Mitigation
Local Government Incentive Programme
Rural Communities Programme
Rural Plan
Regional Solutions Programme
Regional Assistance Programme (DOTARS responsible after November 2001)
Dairy Regional Assistance Programme (DOTARS responsible after November 2001)
Rural Transaction Centres Programme
Understanding Rural Australia Programme

(2) Black Spot Programme: 1996
Roads to Recovery: 2000
Financial Assistance Grants to Local Government: (general purpose grants 1974-75) (local roads funding 1990)
Regional Flood Mitigation: 1999
Local Government Incentive Programme: 1999
Rural Communities Programme: 1998
Rural Plan: 1998
Regional Solutions Programme: 2000
Regional Assistance Programme: 1999 (DOTARS responsible after November 2001)
Dairy Regional Assistance Programme: 2000 (DOTARS responsible after November 2001)
Rural Transaction Centres Programme: 1998-99
Understanding Rural Australia Programme: 1999

(3) Funding provided through these programmes and/or grants for the people of Gippsland in each of the following financial years: (a) 1999-2000; (b) 2000-01; and (c) 2001-02, are as follow:

<table>
<thead>
<tr>
<th></th>
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</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$170,000</td>
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<tr>
<td></td>
<td>$147,820</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Gippsland Electorate: Programs and Grants
(Question No. 1094)

Senator O’Brien asked the Minister for Defence, upon notice, on 17 January 2003:

(1) What programs and/or grants administered by the department provide assistance to the people living in the federal electorate of Gippsland.

(2) When did the delivery of these programs and/or grants commence.

(3) What funding was provided through these programs and/or grants for the people of Gippsland in each of the following financial years: (a) 1999-2000; (b) 2000-01; and 2001-02.

(4) What funding has been appropriated for these programs and/or grants in the 2002-03 financial year.

(5) What funding has been appropriated and/or approved under these programs and/or grants to assist organisations and individuals in the electorate of Gippsland in the 2002-03 financial year.

Senator Hill—The answer to the honourable senator’s questions are as follows:

(1) There are two Grants administered by Defence:
   • The Family Support Funding Program, which provides grants to organisations supporting Service families; and
   • The Army History Research Grants Scheme, which fosters research into Army History.


(3) The Family Support Funding Program:

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1999-2000</td>
<td>$34,193</td>
</tr>
<tr>
<td>2000-2001</td>
<td>$22,130</td>
</tr>
<tr>
<td>2001-2002</td>
<td>$93,379</td>
</tr>
</tbody>
</table>

(4) and (5) Funding appropriated for these programmes and/or grants in the 2002-03 financial year are available in the Departments Budget Papers at the web site: http://www.DOTARS.gov.au/dept/budget/index.htm.
No Army History Research Grants were awarded to people living in the Gippsland electorate in any of the financial years mentioned.

(4) The Family Support Funding Program - $1.25 million. The Army History Research Grants Scheme - $50,000.

(5) The Family Support Funding Program has approved grants totalling $72,298 to organisations assisting Service families in the electorate of Gippsland in the 2002-03 financial year. No Army History Research Grants have been awarded to people living in the Gippsland electorate in the 2002-03 financial year.

**Gippsland Electorate: Programs and Grants (Question No. 1109)**

**Senator O’Brien** asked the Minister representing the Minister for Small Business and Tourism, upon notice, on 17 January 2003:

1. What programs and/or grants administered by the department provide assistance to the people living in the federal electorate of Gippsland.
2. When did the delivery of these programs and/or grants commence.
3. What funding was provided through these programs and/or grants for the people of Gippsland in each of the following financial years: (a) 1999-2000; (b) 2000-01; and (c) 2001-02.
4. What funding has been appropriated for these programs and/or grants in the 2002-03 financial year.
5. What funding has been appropriated and/or approved under these programs and/or grants to assist organisations and individuals in the electorate of Gippsland in the 2002-03 financial year.

**Senator Abetz**—The Minister for Small Business and Tourism has provided the following answer to the honourable senator’s question:

Small business and tourism are part of the Industry, Tourism and Resources portfolio. Information in respect of small business and tourism programs has been incorporated in the answer to Parliamentary Question No. 1106.

**Gippsland Electorate: Programs and Grants (Question No. 1110)**

**Senator O’Brien** asked the Minister representing the Minister for Science, upon notice, on 17 January 2003:

1. What programs and/or grants administered by the department provide assistance to the people living in the federal electorate of Gippsland.
2. When did the delivery of these programs and/or grants commence.
3. What funding was provided through these programs and/or grants for the people of Gippsland in each of the following financial years: (a) 1999-2000; (b) 2000-01; and (c) 2001-02.
4. What funding has been appropriated for these programs and/or grants in the 2002-03 financial year.
5. What funding has been appropriated and/or approved under these programs and/or grants to assist organisations and individuals in the electorate of Gippsland in the 2002-03 financial year.

