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Wednesday, 14 May 2003

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

BUSINESS

Rearrangement

Senator FAULKNER (New South Wales—Leader of the Opposition in the Senate) (9.30 a.m.)—I seek leave for General Business order of the day No. 59 for the adjourned debate on the motion relating to the Governor-General to be called on immediately and for the debate to have precedence over all other business until determined.

Leave granted.

GOVERNOR-GENERAL

Debate resumed from 13 May, on motion by Senator Faulkner:

That the Senate—
(a) notes with concern that:
   (i) the Government has failed to respond to evidence of sexual abuse of children in our society and within our public institutions,
   (ii) the independent report of the Diocesan Board of Inquiry found that Dr Peter Hollingworth, while occupying a position of public trust as Archbishop of Brisbane, allowed a priest to remain in the ministry after an admission of sexual abuse, and the Board of Inquiry found this decision to be ‘untenable’,
   (iii) the Governor-General has admitted that he made a serious error in doing so,
   (iv) Dr Peter Hollingworth, through his actions while in the Office of Governor-General, in particular his interview on ‘Australian Story’ and his apparent ‘reconstruction’ of evidence before the Diocesan Board of Inquiry, has shown himself not to be a person suitable to hold the Office of Governor-General,
   (v) members of the House of Representatives, senators, and premiers and members of state parliaments have called upon the Governor-General to resign, or failing that, to be dismissed by the Prime Minister,
   (vi) the Governor-General is now no longer able to fulfil his symbolic role as a figure of unity for the Australian people,
   (vii) the Governor-General is now no longer able to exercise the constitutional powers of the Office in a manner that will be seen as impartial and non-partisan,
   (viii) the Governor-General’s action in standing aside until the current Victorian Supreme Court action is resolved, does not address any of the issues surrounding his behaviour as Archbishop of Brisbane, and is therefore inadequate,
   (ix) the Governor-General has failed to resign and the Prime Minister has failed to advise the Queen of Australia to dismiss him, and
   (x) the Australian Constitution fails to set out any criteria for the dismissal of a Governor-General or a fair process by which this can be achieved; and
(b) urges:
   (i) the Prime Minister to establish a Royal Commission into child sexual abuse in Australia, and
   (ii) the Governor-General to immediately resign or, if he does not do so, the Prime Minister to advise the Queen of Australia to terminate the Commission of the Governor-General.

Senator LUDWIG (Queensland) (9.31 a.m.)—I will continue the speech that I commenced yesterday on the motion moved
by Senator Faulkner. The motion notes with concern that:

(i) the Government has failed to respond to evidence of sexual abuse of children in our society and within our public institutions,

(ii) the independent report of the Diocesan Board of Inquiry found that Dr Peter Hollingworth, while occupying a position of public trust as Archbishop of Brisbane, allowed a priest to remain in the ministry after an admission of sexual abuse, and the Board of Inquiry found this decision to be ‘untenable’,

(iii) the Governor-General has admitted that he made a serious error in doing so...

The motion contains a number of further paragraphs and it goes on to urge:

(i) the Prime Minister to establish a Royal Commission into child sexual abuse in Australia, and

(ii) the Governor-General to immediately resign or, if he does not do so, the Prime Minister to advise the Queen of Australia to terminate the Commission of the Governor-General.

Returning to the speech that I was making yesterday, I asked why the Prime Minister believed that the tabling of the report was not an appropriate use of parliamentary procedure and privilege. The report has since been tabled in the House of Representatives and here, but not by the government. The question that should be answered by this government is: how much more damage will the government allow to the position of the Governor-General before it does act? It has not acted to date; it remains frozen. The matter has been around for two years. The government has had an opportunity to act but it has shown no sign of doing anything about it; it seems to hope that the matter will simply go away. It is not going to go away.

There is now debate about whether there should be more public input into the selection of a candidate for the office. In other words, rather than simply the Governor-General and the government’s reluctance to act, wider issues are being canvassed. Labor has argued for a more consultative approach to the appointment process. Currently there is no requirement for the Prime Minister to consult with the opposition leader. It would seem prudent to have at least allowed that process to take place. But it does not end there either. It appears that a fireside chat was the only requirement for the appointment of a Governor-General. In today’s society there should be more public involvement in the selection of the office holder. It is clearly unwise to allow the system to be perpetuated as it stands today. It clearly needs to be modernised. Discreet checks on candidates for appointment, plus a system to allow a little more consultation, may be helpful. I am sure that if the Prime Minister is unable to act now he will be unable to take a wider view and act to ensure that these matters cannot happen again. The role of the Governor-General should be above politics and one that attracts universal support. It is not supposed to consume prime-time television slots. If that is no longer the case, as it is here, the position should be vacated.

I compare the vice-regal performance at the moment with that of Sir William Deane. No-one would disagree that Sir William Deane served us well during his period in office. During times of national hardship, crisis and mourning, Australian citizens knew that standing behind them was a quietly spoken man, a compassionate man, who was reaching out to the people and giving them support in an extremely personal way. We all felt better because we knew that Sir William Deane was there. We all knew him well because he had been there for us before.
It is worth while mentioning some of the more poignant points in his history. He stood with us at some of the saddest events which have occurred in this country. He led the mourners at the site of the Port Arthur massacre and he was on hand to support the survivors of the Thredbo landslide. Indeed, he was so thoughtful that he took to Interlaken sprigs of wattle from his own garden in Canberra to cast into the canyon streams. He was not there to talk to the media; he was not interested in developing his personal profile; he had his own persona. He simply sought to bring people comfort. Sir William Deane did our nation proud. The pride that was nurtured by Sir William Deane, in my view, has since been eroded by the scandals surrounding Dr Peter Hollingworth's appointment as Governor-General. The public has been besieged by incidents and outrages concerning one of our highest offices.

There are tales of travel costs involving high figures of money. It seems that taxpayers have been paying or forking out tens of thousands of dollars for spin doctor campaigns which have tried, without success, to restore some dignity to the office of the Governor-General. What has also occurred, which the government may want to clarify—certainly this debate is allowing government senators the opportunity to talk now—is that the government put a gag on their MPs and senators to keep them from discussing the issue, an issue of significance to the Australian people. A directive apparently was issued directly from the office of the Government Whip—at least it was reported as such in the newspaper. I am sure it can be clarified if that is, in fact, not the case. The directive was designed to stop government MPs and senators from embarrassing the government with their own views. The directive was directed to ensure that, on behalf of their constituents, senators and MPs could not express their views about the issue.

This debate, of course, will allow senators to express their views in this house, but the constituents they represent are not gullible. They have listened to the views of the media. They have had an opportunity to listen to the denials from Dr Hollingworth. They have also had an opportunity to look at the report of the Anglican board of inquiry. And, more importantly, they have been able to listen to Dr Hollingworth himself and, in particular, to their own Anglican church members and to comments by Archbishop Phillip Aspinall, especially those he made in May. You can clearly see that, in all of that, the handling of the sexual abuse claims when Dr Hollingworth was Archbishop of the Brisbane diocese left a lot out. His comments during the Australian Story program were probably the most damning of all.

It is not only about people's views; there is also the wider consideration that must be taken into account. The Governor-General and the Prime Minister have acted contrary to what might be regarded as appropriate for the continuation of the Governor-General in the office. It is not, in my view, a position that should be held in the face of such controversy; nor should the office holder bunker down and ignore the public's view about the matter. Once the behaviour of the Governor-General was called into question, as it was, the government had a responsibility, and still does have a responsibility, to act immediately—not in a half-hearted matter as it has chosen to act now.

The inquiry describes Dr Hollingworth's decision to allow a priest to remain in the ministry following his admission that he had sexually abused a minor prior to his becoming a priest. In his statement of 20 February 2002, before the establishment of the board of inquiry, Dr Hollingworth accepted that he had made a serious error of judgment and that today he would reach a different conclusion. I think in the light of what has oc-
curred, that does in fact go without saying. It should also be put in context. This serious error of judgment was not made in the 1960s; it was made in the early 1990s—a time when sexual abuse against a minor by a person or persons who held positions of trust in the community was not being swept under the carpet but was coming to the fore and was being reported and dealt with in the media. Child protection laws had been strengthened and discussed at length at that time. Claiming ignorance of a decision that had a profound effect on many people’s lives is, in my view, weak and unforgivable.

One of the most fundamental beliefs of parents is that they should be able to send their child or children to school with the knowledge of institutions providing a service—an educative service, a pastoral service—and if abuse issues arise the institutions are able to deal with them immediately and appropriately and with great sensitivity. Dr Hollingworth did not do this, in my view, and has since claimed that it was an error in judgment.

The focus should not simply rest with Dr Hollingworth; the focus should be on the Prime Minister’s inability to act on this. What is more concerning overall is that you have a Prime Minister who has failed to take any decisive action in this regard. It seems that the Prime Minister has been concerned more about the state of the polls than the state of the Governor-General’s office. The issue surrounding the office has for more than two years dominated the media, and it should not. The Governor-General has stood aside but not in respect of the issue that he should have resigned over. *(Time expired)*

**Senator BRANDIS (Queensland) (9.42 a.m.)—** It is not my intention in this debate to speak to the question of what course the Governor-General should now take. Nor do I intend to mount a political defence of the government, although my own view is that the Prime Minister has handled a difficult situation appropriately and with tact. I rise to speak because I cannot stand by and see a man with Dr Hollingworth’s public record of service to this country, to his church and to the most underprivileged people in this country over a lifetime, now having his reputation so shamefully traduced and besmirched by a process which would have done justice to Salem in the 1690s or Washington in the 1950s. What I want to do today is to put Dr Hollingworth’s case on the record by referring to the evidence which opposition senators have chosen not to refer to, which was placed before the board of inquiry—the board that has been incorrectly described as the Aspinall inquiry but, in fact, is a report prepared by Mr O’Callaghan QC and Professor Briggs.

At the outset, let me make four points. The first point to be made is that, as the O’Callaghan-Briggs inquiry found, Dr Hollingworth, in handling the one particular case which has been the subject of criticism—the case concerning the priest John Elliot—acted at all times in good faith. Secondly, as the O’Callaghan-Briggs report found, Dr Hollingworth’s evidence to the board was honest. His recollections were truthful, although in some respects they preferred a view of the evidence offered by others—and I will return to that.

The third point to be made, because it has been missed in the public discussion, is that Dr Hollingworth, after an extensive period of consultation, set in place a process and a mechanism for dealing with this priest, as a result of which no child abuse occurred. So the course of action upon which Dr Hollingworth decided in order to minimise the risk of child abuse produced no consequences. The offences for which the priest, Father Elliot, was charged happened decades be-
fore. That, I think, has also been missed in the public discussion.

The fourth point I wish to make is that, from a procedural point of view, there are serious and grave misgivings about the findings of this board. When I read the report, I was shocked at the laxity and casualness of the procedural safeguards. Yet the findings of this board, in respect of one complaint, are the entire case made against Dr Hollingworth. I believe, as a lawyer, that he undoubtedly has been denied natural justice, and I hope he does pursue the appropriate remedies to vindicate himself in the civil courts.

I want to read from the evidence of the O’Callaghan-Briggs report because it is important that people know what Dr Hollingworth did. It is not in controversy and it is now accepted that his response was inadequate; that the manner in which he chose to deal with this matter was, as he himself has said, an error of judgment. But let us see what he did do, because that is not been sufficiently—or, indeed, at all—canvassed in the public discussion, and opposition senators have conveniently chosen to ignore it.

On 23 July 1993, in response to a complaint, Dr Hollingworth interviewed the priest, John Elliot, in Brisbane at the Archbishop’s residence, Bishopsbourne. After interviewing the priest, this is the course of action on which Dr Hollingworth embarked. I quote from page 386 of the report which sets out Dr Hollingworth’s evidence as contained in the letter from his solicitors:

in order to assist him in deciding what further action should thereafter be taken, Dr Hollingworth required Mr Elliot to see Dr Slaughter—

Dr Slaughter, to whom I will return in another context later, is a most distinguished and eminent psychiatrist—

saying that a final decision on Mr Elliot’s future would be dependent on Dr Slaughter’s assessment
tion in the community and whether a program of treatment can effectively deal with his problem.

He has written to me saying he gives his full permission to discuss the situation with yourself.

Thank you for your generous assistance in this and other matters.

Having considered Dr Slaughter’s advice, Dr Hollingworth made a decision, the terms of which are set out at pages 390 to 391 of the O’Callaghan-Briggs report. He wrote to Father Elliot as follows:

Having given your situation long and prayerful thought, I have now reached the conclusion that no good purpose can be served in my requiring you to relinquish your pastoral responsibility as Rector of Dalby. The matter which has exercised my mind most strongly is the fact that your departure at this stage could cause unintended consequences that would make things worse ... The major difficulty is that in not taking disciplinary action I and the Church could subsequently be charged with culpability while at the same time an act of removing you would place you in an impossible situation at your age and stage in life. I therefore propose the following—Firstly that you give a clear and written undertaking to me that you will not establish or have any close association with CEBS Groups or similar kinds of groups for boys—CEBS being a church youth organisation—Secondly that when in the presence of young boys you always have someone else with you ... And thirdly that you take the option of retiring at the age of 65.

Father Elliot, at that time, was 63. Then, at page 395 the board finds:

The Board does not doubt that Dr Hollingworth made his decision after having discussed the matter with the regional Bishops who did not demur, and having sought Dr Slaughter’s advice. Further the conditions imposed, he believed, minimised the risk of the recurrence of the abuse.

And the abuse did not reoccur. So the course of action recommended by Dr Slaughter and adopted by Dr Hollingworth was, by its own terms, successful.

Those are the key material facts. In the first place they show that, contrary to the disgraceful assertion by Senator Faulkner in the debate yesterday that Dr Hollingworth dealt with this case in a remote and high-handed fashion, in fact Dr Hollingworth gave the case detailed, painstaking, careful and thorough consideration. The suggestion of neglect or high-handedness is rubbish. Secondly, they show that Dr Hollingworth sought professional advice from a distinguished psychiatrist, as well as sought the counsel of other senior officials within the church.

Because of the brevity of the time available to me I have not taken the Senate through that part of the evidence in the report which deals with the extensive pastoral care that Dr Hollingworth personally supervised in relation to the complainant and the complainant’s family, including ensuring that the complainant had access to psychiatric care and counselling himself so as to deal with the effects of the abuse—they show that Dr Hollingworth engaged in careful consultation with other senior officers of the church.

Thirdly, the facts show that the decision Dr Hollingworth arrived at—a decision taken on professional advice and after extensive consultation—was a careful and considered decision. The suggestion of a cover-up, of sweeping this matter under the carpet, does not bear scrutiny and could not be maintained by any honest person who has carefully read the report.

It is wonderful to be wise in hindsight, and it is important to judge Dr Hollingworth’s conduct by the standard of the time—1993. On 3 March 2002 Dr Slaughter wrote to Dr Wayne Miles, the president of the Royal Australian and New Zealand College of Psychiatrists. By this time the matter had become the subject of public discussion. Dr Slaughter had this to say:
Peter Hollingworth’s actions in dealing with this man might seem soft by today’s standards, but these were a significant improvement on the past. That is the evidence of the psychiatrist, that Dr Hollingworth’s manner of dealing with this difficult case was in fact an improvement on the standards which had heretofore been adopted in dealing with cases of this kind. Meg Herbert, who was the Dean of Candidates for the Uniting Church, writing in the journal *Professional Ethics* on the topic of clergy sexual abuse, said this in speaking of the relevant time—that is, the early 1990s:

In the past the Uniting Church had been no different from other denominations in solving the problem simply by moving the minister.

Dr Hollingworth’s decision at the time was consistent not only with the accepted practice within his church but within other churches and, furthermore, it took further steps than had ever before been taken in like cases to deal with this difficult matter. It is all very well to say in 2003 that it was not enough. By the standards of the time, it was more than had ever been done before. Language is a funny thing: these same facts, which provide the basis of the denunciation of Dr Hollingworth and the traducing of a lifetime record of public service, could bear an entirely different interpretation if one were to say that, in 1993, Dr Hollingworth handled a complaint about clergy sexual abuse by applying to himself and to the clergyman concerned standards which were more advanced and stricter than had ever been applied before. But we do not hear that, and yet that is the character of his behaviour at the time.

I want to finally say a couple of words about procedural fairness. Dr Hollingworth has said that he has been deprived of natural justice, and you only have to read the O’Callaghan-Briggs report to appreciate that is so. Natural justice is a lawyers’ term but it encapsulates a layman’s notion—that is, that nobody should stand condemned unless they have had a right to be heard and to answer the charges against them. Did you know, Mr Acting Deputy President—because I am sure the general public doesn’t—that the evidence against Dr Hollingworth upon the basis of which the adverse finding was made in this one case was evidence either taken in writing or given over the telephone in telephone conversations, that Dr Hollingworth had no opportunity whatsoever to test or challenge that evidence by cross-examination and that Dr Hollingworth was afforded no opportunity when the final report was in draft form to comment on it and put his own case?

You don’t have to be a lawyer to realise that there is something very unfair about that and also to realise that the more grave the allegation the more grave the consequences for the person against whom the allegation is made, the more important it is that that person be afforded procedural fairness and natural justice before adverse findings are made against him. And yet in this case the first citizen of the land, a former Australian of the Year, a 25-year worker for and then Director of the Brotherhood of St Laurence, who has devoted his life to the assistance of the poor, has had his entire reputation traduced and besmirched in a most disgraceful way—and particularly from our friends in the opposition for the most shameful partisan advantage—as a result of a process in which he was not even afforded procedural fairness or the opportunity to be heard. Let the facts speak for themselves, Mr Acting Deputy President, but let those facts speak clearly that there are two sides to this story; sadly the Australian public has only heard one.

*Senator GREIG (Western Australia)*

(10.02 a.m.)—It is not my intention to speak for long on this matter, but I want to get some comments on the record from a slightly
different perspective. I endorse the motion. I believe that His Excellency the Governor-General has shown such bad judgment previously and currently that he deserves to remove himself or to be removed. I do not intend to go over in any detail the legal and constitutional arguments surrounding that. I want to talk more about what I perceive to be the humanity of the issue.

I would like briefly to acquaint the Senate with a colleague of mine in Perth called David, although that is not his real name. David came to me about three years ago. I was still a senator at the time. It was his hope and expectation that I might be able to help him with a problem. At a very young age in primary school, David was sexually abused by his primary school teacher. This went on for some years. It tormented him to the point where he eventually sought the confidence and counselling of the family priest, who seized on David’s vulnerability and continued to sexually abuse him for the next four or five years. His confidence in institutions, whether they are school or church, is of course shattered. He suffers the psychological trauma of repeated child sexual abuse and I would argue that he is on a long path to slow suicide through alcoholism and marijuana abuse. That is why it shocks me when I hear that our Governor-General, when confronted with cases like this, did not take appropriate action and, in one case, dismissed what I understand were substantial allegations against one person by saying that he should see out his tenure because he was about to retire. I wonder what kind of difference it would make to the lives of the many Davids and women out there if we had better, more effective and sincere responses to such criminal behaviour.

I would argue that the bad judgment shown in the past by the Governor-General is also shown currently in two ways. Firstly, I think it is critical that the office of the Governor-General be beyond controversy and, where possible, beyond politics. I do not think, I know, that that is not currently the case. Rightly or wrongly, His Excellency has brought the office into if not disrepute then an environment of strong discomfort with the community, something we must always avoid. Secondly, the Governor-General has shown bad judgment in his current tenure, let alone during his previous life. I raised this issue last year. I wrote to the Governor-General and expressed my strong displeasure and dismay over the fact that he attended, although I am not sure whether he spoke at, an annual council meeting—a national congress dinner, I understand—of the Australian Family Association. My long experience of the Australian Family Association—the AFA—is that they are a hate group. They promote some of the most disgraceful and shocking vilifying materials that I have experienced and seen in this country. And it is not just me saying that. Only recently this group presented a case to the High Court in favour of the legislation that would prevent single mothers and lesbian couples having access to IVF, and the High Court reprimanded this organisation and its lawyer for the shocking materials that it submitted.

The Advertising Standards Board found this group guilty of vilification when it arranged a series of billboards and leaflet materials vilifying gay men and lesbians in Western Australia. I drew this to the Governor-General’s attention and presented my argument that it was not appropriate for him to provide his imprimatur to such an organisation. When I introduced my antigenocide legislation a few years ago, the RSL, surprisingly, put in a strong submission of some 20 to 25 pages vehemently opposing the legislation. But they presented only one argument against the bill. Their argument was that my antigenocide legislation, aimed at addressing
war crimes and crimes against humanity, was:

... a thinly disguised vehicle for promoting homosexual rights.

It was the most bizarre, hateful and extraordinary submission. I encourage members to read it. It is published and contained within the submissions to the Senate Legal and Constitutional References Committee. The bill was introduced in 1999, and the submission was published the following year.

The submission from the RSL argued that homosexual people have a greater propensity to spread disease, molest children, infiltrate society and community structures, and risk child safety and public health. It is the kind of material that, were it directed at Aboriginal or Jewish people, would probably be prosecutable under race and religious antivilification laws. But, as we do not have sexuality antivilification laws, it is possible for people to make these extraordinary claims. When we questioned the submitter of this RSL submission, we were perhaps not surprised to learn that he was the immediate past president of the Australian Family Association of Victoria—and then it all made sense. So I argue very strongly that His Excellency has shown very poor judgment in providing his imprimatur by speaking at this dinner.

I did not get the courtesy of a direct reply but one from, I presume, a correspondence secretary, basically saying that it was the duty of the Governor-General to meet with all groups in Australian society. I reject that. There is no evidence for that. I sincerely doubt that His Excellency would speak to an anti-Semitic, a neo-Nazi or a racist organisation. Yet the arguments that we hear from the AFA and their ilk are no different.

I also strongly support the call for an inquiry into child sex abuse—criminal assault against children. There are a number of reasons for that, but I advance two reasons. Firstly, and associated with my previous comments, there is the fact that there is a very strong and very powerful misconception in the community that homosexual men are more inclined to sexually abuse children than other men. This argument is frequently advanced most often by religious organisations. We hear this argument once again in the current debate in New South Wales dealing with the equalisation of the age of consent. Religious leaders, including Archbishop George Pell, have once again advanced the argument that boys are prone and vulnerable to sexual advances from older homosexual men. It is a powerful myth, and there is not a scrap of evidence to support it. The claim is not supported by the federal Attorney-General or by any state or territory attorneys-general. The claim is not substantiated by any criminal body in Australia which does the statistics on abuse. Yet there are some groups in the community who continue to push this line.

I believe one thing an inquiry could do—not that I think it needs to be done again, but perhaps it should—is to set the record straight. I believe that those people who advance the argument that there is a link between sexuality—and homosexuality in particular—and child sexual abuse should be made to account for that. They should be made to substantiate their claim. They should be made to prove it. Perhaps they should also be shown the evidence from Second World War concentration camps—Mauthausen in Vienna, in particular—where the very same arguments were advanced to detain and slaughter gay men on that basis.