**Senator Alston**—The Minister for Science has provided the following answer to the honourable senator’s question:

In relation to the Science Division of the Department of Education, Science and Training, assistance has been provided to the people living in the federal electorate of Gippsland via grants under the Cooperative Research Centres (CRC) and National Innovation Awareness Strategy (NIAS) programmes.

The CRC Programme is providing funding to two Cooperative Research Centres (CRCs) that have research nodes in the federal electorate of Gippsland. The CRC for Waste Management and Pollution Control has 1 of its 5 research nodes and the CRC for Sustainable Production Forestry has 1 of its 14 research nodes in the electorate.
The NIAS has provided funding to the South Gippsland Secondary College and the Orbost Primary School through National Science Week (NSWk) grants.

(2) Funding for both the CRC for Waste Management and Pollution Control and the CRC for Sustainable Production Forestry commenced in July 1997. The two NSWk grants were provided in 2000-01 and 2001-02.

(3) Funding for individual research nodes in the electorate of Gippsland is not separately identified. The Commonwealth funding provided under the CRC Programme to the two CRCs is for use in its approved research programmes across all research nodes including those located in the Gippsland electorate.

<table>
<thead>
<tr>
<th>CRC Funding</th>
<th>Year 1999-00</th>
<th>2000-01</th>
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<tbody>
<tr>
<td>Payments</td>
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<td>$4,387,795</td>
<td>$3,421,255</td>
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<td>NIAS Funding</td>
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<tr>
<td>Year 1999-00</td>
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</tr>
<tr>
<td>Payments</td>
<td>Nil</td>
<td>$2,400.00</td>
<td>$4,598.00</td>
</tr>
</tbody>
</table>

(4) The CRC Programme appropriation for 2002-03 for all CRCs in Australia is $148.6 million. The NIAS funding allocated for National Science Weeks grants in 2002-03 is $200,000.

(5) Approved CRC Programme grant funding in allocation for 2002-03 for the two CRCs with research nodes in the federal electorate of Gippsland is $2.8 million.

The selection process for 2002-03 NSWk grants is presently in progress.

**Gippsland Electorate: Programs and Grants**

*(Question No. 1111)*

Senator O’Brien asked the Minister representing the Minister for Regional Services, Territories and Local Government, upon notice, on 17 January 2003:

(1) What programs and/or grants administered by the department provide assistance to the people living in the federal electorate of Gippsland.

(2) When did the delivery of these programs and/or grants commence.

(3) What funding was provided through these programs and/or grants for the people of Gippsland in each of the following financial years: (a) 1999-2000; (b) 2000-01; and (c) 2001-02.

(4) What funding has been appropriated for these programs and/or grants in the 2002-03 financial year.

(5) What funding has been appropriated and/or approved under these programs and/or grants to assist organisations and individuals in the electorate of Gippsland in the 2002-03 financial year.

Senator Ian Macdonald—The Minister for Regional Services, Territories and Local Government has provided the following answer to the honourable senator’s question:

(1) Black Spot Programme
Roads to Recovery
Financial Assistance Grants to Local Government
Regional Flood Mitigation
Local Government Incentive Programme
Rural Communities Programme
Rural Plan
Regional Solutions Programme
Regional Assistance Programme (DOTARS responsible after November 2001)
Dairy Regional Assistance Programme (DOTARS responsible after November 2001)
Rural Transaction Centres Programme
Understanding Rural Australia Programme

(2) Black Spot Programme: 1996
Roads to Recovery: 2000
Financial Assistance Grants to Local Government: (general purpose grants 1974-75) (local roads funding 1990)
Regional Flood Mitigation: 1999
Local Government Incentive Programme: 1999
Rural Communities Programme: 1998
Rural Plan: 1998
Regional Solutions Programme: 2000
Regional Assistance Programme: 1999 (DOTARS responsible after November 2001)
Dairy Regional Assistance Programme: 2000 (DOTARS responsible after November 2001)
Rural Transaction Centres Programme: 1998-99
Understanding Rural Australia Programme: 1999

(3) Funding provided through these programmes and/or grants for the people of Gippsland in each of the following financial years: (a) 1999-2000; (b) 2000-01; and (c) 2001-02, are as follow:

<table>
<thead>
<tr>
<th></th>
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<tbody>
<tr>
<td>Black Spot Programme:</td>
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<tr>
<td>Roads to Recovery:</td>
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<td>Financial Assistance Grants to Local Government:</td>
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<tr>
<td>Regional Flood Mitigation:</td>
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<tr>
<td>Local Government Incentive Programme:</td>
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<td>1999-2000</td>
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<td>Rural Communities Programme:</td>
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<tr>
<td>Regional Solutions Programme:</td>
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<tr>
<td>Dairy Regional Assistance Programme: (DOTARS responsible after November 2001)</td>
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<tr>
<td>1999-2000</td>
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<tr>
<td>$1,165,078</td>
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<td>-</td>
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<tr>
<td>Rural Transaction Centres Programme:</td>
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<tr>
<td>1999-2000</td>
<td></td>
<td></td>
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<tr>
<td>$155,000</td>
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<tr>
<td>$148,760</td>
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Understanding Rural Australia Programme:

<table>
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<th>Year</th>
<th>Funding</th>
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</thead>
<tbody>
<tr>
<td>1999-2000</td>
<td>$28,130</td>
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<tr>
<td>2000-2001</td>
<td></td>
</tr>
<tr>
<td>2001-2002</td>
<td></td>
</tr>
</tbody>
</table>

and (5) Funding appropriated for these programmes and/or grants in the 2002-03 financial year are available in the Departments Budget Papers at the web site: http://www.DOTARS.gov.au/dept/budget/index.htm.