We need to have a serious discussion about what appears to be—and I stress 'appears to be'—the link between religious organisations and child abuse. Why is it that not a month goes by without us hearing of yet another case of child abuse involving a priest, a religious leader or someone in-
volved in a church group? Perhaps it is just a
skewing of the statistics. Perhaps it is be-
cause we do not hear enough about the ex-
traordinary and shocking levels of child sex-
ual abuse that happen in the home. We
should remember and make it very clear that
the most unsafe place for many children is in
the family home, that overwhelmingly child
sexual abuse is by fathers or close male rela-
tives and that it is most often against girls not
boys. But it is still the case that outside of the
family unit it is the church which seems most
often to be brought into the public spotlight
with yet another child sexual abuse allega-
tion.

Some years ago the legitimate sex indus-
try here in Canberra produced a publication
entitled Hypocrites: evidence and statistics
on child sexual abuse amongst church clergy,
1990-2000. They did that as part of a cam-
paign, rightly or wrongly, to present their
argument that often church groups and self-
appointed moral guardians should be looking
more at themselves than pointing any fingers
at the sex industry. They made the point that
the church—and that is a loose term, of
course—employs approximately 20,000
people and that in a 10-year period some 450
of those 20,000 people have been convicted
of child abuse.

They run the argument, rightly I think,
that were that to occur within any other or-
ganisation, such as Telstra—and I am using
them as a hypothetical example; perhaps I
should just say a business that employs
20,000 people—and were we to find that
some 450 of those employees were sexually
abusing children, there would be a public
outcry. There would be parliamentary inquir-
ies and royal commissions. We would be
very determined to get to the bottom of that.
But because it is happening within the
church there is a level of discomfort and
quiet. I think that is partly because there is a
fear amongst many politicians of taking on
the church and holding it to account. I am
not one of them. I believe we should try to
get to the bottom of why there is either a
perception or a reality that for some reason
religious organisations and institutions have
a higher incidence of child sexual abuse.
Maybe it is to do with celibacy. Maybe it is
to do with the sexual repression that comes
from some churches. Maybe it is to do with
the power that comes with being a respected
religious leader and the power that that could
provide you with in terms of pastoral care
and people in pastoral care being vulnerable
to abuse. I do not know and I do not pretend
to have the answers, but I do believe we
should look for solutions.

In summary, I argue that His Excellency
has shown very poor judgment, not just pre-
viously but currently. I believe strongly in
the call for an inquiry. I believe strongly that
we should do more to shatter the myth that
there is a link between homosexuality and
child abuse—a claim that we have heard
even in this chamber. I believe strongly that
we should try to understand why it is that
church groups and religious organisations
seem to be at the forefront of institutional-
ised abuse. But I would not want in any way
for that to be a witch-hunt. We have seen
witch-hunts on that basis already. We saw it
in the Wood royal commission, which re-
ported in 1997, and I think we saw some of
that in the allegations made by Senator Hef-
fernan against Justice Kirby—which I ac-
knowledge Senator Heffernan has since
apologised for and withdrawn.

I think we need to be very serious about
addressing the issue. I do not think it is
enough for the Prime Minister to say—and I
am paraphrasing—that he would rather
spend the money that might be poured into
an inquiry or a royal commission on address-
ing the harm that has already been caused.
By all means, let us address the harm that
has already been caused. It is profound. I am
not suggesting for a moment that I am the only person in the chamber who knows somebody who has been sexually abused. I am sure many of us do. David is not the only person I know who has been sexually abused. Let us look seriously at the evidence; let us look seriously at the issues. Let us do it in an academic and considered way. Let us ensure that the witch-hunts that have existed in other fora are not repeated and copied. Let us do the right thing by those children who have suffered and those who continue to suffer. Let us be an international leader in the kind of approach that we take as a parliament. On that basis, I endorse the calls for the Governor-General’s resignation but acknowledge that the situation is regrettable. Let us endorse a proper and full inquiry to address the issue seriously.

Senator CONROY (Victoria) (10.18 a.m.)—This morning I rise to discuss the Governor-General. In my view, the time has come for the Governor-General to go. He should resign. If he does not, the Prime Minister should sack him. The simple fact is that the Governor-General was faced with a test of his ethics and morality—a character test—and he failed it. He was faced with a choice: banish a known paedophile priest from the church or let him remain, taking the risk that he may re-offend. Dr Hollingworth chose to keep a known paedophile priest in the church. It would not matter who was faced with such a test. If it were a teacher, a parent, a doctor or a librarian, honest and decent Australians all would have come to the same conclusion: a person who sexually abuses children should go to jail. There should be no ifs, no buts and no excuses. A person who sexually abuses children should not be kept in a position of power and authority. The fact that Dr Hollingworth is a clergyman and was the head of the church, an archbishop at the time, serves only to underscore the depth of his failure. Dr Hollingworth says his behaviour was a serious error of judgment. The question is whether leaving a known paedophile as a priest is an error of judgment or a flaw of character. In my view, it is a flaw of character. I want to make it clear from the outset that my view that Dr Hollingworth should be removed is based on his actions relating to the known paedophile John Elliot and not on the case brought against Dr Hollingworth in Victoria. He is entitled to the presumption of innocence in the Victorian case.

John Howard has set the test on whether Dr Hollingworth should stay by saying:
I asked myself first of all has the Governor-General done anything wrong in the discharge of his duties as Governor-General ... The answer to that must ... be no.

In my view, Mr Howard is wrong. The Governor-General has failed. He has failed a critical test of character and his character has brought the office of Governor-General into question. Mr Howard has also said:
There’s no evidence before me that he has in the discharge of those responsibilities committed any crime ...

He continued:
... he has probably been guilty of some errors of judgement ...

Mr Howard has described Dr Hollingworth’s decision to keep a known paedophile on as a priest as an error of judgment. In my view, Dr Hollingworth’s decision is much more than an error of judgment; it is a fundamental mistake. It was a test of character and Dr Hollingworth failed it. There are three reasons why Dr Hollingworth is not fit for the job. Firstly, Dr Hollingworth’s character is not of the standard required of a Governor-General. Secondly, the Aspinall report raises questions about the veracity of Dr Hollingworth’s testimony. Thirdly, he has failed the people’s test of being a Governor-General.
Before discussing these three issues, I would like to briefly discuss the appointment of the Governor-General. The appointment of the Governor-General is set out in section 2 of the Commonwealth Constitution and it says:

A Governor-General appointed by the Queen shall be Her Majesty’s representative in the Commonwealth, and shall have and may exercise in the Commonwealth during the Queen’s pleasure, but subject to this Constitution, such powers and functions of the Queen as Her Majesty may be pleased to assign to him.

However, the convention is that the Queen acts on advice. Prior to 1924, the appointment of the Governor-General was made by the monarch on the advice of her or his UK ministers. Since about 1930, appointments have been made by the Crown after informal consultation with and on the formal advice of Australian ministers—that is, the Australian Prime Minister. Although section 2 refers to the appointment during the Queen’s pleasure, the practice is that governors-general are usually appointed for five years. The letters patent are also important. They provide that the appointment of a person as a Governor-General shall be by commission which must be published in the official Gazette of the Commonwealth.

There are no criteria for appointment to the position of Governor-General. In reality, the decision is for the Prime Minister. The Prime Minister has appointed a Governor-General whose character is in question. It has been suggested that the Prime Minister chose Dr Hollingworth because he was a company man. Dr Hollingworth’s No. 1 priority was preservation of the church at all costs. His first allegiance was the protection of the institution of the church. He is willing to toe that line and willing to subjugate the best interests of his parishioners to the interests of the institution of the church. This was perceived as an asset by Mr Howard. Unfortunately for Mr Howard, Dr Hollingworth’s greatest asset has also turned out to be his greatest flaw.

The Aspinall report lays the foundation for the case against Dr Hollingworth. The report is detailed and credible. The authors are Melbourne QC Peter O’Callaghan and child development expert Professor Frieda Briggs. They brought independent minds to the task. The Aspinall report found in relation to Dr Hollingworth’s handling of the complaint against paedophile priest John Elliot that his action was not fair, reasonable and appropriate and, further, that no bishop acting reasonably could have continued a known paedophile as a parish priest. Independent experts found that no bishop acting reasonably would have made the judgment call that Dr Hollingworth made. But we hardly need an independent expert to tell us right from wrong that a paedophile should not be a priest. Would anybody in this country have allowed a known paedophile to continue as a priest? One person did and that person is the Governor-General.

The Aspinall report found that, at the time Dr Hollingworth made his decision to continue a known paedophile priest in the ministry, he was aware that this person had repeatedly abused one boy as well as his brother. Yet Dr Hollingworth swore a statutory declaration in April this year, whilst he was the Governor-General, claiming that he believed the priest’s abuse was an isolated occurrence. In his own words, in his own statutory declaration, Dr Hollingworth said:

I had believed that Mr Elliot’s abuse ... had been isolated and had not been perpetrated over any extended period.

Yet the report itself said in relation to that claim that there was no evidence that anybody told him that—neither the boy’s parents, Bishop Noble, nor the priest. The report categorically states:

CHAMBER
The Board is satisfied that Dr Hollingworth was told by the Complainant on 30 August 1993 that the sexual abuse was not an isolated occurrence but consisted of repeated criminal acts.

... ... ...

There was nothing that could have entitled Dr Hollingworth to believe otherwise.

I repeat:

There was nothing that could have entitled Dr Hollingworth to believe otherwise.

The Aspinall report could not have been clearer. It states:

The Board cannot accept that in 1993 Dr Hollingworth had the belief that the abuse was an isolated occurrence.

This calls into question Dr Hollingworth’s trustworthiness. In relation to Dr Hollingworth’s evidence, the report concludes:

... the only explanation ... is that Dr Hollingworth has no recollection of the true facts.

... ... ...

... Dr Hollingworth’s recollections are faulty, and that he has apparently reconstructed what he believed he was told, rather than recalled what in fact was said.

The only conclusion that we can draw from this is that the Governor-General was not truthful. Mr Howard has dismissed these events and maintained the line that Dr Hollingworth has done nothing in his role of Governor-General to warrant his dismissal.

The Aspinall report proves that Dr Hollingworth has done something as the Governor-General that warrants his dismissal. His concept of the truth and the generally accepted concept of the truth are widely divergent. To put it in Laurie Oakes’s words, ‘Hollingworth’s reconstruction of the truth was undertaken, not at Bishopsbourne, the Anglican archbishop’s residence in Brisbane, but in the vice-regal study in Yarralumla.’ The Aspinall report has raised significant doubt about whether the Governor-General has the underlying character to fulfil the role.

It is clear that he acted in a manner that cannot be condoned by any person in his position. It is also clear that his veracity is questionable. It is not just Dr Hollingworth’s judgment that is flawed; it is his character as well. He is not fit to hold the position of Governor-General. It is time for him to go.

The removal of the Governor-General is governed by the Constitution, the letters patent and convention. Section 2 is the relevant constitutional provision. According to the Republic Advisory Committee, which reported to the Keating government in 1993: ‘Under the present arrangements, the Governor-General holds office at the Queen’s pleasure, but cannot be removed by the Queen other than on the advice of the Prime Minister. It is assumed that the Queen would be obliged to act promptly to comply with such advice, although this assumption has never been tested in Australia.’ Like the appointment of the Governor-General, there is also no criteria for the removal of a Governor-General. This situation can be contrasted with that of High Court judges who, the Constitution says, can be removed for ‘proved misbehavior or incapacity’ on an address of both houses of parliament.

Whilst the test for the removal of the Governor-General is not laid out in black and white, in my view the best test of capacity is the one set by Sir Ninian Stephens, a former Governor-General. I call it the ‘people’s test’. Sir Ninian said that the role of the Governor-General is to ‘reflect the nation back to itself’. If this test is applied to Dr Hollingworth, the question becomes: does Dr Hollingworth ‘reflect the nation back to itself’? The Australia that Dr Hollingworth reflects is one where duty overrides compassion. The Australia that Dr Hollingworth reflects is one where the morals of a 14-year-old are called into question but a priest is given absolution. The Australia that Dr Hollingworth reflects is one where apathy to-
wards child sexual abuse is acceptable. The Australia that Dr Hollingworth reflects is one where predators are given preference over victims. The Australia that Dr Hollingworth reflects is not an Australia I know. The Australia and the Australians I know are sickened by Dr Hollingworth’s cold-blooded contempt for victims of sexual abuse. We all remember the Australian Story program where Dr Hollingworth seemed to have difficulty grasping the concept of statutory rape as opposed to consensual sexual relations between adults. This is not an Australia I want to live in.

The time has also come for a royal commission into child abuse. Archbishop Aspinall has called for a royal commission into the Hollingworth matters. Mr Howard rejected the archbishop’s call. Victims, parents and the community do not want any more cover-ups. They want their stories told, they want perpetrators brought to justice and they want future generations of children to be protected from such suffering. In these circumstances, Labor now believes the Prime Minister must hold a royal commission into child abuse. This is the only way to get this issue out in the open, work to heal the victims and plan for a better future for our children.

The role of Mr Howard in the cover-up of the Victorian case against Dr Hollingworth cannot go unchecked. The suppression orders against this case are nothing more than a cover-up. Howard was aware of the suppression orders but did nothing. Earlier this week Howard said:

The duties I have to the Australian people transcend the duties I have to any one individual.

Mr Howard, if your duty to the Australian people is paramount, why have you been protecting the Governor-General? If your duty to the Australian people is paramount, why do you not dismiss the Governor-General? If your duty to the Australian people is paramount, why do you not hold a royal commission into child abuse? If your duty to the Australian people is paramount, why is Dr Hollingworth being paid to do nothing at present? When workers are stood down, they do not get a brass razoo—not even a measly $4. When the Governor-General is stood down, he still has a butler bringing him breakfast on a silver tray. Dr Hollingworth gets an administrator to do his work, has access to servants and can continue to live in the newly renovated lakeside suite, refurbished to the tune of $300,000, and he still gets the taxpayers’ $6,000 a week. He still gets the money. The only thing that is different is this: he does not have to do any work, and he has to pay his own airfares and cab fares. But he does not have to do any work. It is an absolute blatant case of double dipping. That is not a bad deal—do nothing and get paid!

The government dismissed the issues raised in the Aspinall report, saying that the Governor-General’s judgment was flawed. In my view, it is a flaw in his character that has condemned him, not a flaw in his judgment. Not only is his character flawed but his economy with the truth is also of concern. This is confirmed in the Aspinall report. The time has come for him to go.

Senator MURPHY (Tasmania) (10.34 a.m.)—I move:

Omit all words after “That”, substitute “the Senate—

(a) notes with concern that:

(i) Dr Peter Hollingworth, while in the Office of Governor-General, gave in an interview on ‘Australian Story’, a version of events which have been found by the diocesan Board of Inquiry to be untrue, and

(ii) the same Board of Inquiry found that they could not accept Dr Hollingworth had a belief that the
child sexual abuse was an isolated incident and that his handling of the matters was untenable;

(b) finds that:

(i) the circumstances that have developed around the Office of Governor-General are doing irreparable damage to the Office and must be resolved,

(ii) the conclusions of the report of the Anglican Church clearly demonstrates that Dr Hollingworth failed in his duty as Archbishop,

(iii) such failing in a position of significant public trust renders Dr Hollingworth an unsuitable person to fill the Office of Governor-General,

(iv) the Governor-General’s action in standing aside until the current Victorian Supreme Court action is resolved does not address any of the issues surrounding his behaviour as Archbishop of Brisbane, and is therefore inadequate,

(v) the Governor-General is now no longer able to fulfil his symbolic role as a figure of unity for the Australian people, and

(vi) the Governor-General is now no longer able to exercise the constitutional powers of the Office in a manner that will be seen as impartial and non-partisan; and, therefore, in light of these unacceptable circumstances

(c) urges:

(i) the Governor-General to immediately resign or, if he does not do so, the Prime Minister to advise the Queen of Australia to terminate the Commission of Governor-General, and

(ii) the Prime Minister to establish a Royal Commission into child sexual abuse in Australia.

This is an amendment to Senator Faulkner’s motion. As Senator Faulkner said, this is a very important issue—the most significant issue with respect to a Governor-General of this country in the 102 years of this Senate. In my contribution I want to focus purely on the issue of whether or not the Governor-General, Dr Peter Hollingworth, is a fit person to hold the office of Governor-General. In going to that issue I have listened with interest to other speakers and I particularly want to refer to Senator George Brandis’s contribution, in which he stated, among other things, that there had been only one side of the case put publicly—that Dr Hollingworth’s case had not been put fairly and that he had been done an injustice.

In reading some of the pages that Senator Brandis referred to, it is difficult to see Senator Brandis’s criticism of the Aspinall report—that is, that it has been an injustice to Dr Hollingworth. I will firstly read a quote from Dr Hollingworth, which was made some time prior to Archbishop Aspinall’s inquiry. He was reported in the Australian of 21 February 2002 as saying:

... I welcome the announcement by Archbishop Aspinall that he will convene an inquiry into matters of sexual abuse involving the Anglican Diocese of Brisbane. I will cooperate with that inquiry fully...

If we go through the process as it has now become public and endeavour to determine in a fair way whether Dr Peter Hollingworth in the office of Governor-General has been honest and open in his dealings with the Australian public about matters that go back at least to 1993, it is difficult to see from the evidence, even from his own evidence, that that has been the case. If you look at some of the statements that have been made over time by Dr Peter Hollingworth it is difficult to accept that his position is not questionable at least, and that it is untenable at worst. He said on 24 February 2002 in an interview on the Sunday program:
I think I’d say that I wasn’t up to it, ah, for several reasons. One reason was that this was ... I was a new archbishop, and this kind of thing was quite new to me. Secondly, I was trying to get a handle on all the things that were going on in the diocese—I was on a very steep learning curve. Thirdly, I was too far removed from it, because, obviously, there’s several steps of delegation. You have to do that. I mean, you can’t have your finger on all of the schools. There’s too many of them. There’s just too much happening.

At the conclusion of that statement he says:
A few years later, I think I could have handled it better.

I will now go to a statement that he made in an interview on 18 February 2002. Interviewer Hetty Johnstone said:
The Church, as I understand it, is founded on morality and decency and compassion. Legal advice, at the end of the day, is just that. It is advice, it’s not a directive.

In response, Peter Hollingworth said:
That’s the deepest moral dilemma for me. The deepest moral dilemma that ... as a Christian, as a Christian leader, I would want to do one thing. As the leader of an institution, I’m tied into a legal contract with an insurer that determined other things.

I say to Dr Peter Hollingworth: what other things would the insurer determine? Would the insurer determine the protection of a criminal act? I do not think that any lawyer, including Senator Brandis, would defend that. That is an indefensible argument. If it is the case that the churches of this country have a view to protect criminal action on the basis of insurance policies or the requirements of insurance policies, then we have a major problem.

We then proceed further with regard to this matter. It is important that in this very significant issue the person at the forefront of this is given the opportunity to defend himself. Contrary to what Senator Brandis would like us to believe, Dr Peter Hollingworth was in fact represented during the course of the Aspinall inquiry—that would appear to be the case anyway. His solicitors at least represented him. I have not read all of the report—I am endeavouring to read as much of it as I can—but I am not aware of any circumstance that existed during the course of the inquiry that excluded Dr Peter Hollingworth from giving evidence to the inquiry. If that were the case then it does raise questions. But it would seem at least that solicitors representing Dr Peter Hollingworth were in fact able to make representations on his behalf.

I would like to quote some of that evidence that was given by solicitors to the inquiry. The report, at paragraph 7.1 on page 389, stated:
Dr Hollingworth’s solicitors described his decision to let the respondent continue in the ministry in the following context ...

And it sets that context out. At the conclusion of paragraph 7.1 on page 390—and I take it that these are the words of the solicitors representing Dr Peter Hollingworth—it stated:
It needs to be stressed that in reaching this decision, Dr Hollingworth had no reason to believe that the incident with the boys was anything other than a single, isolated and distant occurrence. Clearly, that was not the fact as was only too well known to the Complainant, and of course the Respondent. At no time has the Complainant or the Respondent stated to Dr Hollingworth that the abuse was an isolated occurrence.

I will go back now to page 387 of the report which refers to Dr Slaughter, to whom Senator Brandis referred, who made a report in
writing to Dr Hollingworth. He explained that his files had been destroyed and it was necessary for him to speak from memory. This he did when he wrote to Archbishop Aspinall on 14 September 2002. In part that report said:

I do have a memory of being approached by Archbishop Hollingworth at the 1993 selection ... and remember, this is the selection for priests. The report continued:

The Bishop drew me aside and spoke to me about Mr Elliot. In the conversation that followed I remember making two points to the Archbishop. The first was that sexual attraction to young people and paedophilia was a permanent state and could not be changed.

He then said:

The second point was that Mr Elliot had not been open at his selection and had knowingly withheld this aspect of his nature when offering himself. I told the Archbishop that when I asked Mr Elliot why he had not been open with me, he said he knew he would have been rejected for training for the priesthood. I said I thought the Archbishop should also take that into account.

These are the things that have to be put into context here. These are the things about which an archbishop in 1993, when dealing with a situation of paedophilia, would have had to know that he was confronted with a very serious situation—in fact, a criminal situation.

In reading some of the statements made by Dr Peter Hollingworth, I find them very difficult to accept. One of them goes along the following lines. In the Australian report of 21 February 2002, he said:

I have never actively discouraged any individual from taking a matter of sexual abuse to the police. Nor would I ever do so.

That is an interesting statement. It does not say, if I were Dr Peter Hollingworth, ‘I would encourage a person to take a matter to the police that I know is a criminal activity.’ Clearly, that would have been the appropriate thing to do. I refer to the statement of Dr Peter Hollingworth in the Australian Story program on 18 February 2002, in which he said:

That’s the deepest moral dilemma for me. The deepest moral dilemma that ... as a Christian, as a Christian leader, I would want to do one thing. As the leader of an institution, I’m tied into a legal contract ... Those words speak for themselves. I will refer to the report that was referred to by Senator Brandis, and to parts of a letter that he read out, which was dated 30 November 1993 and which was written to Reverend Elliot. This is also very telling with respect to the approach that the then archbishop took with respect to this matter. In the second paragraph at 7.3 on page 390, it says:

The matter which has exercised my mind most strongly is the fact that your departure at this stage could cause unintended consequences that would make things worse for you and the Church. Where is the mention of the victim? The next paragraph reads:

The major difficulty—so it obviously was not a major difficulty for the victim—is that in not taking disciplinary action I and the Church could subsequently charged with culpability while as the same time an act of removing you would place you in an impossible situation at your age and stage in life.

There is still no mention of the victim. I say to Senator Brandis and the government: what about the victim? This is a criminal act. It should not be for the church to determine somehow that its institution should come above the protection of the child involved in a criminal act. It should not be the case. It was not the case in 1980, it was not the case in 1993 and it is not the case now. That is the very reason that I cannot accept an excuse from a person who says that this was a grave error of judgment, and nor should the Prime Minister or the government. I know for a fact
that a great number, at least, of government members in this place and in the other house have a similar view. I am sure that the Prime Minister would not have appointed Dr Peter Hollingworth to the office of Governor-General had he known of these circumstances in full or, indeed, had he known of them at all.

Further, the letter that was written to Mr Elliot is also telling because it goes back to Dr Slaughter’s advice to Dr Hollingworth at the selection of this particular priest. In the second paragraph on page 391, it says:

This action differs from the advice given to me by Dr Slaughter who is of the view that your problem is something which keeps recurring and is likely to happen again. I would like to see you as soon as possible when next you come down to Brisbane, and we can talk further about any other action that needs to be taken to protect matters in future.

What matters in the future? There is still no mention of the victim, and that is what is important here. This is a person that occupied a position of significant public trust—in fact, it could be said, of the highest public trust. Therefore, you cannot accept it. I would like to see you as soon as possible when next you come down to Brisbane, and we can talk further about any other action that needs to be taken to protect matters in future.

I have moved this amendment because I believe that this is a very significant issue. It is one that is relevant to just one thing—that is, the office of Governor-General. I am proposing to remove all the words in Senator Faulkner’s motion after (i) and down to (ii), which will become my paragraph (iii), and replace them with the words in my proposed amendment. I do that because I believe my amendment focuses more clearly on the issue at hand, and I hope that the Labor senators and minor party senators, such as the Democrats, will give consideration to that. I quickly go to the last point, (iii)(b). I believe there should be a royal commission established. This would involve significant cost, but this issue is very serious. This particular case has highlighted very serious matters and we should deal with them. I urge the Senate to support the amendment and ensure that we do bring credibility back to the office of Governor-General.

Senator KIRK (South Australia) (10.54 a.m.)—I rise to speak today on the motion moved by Senator Faulkner in relation to the failure of the government to respond to evidence of sexual abuse in our society and
within our public institutions. This has come about as a consequence of the crisis that is engulfing our nation arising from the conduct of the Governor-General of Australia, Peter Hollingworth, whilst Archbishop of Brisbane. As is well known by now and has been spoken about by a number of speakers, the report of the independent board of inquiry, known as the Aspinall report, found that, while occupying a position of public trust, Hollingworth allowed a priest to remain in the ministry after an admission of sexual abuse. In other words, Hollingworth protected a known paedophile. A number of speakers—Senator Faulkner and Senator Conroy on this side—have detailed Hollingworth’s serious errors of judgment that have been shown in the Aspinall report, the report of an independent body of experts. I do not intend to dwell on the detail of the report, important as it is. What I wish to look at today is the constitutional crisis into which this country has been thrown as a consequence of these serious events.

The Hollingworth crisis has left Australia in a state of constitutional limbo. We face a crisis that is unprecedented in this nation’s 102-year history. The Governor-General of this country has decided to step aside, pending the resolution of rape allegations that have been made against him in the Victorian Supreme Court. If this were the only cloud hanging over the Governor-General’s head then this may well be the appropriate course of action for him to take. But, unfortunately for Australia, this is not the only reason for him to vacate the office of Governor-General. There are the findings of the independent report of the board of inquiry, the Aspinall report, that found that, as Archbishop of Brisbane, Hollingworth allowed a priest to remain in the ministry after an admission of sexual abuse. The board of inquiry found that this decision of Dr Hollingworth’s to allow a priest to remain in the ministry was untenable. In addition to the Aspinall report, there were concerns about Dr Hollingworth’s conduct as revealed in the ABC’s Australian Story last year. In this program, through his ‘reconstruction’ of events relating to an under-age girl and her relationship with a priest, the Governor-General showed himself not to be a person suitable to hold the office. As Senator Conroy said a moment ago, the Governor-General showed his total ignorance of the concept of statutory rape.

As a consequence of these events, the Governor-General is, in the opposition’s view, now no longer able to fulfil his symbolic role as a figure of unity for the Australian people. Hollingworth must resign as Governor-General. He must do so for reasons that were clear before the rape allegations in the Victorian Supreme Court that became public last week. He must resign for the reasons highlighted in the independent Aspinall report. Whether there is any substance to the rape allegations or not, the Governor-General must resign. No-one has any knowledge as to whether there is any truth to the substance of the rape allegations, and that will not be determined for some time to come. Nevertheless, the Governor-General must resign. There are these existing grounds for his resignation, and resignation is the only course of action for him to take. If the Governor-General refuses to resign then the Prime Minister must demand his resignation.

There have been significant failures on the part of the Prime Minister in this whole saga. First there was his failure to properly investigate Dr Hollingworth’s background before appointing him to the office of Governor-General. Secondly, there was his failure—or refusal—to table the Aspinall report in the parliament on the grounds that it is not normal practice to table independent reports. Thirdly, and most significantly, there was the
failure of the Prime Minister to make public the serious allegations of rape made against the Governor-General in December last year. The Prime Minister knew of these allegations then, but the Prime Minister acted only recently. Through the Prime Minister’s silence and inaction he allowed a significant case to be levelled against the highest office holder in our nation for more than five months. The Prime Minister has acted now because the public knows. Had the public not learnt about the allegations, one would presume that the Prime Minister would have taken no action.

The Governor-General’s continued failure to resign will only continue the already significant damage that this crisis has caused to the office of Governor-General. The Governor-General, through his own conduct, has lost the support of the majority of Australians. Although I usually would not advocate looking to opinion polls to determine the future of an independent office holder, in the case of the Governor-General the office holder must have community support in order to fulfil the symbolic and ceremonial functions of the office. The present Governor-General no longer has that support. The symbolic and ceremonial functions of the office include acting as the commander-in-chief of the armed forces and as a figure who can unite the nation at times of great grief, such as the recent tragic Bali bombings.

It is simply not acceptable for the Governor-General to stand aside while the rape allegations are dealt with and then, if he is cleared, to resume office. That is unacceptable for the reasons I have stated: there are already sufficient grounds for him to vacate the office. If he remains in office, he will only further damage the office of Governor-General. It is clear that the Governor-General can no longer exercise his key constitutional duties. The Governor-General is now no longer able to exercise these powers in a manner that will be seen as impartial and non-partisan. He cannot do so because he no longer has the support of the public, the opposition or key members of the executive government.

The Governor-General may be called upon at any time to exercise his constitutional powers, such as to determine who should govern in a hung parliament following an election, whether to grant a double dissolution, or whether there are grounds to dismiss a Prime Minister, as occurred in 1975. If these powers were to be exercised now by the Governor-General, his actions would lack legitimacy—both political and constitutional legitimacy. A Governor-General whose fate rests in the hands of the Prime Minister and who does not have the confidence of the Australian people cannot exercise these constitutional powers effectively. If he were to do so upon resumption of his duties after the clearing of his name, if that were to occur, in the Victorian Supreme Court, his actions in performing his constitutional duties may well precipitate a constitutional crisis.

The political stability of the nation now rests with the Governor-General. If the Governor-General has any regard or any respect for the office of the Governor-General, he must resign now, before any more damage is done to our system of constitutional government. Australia cannot afford to sit in this state of constitutional limbo while the Governor-General takes time out to resolve the serious allegations that have been levelled against him. The Governor-General should resign immediately, and the Prime Minister should appoint someone in an acting capacity, as contemplated by section 4 of the Constitution.

It has been said by some that Prime Minister Howard is a ‘man of steel’. To me, the sign of a man of steel—a man with ticker
and courage—is to admit that he was wrong, to admit that he made a mistake—an error of judgment. The Prime Minister has not done this. It is obvious to all Australians that the appointment of Dr Hollingworth to the office of Governor-General was wrong. It was wrong when he was appointed. It was wrong when the allegations about the cover-up of the paedophile were made. It was wrong when the Governor-General showed his insensitivity and ignorance on Australian Story. It was wrong when the recent report was tabled in the Queensland parliament. It was wrong when rape allegations were made against him and they were suppressed. When the allegations were made public, it was wrong again, and it is wrong today. The time to be stubborn has passed. The Prime Minister must put the national interest first and foremost. The Prime Minister must realise that the time to act is long past.

The Governor-General looks set not to resign. If the Prime Minister has not asked the Governor-General to resign, he must do so immediately. If the Governor-General has refused, the Governor-General must be dismissed. He must be dismissed because his refusal to resign when he has lost the confidence of the community to exercise his constitutional powers in an impartial and non-partisan manner renders him unfit to hold the office of Governor-General.

We have seen today and yesterday government senators fronting this chamber, arguing against this motion and trying to defend the indefensible. Peter Hollingworth can no longer unite this nation. The Governor-General is defended by those on the other side and other conservatives because, they argue, he has done nothing to disrupt his role and the office. However, when Australians see on television the Governor-General hidden in his mansion like a fugitive in Majorca, when the Governor-General pulls out of official functions, when senators see and hear unanimous vox pops, talk-back radio and polls, and when we see that he has effectively been suspended, it is clear that Dr Hollingworth can no longer undertake his official role or his unofficial role. There seems to be no purpose for him to remain in this role. He is keeping this privilege at the expense of the Australian taxpayer and Australia’s reputation. The sooner he goes, the sooner a new, uniting leader can be appointed to turn the tide of this office’s reputation and this sorry episode can be put behind us.

Following vacation of the office of Governor-General by the present incumbent the government should also do what has been suggested by Professor George Williams: establish an open and public inquiry to examine the office of Governor-General and to remedy its structural defects. These defects include but are not limited to the fact that the appointment and dismissal of a Governor-General rests solely with one person: the Prime Minister. It is this major defect in our system that has sparked the current crisis. It must be addressed as a matter of urgency and it is the matter to which I now turn my attention.

The crisis that we face presently with the Governor-General shows that our system of constitutional government needs fixing. During the republic debate we heard from many of those who support the existing system: ‘If it ain’t broke, don’t fix it.’ This crisis proves that our Constitution is broke and we must fix it. A system is surely broken if the overwhelming and unqualified view of the Australian people is not heard in relation to the tenure of the highest office in the land. A system designed to ensure independence is surely broken when a small majority can find only mild enthusiasm for the office holder and everyone else appears totally against the individual holding the office.
During the republic debate it was claimed in the official no case for the referendum:
The proposed model is fatally flawed. The President will be a Prime Minister’s puppet, subject to instant dismissal.
This is what we see now. We have a Governor-General as the puppet of the Prime Minister because the Prime Minister is the reason he is in power to begin with and the only reason he remains there. Why would you dismiss someone who will be truly loyal to you? Instead of the supposed politicians’ republic that we heard about during the debate, we have ended up with a politician’s monarchy. At least under the 1999 republic model, the parliament could have dismissed the Governor-General. There would have been a procedure, whereas now all we have is a demand from the Australian people and a Prime Minister unwilling to act.

Even if we do not move to a republic—although I would like to see that occur—there are short-term changes to our constitutional system that need to be urgently addressed. The appointment and dismissal of the Governor-General is by the Prime Minister alone. By convention it is the Prime Minister who advises the Queen, who must act on the Prime Minister’s advice to appoint or dismiss the Governor-General. As Senator Faulkner highlighted yesterday, in the case of the incumbent, the Prime Minister and he had a cosy chat and, when the Prime Minister was satisfied that Dr Hollingworth would do what the Prime Minister wanted in the role, the Prime Minister made the recommendation to the Queen that he be appointed as the Governor-General. That is all that was involved.

The Constitution does not state the qualifications or criteria for the appointment of a Governor-General. It is the choice solely of the Prime Minister. It becomes, in effect, a political appointment. The controversy the country faces at present highlights the political nature of the appointment and dismissal of the Governor-General. During the republic debate in 1999, monarchists appealed to the Australian public not to allow politicians to choose the president, but the existing system allows just that, but it is one person—the Prime Minister—who chooses the Governor-General.

Even more significantly for the purposes of this debate, the Queen, acting on the advice of the Prime Minister, is the only person who can remove the Governor-General. Effectively, the future of the Governor-General is in the hands of the Prime Minister. If the Prime Minister does not act, the Governor-General decides his own fate. This is a most unsatisfactory situation. Both the Prime Minister and the Governor-General have vested interests that make them most unsuitable to determine the future of the Governor-General. If the Prime Minister were to remove the Governor-General now, he would be admitting that the person he appointed was not suitable for the office. The Prime Minister says that there are no constitutional grounds to remove the Governor-General. The reason for this, one would think, is that there is nothing in the Constitution that sets out the grounds for dismissal of a Governor-General.

This crisis highlights the need for clear grounds upon which a Governor-General can be removed by a Prime Minister. There is a need to amend the Constitution to specify grounds for dismissal, similar perhaps to the grounds for removal of Federal Court judges. Professor George Winterton has suggested that a provision be inserted into the Constitution that is similar to that for the removal of Federal Court judges—namely, ‘proved misbehaviour or incapacity’; that is the term used in section 72 of the Constitution. Parliament could then refer the question to a committee of judges to determine whether
conducted amounted to ‘proved misbehaviour or incapacity’. This crisis highlights the need for a fair and open process for determining whether a Governor-General should be removed. Professor George Williams has suggested that the process should both be open to the public and give the Governor-General a chance to respond to any allegation. In addition, if there were a more open and transparent process for appointment of the Governor-General—for example, a two-thirds majority of a joint sitting of parliament—there would be an opportunity beforehand for public consideration of candidates and any past conduct could be examined before their appointment so that we do not find ourselves ever again in this troubling situation.

The current crisis also shows the problem with the fixed-term appointment of the Governor-General. Apparently he will be paid out some $2 million if he resigns. He is also entitled to a taxpayer funded trip to sign-off with the Queen and, after his resignation, to an office in his home town, a permanent staff member and business class travel for official business. As Senator Conroy pointed out to us, even in the period during which the Governor-General is standing aside, he is still entitled to his salary—$6,000 a week, I believe—and able to live in Yarralumla and enjoy all the benefits of office. Surely when a Governor-General is required to step aside these privileges should not be available. In conclusion, the opposition believes that the Governor-General should immediately resign. (Time expired)

**Senator ABETZ** (Tasmania—Special Minister of State) (11.14 a.m.)—I involve myself in this debate with some degree of regret, because I think it is a sad reflection on those opposite that this motion is before us. We know that the Australian Labor Party and the Australian Democrats are leaderless and policyless, and they are now trying to run some interference, thinking that they can occasion some damage on the government by attacking the Governor-General.

The previous speaker, Senator Kirk, gave the game away by saying that if Dr Hollingworth had to resign it would be an admission that Mr Howard had made the wrong appointment. So we have got the grubby little political exercise in there already. We then had the bit about changing to a republic—that that is what we really need to do—and then we were exhorted to listen to the opinion polls. Can I suggest to the honourable senator opposite that, if you are going to listen to the opinion polls and take that as your guidance on fundamental moral issues and fundamental issues of principle, you will accept that, in a poll that actually counts, the people of Australia rejected the republican proposal. You will also accept now that the majority of the Australian people were in favour of our involvement in Iraq.

The Labor Party’s problem throughout a number of debates in recent times has been that their guiding light is the latest opinion poll. They clutch to the latest opinion poll and then repeat it, automaton like, hoping that that will somehow get them some support from the electorate. But the people of Australia want leadership, and that is why, when we embarked on the Iraqi situation with only 18 per cent support in the opinion polls, the people of Australia respected our position, and now the vast majority support the decision that was taken at the time because the Australian people will listen and will determine the issues on their merit.

Similarly, for Senator Kirk, I suppose that on the basis of opinion polls she would support the death penalty being reintroduced. People do not want us simply to be, in this place, automatons repeating the latest opinion poll. They want us to show leadership...
and to make a rigorous analysis of the issues. Unfortunately, those opposite believe that by trying to chop off the Governor-General at the knees they somehow improve their own stature. Let me tell them that they will fail, because the grubby exercise they have been involved in will not assist them, will not avail them in any way with the Australian people. Their attempts at running interference and trying to take the spotlight off themselves by running this issue does not cover them with any glory; it does not cover some with any respect from the Australian people.

Just in case people listening to this debate missed the wonderful speech given by Senator George Brandis, I simply invite them to read that speech, to ring Senator Brandis’s office and ask for a copy of the speech, because he dealt with the facts as they occurred. The simple fact is that, in the early 1990s, when Dr Hollingworth was confronted with a very difficult situation, a leading psychiatrist of the time said that the way Dr Hollingworth dealt with the issue was leading edge in comparison to what had been the normal church practice. Now, a decade later, I think we all accept that that leading-edge practice that Dr Hollingworth implemented for the Anglican Church is no longer good enough. The measure of the man that Dr Hollingworth is is that he is willing to accept that he made an error of judgment. But one of the great concerns of Dr Hollingworth’s in dealing with this one paedophile priest was to ensure that there was protection for any potential future victims. The good news is that it appears that the measures put in place by Dr Hollingworth ensured that there was no repeat of the offences that that particular priest had committed.

I must say I am somewhat bemused by some people’s newfound concern about the way we as a community deal with the very serious issue of child abuse and paedophilia. I reflected with some—I suppose ‘regret’ would be a good word: it was with regret that I reflected on a debate that was had here in this place, and indeed throughout the Australian community, about the film Lolita. Senator Ferris, coming from South Australia, would know of the very good work that the federal member for Makin, Trish Draper, did on that. It was a film that Jeremy Irons described as trying to put the perpetrator of paedophilia into the light of being the victim. Some of us were outraged at the classification that got because we argued very strenuously that it did not deal with the scourge of child abuse and it sent out the wrong message to the community.

Did we get one scrap of support from those opposite, from the Australian Democrats or the Australian Greens? No. We were the old fuddy-duddies. This was something artistic, albeit that the message sent out to the community was: in a situation of paedophilia, the perpetrator could in fact be the victim. It was a terrible message to send out to the community, but the Labor Party: deathly silent; the Democrats: deathly silent; the Greens: deathly silent as well. But it is nice to know that they are now concerned about this very important issue.

Let there be no doubt that the only suggestion is that Dr Hollingworth made an error of judgment in dealing with a paedophile priest. He acknowledges that, albeit that at the time he made the decision it was on professional advice and in conjunction with other bishops and that it was seen as leading edge, as really coming to grips with the issue and as ensuring that the church took a stronger approach to the issue. He should be congratulated for that rather than be vilified with the benefit of a decade or more of hindsight. The issue is not whether he made an error of judgment. The measure of a man is not, ‘Did he make a mistake and can we pillory him for it?’ The measure of a man is to say: ‘Did he make a
mistake? Did he admit it? Did he apologise?’ That is the great measure of Dr Hollingworth: he acknowledges that he made a mistake and he has apologised.

That is in stark contradistinction to the behaviour of the person who moved this motion against the Governor-General in this place. Senator Faulkner is a man who has defamed dead people in this place. Senator Ferris will recall his defamation of the Baillieu family.

Senator Ferris—Senator Crane’s family.

Senator ABETZ—And Senator Crane’s family as well. Once the facts became known, it was absolutely obvious that Senator Faulkner was wrong on both counts. The dead Baillieu family were unable to defend themselves; at least Senator Crane and his family were able to. It was put to Senator Faulkner: did he have the moral fortitude, the courage or the integrity to come into this place and say, ‘Sorry, I got a bit excited. I went over the top. I apologise?’ No. That is not in the measure of Senator Faulkner or the leadership of the Australian Labor Party in this place. I find it quite astounding that Senator Faulkner has the gall to come into this place, with his tawdry record of defaming people, having the information pointed out to him and never apologising, and to then say, ‘The standard of behaviour to be expected from the Governor-General is exactly as I say but definitely not as I do.’ Senator Faulkner’s actions and behaviour speak so much louder than his hollow words of condemnation in relation to Dr Hollingworth.

I understand there are people who have served in previous cabinets under the Labor Party who have had criminal convictions against their names from things in past years. Senator Faulkner was happy to share the cabinet table with somebody like that, do not come in here and say, ‘Surely His Excellency needs a standard of behaviour well above that with which I associate myself.’

One of the most galling things about this is the tabling in the Queensland parliament of the report commissioned by the Anglican Church, and the way the Labor Party are dealing with this. Mr Peter Beattie was the state secretary of the Australian Labor Party, if I recall, from about 1981 to 1988. Wayne Swan, now a federal member from Queensland for the Labor Party, took on the state secretarieship shortly after that. Do we really believe, despite all the rumours that were flying around about Keith Wright and Bill D’Arcy, that those gentlemen—

Senator Ferris—The leader and deputy leader.

Senator ABETZ—Yes, the leader and deputy leader of the Labor Party in Queensland—when rumours were rife—knew nothing about this? They did not investigate. Indeed, when Bill D’Arcy finally resigned from the Queensland parliament, Peter Beattie, although he knew why he resigned, said publicly, ‘It was for health reasons, and I want a bit of renewal in my ministry.’ Of course, when Mr D’Arcy’s name was publicised, the real reason he resigned soon became obvious. Indeed, in 1992, the former state Labor leader Keith Wright was convicted of child sex offences. Wayne Swan was the state secretary of the ALP between 1991 and 1993—right during that period. What did he know? What did he do? I notice that Senator Ludwig was involved in this debate. A certain Mr Bill Ludwig was a fishing partner of Mr Bill D’Arcy, who is now serving time in a Queensland prison for child sex offences. I suppose the hierarchy of the Australian Labor Party saw no evil and
spoke no evil, and especially were not willing to hear any evil.

The Labor Party’s approach to this is so hypocritical that it defies belief. They have not only embraced an Anglican Church report lock, stock and barrel but, might I add, also misquoted it.

Senator Ferris—Selectively quoted it.

Senator ABETZ—‘Selectively quoted it’ may be a better turn of phrase; thank you, Senator Ferris. If they have found this new passion for Anglican Church reports, let them embrace the Anglican Church reports in relation to issues such as poker machines or prostitution. The Democrats and Greens who quoted the report might also adopt some Anglican Church reports on same-sex marriages. Why select one report from the Anglican Church where the person who was the subject of it was clearly denied fundamental natural justice? Dr Hollingworth was allowed to make a statement to it, but was not allowed to test the veracity or, indeed, respond to or answer allegations that had been put on the record against him. He then had to wait for the report to come out to find out exactly what was said.

If those opposite were genuinely concerned about the office of Governor-General and its unique position in our constitutional arrangements, I would have thought a request for a discreet meeting with the Governor-General giving him their views would have been the appropriate course of action. Instead, they were into the tabloids and on the airwaves with their megaphones, trying to broadcast their views. They showed no respect for the office or the office holder. If they were genuine they would have made those sorts of approaches to His Excellency the Governor-General but, no, it was all via the megaphone to make a very cheap political point.