Gippsland Electorate: Programs and Grants
(Question No. 1113)

Senator O’Brien asked the Minister representing the Minister for Employment Services, upon notice, on 17 January 2003:
(1) What programs and/or grants administered by the department provide assistance to the people living in the federal electorate of Gippsland.
(2) When did the delivery of these programs and/or grants commence.
(3) What funding was provided through these programs and/or grants for the people of Gippsland in each of the following financial years: (a) 1999-2000; (b) 2000-01; and (c) 2001-02.
(4) What funding has been appropriated for these programs and/or grants in the 2002-03 financial year.
(5) What funding has been appropriated and/or approved under these programs and/or grants to assist organisations and individuals in the electorate of Gippsland in the 2002-03 financial year.

Senator Alston—The Minister for Employment Services has provided the following answer to the honourable senator’s question:

(1) The following programmes, administered by the department provide assistance to the people living in the federal electorate of Gippsland:
(a) Work for the Dole;
(b) Return to Work;
(c) Transition to Work (replaced Return to Work in July 2002);
(d) Job Network;
(e) Indigenous Employment Programme;
(f) Employee Entitlements Support Scheme (EESS);
(g) General Employee Entitlements and Redundancy Scheme (GEERS); and
(h) Special Employee Entitlements Scheme for Ansett employees (SEESA).

(2) (a) Delivery of Work for the Dole commenced in November 1997.
(b) Places in the New Enterprise Incentive Scheme (NEIS) were first available on 1 May 1998.
(c) Delivery of Return to Work commenced on 1 March 2000.
(d) Delivery of Transition to Work commenced on 1 July 2002.
(g) The Indigenous Small Business Fund commenced in October 1999.
(h) Assistance under EESS is available for eligible employees terminated due to their employer’s insolvency from 1 January 2000 to 11 September 2001.
(i) Assistance under GEERS is available for eligible employees terminated due to their employer’s insolvency from 12 September 2001.
(j) Assistance under SEESA is limited to eligible employees terminated due to the insolvency of the Ansett Group of companies from 12 September 2001.

(3) (a) For details of funding provided through these programs for the people of Gippsland in 1999-2000, refer to Attachment A.
(b) For details of funding provided through these programs for the people of Gippsland in 2000-2001, refer to Attachment B.

(c) For details of funding provided through these programs for the people of Gippsland in 2001-2002, refer to Attachment C.

Attachments A, B and C must be read in concert with Attachment D. Attachment D provides vital information on the derivation of the data in the attachments and additional information about each of the programmes listed in the Attachments.

Please also note that in the financial years 1999-2000 and 2000-2001 the department delivered a number of programs that are no longer the responsibility of this department, including Regional Assistance Program, Dairy Regional Assistance Programme and Area Consultative Committees. A number of programmes delivered during these financial years have been superseded by new programmes: Community Support Programme (CSP) was replaced by the Personal Support Programme (PSP) that is administered by the Department of Family and Community Services; and Return to Work was replaced by Transition to Work in July 2002.

(4) (a) The appropriation for the Work for the Dole Programme nationally for the 2002-2003 financial year is $147.009 million.

(b) The appropriation for the 2002-03 financial year for the Transition to Work Programme is $10.227 million.

(c) The appropriation for Job Network (including Intensive Assistance, Job Search Training, New Enterprise Incentive Scheme and Project Contracting (Harvest Labour Services)), for 2002-2003 financial year is $874,632 million.

(d) The appropriation for the Indigenous Employment Programme for the 2002-03 financial year is $57.586 million.

(e) The appropriation for the Employee Entitlements Support Scheme (EESS) and the General Employee Entitlements Support Scheme (GEERS) for the 2002-03 financial year is $85.183 million.

(f) Funding for the Special Employee Entitlements Scheme for Ansett employees (SEESA) is not appropriated for any one financial year, however, $500m was appropriated for the life of the programme under the Air Passenger Ticket Levy (Collection) Act 2001.

(5) (a) In the 2002-03 financial year, $403,833 has been approved for delivery of Work for the Dole (WfD) activities in the electorate of Gippsland. Work for the Dole activities are approved on a monthly cycle depending on applications received. It is not possible to predict whether new activities will be approved for the delivery of WfD activities in the remainder of the 2002-03 financial year.

(b) Funding will be made available to Mission Australia under the Transition to Work programme for the 2002-03 financial year in the electorate of Gippsland. Transition to Work funds are disbursed in response to the number of participants that apply and are eligible within an Employment Service Area. The boundaries of the relevant Employment Service Area and the electorate of Gippsland are not aligned. It is not possible to predict the number of participants that may live in the electorate of Gippsland.