Cheap political points were made by people like Senator Kirk when she accused the Prime Minister of a cover-up in relation to the rape allegations. Senator Kirk must know, because it has been reported widely, that Ms Jarmyn had no wish to make her complaint public. That is exactly what she did not want. She did not want to be called a liar. That is why her lawyers have spent all these months working on it. The Weekend Australian reported that the lady concerned was

... paranoid about keeping the case out of the public eye before it hit the courts.

Why didn’t Senator Kirk quote that? She did not do that because all she was interested in was besmirching His Excellency the Governor-General. She knows the facts. She knows who sought the suppression order. She knows why it was not revealed to the public: it was because the complainant wanted it that way. Yet somehow there is a big cover-up under way. The Labor Party’s arguments on this are hollow and transparent.

The motion has numerous parts. One part I find particularly distasteful is the smear contained in paragraph (iv) where it refers to Dr Hollingworth ‘in his particular interview’ and ‘his apparent reconstruction’—note ‘apparent’ reconstruction—and in the same paragraph states:

... has shown himself not to be a person suitable ...

They say it is only apparent; they are not 100 per cent sure but, as a result, he is not suitable. That is the sort of kangaroo court tactic adopted by the other side, who say, ‘There is just a bit of a smear because we can’t actually pin it; we just think it’s apparent but we’re not sure,’ as a result of which he is not fit to hold office. There is somebody sitting on the other side who was state secretary of a division of the Labor Party who used Labor Party funds to pay the private debts of a La-
bor Attorney-General. Does he consider that to have been an error of judgment? Has he apologised? Does he regret it? I trust he does, and he has. But let those on the other side who have never made an error of judgment in their lives—and I have now referred to a number of them—let those who have such a clean record of no personal errors of judgment, albeit based on the best professional advice, as Dr Hollingworth had at the time, throw the first stone.

The simple fact is that Dr Hollingworth, a former Australian of the Year and a wonderful crusader for the less privileged in this country, has been pilloried by the Labor Party and the Democrats who, without leadership and policy, have sought a diversion from their own failures. The Labor Party and the Democrats do not cover themselves with any glory with their pathetic attempt to besmirch His Excellency the Governor-General.

**Senator ALLISON (Victoria) (11.34 a.m.)—**The first point I want to make is that in his previous roles the Governor-General has, like many others in institutions, assumed the role of policeman, judge and jury—and a very lenient jury at that—over a serious set of crimes that ought to have been reported. The church in its many forms should not take the place of our legal and judicial system and it is totally inappropriate for the archbishop simply to satisfy himself that conditions he set in these circumstances would solve the problem.

*Senator Abetz interjecting—*

**Senator ALLISON—**What we are dealing with here—and of course Senator Abetz does not use this language because he would prefer to talk about political point scoring and the like—is the criminal abuse of children. I was astounded when Senator Hill said yesterday in answer to a question from Senator Mackay that it was okay because the church had probably put its emphasis: ... upon the perpetrator and how the perpetrator could be recovered in terms of the church ... how to look for forgiveness and reconciliation ... Senator Hill went on to say:

In many ways, most of us would say that the emphasis should be on the party that has been hurt—he seems unable to call them children—and, furthermore, on what can be done to avoid such abuses in the future.

I would hope that it is not just ‘most of us’ who think that way. Just who amongst us does not think that the emphasis here should be on protecting children? We need leadership from this government to say that this abuse is totally unacceptable. It must stop now and those who do the abusing should be brought to account in order to stop them continuing to abuse children.

Senator Mackay asked Senator Hill yesterday to find out how many cases of child abuse were outstanding and to report back to the Senate. His response was that it was not his job to go chasing the church. It seems to me that this is the crux of the problem we are dealing with here. The government is happy to leave it to the church to handle one of the most serious crimes in the statutes. Perhaps the abuse of children is a state rather than a federal issue, but is it not a nationwide problem? The answer is yes. When did the government last convene a COAG meeting to discuss the application of the law on the subject of child abuse? We have agreements with the states on fuel standards and we have agreements about the funding of hospitals, but on this gravely serious and pernicious problem we have no such agreement. It appears that it has not even begun to prick the collective conscience of the federal government.

Inquiries initiated in this place by my colleague Senator Murray have put this issue
firmly on the national agenda. It is not good enough anymore for the federal government to say: ‘It’s not our problem. It’s okay for the church to deal with the problem and, if the victim in adulthood is courageous enough to take action in the courts, then that’s okay too.’ Senator Abetz asked why the opposition parties in this place did not request a discreet meeting with the Governor-General. That is pretty typical, to say, ‘Let’s be discreet; let’s keep it under wraps; let’s not have it get out into the general environment where there might be some scrutiny of what is going on.’ What message does that send to the abusers of children? That child abuse is just a private matter to be dealt with within the church, within the school or within the family? That is not what the victims of child abuse would like to see.

Senator Hill said Dr Hollingworth believed he could be confident there would be no recurrence of the abuse. Any psychiatrist or psychologist will tell you that paedophiles do not stop abusing children because a kindly churchman warns them, changes their job or tells their wife. It just does not happen. Dr Hollingworth is the patron of the Royal Australian and New Zealand College of Psychiatrists. He ought to ask them to brief him on what happens to the abusers of children.

The National Child Protection Clearing House, funded by the Commonwealth, is something that this government has done to deal with child abuse—I acknowledge that. It did a report in 1998 on the long-term effects of child sexual abuse, which I recommend should be read by anyone who thinks that this problem can be ignored. It says there is now an established body of evidence clearly linking a history of child sexual abuse with higher rates in adult life of depressive symptoms, anxiety, substance abuse disorders, eating disorders and post-traumatic stress disorders. Low self-esteem, poor capacity for relationships and intimacy, and sexual dys-function are other known effects of child sexual abuse. Not surprisingly, the report found that the effects are greatest on the most socially vulnerable—often children from families that are not as supportive as they might be or often families that are socially disadvantaged.

We do not know whether Reverend Elliot stopped the abuse or not, but we do know that there has been a pattern for a hundred years of shifting clergy from parish to parish, sometimes from school to school, when their devious activities are discovered and become difficult to keep under wraps. Mandatory reporting of child abuse has been required in all states and territories since the mid-to late-1990s. We also know that many cases go unreported because those who know it is happening often judge that the child will be in more danger, not less, by reporting. This is a subject for a completely different debate. That decision is made usually because those services are simply not there to protect the children who must deal with abusive situations. So ‘hide the crime and you do not need to deal with the consequences’ seems to be a theme running through this whole question.

We know that children who are abused often do not go on to live fulfilling lives, relaxed and comfortable in the knowledge that the church has forgiven the perpetrator and that reconciliation has been achieved. That simply does not happen. The reason we are having this debate is that Dr Hollingworth does not get it. His first reaction to criticisms of his decision to protect abusers was to point the finger at the victim. He then admitted that he was protecting the church from further costly legal action, and now it is said to be about not causing unnecessary embarrassment and financial hardship to the perpetrator of the abuse. This week has been all about reconciliation and forgiveness.
In my view, Dr Hollingworth is learning what he thinks is the spin that will get him off the hook. It is as much his statements, since coming to the office of Governor-General, as his decisions and actions in the past that reveal his lack of fitness for the job. Dr Hollingworth should go. Persuading him to do so would be one way the federal government could show its determination to rid this country of the attitudes that are endemic in so many quarters, including in this government, which have been demonstrated throughout the debate over the last two days. Dr Hollingworth’s failure is not having made an error of judgment; it is the attitude, which appears to be deep within his personality, deep within the institution from which he comes, of not caring enough about the victim of this crime to hand the criminal over to the law.

My final point is that there can be no reconciliation without justice. There can be no reconciliation for the children of this country who have been abused without stopping more children from being abused. That is something we should focus on; that is the message that needs to be sent very clearly to the abusers of children, to those who seek to protect them and to those who want to cover up this most serious crime. (Quorum formed)

Senator BOLKUS (South Australia) (11.47 a.m.)—I rise to support the motion moved by Senator Faulkner. In doing so, I will start off by at least attempting to disabuse members of the government of the way they think we approach this issue. This is very much an unprecedented motion. It has not been moved lightly. It should be recognised that the consequences not just of the motion but of this debate are quite grave and important and are of national interest. The motion goes to the highest office in the land. It affects both its incumbent and the status of the position. It is a motion that should not be dismissed lightly, because not only is the current Governor-General being judged but also it should be said that the nation is looking at how we as a parliament, and the Howard government, are treating the allegations that surround the Governor-General. In our performance, in our response, we also will be judged on whether and how we respond to this important challenge. If we as a national parliament do not take the right and proper moral stand on issues relating to paedophilia, which affects our children, then we too could be condemned—and I think quite fairly so—by the public of Australia for turning a blind eye to paedophilia, its victims and those who tolerate it.

I speak today in a number of capacities. I speak as a senator with a sense of responsibility to national institutions and of course to the Australian public—and I think that responsibility should drive all of us. I also speak as a parent of two young girls, a seven-year-old and a two-year-old, whom we send off daily into the care of other adults. We want to know, we want to be satisfied, that they are physically and morally protected and cared for. We want to know that the standards of behaviour that govern their custody while they are away from home are both high and enforced. We want to be sure that those who take care of them and those who supervise them are committed to enforcing high moral standards in their care. I am sure that parents across Australia will want to know that we as a national parliament, and the Howard government, have no hesitation in sending an unequivocal message that we do not want adults messing around with our kids.

I also take the point that was raised earlier by Senator Kirk, which was responded to dismissively by government members. I am a republican, and as a republican I want to see the institution of Governor-General changed, but I think we in this country are mature enough to effect that change with a degree of
fair process and dignity. It has to be said that the longer this Governor-General stays in the job the greater the momentum for change will be. That is something that this government ought to appreciate. Continued incumbency of the position by this Governor-General gives greater momentum to the republican cause. So, in a sense, it is not in the interests of republicans to bring about an early termination of this Governor-General’s term in office. But, as I said, we as a nation will be judged on how maturely we handle this issue. Government members should appreciate that as they stonewall, cover up and make excuses for what is clearly to the broad cross-section of Australians a dud appointment they are not helping their cause or the status and standing of this nation.

Let us face it: Sir William Deane was always going to be a hard act to follow. He was a credit to himself, and it has to be said that he was a credit to the Prime Minister who appointed him—and that was Paul Keating. Bill Deane performed the role with style, with dignity and with authority. He added value to the position of Governor-General. The characteristics which he showed are characteristics which are essential to the good conduct of that high position. He was a symbol of strength, unity and dignity. He was unpretentious; he had grace. He was nonpartisan and he was beyond controversy. He had strength of identity. He was a symbol of principle and morality.

A lot of that emanated from the way that he approached his job and the way that he approached his embracing of the diversity of the Australian population—he was inclusive. He was seen as a champion for the needy and the underprivileged. He made them feel relevant; he made them feel recognised; he did not forget the forgotten people and did not forget the victims. As a consequence, he added value to the job and he was cared for and respected.

Unfortunately—it has to be said—from the start, the current incumbent was not going to be up to it; he was not going to match those qualities. It was always going to be a hard act to follow Sir William Deane. But I am sure the conservatives who appointed him to this position must feel let down by the way he has been continually embroiled in controversy, and how he has not been able to put a foot right in the time that he has been in the job.

I believe the Prime Minister has let the nation down, not only in his selection but also in the selection process leading up to the appointment of Archbishop Hollingworth. For instance, when asked in February 2002 what checks were made in the lead-up to the appointment, he said:

"... of course—
I do not know why he said ‘of course’—
I did not ask Archbishop Hollingworth whether there was something. I made a judgment about the man and I stand by that judgment and if that judgment is seen by some to have been fallible, well, so be it. I am not going to try and pretend. He had a high public reputation, he continues, in my view, to have a very high public reputation. But if you are asking me did I send him a form to fill out? No.

The Prime Minister did not embark on a proper process of vetting. It does not matter what the appointment is or who you are appointing in government: it is a normal process to vet, to go through the necessary checks and to ask people whether there is anything in the background that should be of concern. The Prime Minister, in dereliction of such responsibility, has now put the nation in a position where it pays the price. No wonder people like the Treasurer, Peter Costello, are running away from him in respect of this appointment.

The fact is that the Prime Minister was dead keen to appoint someone in his own mould and not someone who, to fulfil the job
properly, should have been appointed to reflect the nation or someone who would be a national leader and a symbol of unity. He appointed someone who reflected the Howard view of the world with his values and his priorities. This Governor-General was never going to be a Governor-General for all Australians; he was always a risky proposition. The Prime Minister, in his selection process, failed in his responsibility as a national leader.

So now we do have a crisis, regardless of whether the government wants to run away from it and duck for cover, and it is a crisis affecting the whole system. It is a crisis that this government to date has been inept, incompetent and irresponsible in handling. Putting other issues aside, let us go to the way the government is handling the current situation. The Prime Minister has chosen in a way to plea bargain and to go to the issue of the Victorian allegations for which there should be a presumption of innocence, and that innocent presumption should guide all of us in this place, unlike on previous occasions where judges of the High Court were pursued and persecuted by the current government and where that presumption of innocence did not apply to the way that they hounded those High Court judges.

In this Prime Minister we are not finding national leadership; we are finding trickery. He has picked his own charge on which the evidence is least compelling—on which the Governor-General has a greater chance to get off—and he has turned a blind eye to the charge on which the Governor-General has already been found guilty. The Prime Minister wants him tried in respect of a charge which is going to be very hard to prove. But where the evidence is very clear, the Prime Minister has tried to run away, and he has run away from the conclusions of an eminent independent inquiry into the Governor-General’s conduct.

I am concerned that the Governor-General should be sentenced for what he has been found guilty of—not for any other matters that are still current before the courts. It is trickery by the Prime Minister to try and persuade the public otherwise. It is trickery which not only brings the Governor-General’s position into disrepute, but it also brings the Prime Minister’s position into disrepute. What message does the Prime Minister send? He sends a message of double standards—that some are more equal than others when it comes to paedophilia and the protecting of paedophiles. This Prime Minister has zero tolerance for the victims, but he does not have zero tolerance if they are the Governor-General or an archbishop.

For the life of me what has the Prime Minister been thinking? The Prime Minister knew of the rape allegations; he knew of the proceedings. He was a party to the cover-up through the suppression orders. He knew of the Aspinall report, but he refused to have it tabled in this national parliament even though it affected the highest of national institutions: the position of Governor-General. He tried to keep it under cover. Did he think that these things were not going to come out? On 1 May when he was asked about the Governor-General’s tenure in office—knowing all of this—he said to the public at a press conference, ‘I’m not going to sack the Governor-General. I’m backing in my horse.’ This is a failure of leadership. The fact that you think that you can suppress such information and suppress the truth is the height of arrogance, the height of hubris and the height of the Prime Minister’s ego being out of control. The Prime Minister has put his vanity before the protection of the highest of public offices. He put the interests of a mate before the protection of an important national institution. That is what this is about. The Prime Minister, had he been competent and up to it and had he acted responsibly—knowing
what was going to come out—should have pre-empted it, and he could have pre-empted it. But having the ego stroked by the taxpayers spending $1 billion sending troops to Iraq and wandering around on the international stage where he is recognised by the Australian media and no-one else, this Prime Minister’s ego was so much out of control and he felt so invincible that he did not take the necessary steps in anticipation of what was going to come out. As I say, he has damaged two institutions: that of the prime ministership and that of the Governor-General.

In another attempt at trickery he tries to wring the argument that we should only look at Archbishop Hollingworth’s conduct while he is in the job. How spurious an argument is that? How misleading? How dishonest? What is he saying? If, for instance, we had someone who was found to have committed murder before he had been appointed to a national position, would that be irrelevant? It is total bunkum. The Prime Minister knows it. It is a spin. It is a spin that he cannot get away with and a spin that he is not getting away with. Of course your antecedents are critical to your suitability for the job, as they are with any job. The fact is that conduct before assuming a role is critical as to one’s capacity to fulfil that role, particularly with the dignity that the position of Governor-General demands. In trying to dissemble behind this inadequate and quite transparent fig leaf, the Prime Minister once again fails in his responsibility as national leader. The national interest does demand a better person for the job of Governor-General and does demand better and more honest conduct from the Prime Minister.

But if, even for the sake of the argument, we do look at the conduct of Archbishop Hollingworth whilst he holds this job, we find that that conduct also has been indefensibly flawed. He swore a declaration about serial paedophilia, a declaration which was dismissed by the Aspinall report as both demonstrably faulty and unreasonable, whilst he was in the job. The Aspinall report on his conduct as Governor-General casts serious doubt about his truthfulness and judgment. Is not Dr Hollingworth’s judgment also in doubt with the Australian public following the statement he made on Australian Story when he said in relation to the sexual relationship between a priest and a 15-year-old:

... this was not sex abuse, there was no suggestion of rape or anything like that, quite the contrary. My information is that it was rather the other way round.

This is a long way of saying that the 15-year-old asked for it. What sort of morality is that? What sort of judgment is that? What sort of person represents those values? And that statement was made while the Governor-General was in the job. Then he claimed that he was misconstrued and that he misheard the question. He held that claim only until the unedited version of the tape proved the lie.

In relation to the Elliot case, the Aspinall report found that the Governor-General has at best a faulty recollection of events. The report goes as far as to directly question the content of a statutory declaration provided to the inquiry and signed by Dr Hollingworth while Governor-General in April 2003—as I say, ‘while Governor-General’. The report says:

The Board finds that Dr Hollingworth’s recollections are faulty, and that he has apparently reconstructed what he believed he was told, rather than recalled what in fact was said. Dr Hollingworth has made a statutory declaration that he believed at the relevant time the abuse was an isolated occurrence...

In short, this is tantamount to being called a liar and a perjurer. And the Prime Minister is defending this sort of conduct. As I said, he is trying to hide behind a transparent, inade-
quate fig leaf that we have to look at the behaviour in the job. When you look at that behaviour in the job, once again the Governor-General fails the test.

The charge against this Governor-General is clear and simple. Dr Hollingworth allowed a known paedophile to stay in the job, to stay in the ministry. He did so for nine years. You have to ask yourself: in doing so, did he not allow this person to continue to have the capacity to continue with his illegal and immoral activities? In doing so, did he not continue to subject young kids to this conduct? This was at a time when the Governor-General knew and was told that this was happening more than once.

This is not a matter of an error of judgment; this is serial neglect. An error of judgment is when you do not order enough bread or you run out of petrol. This case is not an error of judgment; this is a totally faulty value system. It was a deliberate decision by Archbishop Hollingworth, a decision which was about protecting the Anglican Church, its money and reputation and much less about protecting the abused children, the flock. Clearly, this indicates not an error of judgment but the wrong values and the wrong priorities for the job.

It is this appalling record and this appalling behaviour that this Prime Minister seeks to defend. It is an appalling record on an issue of national importance and one that goes into the homes of every family in this country. They expect us to set high standards, to enforce them and to ensure that people in this country believe that we are serious about eradicating activity such as paedophilia. In this instance, the Prime Minister is driven by vanity, by arrogance and by inflated ego. He should know what the right decision is. He should know that he cannot get away with protecting Archbishop Hollingworth. He should know that every day he is in the job or partially in the job and collecting salary for doing nothing—I must say there is a more generous redundancy package provided for Archbishop Hollingworth than there is for any other worker in this country, including those who once worked for Stan Howard’s companies—the continuation of this crisis does no good to the national institutions in this country. He should also know that the Governor-General will not be welcome back to the clubs and the schools and he will not be welcome back to perform the functions he would normally perform. It is time to cut him lose. It is time to overcome the ego and vanity that drives this Prime Minister. It is time to act in the national interest and support the effect of the motion that Senator Faulkner has moved in this parliament.

Senator HARRADINE (Tasmania) (12.06 p.m.)—I want to make it clear that I was strongly opposed to the appointment of Dr Hollingworth to the position of Governor-General. I want to put that on record. Here you had the appointment of the head of the Anglican Church in Brisbane to the position of head of state and in my view that appointment was a confusion of the different roles of church and state. There is a perception of conflict. There is a rightful autonomy of the political or civil sphere from that of religion and church, but of course not from standards of morality. The civil and political institutions obviously need to assess their policies and actions on the basis of whether they are right or wrong, just or unjust. There is a perception that that principle was undermined by that appointment. Obviously there is rightful autonomy of the church in respect of specifically religious activities. They are outside the state responsibility—or should be. I am not saying that the Governor-General sought to interfere in the affairs of the church but there is a perception that there is a confusion of roles.
I have given a lot of thought to this particular issue and my concern is not to come to an examination of this matter on the basis of being judgmental or prejudicial. Clearly, in the forefront of my mind, as obviously it ought to be—as it is for all senators—is the issue of child sexual exploitation. It is a horrible evil and a serious crime. What should have been occurring was the full force of the law being applied to the perpetrators of this evil. Actions should have been taken. Civil action should have been taken. Indeed, such action should be taken now. There should be a deliberate attempt on the part of the various state jurisdictions and police to dust off files that may be in the records of those institutions on these particular issues.

We have been asked to consider whether we should recommend the establishment of a royal commission. My concern when considering that matter is: would this be in the best interests of the victims or would it only go to further bureaucracy, lining the pockets of lawyers and becoming a gravy train around Australia? I did hear somebody—one of the proponents of a royal commission—talking about a need for a permanent children’s commissioner. Further bureaucracy!

I have made an issue of standing up for the most vulnerable in our society. It is an extremely important—if not the most important—motivating aspect of certain considerations that I have made on public policy. I have seen this sort of exploitation in the area of the Internet. Yet when I come in here and call upon certain senators to support action to ensure that there is redress from this sort of material on the Internet, I have not received support. I did receive support from the government, but this support needs to lead to further action. There is porn on the Internet and young people are being exploited. You might say that they might be over-age. With some of the material that I have seen, you would not know. What pressures are being applied to those young boys and girls to be engaged in porn on the Net? What are we doing in our society promoting a culture of self-gratification? That is also something that we, as a parliament, should be concerned about.

To be quite frank, I have not yet made up my mind on the proposed resolution because we are being asked to make a judgment on a report, parts of which have been questioned by Dr Hollingworth. He has apparently queried aspects of the Aspinall report as to whether there was proper procedure, which would enable him to challenge certain aspects. I have not read the Aspinall report and I am not going to put myself in a position of making a judgment about matters of which I am ignorant. Honourable senators might say, ‘You should have made yourself familiar with it.’ Frankly, this was tabled in this parliament yesterday. I have not read all those pages and I am not in a position to make such a judgment.

This proposed resolution does not have any power. If it is passed it will not mean anything; it is not going to be actionable. The Governor-General has stood down to enable the matter of the allegations of rape to be clarified. He has stood down; I do not believe that he will be back again. I am currently of the view that that will be the situation. Why pursue, by these means, a Governor-General who has stood down and will not be back again? You might say, ‘You don’t know whether he will or will not be back.’ What we do in this chamber is not going to make any difference to that decision. I do not know whether it is appropriate to have a bet on the matter. It is probably unparliamentary and unconstitutional. From what I have gathered, relying on some experience that I have had around the place in judging the words that are said from time to time by politicians, the Governor-General’s decision to stand down was an action of po-
political courage—in other words, leaving it to somebody else to make that political judgment. I feel that the political judgment has been made. This proposed resolution will not affect the issue one way or another.

Senator WONG (South Australia) (12.19 p.m.)—I rise to support the motion moved by Senator Faulkner calling for the establishment of a royal commission into child sexual abuse and for the resignation of the Governor-General. We know that the government opposes this motion before the Senate. The government opposes the establishment of a royal commission into child sexual abuse in Australia, it opposes the call for the resignation of the Governor-General and, perhaps most importantly, it opposes the call for the Prime Minister to advise the Queen to terminate the commission of the Governor-General in the event he refuses to resign.

I want to commence by focusing on the arguments that are being put by the government against the removal of the Governor-General from office, either through resignation or by prime ministerial action. In question time in the Senate yesterday, when asked about this issue, Senator Hill, representing the Prime Minister, said:

It is the view of the Prime Minister and it is my view as well that, during his tenure as Governor-General, Dr Hollingworth has fulfilled his statutory responsibilities in a way that has been more than satisfactory, and there is nothing arising out of the fulfilment of his duties that would warrant his dismissal.

It is a somewhat narrow test. Is this really the test of appropriateness for the office of our head of state? Is it really the test of whether or not in the fulfilment of the Governor-General’s duties he or she does something that would warrant his or her dismissal? Surely the test is more because we expect more from our Governor-General. The Governor-General is the Australian head of state. The Governor-General ought to be a symbol of unity for the nation. The Governor-General ought to be above politics and beyond controversy. The Governor-General ought to be someone in whom the Australian people have confidence and from whom we expect even-handedness and good judgment. Unfortunately, this Governor-General fails to meet these expectations. These notions are not simply idealistic hopes. Rather, they are principles intrinsic to our system of government. Our democracy depends on many conventions and traditions for its effective functioning and, indeed, for its very survival. The dignity, apolitical character and unifying power of the office of the Governor-General are amongst these traditions.

I say for the record, because it has been raised, yes, I am a republican and I would prefer our head of state to be chosen by other than commission from the Queen. That does not mean that I do not have an enormous regard and respect for the office of Governor-General. While we still have this system of constitutional monarchy, I believe all senators in this place should seek to ensure that that office is upheld with the dignity that is appropriate. Under this government and with this Governor-General, the traditions and conventions that I have referred to are undermined, and the consequences of this are extraordinarily worrying. Would the Australian people have any faith in the Governor-General if he were called on to adjudicate on a constitutional issue now or in the future? Would they have any faith in his judgment if a constitutional crisis occurred? They would not.

The government accuses the opposition and the minor parties of political opportunism. They seek to distract attention from what is really taking place. For the first time in its history, the Australian Senate is contemplating a motion calling for the removal of the Governor-General. Those opposite—in fact, all Australians—should consider the
enormity of this action and what it says about where our democracy is today. It gives the opposition no pleasure to move this motion. We on this side do believe in the notion that the office of Governor-General ought be above politics and above controversy. We passionately believe that its incumbent should be someone in whom the Australian people have confidence. We do not seek to play petty politics with the office of Governor-General, but we do seek to act to protect it. The only way to protect the office now is for Dr Hollingworth to leave the office, whether by resignation or by active removal.

I return for a moment to the government’s argument that nothing has been done by the Governor-General in fulfilment of these duties that would warrant his dismissal. I do not consider, nor do I think the vast majority of Australians would consider, this to be an appropriate test of the continued fitness for office of the head of state. It is not appropriate, because we expect more of the highest office in the land. We expect confidence and we hope for inspiration. Dr Hollingworth unfortunately gives us neither. However, I say that the Governor-General does not even pass the narrow and inappropriate test set out by this government for appropriateness to hold office. Not only are there grave concerns about his past conduct, which of themselves are damaging enough, but the conduct of the Governor-General while in the office of Governor-General has been neither exemplary or beyond controversy nor inspiring of confidence. The way in which he has chosen to deal with the damaging allegations about his past conduct has compounded the problem. It has compounded the concerns about his judgment. It is a case of error upon error.

Dr Hollingworth’s conduct while Governor-General in dealing with his past errors has demonstrated his continued lack of judgment. His actions and words demonstrate that the error of judgment to which he has admitted in the past was not an isolated error. Rather, his actions and words confirmed to most observers a continued lack of judgment that shatters our confidence in him. I want to start first by referring again to the Australian Story interview which has been the subject of some discussion. Senators will recall this related to an allegation of sexual abuse of a 14-year-old girl by a young priest. When asked about this on the ABC on 16 February last year, Dr Hollingworth responded as follows:

It seems to be the case that everybody can dredge up within the Diocese of Brisbane in my time or before my time has suddenly been brought to the surface—I think there was a headline over the weekend in ‘The Sydney Morning Herald’ that said, “G-G spares sex-abuse bishop”. Now, that is a headline grabber, isn’t it? The great tragedy about this situation is that the genesis of it was 40 years ago and it occurred between a young priest and a teenage girl who was under the age of consent. I believe she was more than 14. And I also understand that many years later in adult life, their relationship resumed and it was partly a pastoral relationship and it was partly something more. My belief is that this was not sex abuse. There was no suggestion of rape or anything like that. Quite the contrary, my information is that it was, rather, the other way around. And I don’t want to say any more than that.

I find it hard to believe that it could be suggested that the actions of a girl under the age of consent are in any way relevant to a charge of sexual abuse. This approach betrays a complete lack of understanding of the power relationships which exist between adult and child, between priest and parishioner. It demonstrates an absence of insight into the proper role for those with power in such circumstances. It also demonstrates a lack of understanding of the reasons behind the criminal offence of statutory rape. No adult ought engage in sexual activity with a minor—full stop. Focusing on the girl’s actions in those circumstances is to entirely
miss the point of the ethical and moral imperatives of the situation. The Governor-General's statement is an echo of a 'blame the victim' mentality which is utterly inappropriate. Women and men in this country have fought for years against this mentality, which has infected policy discussions and legal proceedings in relation to rape, sexual assault and sexual abuse for far too long. I would have thought we as a community had gone past such immoral arguments, but here we have the Governor-General on national television echoing such arguments again.

I want to turn now to what has been entitled the Aspinall report, the Report of the board of inquiry into past handling of the complaints of sexual abuse in the Anglican church diocese of Brisbane. There are many concerning aspects of this report, some of which honourable senators have previously referred to. But I say that what is most concerning about this report is not just what it demonstrates in relation to past conduct but what it demonstrates in relation to conduct whilst in the office of Governor-General. If the test is, as the government suggests, how one performs in office then I say that, even on that limited test—which I do not agree with—this Governor-General fails to make the mark. Pages 47 and 48—that is, paragraph 15.4 onwards—of the report, which relate to an allegation of sexual misconduct by a priest, state:

... on 14 February 2003 the Respondent pleaded guilty to abusing the Complainant and for this his jail sentence was increased by six months.

The complainant was unaware that the Respondent had joined the priesthood until he found him at his family home. After disclosing the abuse to his parents, they informed Bishop John Noble, who was a family friend and a past parish priest of Dalby. Bishop Noble informed Dr Hollingworth, who interviewed Elliot who confessed to the offences.

Dr Hollingworth referred Elliot to Dr Slaughter for assessment, and following discussions with Dr Slaughter, and with Bishops Wood and Noble, Dr Hollingworth decided to continue Elliot in the ministry. He did so after imposing certain undertakings and supervisory conditions, such as that he must avoid situations involving children and young people and be supervised by his wife. Dr Hollingworth believed this would minimise the risk of any recurrence of sexual misconduct.

Dr Hollingworth, through his Solicitors, has contended that he based that decision upon his understanding that the sexual abuse was an isolated occurrence.

This is Dr Hollingworth currently asserting this. The report goes on to state:

The Complainant on the other hand contends that he told Dr Hollingworth the details of the abuse, and that it involved repeated criminal acts. Whilst the Complainant did not specify the period over which the abuse took place, he says that nothing he said could possibly have justified a belief that the abuse was one isolated incident.

The Board is satisfied that Dr Hollingworth was told by the Complainant on 30 August 1993 that the sexual abuse was not an isolated occurrence but consisted of repeated criminal acts. Whilst the Complainant did not specify the period over which the abuse took place, he says that nothing he said could possibly have justified a belief that the abuse was one isolated incident.

The Board finds that Dr Hollingworth’s recollections are faulty, and that he has apparently reconstructed what he believed he was told, rather than recalled what in fact was said. Dr Hollingworth has made a statutory declaration that he believed at the relevant time the abuse was an isolated occurrence, and whilst the Board does not doubt he genuinely believes this to be so, the Board is satisfied that in August 1993 ... told him the details of the abuse and indicated that it consisted of more than one offence. There was nothing that ... entitled Dr Hollingworth to believe otherwise ... However, even if the abuse had been an isolated incident, it would not follow that a decision to continue Elliot in the ministry was justified. The Board considers that no Bishop acting reasonably could have reached the decision to continue a known paedophile in the ministry. There were no extenuating circumstances nor can
the Board imagine any that could have justified his continuance.

The concern about those paragraphs, which have been referred to before, is not only what they demonstrate in relation to the past conduct of the Governor-General but also what they demonstrate in relation to his assertions currently about what he did and his justification currently for his past behaviour. It is his current response which we say compounds the lack of confidence in him and continues concern about his lack of judgment in relation to these issues. What is demonstrated by these sorry events is a continued course of conduct demonstrating a lack of judgment and, perhaps more importantly, a lack of insight by the Governor-General.

I want to make some brief comments about child abuse. I congratulate Senator Murray on his contribution on this issue last night. It seemed to me to be one of the most clearly articulated and impassioned speeches on child abuse that have been made. I agree with Senator Murray on this: combating child abuse requires more from political leaders than fine speeches. It requires more than leaders simply expressing their abhorrence of it. And it requires far more than simply prosecuting and punishing perpetrators. For far too long and at enormous emotional cost, child abuse has been shrouded in secrecy and shame. The rights of victims and the protection of the vulnerable have been placed below the perceived reputations of families and institutions. And those in positions of power have continued to participate in colluding with perpetrators, not explicitly, and generally not with malevolent intent, but out of a misplaced desire not to besmirch reputations.

What is required is not just punishment, although this is necessary. What is required is that those in positions of authority act to protect those who are marginalised and vulnerable—that the victim is at the centre of their consideration; that there are systems in place to protect victims and prevent abuse, and proper processes, if abuse is alleged, to support the victim and to prevent recurrence. For far too long there has been an elevation of the interests of the institution above the interests of the victim. What is detailed in the Aspinall report and what I say has been compounded by the continued comments by the Governor-General on this issue whilst in office is a continuation of this attitude. This is precisely what the Governor-General’s error is, and demonstrably so. He has become a symbol not of the unity of the nation, nor of inspiration, but of those who for too long in positions of power have failed to properly act to protect victims. He demonstrably placed the interests of the church and of a near-retirement self-confessed paedophile above the interests of the victims. His actions speak to all those who have been touched by child abuse—those who know only too well the failure of those with power to act in their interests.

Political leaders must show leadership not only in our rhetoric but also to demonstrate that all institutions and all those in power have a responsibility to protect the victim and to prevent child abuse. We must show that part of the responsibility of power is to act in the interests of the victim and not to be deterred by perceived damage to the reputation of an institution. We must always stand against the misguided view that there can be any deviation from responsibility to the victim on the basis of the interests of the institution. Instead, we have a Prime Minister who continues to protect the Governor-General and who even previously refused to table the Aspinall report in the national parliament.

I want to comment briefly on the Prime Minister’s role in this matter which I say is most unfortunate. There is an interesting contrast that can be drawn between the Prime Minister’s recent actions and comments and
Those from a little over a year ago when a different scandal erupted over allegations about another holder of high office, Justice Kirby. It is clear if you look over the Prime Minister’s statements at the time that his concern for protecting people from negative insinuations and allegations is a somewhat recent phenomenon. Indeed, when Senator Heffernan raised spurious allegations, which were eventually withdrawn, the Prime Minister tabled the substance of those allegations in the House of Representatives the following day, 13 March last year. Even more, what the Prime Minister tabled disclosed in greater detail than even Senator Heffernan had revealed the previous night. The Prime Minister alleged, through Senator Heffernan’s document, that the young men involved in the allegations against Justice Kirby were under 18 at the time. As I have said, of course, these allegations were later found to be unfounded and were withdrawn. The Prime Minister went out of his way to support Senator Heffernan’s smear campaign, saying:

The sequence of events is that the senator made approaches to the New South Wales Police, he was not satisfied with the response that he got, he exercised his right as a member of parliament to further ventilate those matters and, immediately that was done, he was encouraged to refer the matter to the New South Wales Police. He has referred it back. I believe that is the proper course of action, and I believe that the action that I have taken is entirely proper.

The Prime Minister defended Senator Heffernan’s decision to use parliamentary privilege to raise unsubstantiated allegations of a criminal nature against a High Court judge. He did little to defend Justice Kirby. Statements about the right to the presumption of innocence were hollow, given that similar allegations had previously been made and were found to be lacking in merit. In this case, however, the Prime Minister is doing everything he can to defend Dr Hollingworth, who, as we know from a recently released report, mishandled allegations of substantiated child sexual abuse and left its victims without succour. An interesting question is: why the different treatment? Does your treatment by the Prime Minister depend on your personal relationship with him? Will he only defend holders of high public office if they are his appointments?

The Australian people are entitled to ask: what damage has been done by the Prime Minister’s failure to act even-handedly, without fear or favour, to protect our institutions? The High Court is one of the pillars of our democracy and so, too, is the office of the Governor-General. These institutions must be protected, and it is incumbent upon all of us, including the Prime Minister, to act to do so. The Australian people are entitled to expect their leaders to seek to protect the interests of the vulnerable and the marginalised. The Governor-General has failed to do this. I accept that this was not done malevolently, but it was done. As a result, the great majority of the Australian community has lost confidence in him. He should resign, and if he refuses to do so the Prime Minister should remove him.

Senator McGAURAN (Victoria) (12.39 p.m.)—On behalf of the government, I reject the motion before the Senate. It is a very serious motion, as all speakers have noted. Its seriousness is highlighted by the fact that it is unprecedented in the history of the Senate and, indeed, the parliament to call for the dismissal of a Governor-General. We reject that call, and we also reject the other significant factor in the motion—that is, a call for a royal commission into child abuse. The government believe that the situation is proper as it stands today. We are debating a very complex, naturally difficult and certainly unprecedented issue, but we stand by the reactions and actions the government have taken to date.
I would like to refer to the Prime Minister’s press interview and announcement in Sydney on Sunday and put down, particularly as we are on air, what the situation is and how well it has been handled by the government and the Prime Minister. The Prime Minister’s press release said:

... Dr Hollingworth will stand aside from his position as Governor General pending the determination of the court proceedings initiated in the Supreme Court of Victoria by the late “Annie” Jarmyn ...

It is only when those proceedings have been determined that the Governor General can give proper consideration to his longer term tenure of his office. The Governor General has told me in giving consideration to the longer term tenure of that office that he will place the dignity and the protection of the office above all other consideration.

The Prime Minister went on to say:

Like any other Australian citizen, Peter Hollingworth is entitled to the presumption of innocence, he’s also entitled to a fair go.

Also, in a lengthy explanation—but one worthy of being read out and put on the record to show the complexity and the sensitivity of this issue that the government, in fairness and in recognition of all the issues involved, is handling and working its way through— the Prime Minister went on to say:

The fitness of Dr Hollingworth to hold the office of Governor General has been vigorously contested by many since the publication of the results of the board of inquiry established by the Anglican diocese of Brisbane. I should say in relation to that report, and it’s a plain statement of fact, that it is of course not a judicial inquiry, it was an inquiry of a purely private character. Dr Hollingworth himself has strongly contested one of the major findings of that report, which are adverse to him, which is adverse to him. He also believes that the conduct and the handling of that inquiry involved a denial of natural justice, he has obtained the opinion of a senior counsel which strongly supports the view which he has put.

Having put down the government’s position and the reason why we reject this motion, I think it really is absurd for those on the opposite side to argue that the government must take into account what they believe is the overwhelming public opinion to have the Governor-General dismissed.

I believe what I have just put down is acceptable to the Australian people and that they, as they have in the past, are going to put their trust, at least for the moment—which is quite acceptable—in the Prime Minister to make the judgment he has and to resolve this very sensitive, anguished position that we are all in. You do not think they are going to put their trust in the opposition or in the opposition leader. They have not in the past, they certainly would not on this issue, and it is doubtful they will in the future. That is where the situation lies. Suggesting that we take notice of the polls is an absurd situation and a pathetic argument for such a serious, sensitive issue. We are confident that the Australian people have accepted the path and course that we have taken to date. The argument that the opposition have put—to watch the polls—is flawed. In fact, fresh from their errors on Iraq, they start giving suggestions with regard to polls.

Debate interrupted.

MATTERS OF PUBLIC INTEREST

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

National Autism Awareness Week

Senator KNOWLES (Western Australia) (12.45 p.m.)—I rise today in the Senate to make some comments on autism. This week is National Autism Awareness Week, and I think it would serve us all well if we were more aware of the trauma associated with autism. Thanks to the Developmental Disability Council of Western Australia, I have been honoured and privileged to have been
adopted by a family that has been affected by autism. The family who decided to adopt me under the Adopt-a-Pollie program are the most wonderful people you could imagine and they are suffering under immense strain. I will give the Senate a brief outline of family.

It comprises a single mother who has four children under the age of 10, three of whom are autistic, two of whom are non-verbal. That mother is nothing short of amazing; she is remarkable. She is studying full time at university to do special ed, and she also has an illness herself. She copes remarkably well but would cope a whole lot better if she had more support. That is not to belittle the people who support her in everything she has done thus far, but it is a very traumatic situation for any family to discover that they have an autistic child, let alone to have three autistic children in such circumstances.

What is autism? Autism is a puzzling disorder that affects one in 1,000 people. Scientists are still trying to discover why it happens. A child can look perfectly normal when it is born and its behaviour can be essentially perfectly normal in its early and formative years. Autism may well not be diagnosed until the child is about three to five years of age, when it becomes apparent that some of its behaviour is different. Autism can range from mild to severe, and it therefore affects children very differently. It affects one person differently from another. In this one family alone, there are three autistic children, and two of them are non-verbal. Boys are more likely to be affected than girls. It needs to be emphasised that poor parenting is not a cause of some of the behavioural problems that are associated with autism. The disorder causes problems with social interaction and behaviour. It is sometimes—but certainly not always—associated with an intellectual disability. In fact, it can be quite the reverse: some autistic people can be absolutely brilliant at certain things. It is their focus on certain issues that, at times, makes them brilliant on a particular subject.

Annually about 900 children are diagnosed with autism. Autism significantly affects a person’s ability to communicate and interact socially, which in turn, of course, affects their behaviour. When one has difficulty getting across to another what they want as a child—and even as a young adult—then that will create frustration and it will create further tension in that environment. As far as communication is concerned, emotions and words can be very difficult to comprehend. It is very difficult, in many ways, for children with autism to link words with their meanings. That is where the mother of the family with whom I have contact is a very sensible parent. She keeps on saying: ‘I don’t necessarily want my child to come home from school with a lovely little card that they have made. If my child came home and I knew that he could identify an arm, a hand, a leg, his face, his eyes, his ears—that would be teaching him something in his life skills.’

I think that is a very important point that we need to be able to get across to the educators, who I believe do a very good job. The role of a special education teacher is not an easy one and it is one that we should never, ever take for granted. But the mother’s words were highlighted, only a few weeks ago, when the youngest child of this family, who is only about three years of age, started to display an unusual tendency to topple over. It was very difficult because the mother did not quite know what was wrong, and the child could not tell her what was wrong. Invariably, those children do not feel pain and, therefore, the possibilities were endless.

In the end, the mother took the child to a doctor who referred the child to the medical emergency centre in one of the hospitals in
Perth. Because this child—the most absolutely delightful looking child—looked perfectly normal, everybody started talking to the child: ‘Come on here, mate, do this, do that, do something else. Does this hurt, does that hurt?’ The mother kept saying: ‘He is non-verbal. He does not speak. I don’t know what’s wrong with him.’ The whole process undertaken by the doctors and nurses, and the mother and father—because the father came in to lend assistance, and he was there trying to hold the child down while they were doing tests—became very difficult. To cut a long story short, the little boy was eventually diagnosed with a broken kneecap.

We do not understand, as people who have been blessed with all our faculties, because we can say, ‘My arm hurts,’ or, ‘My knee hurts.’ We go to a doctor and it is done. But this is a very special group of people. There are significant difficulties with some of the verbal sufferers, but particularly with the non-verbal communicators. As a result, the child will grab what they want or lead one to what they want. They may, in fact, parrot words that do not necessarily mean what they want them to mean at the time. Their senses can be confused; a sudden noise can be terrifying to them; silence can be very loud to them. We need to create awareness, particularly during Autism Awareness Week, of what we as a community should be doing.

There is enormous stress on the families of sufferers. There is enormous stress just in doing something as simple as going shopping. I cite this particular family again. The mother goes to the supermarket with the four children—there is no-one else there at the time to look after the children—and her gorgeous eldest son puts the little tot in a trolley. He wheels the little one around in one trolley, and mum has the other two children beside her while she wheels another trolley with the food in it. In many respects, the eldest one is almost being forced to be older than he really is, because, even though he is autistic himself, he is not non-verbal. He gets tired as he is pushing the trolley with his little brother in it. When they get to the checkout, the mother is confronted with the checkout line, four children and a trolley full of groceries. I think being at the end of the checkout line is pretty frustrating just on my own, let alone if you have four children and a trolley full of shopping. Then, when she gets through the checkout, she has had to park a million miles away and has to get the trolley and her four children to the car.

We have ensured that this family has an ACROD sticker so they can park at the door of the supermarket, but that process was not necessarily easy, because the actual recipient of the ACROD sticker is not theoretically disabled. As a community we need to make life easier for the sufferers, and also for the parents of these children. Difficulties are created during the day-to-day trials of running a household at night, where you are trying to cook a meal and bath the children at the same time, and where there is a propensity for one child to put a hand in the oven or on a hot pot on the stove or whatever while the others are getting in and out of the bath. A lot of people do not understand the physical demands, the frustration and the community isolation. They look at these particular children and say, ‘They’re just badly behaved. They’re just rotten little kids.’ They all look gorgeous: they are dressed beautifully, presented beautifully and everything else, but they have behavioural problems from time to time. In turn, that puts pressure on the family unit that can lead to separation or divorce. Therefore, the chance of burnout of the main carer is potentially very real.