(c) Job Network funding is not appropriated on the basis of electoral boundaries. The estimated expenditure in the electorate of Gippsland to the end of December 2002 was $3,207,000. Projected expenditure for 2002-2003 will be in the order of $7,000,000.

(d) The Indigenous Employment Programme (IEP) is not appropriated on an electorate basis. However it is determined that expenditure to end December 2002 under the IEP in the electorate of Gippsland was in the order of $205,000.

(e) The various employee entitlement schemes are national schemes that are demand driven, according to insolvency, therefore funds are not regionally allocated. Recipient electorates are determined by claimants’ postcode where available. Some postcodes cover more than one electorate and the information contained shows all relevant data for each electorate. Due to postcodes covering multiple electorates, some payments to recipients will be assigned alphabetically to an electorate. This may result in a minor statistical anomaly. Funding figures are based on actual expenditure.
Attachment A

Funding provided to the people of Gippsland in Financial Year 1999-2000

<table>
<thead>
<tr>
<th>Programme</th>
<th>Recipient</th>
<th>Project</th>
<th>Start Date</th>
<th>End Date</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>ACC - GST SPO funding</td>
<td>Gippsland ACC</td>
<td>Not Applicable</td>
<td>1/07/1999</td>
<td>30/06/2000</td>
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<tr>
<td>ACC - IEP Marketing/ Facilitator</td>
<td>Gippsland ACC</td>
<td>Not Applicable</td>
<td>1/07/1999</td>
<td>30/06/2000</td>
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<td>ACC operational funding</td>
<td>Gippsland ACC</td>
<td>Not Applicable</td>
<td>1/07/1999</td>
<td>30/06/2000</td>
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<td>Community Support Program3</td>
<td>Central Gippsland Accommodation and Support Service Inc.</td>
<td>Not Applicable</td>
<td>1/07/1999</td>
<td>30/06/2000</td>
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<tr>
<td>Community Support Program3</td>
<td>Commonwealth Rehabilitation Service</td>
<td>Not Applicable</td>
<td>1/07/1999</td>
<td>30/06/2000</td>
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<tr>
<td>Community Support Program3</td>
<td>Employment Innovations Victoria Pty Ltd</td>
<td>Not Applicable</td>
<td>1/07/1999</td>
<td>30/06/2000</td>
<td>$10,700</td>
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<td>Return to Work Programme</td>
<td>Job Futures Ltd</td>
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<td>1/07/1999</td>
<td>30/06/2000</td>
<td>$13,879</td>
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<tr>
<td>'CDEP Placement Incentive</td>
<td>2 Recipients</td>
<td>Not Applicable</td>
<td>1/07/1999</td>
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</tr>
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<td>'Structured Training &amp; Employment</td>
<td>5 Recipients</td>
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<td>$31,617</td>
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<td>'Wage Assistance</td>
<td>9 Recipients</td>
<td>Not Applicable</td>
<td>1/07/1999</td>
<td>30/06/2000</td>
<td>$22,368</td>
</tr>
<tr>
<td>Regional Assistance Program4</td>
<td>Centre for Workplace Cultural Change - RMIT</td>
<td>Developing Skills for Tourism and Hospitality Businesses in East Gippsland and Cairns - Stage 1</td>
<td>1/07/1999</td>
<td>30/06/2000</td>
<td>$91,425</td>
</tr>
<tr>
<td>Regional Assistance Program4</td>
<td>Gippsland Regional Economy and Ecology Network Inc (GREEN INC)</td>
<td>Gippsland Information Technology Skills Audit and Analysis</td>
<td>1/07/1999</td>
<td>30/06/2000</td>
<td>$52,690</td>
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<tr>
<td>Regional Assistance Program4</td>
<td>Lakes Entrance Community Health Centre</td>
<td>Gippsland Import Replacement Programme</td>
<td>1/07/1999</td>
<td>30/06/2000</td>
<td>$63,184</td>
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<tr>
<td>Job Network</td>
<td>Commercial in confidence</td>
<td>Not Applicable</td>
<td>1/07/1999</td>
<td>30/06/2000</td>
<td>$5,243,000</td>
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<tr>
<td>Work for the Dole</td>
<td>244 recipients</td>
<td>36 projects</td>
<td>1/07/1999</td>
<td>30/06/2000</td>
<td>$441,992</td>
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<tr>
<td>Dairy Regional Assistance Program5</td>
<td>PowerWorks Pty Ltd</td>
<td>RePowering PowerWorks</td>
<td>1/07/1999</td>
<td>30/06/2000</td>
<td>$57,200</td>
</tr>
<tr>
<td>Dairy Regional Assistance Program5</td>
<td>Gippsland Area Consultative Committee</td>
<td>Dairy Industry Facilitation Officer Gippsland</td>
<td>1/07/1999</td>
<td>30/06/2000</td>
<td>$77,000</td>
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<tr>
<td>Dairy Regional Assistance Program5</td>
<td>Maffra Area International Inc</td>
<td>Agr “e” Business Facilitation</td>
<td>1/07/1999</td>
<td>30/06/2000</td>
<td>$45,834</td>
</tr>
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</table>
### Funding provided to the people of Gippsland in Financial Year 2000-2001