The question of what should be done about this problem is one we, as a parliament, need to look at. I know our policy is very firmly devoted to ensuring that there is overall mainstream disability funding. Of
The document contains a discussion on state responsibilities for early intervention, school age support services, family respite services, residential services, employment services, and family support. There is a discussion on the effectiveness of these services and the challenges in providing support, with a focus on early intervention and the need for volunteers and carer support. The text also mentions the importance of focus on the needs of those suffering from autism and the importance of improving education and life skills. Additionally, there is a discussion on the 2003-04 budget, specifically addressing the lack of initiatives for veterans and war widows and the perceived fraudulence of the government's rhetoric about care, recognition, and concern for veterans.
swers. They simply wanted to stall. This budget is evidence of that.

Let us now look at the few budget announcements. First there is $61.7 million over four years for the gold card, whereby the government is offering $3 per consultation to GPs who continue to accept the gold card, on top of 100 per cent of the scheduled fee. This is simply repairing a self-inflicted problem which should have been fixed a long time ago. What has happened in the last 12 months is that many doctors—15 per cent of those registered, in fact—have refused to treat veterans with the gold card, forcing veterans and widows to find another GP, often unfamiliar with their case, and at inconvenience with respect to travel. We can only hope they will now return to the gold card, but sadly some will not, as their client books will be full.

Whether the AMA accepts the whole deal of course is another thing and we have some way to go as a memorandum of understanding is negotiated. The package also falls short in that hundreds of specialists have also abandoned the gold card—and this is critical because those specialties are more often than not ones which are of greatest importance to sick or aged veterans. Ophthalmologists and orthopaedic specialists feature high on the list of shortages, and veterans are now being forced to join long waiting lists and travel much further to get the care and treatment they need. There is no end in sight for this and the government in the budget has done nothing. So the generosity on extra funding for the gold card is a fraud. It simply restores the status quo, and only in part. There remains much to be done. This money should indeed have been provided last year.

Next there is $4.7 million to enhance the big brother computer systems which will hunt out everyone who understates their income and assets. It is obvious that the government believe that veterans and war widows are cheating the system, because they estimate that the savings will come to a gross of $17 million. Fortunately for veterans, we know that the DVA’s record on achieving savings is poor and the target will have been overestimated. It is highly unlikely that many veterans or widows will benefit, despite the minister’s hopes. It is a compliance issue, not an act of generosity.

Then we come to the main agenda for the Howard government, which is a swathe of new memorials around the world. Veterans will be pleased to know that they will be commemorated some more not just in London, but in Malaysia and New Zealand as well. An additional $1 million is to be spent in London, where the cost has risen from $6.4 million to $7.5 million at least, though what may be hidden elsewhere in the DVA budget is yet to be revealed. On 11 November this year there will be an enormous public relations exercise at Hyde Park Corner, where the magnificence of this memorial will be revealed. The wall of granite from Western Australia, carved with the names of all the Australian towns from which our troops enlisted, will be unveiled by Her Majesty no doubt, with the Prime Minister appropriately one step behind. Sadly, though, as important as memorials are in commemorating the feats of our veterans, there is nothing else. This is it. Moreover, the extra $1 million is only to make up for the money wasted to date, compensating those whose contracts for design were cancelled as a result of failed tender processes, and to pay for cost overruns. That is effectively the sum total of the veterans’ budget for the next 12 months.

If we turn to the portfolio budget statements in an attempt to glean more, we are also disappointed; there is nothing there which is new either. It is simply another year of business as usual. The growth in the total
outlays, which have now grown to $10 billion per annum, is trumpeted by the minister in her press release as a sign of major commitment and generosity. It is, however, nothing of the kind. The $600 million addition is simply the result of the automatic indexation of the $9 billion of special appropriations voted for by this parliament. In looking at this veterans’ affairs budget we also need to look at what is not there. Here the list is endless. As I mentioned at the beginning of my speech, the greatest shortfall is not implementing the recommendations of the Clarke review, including important recommendations for many in need. Particular amongst those in need are war widows renting in the private rental market—which we all know is booming. They are not entitled to rent assistance, and, despite the recommendations from Justice Clarke, they have been ignored.

Also ignored are the thousands of veterans and ex-service people with compensation payments from Veterans’ Affairs who have their Centrelink pension reduced by 40c in the dollar for every dollar of compensation they receive. This is highly discriminatory. Veterans in receipt of a service pension have their compensation payments exempted, so why should these people not also have an exemption? Victims of car smashes receiving compensation for pain and suffering have their payments exempted as well. Why are ex-service people treated differently? These are people dependent on welfare who have served their country. The government constantly sings their praises and yet treats them as second-class citizens when it comes to their needs and care. It is simply not good enough.

The list goes on and on. Those veterans from BCOF who served in Japan after World War II and who were encouraged by the Clarke recommendations are this morning quite forlorn. So are those who served at the site of the atomic tests in the 1950s—their hopes had been soaring since the Clarke review. How much longer must these people wait before they are told of the government’s attitude to the Clarke review? The bottom line is that for this government veterans are simply props for the public relations machinery. For evidence we need go no further than this budget. If you are a veteran and you are in need, forget it. If, though, you like travelling the world inspecting war graves and attending ceremonies for new memorials with your name on another plaque, this budget is for you. I think we have now seen it all. The budget for 2003-04 for veterans is a complete non-event. It is a cruel trick. Veterans have been badly misled—and they will remember.

Budget 2003-04

Senator LEES (South Australia) (1.10 p.m.)—I take this opportunity today to introduce my new party, the Australian Progressive Alliance, and, considering the timing, I will do it in the context of last night’s budget. Response to the budget ranges from full support—and this mostly seems to be coming from some business groups—to virtual total opposition on the part of the Greens. Response ranges from those who it seems can find no problems whatsoever to those who it seems can find absolutely nothing that is positive or worth supporting. The truth lies somewhere in between. There are some worthwhile initiatives in this budget—but initiatives that I will be happy to support—but there are some significant problems which need either amending or excising to make this a fairer budget, a budget which deals with the real problems facing our nation, particularly the problems faced by those Australians struggling day to day to make ends meet.

No doubt the government will claim that it has a mandate. It will argue that the Senate should simply pass the budget without scru-
tiny—and we will certainly not do that. However there is a balance that needs to be struck between simply opposing for the sake of it and giving in and agreeing to something that we simply do not believe in. It is this balance that I want to work towards. It is finding this balance that the Australian Progressive Alliance will work for.

Senator McGauran interjecting—

Senator LEES—We believe a hardworking, responsible Senate can increase the life of a government—and Senator McGauran should surely be interested in that. The Senate can be a sounding-board for popular opinion, particularly through its committee processes, and indeed can extend the life of a government, as mean and unpalatable parts of its programs or proposals are removed before the government is mauled by an angry electorate at an election. Publicly, this government will never admit to that—and indeed it is now deliberately building up double dissolution triggers. I would argue that it has put measures in this budget that it knows are not going to be acceptable. I will give you one example: the linking of its workplace relations agenda to university funding. This is put there deliberately to get a fight. The government is deliberately looking for a fight with the Senate. We believe that if we want a strong and sustainable Australia, an Australia that is sustainable economically, socially, environmentally and politically, we have to work together across party lines, give credit where credit is due and oppose what is regressive. We have to put aside much of the posturing and try to reach inclusive agreements which take us towards agreed goals. As we succeed in making real progress, we then have to keep raising the bar and looking further and further toward what we can really achieve.

I return to this budget. There are a number of positive measures in this budget, and I congratulate the government for those. I outlined many of those in my press statement last night and in the comments I made last night. I have some issues of concern which I believe we can, and should, discuss. My time today will limit me to just looking at just three specific areas. Firstly, I turn to the issue of Medicare. GPs are becoming an endangered species not just because we have not been training enough doctors but also because general practice is not seen as a rewarding career for those dedicated doctors who want to have their futures secured. This year the training places for general practice have not been filled and about half of those that are enrolled in courses are actually from overseas. We must look at this issue along with the declining rate of bulk-billing—it must all be tackled in context.

The package that the government has put before us will not improve bulk-billing rates. The package deliberately only encourages doctors to bulk-bill cardholders. There are no incentives for bulk-billing anyone else or to support those marginal families who are struggling to make ends meet and who just miss out on a health care card. There is no additional support to encourage and support doctors in bulk-billing those who are chronically ill. It is certainly not attractive to those who want a future as a general practitioner. Rural doctors have said that very few of them—perhaps as few as 10 to 15 per cent—are actually going to opt into this package. As the Australian Divisions of General Practice has said, this package ‘needs major surgery’ and is a ‘lost opportunity to revitalise general practice’.

We can mould, change and amend this if this government is serious about its claim that it supports Medicare. Let us start by giving GPs incentives to bulk-bill at least 80 per cent of their patients. In other words, let us look at where the bulk-billing rates were high, give some incentives for getting it back
there and let doctors choose who they bulk-bill. This will need an increase of about $6 per consultation in cities and somewhere around $7.50 to $10 for the rural doctors. We need a new item number for rural doctors to acknowledge the additional costs and pressures of rural practice. We must then index these rates and fix them in line with inflation so that the doctors can look to the future and know, as they make decisions about which area they are going to train in, that there is some future in general practice. If we then add things like practice nurses, allied health professionals and those sorts of incentives to the package, you will start to get a package that doctors are going to be keen to sign up to and that will actually do what this government wants it to do.

On education, university students today face many pressures. There are larger and larger lectures. It is not unknown for students to rush to the next lecture so that they get in before the doors are shut for safety reasons and the 100 or 200 students that miss out go to the library in a few days to get a tape of the lecture to try and catch up. There are larger and larger tutorial groups—that is, if there are tutorials. Many students are now faced with seminars with 30, 40 or 50 students in them and no opportunity to get any one-on-one support from lecturers and tutors. Financial problems lead students to take on yet another night of part-time work or that extra bit of casual work, to the point where lectures are missed, deadlines for assignments pass and debts accumulate. HECS debts now have to appear on loan forms if students want to borrow money, perhaps for a car or a house. For many students who do not get high-paying jobs, these debts hang over their heads year after year. While it is positive that the government has increased the threshold at which HECS is paid back, it still means that many students have thousands and thousands of dollars hanging over their heads. I am certainly not comfortable with increasing debt levels further.

There is a community benefit in ensuring that all Australians can access education and reach their full potential. There is a community benefit in having trained professionals. We are now realising what we have done in not training enough teachers and nurses. The community must pay a substantial part of that bill through the tax system and not keep loading more and more onto students. It is common practice for students facing a variety of pressures to stay at home longer and longer. I can speak with experience here, as all six of the young adults in our family are at university this year and five of them are still living at home.

I look at the education package with all of this in mind and also as a former teacher. Many of the best and brightest students that I taught never finished secondary school. They were pushed by a variety of issues, including financial needs, family circumstances and perhaps the belief that they simply could not do it—that they could not do a TAFE course or go to university because no-one in their family had done that before. So what they did was grab the first job to come along—perhaps 10 to 15 hours a week at a fast food outlet or, in rural areas that I taught in, some seasonal work picking grapes. They are probably amongst our unemployed today or going on and off benefits depending on work availability. We have to do better. We have to put money into keeping these students at school. I see the potential in the scholarships that the government announced last night and I congratulate them on the various sorts of scholarships that are there for students—those which assist them with the cost of study as well as separate scholarships for accommodation. But, if we do not fund our public secondary schools properly, the kids are never going to get to the stage where they
can take real advantage of those scholarships.

On the environment, I find it depressing that we can find the money for a war and billions more for defence, but, for some of the real issues and for our critical problems here at home, we cannot find urgently needed funding. I think the greatest threat to our country is what we are doing to our land. Specifically, land clearing in Queensland must stop. This is not just a Queensland problem, I acknowledge that; it is a national problem—so is salinity, so is loss of species and so are greenhouse gas emissions. There is no new money in the budget announced last night for the Murray-Darling Basin. Money in the Greenhouse Gas Abatement Program which, in my GST deal with the government, was earmarked to stop Queensland land clearing remains unspent after four years. The Prime Minister, Mr Howard, has said that water policy is a key part of the government’s third term agenda and a key priority. But the focus is on water trading and more efficient use of water by irrigators. Environment flows—actually having more water left in our rivers—is not directly supported. It seems unlikely to happen in the short term. Ending land clearing is also a key to revitalising our rivers, particularly the Murray-Darling Basin. The Commonwealth cannot just keep blaming the states, saying, ‘They have to get their act together; they have to sort it out.’ The Commonwealth has to take the lead and start the ball rolling. Our scientists have warned that we are risking a future of dust bowls, drains, derelict rural communities, impossible repair bills and continuing damage to our economic performance unless we change our relationship with the land, rivers, coasts and seas and do it much more quickly than we have so far.

The ‘investing for a sustainable Australia’ part of the budget, the environment spending part of the budget documents, was one of the biggest exercises in spin that I have ever seen. All sorts of funding has been tipped in and vaguely tied to the environment; it has been lumped in. Environment programs have been dropped, combined or buried. For example, last year 28 separate programs were listed for the Australian Greenhouse Office. This year there are just three.

Australia is also slipping behind the main game internationally in alternative energy and greenhouse gas abatement measures. We have not taken anywhere near the full extent of what are generally described as ‘no regrets’ measures. The crunch, when it comes, will be more painful if we have not prepared ourselves by at least staying with the international game. The economic benefits of getting ahead of the international game are considerable, but the government does not seem to be anywhere near that. It is no wonder that I and a few others have noted that this is a budget of missed opportunities. I have some final comments about the figures themselves. Each year the government deliberately buries the figures. For a government that prides itself on a charter of budget honesty this document was, to put it kindly, opaque.

I have formed the Australian Progressive Alliance because of the yearnings of many Australians for a new form of politics. They have told me, as I am sure they have told many of you, that they are sick of the adversarial games. They want us to be principled, not conniving; they want us to work together to see what common ground there can be; and they want us to keep moving forward on that basis. The Progressive Alliance is not a party that is about the easy way out; it is not a party that wants to pick a fight over everything. I maintain, and the Australian Progressive Alliance maintains, that we should be willing to listen, be open to talk and discussion and be ready to compromise. ‘Compromise’ is not a dirty word. We can still stand by our strong principles of equity, justice,
protecting the environment and improving relations with Indigenous Australians, but it just might be a step by step process to get to our final goals.

As I look at the budget overall, I want to highlight two key priorities that I will endeavour to work on as we debate the issues: the first is to end land clearing in Queensland, and the second is to restructure the Medicare package not only to ensure that all Australians have ready access to a general practitioner but also to ensure that we actually have some general practitioners and ensure that people will find in this profession a real and rewarding career option.

Real life is about negotiation. In our families, with our friends, in our work relationships we all have to negotiate and compromise every day. This enables us to meet all our needs. We can keep our principles, but we can listen, we can learn and we can come up with agreed solutions for moving forward.

Budget 2003-04

Senator O’BRIEN (Tasmania) (1.24 p.m.)—Rural Australia continues to suffer under the weight of the worst drought in a century. I note that the National Party representatives in the chamber laugh at that comment. It is interesting that the National Party, which purport to represent rural and regional Australia—they do not, but they purport to—have come in here and, at the first mention of the drought that is affecting rural and regional Australia, they laugh.

Having visited a number of drought affected regions I must say that it is an extremely depressing experience. The resilience of farmers in such circumstances is much to be admired. They are very tough and proud people, but at the moment they need help and they should get it. It is therefore almost impossible to believe that the Howard government has managed to slash its funding commitment to drought aid for Australian farmers by nearly 20 per cent. In the ultimate act of political cynicism, the total estimated Commonwealth drought expenditure to the year 2006-07, from the budget papers last night, is $741.8 million—$160 million less than the $900 million repeatedly promised by this government, by the Minister for Agriculture, Fisheries and Forestry, by the Deputy Prime Minister and by others. That is $160 million less to go round the drought affected regions of this country on the back of the commitment made by the minister and by the Deputy Prime Minister and now dishonoured in the budget.

Let me take the Senate to the basis for my claim. The budget papers speak for themselves in terms of the amount promised, and there is no doubt that the amount is $741.8 million. In the Hansard of 6 February 2003, in answer to a question without notice—well, we wonder—from Mr Bruce Scott in the other place, Mr Truss is quoted as saying:

We estimate that the cost of the measures that have already been announced will go to around $900 million.

And then the Deputy Prime Minister, Mr Anderson, in a media release on 8 February 2003—and I notice the grimacing from Senator McGauran, and I understand it—said, amongst other things:

... the Federal Government expects the total payment for all of Australia to top $900 million.

But it does not stop there. On 10 February again in an answer to a question without notice, this time from Mr Hartsuyker, Mr Truss said:

Indeed, the commitments made by the Commonwealth to assist drought-stricken farmers around Australia amount to more than $900 million.

Mr Truss said in his answer:

That is real money for farmers’ pockets.

Well, there is $160 million less as a result of the budget last night. But again, on 12 Feb-
ruary, in answer to a question without notice in the other place, Mr Truss said:
This represents a very substantial commitment by the federal government, totalling over $900 million nationally.

The minister for agriculture has said ‘$900 million’ three times now in the House of Representatives. It is probably better described as a chant than a promise, but it amounts to the same thing. But it did not stop there, because in a doorstop interview of Mr Truss by the media on 18 February he again said:

Well, we’ve already provided and made substantial commitments to farmers in drought-affected areas. Over $900 million has already been committed from the Federal Government.

Lest people think that somehow things changed, on 18 February a press release from the Minister for Agriculture, Fisheries and Forestry, Mr Truss, said:
The Federal Government is lending practical support to farmers in these difficult times, with an estimated $900 million already committed to drought relief for farmers over the next two years ...

Senator McGauran—Estimated!

Senator O’BRIEN—Senator McGauran picks up on the word ‘estimated’. Of significance, if it is an overestimate of $160 million, when was Mr Truss going to tell us that—or did he not find out until the budget papers were released last night? On 20 February, in another press release, Mr Truss said:
The Commonwealth expects the take-up of the assistance to continue to increase rapidly, and we have allocated more than $900 million for direct financial assistance to farmers during the present drought.

At the Outlook Conference on 4 March, in his speech to the conference, Mr Truss said:

When you combine that package with commitments to existing EC declared areas the estimated cost to the Commonwealth is $900 million in direct assistance to farmers during this drought.

Then on 4 March, in the House of Representatives, again in answer to a question without notice—a Dorothy Dix, some people might call it—Mr Truss said:

In total, the Commonwealth has committed to something like $900 million in special assistance and EC payments to farmers on the basis of the applications that have already been received.

There is nothing speculative, one would think, about those projections. On 19 March, in answer to a question from Senator Santoro, Senator Ian Macdonald—no doubt on the instructions of his minister, whom he was representing in this place—said:
The bottom line is that the Commonwealth drought assistance package and existing EC arrangements could cost the Commonwealth, and we have forward budgeted for, some $900 million over the three-year period.

They are interesting words—‘we have forward budgeted for’. In the House of Representatives on 27 March, Mr Anderson said:

It is anticipated that current applications will provide some $900 million worth of assistance ...

Mr Acting Deputy President, I have a sheaf of press releases which are attributable to a number of ministers of this government. I will not further take up the time of this place to go through the many, many occasions where this figure of $900 million worth of assistance has been promised by this government to the farm sector, but I have to say that a key feature of the budget is the clarity of the Prime Minister’s broken promise on drought aid. On 9 December last year, Mr John Howard announced his own drought package. This was an attempt, I might say, to fix up the mess made of the process by Mr Truss. Senators would recall this package, which was so hastily put together it included an inner Melbourne area as entitled to apply for drought assistance. The Prime Minister’s package promised $368 million in ‘new drought support’ over three years. Last night in the budget papers that promised support
was reduced from $368 million to $170 million—a reduction which is massive and can hardly be said to be a minor adjustment. So that is $368 million down to $170 million.

It is pretty clear from the budget papers produced last night that many in the Howard government think this drought has passed. Mr Truss was reported as saying as much at the end of April. The Deputy Prime Minister was forced onto the airwaves again to correct the agricultural minister’s comments. I note that Mr Anderson was on the airwaves at lunchtime trying to get Mr Truss and the Treasurer out of the problem that has been made for them by the adjustment of these numbers in the budget figures. But it is now clear that, while Mr Anderson tried to correct the record, the Treasurer was not listening. He is clearly of the view that the drought has passed; hence this massive cut in funding. We are of the view that the drought is not over. That is certainly the view of the farming community. It is also important to remember that, once the drought does break, the recovery period can be as long and nearly as testing as the drought itself.

A cut in funding for drought assistance was not the only problem exposed in last night’s budget. There was nothing in last night’s budget statement dealing with the administrative problems in the Howard government’s drought program. The progress of some sensible reforms has now been bogged since May last year because Minister Truss is unable to effectively make progress on these matters. Many farm families have paid the price for Mr Truss’s failings in that regard. The failure of Mr Truss to manage drought assistance is reflected in the range of variations in assistance under the exceptional circumstances drought package that now exist in some areas, with some areas attracting assistance with a rainfall deficiency measured against a one in 20-year event while others must meet a one in 25-year event. Some farmers are now receiving interim assistance limited to a six-month period, while others are receiving the same help but over a nine-month period. All of these ad hoc changes reflect the need for the minister to deal with a range of political problems—which, I might say, are of his own making. Due to Mr Truss’s inability to work with the states and to deliver timely and effective drought assistance, many farmers have missed out on help, others have received only temporary assistance and those lucky enough to find their way through the administrative maze have been forced to wait long periods before receiving promised aid.

The drought summit promised in last night’s announcements is little more than a cruel joke for regional communities who are already forced to endure the worst drought in a century. A talkfest at some indeterminate future date is of no help at all at the moment. If the minister had put politics aside last May and implemented the reforms that were agreed between the states and the Commonwealth—and there were a great many on the table—everyone, and particularly drought affected farmers, would be a lot better off now. Might I say that, if the last farm Mr Howard visited was in the western division of New South Wales rather than Crawford, Texas, this budget may have been a very different budget indeed.

**Budget 2003-04**

Senator BOSWELL (Queensland—Leader of the National Party of Australia in the Senate and Parliamentary Secretary to the Minister for Transport and Regional Services) (1.38 p.m.)—Mr Acting Deputy President Watson, as you are a regular in the chair, you know that we go through this almost like a set piece. Every Wednesday afternoon, Senator O’Brien comes down and puts the boot into Warren Truss. It is as regu-
lar as clockwork but, as regular as it is, it is always wrong.

Yes, we have used the figure of $900 million. There is no question of that. You have recited chapter and verse that the government is committed to $900 million but that the forward estimates are $740 million so there is therefore a deficit of $160 million. The background is that, in the budget estimates, $741 million in total will be spent by the Commonwealth on drought assistance measures, comprising $279.1 million for 2002-03, $307.1 million for 2003-04, $155 million for 2004-05 and $0.6 million for 2005-06. The number of farmers actually receiving support, receiving the exceptional circumstances relief payments, has risen from 3,894 in April to 5,158 in May. More farmers are moving from interim assistance to full EC and, in addition, more than 7,000 farming families are now receiving interim federal government assistance. I would remind farmers in those areas covered by the Commonwealth drought relief package announced on 9 December that applications for interim assistance must have been lodged by December 2002. That is what is in the budget papers for next year, but the press releases state that if more money is required then it will be supplied. The drought has broken in some areas, not in every area.