<table>
<thead>
<tr>
<th>Programme</th>
<th>Recipient</th>
<th>Project</th>
<th>Start Date</th>
<th>End Date</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>ACC 1 - GST SPO funding</td>
<td>Gippsland ACC</td>
<td>Not Applicable</td>
<td>1/07/2000</td>
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<td>ACC 1 - operational funding</td>
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<td>30/06/2001</td>
<td>$120,900</td>
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<tr>
<td>ACC 1 - IEP Marketing/Facilitator</td>
<td>Gippsland Area Consultative Committee</td>
<td>Not Applicable</td>
<td>1/07/2000</td>
<td>30/06/2001</td>
<td>$50,308</td>
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<td>ACC 1 - SBAO</td>
<td>Gippsland Area Consultative Committee</td>
<td>Not Applicable</td>
<td>1/07/2000</td>
<td>30/06/2001</td>
<td>$57,500</td>
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<tr>
<td>ACC 1 - operational funding</td>
<td>Gippsland Area Consultative Committee</td>
<td>Not Applicable</td>
<td>1/07/2000</td>
<td>30/06/2001</td>
<td>$114,900</td>
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<td>CSP 2</td>
<td>Central Gippsland Accommodation and Support Service Inc</td>
<td>Not Applicable</td>
<td>1/07/2000</td>
<td>30/06/2001</td>
<td>$15,918</td>
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<td>CSP 2</td>
<td>Commonwealth Rehabilitation Service</td>
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<td>CSP 2</td>
<td>Employment Innovations Victoria Pty Ltd</td>
<td>Not Applicable</td>
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<td>$11,962</td>
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<td>CSP 2</td>
<td>Mission Employment</td>
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<td>1/07/2000</td>
<td>30/06/2001</td>
<td>$37,520</td>
</tr>
<tr>
<td>Programme</td>
<td>Recipient</td>
<td>Project</td>
<td>Start Date</td>
<td>End Date</td>
<td>Amount</td>
</tr>
<tr>
<td>----------------------------------------</td>
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<td>------------</td>
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<td>---------</td>
</tr>
<tr>
<td>CSP 2</td>
<td>Central Gippsland Accom &amp; Support Service</td>
<td>Not Applicable</td>
<td>1/07/2000</td>
<td>30/06/2001</td>
<td>$37,520</td>
</tr>
<tr>
<td>CSP 2</td>
<td>Employment Innovations Victoria Pty Ltd</td>
<td>Not Applicable</td>
<td>1/07/2000</td>
<td>30/06/2001</td>
<td>$12,864</td>
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<td>CDEP Placement Incentive</td>
<td>1 Recipient</td>
<td>Not Applicable</td>
<td>1/07/2000</td>
<td>30/06/2001</td>
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<td>Direct Assistance 3</td>
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<td>Wage Assistance 7</td>
<td>11 Recipients</td>
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<td>1/07/2000</td>
<td>30/06/2001</td>
<td>$27,151</td>
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<tr>
<td>RAP 4</td>
<td>South Gippsland Shire Council</td>
<td>Barry Point Industrial Precinct, South Gippsland</td>
<td>1/07/2000</td>
<td>30/06/2001</td>
<td>$110,000</td>
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<tr>
<td>RAP 4</td>
<td>Bung Yarnda CDEP Co-Operative</td>
<td>Business Development Plan - Bung Yarnda Timber Enterprise</td>
<td>1/07/2000</td>
<td>30/06/2001</td>
<td>$17,518</td>
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<td>RAP 4</td>
<td>Victorian Eastern Development Association</td>
<td>Value Added Timber Industry Development Project</td>
<td>1/07/2000</td>
<td>30/06/2001</td>
<td>$33,000</td>
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<td>RAP 4</td>
<td>Victorian Eastern Development Association</td>
<td>Value Adding the Wool Clip in the Omeo District and East Gippsland</td>
<td>1/07/2000</td>
<td>30/06/2001</td>
<td>$49,500</td>
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<td>RAP 4</td>
<td>Gippsland Development Ltd</td>
<td>China Desk Project</td>
<td>1/07/2000</td>
<td>30/06/2001</td>
<td>$64,350</td>
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<td>RAP 4</td>
<td>Gippsland Group Training Ltd</td>
<td>Employer Pack</td>
<td>1/07/2000</td>
<td>30/06/2001</td>
<td>$35,475</td>
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<td>Job Network</td>
<td>Commercial in confidence</td>
<td>Not Applicable</td>
<td>1/07/2000</td>
<td>30/06/2001</td>
<td>$6,306,000</td>
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<td>Work for the Dole</td>
<td>267 recipients</td>
<td>45 projects</td>
<td>1/07/2000</td>
<td>30/06/2001</td>
<td>$658,950</td>
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<tr>
<td>Return to Work Programme 6</td>
<td>Job Futures Ltd</td>
<td>Not Applicable</td>
<td>1/07/2000</td>
<td>30/06/2001</td>
<td>$30,368</td>
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<td>Employee Entitlements Support Scheme 7</td>
<td>7 recipients</td>
<td>Not Applicable</td>
<td>1/07/2000</td>
<td>30/06/2001</td>
<td>$10,269</td>
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<tr>
<td>TOTAL</td>
<td></td>
<td></td>
<td></td>
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<td>$7,910,803</td>
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</tbody>
</table>

1 Area Consultative Committees (ACCs) was transferred to the Department of Transport and Regional Services in November 2001.

2 Community Support Programme (CSP) was superseded by the Personal Support Programme (PSP) following the 2001-2002 Budget and is administered by the Department of Family and Community Services.


4 Regional Assistance Programme (RAP) was transferred to the Department of Transport and Regional Services in November 2001.
Dairy Regional Assistance Programme (Dairy RAP) was transferred to the Department of Transport and Regional Services in November 2001.

Return to Work was superseded by Transition to Work in July 2002.

The Employee Entitlements Support Scheme is accessible to employees who were terminated due to the insolvency of their employer from 1 January 2000 until 13 September 2001. The General Employee Entitlements Scheme (GEERS) is accessible to employees who were terminated due to the insolvency of their employer post 13 September 2001. The Special Employee Entitlements Scheme for Ansett (SEESA) is accessible to employees who were terminated due to the insolvency of the Ansett group of Companies after 13 September 2001.

Attachment C

Funding provided to the people of Gippsland in Financial Year 2001-2002

<table>
<thead>
<tr>
<th>Programme</th>
<th>Recipient</th>
<th>Project</th>
<th>Start Date</th>
<th>End Date</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>CSP ²</td>
<td>Central Gippsland Accom &amp; Support Services</td>
<td>Not Applicable</td>
<td>1/07/2001</td>
<td>30/06/2002</td>
<td>$202</td>
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<tr>
<td>CSP ³</td>
<td>Mission Employment</td>
<td>Not Applicable</td>
<td>1/07/2001</td>
<td>30/06/2002</td>
<td>$37,520</td>
</tr>
<tr>
<td>CSP ³</td>
<td>Central Gippsland Accom &amp; Support Services</td>
<td>Not Applicable</td>
<td>1/07/2001</td>
<td>30/06/2002</td>
<td>$37,520</td>
</tr>
<tr>
<td>CSP ³</td>
<td>Employment Innovations Victoria Pty Ltd</td>
<td>Not Applicable</td>
<td>1/07/2001</td>
<td>30/06/2002</td>
<td>$12,864</td>
</tr>
<tr>
<td>Direct Assistance ¹</td>
<td>1 Recipient</td>
<td>Not Applicable</td>
<td>1/07/2001</td>
<td>30/06/2002</td>
<td>$24,397</td>
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<td>Structured Training &amp; Employment ¹</td>
<td>1 Recipient</td>
<td>Not Applicable</td>
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<td>30/06/2002</td>
<td>$37</td>
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<td>Wage Assistance ³</td>
<td>8 Recipients</td>
<td>Not Applicable</td>
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<td>30/06/2002</td>
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<td>Job Network</td>
<td>Commercial in confidence</td>
<td>Not Applicable</td>
<td>1/07/2001</td>
<td>30/06/2002</td>
<td>$7,088,000</td>
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<td>Work for the Dole</td>
<td>280 recipients</td>
<td>43 projects</td>
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<td>30/06/2002</td>
<td>$617,965</td>
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<tr>
<td>Return to Work Programme ⁶</td>
<td>Job Futures Ltd</td>
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<td>30/06/2002</td>
<td>$50,860</td>
</tr>
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<td>Employee Entitlements Support Scheme ¹</td>
<td>1 Recipient</td>
<td>Not Applicable</td>
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<td>30/06/2002</td>
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<td>GEERS ⁷</td>
<td>4 Recipients</td>
<td>Not Applicable</td>
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<td>30/06/2002</td>
<td>$27,637</td>
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<td>SEESA ⁷</td>
<td>5 Recipients</td>
<td>Not Applicable</td>
<td>1/07/2001</td>
<td>30/06/2002</td>
<td>$64,952</td>
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<tr>
<td>TOTAL</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$7,990,912</td>
</tr>
</tbody>
</table>

1 Area Consultative Committees (ACCs) was transferred to the Department of Transport and Regional Services in November 2001.

2 Community Support Programme (CSP) was superseded by the Personal Support Programme (PSP) following the 2001-2002 Budget and is administered by the Department of Family and Community Services.


4 Regional Assistance Programme (RAP) was transferred to the Department of Transport and Regional Services in November 2001.

5 Dairy Regional Assistance Programme (Dairy RAP) was transferred to the Department of Transport and Regional Services in November 2001.