Senator O’Brien—Are you saying that it’s a fantasy?

Senator BOSWELL—I am not saying that it is a fantasy. What I am saying is that all farmers that are in need of EC, exceptional circumstances drought relief, will have that money paid to them and no-one can say at the moment that the money has been stopped because the government has exceeded its budget. The government will meet its commitment, honour its commitment, to farmers as it always has and always will—despite Senator O’Brien coming in here every Wednesday, matching a few press releases together and coming up with the wrong answer. That is what you do entirely. A number of other people do it, including one particular friend of mine in the lower house, and you are learning from him. You get a few figures, match them together and then come up with a completely wrong conclusion, and that is what you have done today. The estimates have gone from $900 million down to $740 million, but if needed and if required the government will go to $900 million. It will go to more than $900 million; it will go to whatever it takes, to use ex-Senator Richardson’s explanation. Whatever it takes, the government will meet its commitments to rural Australia, as it always has.

As I remind you continually, Senator O’Brien, if you really want to help the farmers, you should talk to some of your state colleagues and just remind them what they have not put in to drought aid. This was supposed to be a contribution from the states and the Commonwealth, but I will tell you who is carrying 99 per cent of the weight. It is the Commonwealth. You have never got up and said, ‘To be completely honest, I have discussed this matter with my Labor Party colleagues and ministers for primary industry in the various states, and they are completely dragging the chain on any form of drought assistance because 98 per cent of it is carried by the Commonwealth.’

So I have entered this debate today, as I always have to do, to put some balance into the debate because Senator O’Brien continues with this issue on a weekly basis. I might add, Senator O’Brien, that, when you were desperate for your farmers in the central highlands, you came running to us and you got drought relief. You got it when you asked for it, but you never say that now. A lot of people got in and assisted you to get your drought relief in Tasmania, but you never acknowledge that. When you were in need,
you came to us and asked for drought relief and you received it. So it would not hurt you to acknowledge that one time when you get up in here and continually attack the government.

Senator Lundy—And say thank you for doing your job? That’s ridiculous.

Senator BOSWELL—It is not ridiculous. According to Senator O’Brien, we never do our job, we never assist farmers, the National Party does not even acknowledge farmers. But when you, Senator O’Brien, wanted assistance for your farmers, who did you come to? You came to the National Party. That is who you came to—the National Party—and the National Party helped you and your farmers in the central highlands.

The ACTING DEPUTY PRESIDENT (Senator Watson)—Senator Boswell, please make your comments through the chair.

Senator BOSWELL—I am sorry, Mr Acting Deputy President. Senator O’Brien continually attacks the National Party, but I want to point out to him that, when he was in trouble, he came to the National Party on behalf of his farmers. So, once again, we have had the weekly diatribe put up by Senator O’Brien. It is completely wrong and it does not deserve to be listened to.

Health: Meningococcal Disease

Senator ALLISON (Victoria) (1.45 p.m.)—I rise today to talk about the government’s vaccination program for meningitis. In August last year the Minister for Health and Ageing, Senator Patterson, in one of her first announcements as minister, said that all young people would be immunised for meningococcal type C disease through a national meningococcal disease vaccination program that would provide free meningococcal vaccines for all Australian children of age 12 months to 15 years. In the first year, there would be free vaccines for adolescents aged 16 and 17 to ensure that the greatest number of children in high-risk age groups for meningococcal disease were vaccinated. This was due to start earlier this year. The cost was to be $41 million for the first year, and the program would continue for the next 14 years. The all-up cost would be around $250 million.

At the time, the Democrats criticised this measure, saying that the group most at risk was those exposed to tobacco smoke and that the money would have been better spent on more effective antismoking campaigns, which would have delivered many other health advantages as well. However, now we learn that the Australian Technical Advisory Group on Immunisation had in fact recommended something quite different from the program that the government announced. That report has not been made public, and today I have formally requested that the government table it in the Senate. I understand that the report actually recommended that, all together, $45 million should be spent on a targeted meningococcal type C vaccine program in the states where the disease was prevalent and $60 million should be spent on pneumococcal vaccines. It said the program should also include polio and chickenpox vaccines. But the government chose to run the program just for meningococcal type C vaccines, presumably because at the time there were lots of stories in the media about infants who had died from meningococcal type C. In this budget the government has again overlooked those recommendations.

But let us look at why the technical advisory group made the recommendations it did. According to the data from Communicable Diseases Australia, there were 573 cases of meningococcal infection, compared with 2,354 cases of invasive pneumococcal disease, reported last year. Pneumococcal disease can cause meningitis, pneumonia and middle ear infection, resulting in permanent hearing loss and permanent brain damage. It
affects the blood, spinal cord or brain and is the most common bacterial cause of serious disease in Australian infants and children. It occurs 20 to 30 times more often than meningococcal type C meningitis. Pneumococcal also has a much higher fatality rate and causes a higher rate of permanent and serious disability than meningococcal infection. Half of all children who contract pneumococcal meningitis during the first year of life are left permanently disabled, and about 11 per cent of them die. The New England Journal of Medicine published this month the results of a study into the effectiveness of the pneumococcal vaccine in the US. It concludes:

The use of the pneumococcal conjugate vaccine is preventing disease in young children, for whom the vaccine is indicated, and may be reducing the rate of disease in adults. The vaccine provides an effective new tool for reducing disease caused by drug-resistant strains.

The study shows that 3,285 cases of invasive pneumococcal disease were identified among children under five years of age, representing an average of 96.4 cases per 100,000 in 1998 and 1999. Distribution of the vaccine through public programs began in the second half of 2000, and by 2001 the number of cases had dropped to 39.7 cases per 100,000 children under five. That is a massive 69 per cent reduction. The report says:

The use of the pneumococcal conjugate vaccine has reduced the burden of invasive disease in young children, for whom the vaccine is indicated, and may be preventing disease in adults.

It is apparently the case that adults can catch the infection from infants.

In 2001, the rate of invasive disease among children under two years of age was 69 percent lower than in 1998 and 1999. Declines in disease rates also were evident among unvaccinated adults (a decline of 32 percent for those 20 to 39 years old ...)

In this country, it is estimated that 2,400 children in 2003 and 2,800 children in 2004 will contract invasive pneumococcal disease. To the extent that we can extrapolate from the US data, the majority of those cases will be in infants of up to two years of age. We know that half of these children will be left permanently disabled and 11 per cent of them will die. If these children were vaccinated, we too could expect a 69 per cent reduction in the disease, and hundreds of deaths and thousands of disabilities might be avoided.

The Democrats argue that it is time for the government to admit that it made a mistake in rushing into a mass vaccination program just for meningococcal type C. Paediatricians, hospitals and GPs are all aware that this was a mistake, and they are looking to the minister to revisit the decision and pick up on the recommendations of the Australian Technical Advisory Group on Immunisation, which reports to the NHMRC. As I said, I have asked the government to provide a copy of the group’s report. We all need to see what it had to say. At the same time, we need an explanation from the government as to why the recommendations have been ignored once again—in the current budget.

Drought

Senator McGauran (Victoria) (1.52 p.m.)—I would like to support my colleague Senator Boswell, the Leader of the National Party in the Senate, in his refuting of Senator O’Brien’s absurd misrepresentation of the budget figures and the meaning behind them in regard to the drought. My grimacing was because Senator O’Brien’s speech—he has made many bold statements on a Wednesday afternoon when he has come into this chamber, but that would have to take the cake—is wrong on every count. That is not exceptional in itself for Senator O’Brien, but what is exceptional is that Senator O’Brien knows his statements are wrong. He knows it when he walks into this chamber, yet he is willing
still to put it down as fact. This government does not believe the drought is over. The funds for the drought in toto have not been withdrawn from individual farms or from exceptional circumstance areas. However long it takes, this government will meet its commitments.

The federal budget estimates have been reduced from some $900 million to a figure of $740 million. It is simply a recognition on paper that certain areas have come out of the drought. In the time I have I will read into the Hansard the minister’s full explanation on this matter:

The Federal Budget clearly shows that the Government remains committed to assisting farmers in severely drought-affected areas.

Secondly:

There has been no cut in the Budget for drought. To assert otherwise shows a lack of understanding of the basis for drought assistance.

Senator Boswell and I are at one with the minister on that claim.

For example, the main Commonwealth drought assistance measure, Exceptional Circumstances, is demand driven.

That is the whole point. You can make all sorts of estimates, but in the end it is fact that will determine how much you spend. Fact: if it takes $740 million as the current estimate or $900 million as the past estimate or more, this government will meet that commitment.

Therefore, all eligible farmers will receive their entitlements ...

That is their full entitlement. By the way, this government has expanded upon the previous government’s entitlements under exceptional circumstances. One such expansion was to bring small businesses that are in drought affected areas under exceptional circumstances. To continue with the minister’s statement:

... even if resultant Commonwealth expenditure should exceed Budget estimates.

Therein lies the minister’s commitment. He is saying that if the estimates are too low and that Commonwealth expenditure is needed beyond the $740 million, that is exactly what we will meet. There is the commitment by the minister and there is the commitment by the government, and that is a commitment Senator O’Brien knows about; yet he would walk into this chamber, ignore it and make a completely wrong assessment of this government’s commitment to the drought. To finish the last paragraph of the minister’s statement:

The Budget figure—of $740 million for drought over 2000/03 to 2004/05—is based on expected costs of declarations already made for prima facie and full EC assistance, as well as the expenditure anticipated to be spent on remaining claims under the Additional Drought Assistance measures announced by the Prime Minister on 9 December 2000 (for example, the second tranche of Interest Rate relief for eligible farmers and small businesses).

There it is put down by the government—stark and honest—and yet we have Senator O’Brien walking into this chamber attempting to say otherwise.

Senator Boswell—He does it every week.

Senator McGauran—As Senator Boswell rightly interjects, he does it every week. He is only diminishing his own credibility. I know he has to act like an opposition shadow minister and bring the government to account where he thinks necessary and to play the political game, but he does himself no justice. He diminishes his position. If it is such an obvious political ploy, such an obvious error, it does him no political worth at all. If I can give him that gratuitous advice, he is overreaching. This Wednesday he has overreached.

Senator Boswell and I jump up every Wednesday. Senator O’Brien, you have a permanent slot on a Wednesday afternoon. The party has given you a waiver. In the past
you have been outrageous. You have forced Senator Boswell and I to get up during our lunch break to counter you. But, boy, this Wednesday you have overreached and your credibility is now on the line, unless you choose to adjust your error, your mistake. You could not possibly live with what you said this afternoon and be credible to the farmers or farming organisations. You have totally discredited yourself this Wednesday. I have put down on the record what the budget actually means. This government has not in any way, shape or form cut its drought assistance.

QUESTIONS WITHOUT NOTICE
Drought

Senator O’BRIEN (2.00 p.m.)—My question is to Senator Ian Macdonald, the Minister representing the Minister for Agriculture, Fisheries and Forestry. Does the minister recall his answer to a question from Senator Santoro on 19 March this year when he said:

The bottom line is that the Commonwealth drought assistance package and existing EC arrangements could cost the Commonwealth, and we have forward budgeted for, some $900 million over the three-year period.

Can the minister also confirm that his media statement dated 7 May, just one week ago, stated that ‘the package of Commonwealth measures totalling $900 million ... is helping Australian communities affected by the drought.’ Can the minister now explain why the $900 million drought package was cut by almost 20 per cent to just $742 million in last night’s budget, and why funding for the additional drought measures promised by the Prime Minister on 9 December last year has been cut by nearly 54 per cent, from $368 million to just $170 million? Why did the Howard government mislead Australian farmers by promising funding it had no intention of delivering?

The PRESIDENT—Order! Senator O’Brien, that was a very long question. It ran nearly half a minute over time.

Senator IAN MACDONALD—I sincerely thank Senator O’Brien for that question because it enables me to put to rest some of the misinformation and absolute scaremongering that Senator O’Brien has been involved in this morning. It will also enable me, should time permit, to explain and give Senator O’Brien a bit of a lesson on budgeting and how budgets are put together, and how particular issues are calculated. I will give Senator O’Brien that lesson because I am sure he will never be in a position where he will have to bother putting a budget together himself.

This government’s commitment is to help those impacted upon by drought. As a result of that commitment, the Commonwealth is paying more and contributing more to drought now than ever before at the same time as the states are contributing less than ever before to help those affected by drought. To explain to Senator O’Brien, we have made a commitment to those impacted upon by drought. We have set out the criteria and we have explained the rules. Part of the rules state that if you want to apply for exceptional circumstances you have to get the state government to make the application, determine the boundaries and give all the information. The Commonwealth will then assess those in accordance with the criteria and, if those making the application meet the criteria, money will be paid to them.

That commitment remains from this government. Every drought affected farmer or person entitled to drought assistance who applies and meets the commitment will be paid in full. There is no 20 per cent cutback, there is no 10 per cent cutback and there is no one per cent cutback. There is no cutback at all in our commitment to give every im-
pacted upon exactly what they are entitled to in accordance with the rules and the criteria.

If I could just explain to Senator O’Brien: when you are preparing a budget you have to make estimates of what your commitments might involve you in in the out years. When these drought conditions were announced, our department made an estimate that, on the severity of the drought and on the number we estimated would be impacted upon, $900 million might be a good assessment of what might be provided for. What has happened is that there has been a slower than expected take-up of the available drought assistance. In the normal course of events our department has looked through that and has made a calculation, based on what has come in today, of what might be needed for the future and we got to the figure of $748.7 million—I am not quite sure where the point seven comes from—and that is an assessment of what might be called upon. But whatever is called upon, be it $500 million, $1,200 million, $900 million or $700 million, whatever is applied for and meets the criteria will be paid. There is absolutely no cutback—in the funds available to eligible landowners and farmers. I am very disappointed to see that the National Farmers Federation was confused by Senator O’Brien’s rhetoric. I think they now understand—that is only an assessment of what might be called upon. Whatever is required will be paid. If Senator O’Brien wanted to help farmers rather than mislead people, he would get his state colleagues to contribute to some of the difficult times that farmers are suffering in their respective states. The National Farmers Federation, I think you will find, Senator O’Brien, now understand that whatever is required to meet our commitments to those who are affected by drought will be paid in full. There is no cutback, and I do not know how I can be more explanatory.

Senator IAN MACDONALD—I cannot work out how I can be clearer to Senator O’Brien. We have not cut funding. Whatever is applied for that meets the criteria will be paid. It might be $748 million, it might be $900 million, it might be $1,100 million or it might be $600 million. We hope it is close to the figure that our officials have assessed, but that is only an assessment. Whatever is required will be paid. If Senator O’Brien wanted to help farmers rather than mislead people, he would get his state colleagues to contribute to some of the difficult times that farmers are suffering in their respective states. The National Farmers Federation, I think you will find, Senator O’Brien, now understand that they were misled by your rhetoric. They understand that whatever is required to meet our commitments to those who are affected by drought will be paid in full. There is no cutback, and I do not know how I can be more explanatory. (Time expired)

DISTINGUISHED VISITORS

The PRESIDENT—Order! I draw the attention of honourable senators to the presence in the chamber of a delegation from the state duma of the Federal Assembly of the Russian Federation, led by Mr Vladimir Grachev. On behalf of all honourable senators, I welcome you to the chamber and trust that your visit will be both informative and enjoyable. I certainly believe it will be because you are going to Tasmania tomorrow.
Honourable senators—Hear, hear!

QUESTIONS WITHOUT NOTICE
Economy: Debt Management

Senator MASON (2.09 p.m.)—My question is to the Leader of the Government in the Senate, Senator Hill. Will the minister inform the Senate how the Howard government’s unparalleled record of responsible economic management is providing Australians with better health services, greater opportunities for higher education and personal income tax relief?

Senator Cook—I rise on a point of order. The question is out of order. It is not asking a question; it is making a series of statements—some fanciful and fictitious but statements nonetheless. The standing orders are quite explicit. When senators want to ask a question, they rise in their place and actually ask a question; they do not engage in propagandising on behalf of the government.

The PRESIDENT—Unfortunately I cannot give a ruling on that because I was approached by the Leader of the Democrats and I did not hear the question. So I ask Senator Mason to start again.

Senator MASON—My question is to the Leader of the Government in the Senate, Senator Hill. Will the minister inform the Senate how the Howard government’s unparalleled record of responsible economic management is providing Australians with better health services, greater opportunities for higher education and personal income tax relief?

Senator HILL—I am very pleased to have the opportunity to answer this important question from Senator Mason. Last night’s budget continues the Howard government’s impressive record of strong and responsible economic management. When we first came into office, we inherited a $10 billion budget deficit and $96 billion of accumulated debt. We came into office with vivid memories of interest rates at record high levels of 17 per cent and unemployment at its highest level since the Great Depression. In 13 years, Labor had nine budget deficits with an average deficit of $12.2 billion—only four surpluses in 13 years. What a contrast to the Howard government’s economic record. Our economy is strong. The OECD economic survey of Australia recently stated:

A judicious mix of macroeconomic and structural policies has resulted in exceptional economic performance which is expected to continue.

The IMF, the OECD and the Economist magazine all confirm that we are once again expected to outperform most OECD economies with GDP growth of 3.3 per cent this year and 3.8 per cent in 2004. Employment remains strong, and we have created more than 1.1 million jobs since we came to office. Unemployment is around its lowest rate in 10 years. Australian families are continuing to benefit from interest rates that are at their lowest levels in 30 years and from personal income tax cuts worth $12 billion. And we have paid $63 billion off Labor’s irresponsible debt.

Responsible economic management is the hallmark of this government. The budget for this coming year will deliver a surplus of $2.2 billion—the sixth surplus of this government. Seven years in office and six surpluses—what a contrast to Labor’s abysmal record. It is because of our responsible economic management that we are now able to pay a dividend to the Australian people. From 1 July 2003, Australian taxpayers will share in personal income tax cuts worth $10.7 billion over the next four years. It is because of our commitment to keeping the budget in surplus that we have been able to invest in the priority areas of defence, security, education and health. The government is committing an additional $2.1 billion to en-
hance the Australian Defence Force’s capability to defend Australian interests at home and abroad, and $411 million is being provided to enhance our ability to identify and respond to security threats.

The budget funds further reforms to improve the quality of, and accessibility to, higher education. These reforms, costing $1.5 billion over four years, will help make our people and our nation more productive. To ensure the effectiveness of the health system, funding of $917 million over five years will be provided for A Fairer Medicare package and $42 billion over five years will be provided for public hospitals under the Australian health care agreement. These are all initiatives to help us build our future. This is able to be done because of our absolute commitment to economic responsibility.

DISTINGUISHED VISITORS

The PRESIDENT—Order! It is certainly a pleasure to draw the attention of honourable senators to the presence in the President’s gallery of a very distinguished former Senator the Hon. Don Chipp AO. Welcome back to the Senate and welcome back to Canberra.

Honourable senators—Hear, hear!

QUESTIONS WITHOUT NOTICE

Budget 2003-04

Senator MARK BISHOP (2.15 p.m.)—My question is to the Minister for Family and Community Services, Senator Vanstone. Can the minister confirm that the budget papers reveal the government has clawed back $723 million of family tax benefit payments from 1.8 million low- and middle-income Australian families during the last financial year? Isn’t this massive clawback of family tax benefits, which averages $400 per family, greater than the value of the promised tax cuts announced last evening? Why is the Howard government funding the smallest tax cut in Australia’s history by clawing back family payments from struggling families?

Senator VANSTONE—I thank the senator for the opportunity to answer his question. Senator, you refer to the tax cut as being small. It is easy to look at any amount of money on a single weekly basis and identify it as being small. I get faced with that in my portfolio all the time. People say to me: ‘Couldn’t we just give people $5 more a week?’ They think of a small amount per week as being not much. But what they forget to do is to look at the number of people getting that amount and the period over which they get it. So $5 a week becomes $250 a year, and when it is to millions of taxpayers the cost to government is very substantial. I make that point to keep a bit of perspective. I face that all the time with people saying, ‘Couldn’t we give a bit more welfare?’ not recognising that if you do a bit more every week for millions of people it adds up. The example I have used recently is that $5 a week for everybody who is getting some type of welfare or family tax assistance works out to be $10 billion over the forward estimates period. So you may dismiss the tax cut as being small. It is a significant cost to government revenue, and I am sure taxpayers would rather have it than not. It is as simple as that. I do not think you are advocating it not being proceeded with.

Let me refer now to your remarks about a family tax benefit clawback. Senator, I do not have the figures in front of me, but it is true that where people have been overpaid they have had to pay the money back. Through you, Mr President, what you are actually advocating, Senator, if you do not approve of that, is that families who have had more than their entitlement ask to keep it, over and above the amount that another family in the same circumstances would have had. In other words, what the senator is advocating is that people who have had more
than their entitlement should somehow be able to keep it and should be able to have more than another family in the same circumstances. We do not agree with that. We say that at the end of the year, when the reconciliation is done, a family in one set of circumstances should get exactly the same amount of money and assistance as a family in the same set of circumstances. So if you have more, you have to pay the money back. We have had a variety of arrangements to assist families with that, treating it as a down payment on next year’s family tax benefit. I notice that the questioner did not ask about family tax benefit top-ups, of course. They are now paid in a way that they were not in the past so that, again, at the end of this year if you got less than a family in the same circumstances, and less than you were entitled to get, you would get a top-up. These two matters are quite unrelated. The senator seeks to put them together for his amusement, but in fact the value of the tax cut is quite unrelated to the family tax benefit recoupment.

Senator MARK BISHOP—Mr President, I ask a supplementary question. Can the minister explain why last night’s budget contained no reforms to the family payment rules—rules that delivered debts to 650,000 families in the first year they operated and are expected to give 600,000 families debts in their second year, even after the changes announced by the Prime Minister last evening?

Senator VANSTONE—Senator, as you know, changes were made to the family tax benefit system, most of which came online in February and all of which will be online by the end of this year. Those changes will assist families and give them more choices in how to take their family tax benefit. I simply remind you, as I have reminded you in the past, that the family tax benefit is just that. It is associated with the tax system. Just as some people get a refund—a parliamentary colleague told me he got $900 recently; half his luck!—some people get a letter saying, ‘You owe more.’ So it is with the family tax benefit system. It is designed to ensure that at the end of the year one family in a set of circumstances gets the same amount of money as another family in the same circumstances. There is an adjustment at the end of the year, just as there is in the tax system.

Senator TIERNEY (2.21 p.m.)—My question is to the Minister representing the Minister for Education, Science and Training, Senator Alston. Will the minister inform the Senate of the government’s significant boost to funding in education in Australia in last night’s budget and of how this funding increase will help to provide more places in universities to train nurses and teachers?