6 Return to Work was superseded by Transition to Work in July 2002.
The Employee Entitlements Support Scheme is accessible to employees who were terminated due to the insolvency of their employer from 1 January 2000 until 13 September 2001. The General Employee Entitlements Scheme (GEERS) is accessible to employees who were terminated due to the insolvency of their employer post 13 September 2001. The Special Employee Entitlements Scheme for Ansett (SEESA) is accessible to employees who were terminated due to the insolvency of the Ansett group of Companies after 13 September 2002.

Attachment D

The following disclaimer statements must be read alongside Attachments A, B and C.

Return to Work*

Return to Work (RtW) programme places were allocated by Labour Market regions (LMRs) and expenditure has been attributed to the electorates relevant to the region, giving regard to area of the electorate and the size and distribution of population within it. Year and participant numbers of RtW were as follows: 1999-2000 (596) 2000-2001(3,851); 2001-2002 (7,455). RtW became Transition To Work (TTW) as part of the Australians Working Together (AWT) initiatives. TTW is now one part of the AWT transitional pathway, whereas RTW was formerly a discrete programme. RtW was primarily aimed at carers who had been out of the workforce for two years or longer. Figures are based on projected expenditures.

Transition To Work (TTW)

Return to Work (RtW) was superseded by Transition To Work (TTW) in July of this year. To date, there have been 4,046 commencements in TTW. The service is on target to place 10,000 people during the 2002-2003 financial year. Transition to Work Services is a key component of the Transitional Support pathway in the Australians Working Together initiatives. The service aims to assist parents and carers, mature age people 50 and over, those who are starting work for the first time, are not currently in full-time education or training, or are returning to work after at least two or more consecutive years’ absence. Participants do not need to be in receipt of any type of income support from Centrelink to access these services. Job seekers participating in or eligible for other services such as Job Search Training, Intensive Assistance or Work for the Dole are not eligible for participation in Transition to Work.

Indigenous Small Business Fund*

The system used to collect the data in the spreadsheet is not a payment system. As such, financial allocation information is recorded on a whole of project basis and not necessarily by financial year. For projects that cross two financial years, 50% of funding has been apportioned to the first year and the balance to the second year. Figures are based on allocated funding, not actual expenditure.

IEP Programmes (Structured Training and Employment Projects (STEP), Wage Assistance, Direct Assistance, Corporate Leaders for Indigenous Employment Project, National Indigenous Cadetship Project, Community Development Employment Projects (CDEP) Placement Incentive)

The figures provided are presented on the basis that the address of the project or employer that received funding was in the specified electorate. It should be noted that in some cases this will be the address of a central office of the organisation and does not necessarily reflect the location of actual employment. Figures are based on actual expenditure.

Job Network Programmes (Intensive Assistance, Job Matching, Job Search Training, New Enterprise Incentive Scheme, Project Contracting (Harvest Labour Services))

Job Network is administered on the basis of 19 Labour Market Regions and 137 Employment Service Areas, the boundaries of which do not align with those of federal electorates. Expenditure has been allocated to electorates on the basis of the location of Job Network sites. Small or zero expenditure against electorates does not mean that job seekers living in those electorates are not receiving Job Network services. The distribution of sites by electorate is entirely coincidental; sites are generally located near shopping centres and centres of employment. Job seekers choose Job Network members for a variety of reasons including location, proximity to transport routes/centrelink office, satisfaction of friends and others. Figures are based on actual expenditure.

Employee Entitlements Support Scheme (EESS), General Employee Entitlements and Redundancy Scheme (GEERS)

Recipient electorates are determined by claimants’ postcode where available. Some postcodes cover more than one electorate and the information contained shows all relevant data for each electorate. Due to postcodes covering multiple electorates, some payments to recipients will be assigned alphabetically.
to an electorate. This may result in a minor statistical anomaly. Funding figures are based on actual expenditure.

**Special Employee Entitlement Scheme for Ansett (SEESA)**

Figures are based on a report from the Ansett Administrator and there are a small number of payments where the postcode does not match an electorate or where there are no postcodes. Where there has been a postcode relating to more than one electorate all employees residing in the affected postcode have been assigned to that one electorate. Funding figures are based on actual expenditure.

**Work for the Dole Programme (WfD)**

All figures derived in this spreadsheet are based on funding approved. Funding to deliver activities has been linked to electorate by the geographic location or locations where the activity occurs (as advised by the activity sponsor). Where, as a result of this process, the locations associated with an activity fall into more than one electorate, the funds and approved places associated with the activity have been divided equally among the electorates involved. Funding figures are GST inclusive. The number of approved places for which funding is available has been provided because the number of recipients by electorate is not available. Funding and expenditure are normally linked to administrative areas which are used for a number of purposes related to the operation of a program, for example, Labour Market Regional (LMR), Employment Service Area (ESA) or Area Consultative Committee (ACC) location. The borders associated with these administrative areas do not necessarily coincide with electorate boundaries. Figures are based on approved funding, not actual expenditure.

**Regional Assistance Programme (RAP)**, **Dairy Regional Assistance Programme (Dairy RAP)**

Expenditure after 1 July 2000 has been linked to electorate on the location where the bulk of project occurs. In cases where a postcode applies to more than one electorate the expenditure has been assigned to the electorate with the greater geographic area. Figures are based on allocated funding, not actual expenditure. With the machinery of government changes following the 2001 election, each of these programs were moved to the Department of Transport and Regional Services, (DoTaRS). The department has therefore not recorded data against these programs since 10 November 2001.

**Area Consultative Committees (ACC)**

ACCs cover multiple electorates. Figures for each electorate have been calculated by dividing the total funding for an ACC equally among the electorates involved and are based on funding allocated, not actual expenditure. All figures prior to July 2000 are GST exclusive. Those post July 2000 are GST inclusive.

With the machinery of government changes following the 2001 election, each of these programs were moved to the Department of Transport and Regional Services, (DoTaRS). This department has therefore not recorded data against these programs since 10 November 2001.

**Community Support Programme (CSP)**

Year and participant numbers: 1998(3,352); 1999(5,772); 2000 (13,810); 2001 (17,579); 2002 (5,286). In the 2001-02 Budget the Commonwealth Government announced the Personal Support Programme (PSP) as part of Australians Working Together. The PSP, managed by the Department of Family and Community Services (DFaCS), replaced the CSP and improves on the CSP by expanding the eligibility criteria and tailoring the programme to better meet the needs of its participants. The above figures are allocated to electorate based on the postal address of the recipients. Funding figures are based on actual expenditure.

**Australian Workplace Agreements (AWAs)**

The figures represent all AWAs approvals between March 1997 and end October 2002. There will be some slight inaccuracies for the following reasons:

- The total number of AWAs is slightly higher than the total number of AWAs by post code as some employees with AWAs did not provide their addresses.
- Some employees indicated an incorrect post code (some that do not exist).
- Some post codes appear to be missing from the electorate list, for example 0811 and 0821.
- Some localities are split between electorates, for example, Carlingford has one post code but different areas fall within four different electorates, (the program has allocated all AWAs with a post code of 2118 to the first electorate on the list).
Small Business Incubator
The figures provided are presented on the basis that the address of the project or employer that received funding was in the specified electorate. The figures are GST exclusive and based on allocated funding as opposed to actual expenditure. With the machinery of government changes following the 2001 election, this programme was moved to the Department of Industry, Tourism, Science and Resources (DITR). This department has therefore not recorded data against this programme since 10 November 2001.

Office of Labour Market Adjustment
The Office of Labour Market Adjustment (OLMA) provided labour market assistance through specific regional, and enterprise packages when employment was affected by structural adjustment or downturn in the economic and business cycle. Following the 1996-97 Budget, the functions of OLMA were subsumed and the regional aspects of the OLMA programmes were refocussed under the Regional Assistance Program (RAP) administered by the Area Consultative Committees (ACCs).

Working Women’s Centres
Working Women’s Centres service the entire State and not just the electorate in which they are located. There are no Working Women’s Centres operating in Western Australia, the Australian Capital Territory or Victoria.

The following statements should be read in conjunction with the figures in this document.
1. Funding and expenditure are normally linked to administrative areas which are used for a number of purposes related to the operation of a program, for example, Labour Market Regional (LMR), Employment Service Area (ESA) or Area Consultative Committee (ACC) location. The borders associated with these administrative areas do not necessarily coincide with electorate boundaries.
2. Where additional information is held such as the location of a program, this has provided a basis to link expenditure to an electorate. The information provided in the attached spreadsheet is therefore an approximation based on information available.
3. Figures in the attached spreadsheet generally indicate monies allocated, not monies spent. However, it should be noted that all IEP programme figures reflect actual expenditure.
4. An asterisk (*) assigned to a programme indicates that allocated funding is GST inclusive.
5. Only those DEWR programmes administered in the examined electorate are detailed in this document.

Health: Self-Extinguishing Cigarettes
(Question No. 1149)

Senator Nettle asked the Minister for Health and Ageing, upon notice, on 4 February 2003:
(1) To what extent is the Minister aware that tobacco companies, including Philip Morris Ltd and British American Tobacco, are now producing self-extinguishing cigarettes.
(2) What information is there regarding the technology involved with the product of self-extinguishing cigarettes.
(3) If the Minister is aware of the existence of self-extinguishing cigarettes does the Minister plan to adopt a national standard for self-extinguishing cigarettes; if not, why not.
(4) If the Minister is not aware of such a product will the Minister look into the viability of self-extinguishing cigarettes in Australia.

Senator Patterson—The answer to the honourable senator’s question is as follows:
(1) I am aware that there is overseas interest but not aware of any tobacco companies releasing self-extinguishing cigarettes on the Australian market.
(2) (3) and (4) My Department will request the National Expert Advisory Committee on Tobacco to provide advice on the issue of self-extinguishing cigarettes including the technology involved in their production and an assessment of international developments.
The findings of the Committee will provide an initial indication of whether regulation of the ignition potential of cigarettes and development of a national standard merits further investigation. If so, further consultation with relevant expert bodies and Ministers, including State and Territory Ministers, would be required.