Senator ALSTON—Last night’s budget was a very significant step forward in terms of proper levels of funding for education in Australia. The government’s eighth budget allocated record funding levels of $6.9 billion to Australian schools and students for 2003-04, which is an increase of $528 million or 8.3 per cent over last year. The unprecedented funding for schools and students continues the trend of the past seven Howard government budgets. Since 1996, Commonwealth funding for schools and students has grown by more than 93 per cent. For government schools, it is an increase of almost $130 million or 5.5 per cent over the past year—a 60 per cent increase since 1996. For non-government schools, the increases are comparable—$4.4 billion, which is up $398 million or a 9.9 per cent increase this year and a 118 per cent increase since 1996. These are very impressive figures. But I think it is also important to ensure that not only do we introduce some of those very important elements into an education system
that allows students to make their own choices, that provides flexibility to the suppliers and also delivers on excellence things that I think have been neglected in recent years because of a continuing ossification of the system. That is what we are now embarking upon and that is what the Senate will be asked to consider in due course.

I notice the Labor Party have had a knee-jerk reaction—no doubt they have had one phone call from the ACTU, ‘Just say no.’ They have already signalled that they are opposed to these initiatives, but even their own state government colleagues have been calling for increases in funding for nurses and teachers. As a result, we are very committed to seeing more higher quality teachers in our schools and more higher quality nurses in our hospitals. Teachers and nurses have been identified as areas of current and emerging needs under the Commonwealth’s national priorities program. As a result, the teaching and nursing professions will benefit in four key areas. There will be increases in the Commonwealth’s course contributions. Student contributions will be set within a lower range—meaning no HECS increase for those areas. There will be additional places in public higher education institutions and additional Commonwealth supported places will be set aside for private institutions.

In terms of the government’s course contributions, the additional funding will be directed towards the costs associated with nursing in clinical practice and practical teaching. The additional contribution for nursing will be $40.4 million over four years beginning in 2004. The additional teaching contribution will be $81.4 million over three years from 2005. The student contribution band for nursing and teaching will be set so that the maximum student contribution is at the current HECS schedule level. This means that fees for Commonwealth supported places cannot increase and may, in fact, go down at some institutions. To respond to the current shortage of nurses, the Commonwealth will provide an additional 210 nursing places in regional campuses, rising to 574 places in 2007 at a cost of $17.1 million over four years. Finally, we will set aside up to 1,400 Commonwealth supported places to private higher education institutions. This includes 655 supported places currently provided as well as 745 further places at a cost of $22.1 million.

Senator Carr—Which religious groups are you handing these out to?

Senator ALSTON—Mr President, one of the reasons we do think there is a desperate need to improve the quality of students is because we looked at Senator Carr and we said, ‘Students deserve better than this.’ We do not want people driving cabs in their spare time and using the teaching profession to go to—(Time expired)

Budget 2003-04

Senator CONROY (2.25 p.m.)—My question is to the Minister for Family Community Services, Senator Vanstone. Does the minister recall her interview with Geraldine Doogue on Radio National this morning when she discussed her unfulfilled desire to provide additional income to those on very low incomes? Can the minister confirm that she told Radio National listeners this morning and I quote, ‘$5, hell, what will it buy you? A sandwich and milkshake, if you’re lucky.’ Given the minister’s clear view that $5 buys so little, how can she begin to justify this government offering even less—just $4 more for average Australian families—through tax cuts and absolutely nothing for the poorest Australians living on welfare?

Senator VANSTONE—I thank the senator for the opportunity to answer the question. I am sorry that he obviously has not taken the opportunity to look at a transcript of the interview with Radio National this
morning. In fact, the point made on Radio National this morning is exactly the same point made to Senator Bishop earlier in question time that people do often make the suggestion that people on welfare are doing it tough—that is clearly correct. Welfare payments are not very large amounts of money. Wouldn’t $5 a week more be a good thing? I said—and it is perfectly true—that on a one-on-one basis when you are talking about $5 on a weekly basis, you do not think it is much money.

Senator Conroy—A sandwich and a milkshake.

The PRESIDENT—Senator Conroy you asked the question. I think you should at least stop interjecting so you can hear the answer.

Senator VANSTONE—You might be lucky if it would buy you a sandwich and a milkshake. But what I went on to point out is exactly what I went on to point out to Senator Bishop. When you add it up over time with the number of recipients, it ends up being a tremendously large amount of money. The last estimate I had was that over a forward estimates period the total of $5 a week more to welfare recipients, including family tax benefit recipients, would cost $10 billion. It is easy for people to look at things in a single case—one person wanting $5 a week more or one person looking at a weekly tax cut or whatever—and to not multiply it over the year, over forward estimates years and over the number of Australians that receive them.

As to the other part of the senator’s question—if he is still interested—in relation to what this budget can do for people on welfare, let me say that every budget that this government has introduced has done something tremendous for people on welfare. It has given them a chance to get a job, which they never had when Labor were in government. We do not try and run the economy well to please economists, to please the Financial Review or even, with great respect, to please people in the gallery. We try and run the economy well, and we succeed at running the economy well because of the benefits that flow through to all Australians. Lower interest rates mean that people on lower incomes get a chance at buying a house or unit. Lower interest rates mean small business is more likely to prosper and there are more jobs. Senator Conroy, you do not have to believe me on this issue. You are quite welcome to consult the Australian Bureau Statistics and look at what has happened after seven or eight successive budgets which have brought the economy into line, and you will see how much better off all Australians are, particularly those who were desperately looking for a job in a very badly managed economy under the previous Labor government.

Senator CONROY—Mr President, I ask a supplementary question. Can the minister confirm that she also said in her Life Matters interview that she is only concerned about effective marginal tax rates for people moving from welfare to work when they exceed 100 per cent? Does the minister stand by her extraordinary comment:

I would say it is too high and that it is when it goes over 100 cents in the dollar. It is obviously too high when a family is worse off. But on an individual basis I don’t think there is anything wrong, anything harsh in fact. I think it’s something to be proud about—that you replace a dollar earned yourself for a dollar that was otherwise coming from other taxpayers.

When will the minister wake up to the fact that people who have 100 per cent effective tax rates are being forced to work for nothing?

Senator VANSTONE—Yes, I think those remarks are correct. Obviously, where an effective marginal tax rate goes over 100
cents it is too high. But I also stand by this remark: the days have to go in Australia when people are reluctant to replace a dollar taken from other taxpayers, which they need, with a dollar they earn themselves. We should not be bemoaning the fact that when people start to earn a bit of extra money they lose a bit of welfare. We should be celebrating the fact that they are becoming independent. That is the process of being weaned off welfare—becoming independent. You never lose money individually provided the EMTRs are not over 100 cents. You are always better off in getting a job. You are always better off in getting a real job. I know Labor find that difficult to understand. They could not provide jobs for Australians when they were last in government and that is why you are a long way off ever being ready—

(Time expired)

Budget 2003-04

Senator STOTT DESPOJA (2.32 p.m.)—My question is addressed to the Minister representing the Minister for Education, Science and Training. Can the minister confirm that the proposals for higher education announced in last night’s budget will mean that by 2005, on average, Australian students will pay more than American students in the public system? Can the minister also confirm that the measures announced in last night’s budget, including the doubling of full fee paying undergraduate places and the up to 30 per cent increase in HECS, mean that the Australian higher education sector will now overcome the United States as the third most privatised higher education system in the world? To use the minister’s language, ‘are they impressive figures’?

Senator ALSTON—I do not think it really helps the debate to try to conjure up demons and bogeymen. The most important thing is to look at the quality of education—

Senator Carr—That’s a new concept!
look at the ability of people to get into courses of their choice. We want to see a much greater degree of opportunity available to people so that they can go to some courses that might cost more. Some courses, on the other hand, might cost less because you will have competition in the system and people will be able to choose. They will be able to strike a balance between where they go to university, which university they go to—

Senator Carr—What courses? Name them! Come on, smarty, name them!

The PRESIDENT—Senator Carr, if you do not stop interjecting you will get named.

Senator ALSTON—I think you should name him. Senator Carr, I think you had better go back with Senator Campbell and try that re-education course too. This is not a comparison between the Australian system and any other country’s system; it is a comparison between what we can do now and what we were stuck with in the past. By having a rigorous approach to budget, we have been able to ensure that not only do we have a budget surplus but also we do not have to waste all the money that Labor used to waste on paying interest on debt. We are now able to make contributions to education in the same way that Labor believed it was appropriate when they introduced the HECS some 14 years ago—that students should make a contribution to their own education. That system has worked remarkably well. We want to see it work better. We certainly want to see a higher degree of excellence amongst the educational institutions. We do think that it is a matter of regret that we do not have a single university in the top 100 in the world. We would like to see institutions that are world renowned and that people will feel proud of attending and that, as a result, we can say, ‘I think Australia will be much better off.’

Senator STOTT DESPOJA—Mr President, I ask a supplementary question. Given that he has raised the issue of equity and opportunity, do the minister and the government stand by the evidence and the statement in the Crossroads report which acknowledge that HECS is a barrier to participation? Is the minister aware, given that he has asked about outcomes, of mounting evidence that high debt and fees for higher education are having an impact on housing ownership and fertility rates? What does the minister suggest the impact will be of these increased fees, charges and debt on economic activity, including home ownership and fertility rates? Perhaps the minister could answer my original question in relation to our comparison to the United States.

Senator ALSTON—we are a bit puzzled over here. I can understand how you might be able to mount an argument that somehow having to spend more time on your studies affects economic activity, but social and recreational activity, I would have thought, are things that most people still manage to combine with their studies. As a result, I think we need to look at the evidence for your last proposition very carefully. We do not accept the proposition that somehow HECS is a barrier to entry—

Senator STOTT DESPOJA—You do. It is in the Crossroads report.

Senator ALSTON—as we know there are innumerable vested interests in this game, and you are one of them. Some people would still like to go back to the days of Gough. I do not think Gough, for all his achievements—great man that he still is—quite understood what he was unleashing in those days. But we do. We do think that generally people appreciate things a bit more if they have to pay for them. If it is free, you may as well have one and you may as well take 10 years to get through. (Time expired)
Budget 2003-04

Senator CONROY (2.39 p.m.)—My question is to Senator Minchin, the Minister for Finance and Administration and Minister representing the Treasurer. Is the minister aware that the budget papers confirm that income tax receipts have averaged over 17 per cent of GDP over the seven years of this government? Isn’t this just more evidence that the average income tax rate under this government is the highest of any government in Australia’s history?

Senator MINCHIN—This government is very proud of its record on tax. We are responsible for the most substantial tax reform in this country’s history. The new tax system is the most significant reform that we have brought about. I notice that the Labor Party now of course supports the GST, which was an integral part of that tax reform. That reform is now delivering to three states and two territories more revenue than they would have otherwise received in the absence of this critical tax reform. The GST, a state tax, is making the states much better off than they otherwise would be. It was a critical part of enabling us to produce in the year 2000—only three years ago—the most substantial income tax cuts in this nation’s history. Just three years later we have produced another income tax cut.

The Labor Party have got a cute line about it being the smallest income tax cut in history. The smallest income tax cut in history was actually the l-a-w tax cuts because they amounted to absolutely zero. We got absolutely zero from the Labor Party in their infamous 1993 l-a-w tax cuts, which the electorate knows amounted to a big, fat zero. We are producing tax cuts which are funded, which will be legislated. To the credit of the Labor Party they have accepted that they should support these tax cuts when we bring them in in a legislated form. They will, in combination with the tax cuts produced in the year 2000, return all the bracket creep that would otherwise have occurred in the period since we have come into office. The most unfortunate thing about income tax in this country is that those opposite prevented us ensuring that the top tax rate did not cut in until $75,000. They are responsible for the fact that it cuts in at $60,000 and for the disincentive effects that brings about.

The most important thing about our tax reforms is the fact that you have the band from $21,600 to $52,000 with a tax rate of 30 per cent. That is a critical reform and, because of the extent of that band and because, unlike the Labor Party, inflation is under control under our government, it means that taxpayers are much less likely to suffer the consequences of bracket creep, which come about when you move into a higher tax bracket. So we are very proud of our record on income tax in this country. We are very proud of the fact that we are able to deliver in one go a surplus budget, critical investments in defence and national security, education and health, and a $2.4 billion tax cut this year and every year from now on. I challenge the opposition to find another country in the world that has been able to produce that trifecta. It is one of which we are very proud.

Senator CONROY—Mr President, I ask a supplementary question. Isn’t it the case that under the paltry Howard-Costello tax cuts a worker on $40,000 a year will only get $4 a week—less than the cost of the sandwich and the milkshake that Senator Vanstone is promising? Isn’t it also the case that an executive on $100,000 will get a tax cut of $11 a week or nearly three times as much?

Senator MINCHIN—The thing that would most embarrass the opposition about this is that these tax cuts are deliberately skewed to low income earners. The propor-
tionate benefits in terms of tax paid under these tax cuts are skewed to low income earners. That is a very significant part of these tax cuts. Of course, those who pay more tax will get a slightly higher tax cut. These tax cuts amount to $2.4 billion overall and up to $573 a year for Australians, and I think all Australians would be delighted to receive a tax cut from this government.

Health: Genetically Modified Food

Senator HARRIS (2.44 p.m.)—My question is to Senator Patterson, the Minister for Health and Ageing. Minister, the Office of the Gene Technology Regulator can only assess genetically engineered crops under the terms of human health and safety and environment. Why was the Office of the Gene Technology Regulator set up with such restricted terms of reference? Minister, what steps are being taken for the public to have an input into the assessment process of GM canola that will be used for human consumption?

Senator PATTERSON—The Office of the Gene Technology Regulator was set up following significant public consultation. It was decided that the office would look at purely scientific issues. Legislation came before parliament, so not only was there significant consultation before the legislation was drawn up but also there was significant consultation as a result of legislation being introduced. Market issues, such as trade and economics, are particularly issues for the states. The states have the right to determine whether they will be gene technology free or have GM free areas for the whole state. For example, Tasmania declares that it is a GM free area but it has one exemption for the production of poppies. They have the right to determine it. The economic and trade issues fall into the purview of the states. They are the responsibility of the states. The Office of the Gene Technology Regulator is required to take into account state legislation when making a decision and must incorporate that into the decision.

Senator Bolkus—You are lost. You are totally lost.

Senator PATTERSON—I am not lost. The decision is made on a scientific basis. The committee is a scientifically based committee. That is the decision that was made. As I said, there was significant consultation beforehand. The bill went through the House. There was adequate opportunity if people thought that other issues should be taken into account. This is a scientific committee which is not expert in the areas of trade and economics. The states have responsibility for determining whether they are totally GM free or have GM free areas.

Senator HARRIS—Mr President, I ask a supplementary question. Minister, why are the important issues of food labelling, the use and safety of herbicides, and the marketability and trade implications not within the scope of the gene technology regulator, given that the gene technology regulator is the singular body that can approve the commercial release of GM crops in Australia?

Senator PATTERSON—With all due respect, I have answered that question. I have said that this was a scientific committee set up to look at gene technology regulation. Following extensive public consultation, it was decided that the committee should be a purely scientific committee. That legislation came before the chamber and the decision was upheld—obviously by a majority of House of Representatives members and senators as the bill was passed—that that would be the main focus of the gene technology regulator. As I said, the regulator must have regard for state law with respect to gene technology and must take into account state law when making a decision.
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Senator SHERRY (2.48 p.m.)—My question is to Senator Minchin, the Minister representing the Treasurer. Does the minister recall the Treasurer’s repeated boasts in the past that 80 per cent of Australians pay 30c in the dollar in tax? How does the government support the claim that it is delivering genuine tax relief to families when even the Treasurer has had to admit that after these tax cuts the proportion paying 30c in the dollar in tax will drop to 75 per cent and continue to worsen thereafter?

Senator MINCHIN—This government’s approach to the economy and our finances is primarily to ensure balanced budgets and a responsible fiscal approach. Unlike those opposite, we have ensured that in our period of government we have delivered six surpluses out of eight budgets. That is a remarkable record. We place a premium on ensuring that, while the economy is growing in the way that it is, we produce surpluses and fund those very necessary expenditures which fall to governments to fund. You have to be in a position to fund those things that come from nowhere, like droughts and the national security spending that we have had to engage in as a result of September 11 and October 12. Those are our critical responsibilities. As we have demonstrated in this budget, we are also investing in health and education.

To the extent that it is consistent with the objectives of budget balancing over the cycle—that is, to produce surpluses when you are growing and investing where it is necessary—we want to keep taxes in this country as low as possible. But those who were in government before, as we all know, understand that there are always enormous pressures on governments to spend more money. Indeed, many of those pressures come from the opposition. The opposition is constantly putting out press releases criticising the government for not spending more on every area that they can think of. Each shadow minister has a pat press release which says that the government is not spending enough in their particular area. They think that they can get away with suggesting that, at the same time, income tax should be much lower. If you abandon responsibility entirely, as this lot opposite did in the early nineties, and run the government into massive deficits—$10,000 million in one year—of course you can let the budget loose, spend like drunken sailors and reduce taxation. That is not our approach. Our approach, and it is one that is critically in the interests of ordinary Australians, is to maintain responsible budgeting. That means delivering tax cuts when it is responsible and sensible to do so.

Clearly the opposition has been completely caught out by the fact that we have been able to deliver a tax cut on this occasion, and a very important tax cut it is. As I said in response to the last question I answered, one of the critical benefits that we brought to the tax system to ensure that the great majority of Australians only faced a marginal tax rate, a top tax rate, of 30c in the dollar was very important. Now we have raised the threshold to $52,000 before you go to the 42c rate. In the future, and as budgets permit, obviously we would like to entertain the possibility of further increases to that threshold.

I would also point out to the Senate that, in terms of personal income tax, when we came into office it was 12.7 per cent of GDP, down from 14.2 per cent of GDP in 1986-87, when this lot were in government. It has now, in 2003-04, been reduced as a proportion of GDP to 11.9 per cent. That is over two percentage points of GDP less than when this lot were in government. Because of the growth in the economy and our endeavours to constrain personal income taxes consistent with producing surpluses and re-
sponsible investment, we have been able to reduce the extent to which personal income tax is a share of GDP. That is a proud record. Sure, we would like to do more in relation to income tax reductions but we will only do it when it is responsible to do so.

Senator SHERRY—Mr President, I ask a supplementary question. I note the minister failed to even consider the question I posed, because he was critically wrong in response to Senator Conroy’s question earlier. What evidence does the government have to support the claim—and you made this claim earlier—that it is delivering tax relief to Australian families when its $2.4 billion of tax cuts for 2003-04 does not even give back the $3.3 billion in bracket creep that the government has harvested this year?

Senator MINCHIN—The new tax system income tax cuts that we introduced in 2000 meant that a person on average weekly earnings pays $500 less per year in income tax than they would have paid if the 1996 scales had been indexed to the CPI. The tax cuts that we have announced in this budget are additional to those tax savings, so we have more than delivered a return of bracket creep that would have otherwise occurred in the period that we have been in office. If we had indexed the scales, taxpayers would have been no better off than they are as a result of the fact that we produced in 2000 the biggest income tax cuts in this nation’s history as a result of tax reform and our responsible management of government expenditures. Not only have we done that but three years later we have delivered another $2.4 billion in tax cuts.

Medicare: Reform

Senator BARNETT (2.54 p.m.)—My question is to the Minister for Health and Ageing, Senator Patterson. Will the minister update the Senate on how the new A Fairer Medicare package strengthens the government’s commitment to Medicare. Is the minister aware of any attempts by certain people to mislead the Australian public in relation to this package?

Senator PATTERSON—I thank the honourable senator for his question. The $917 million package of measures to strengthen Medicare will provide better access and make health care more affordable. Through the package, the government is making significant investments in a better Medicare system for all Australians through an integrated—and I emphasise ‘integrated’—set of measures. There is an equity problem in the way Medicare currently operates. Patients’ costs for visiting a GP are determined mainly by where they live and the number of doctors who live near where they live. So it is mainly determined by geography. In the general practice access scheme, there will be an opt-in scheme for general practices. Those who opt in will receive incentive payments and in return make a commitment to all their patients, including a guarantee of medical care at no cost to patients with a Commonwealth concession card.

A GP can choose not to bulk-bill some or all of their non concession card holders—and it is the case now that some GPs bulk-bill their non concession card holders and some charge a gap to their non concession card holders. As is the case now, there will be a reduced up-front cost to patients. They will only have to pay the gap rather than having to pay the full fee up front, have the Medicare form sent off from the doctor’s and wait for the cheque to come back or struggle down to the Medicare office with their two kids in tow to get their rebate back or have a doctor cheque, which sometimes never gets back to the doctor and the doctor has to wait 90 days for it to be put in their bank account. It is convenient for patients to leave the surgery with no more to do and no more to pay.
I actually took the opportunity to go down to a couple of Medicare offices last week and talk to some of the people standing in the queues—mainly women with sick children—who said, ‘I have to come down to get my Medicare cheque, and I find it very inconvenient. I understand that the doctor’s going to charge me a gap. I would rather pay that in the doctor’s surgery.’ That is what the people are saying when you go out and actually talk to them in Medicare offices.

The level of incentives that doctors will be given to be signed up to the general practice access scheme rises substantially the more remote the practice is. They range from an average of $3,500 to an average of $22,050 each year. That is just an average. If the practice has a high number of concession card holders, that figure will be higher. The government will introduce a new Medicare benefits schedule safety net for Commonwealth concession card holders and a new private health insurance product which will allow people to cover their total gap charge where out-of-pocket expenses exceed $1,000. That is also for things other than a GP consultation gap. It is also for gaps in payments for radiology and other services. That is a situation that most Australians feel most concerned about: what will happen if something happens in a particular year?

Part of the package as well addresses a long-term issue of the work force. There will be 150 additional places for general practice trainees and specialist trainees—150 on the ground at the beginning of next year. That is an increase of 600. The government will also be providing 234 additional medical school places, which is an increase of 16 per cent. I am not going to have time to go through the way in which this package has been misrepresented, and I am sure that if I had a supplementary question I would be able to tell the honourable senator the way in which the package has been misrepresented. The package augments the $562 million that we put in place to increase the number of doctors in rural areas and the $80 million to get doctors into outer metropolitan areas. We have seen a turnaround of 4.7 per cent in the estimated number of full-time doctors in rural areas last year. Since we have been in government, there has been an 11 per cent increase. We have 25 per cent of young people studying medicine from rural areas. (Time expired)

Senator BARNETT—Mr President, I ask a supplementary question. The minister has carefully and comprehensively provided an overview of how the package strengthens Medicare. Is the minister aware of any misleading or misrepresentation with respect to the package, and can she advise the Senate accordingly?

Senator PATTERSON—The Labor Party has been going around making claims about the package and, as I said yesterday, even using taxpayers’ money to tell people that they have been denied access to bulk-billing. If a doctor is prepared to bulk-bill them, nobody will be denied access. Anybody can go to a doctor and be bulk-billed if the doctor is prepared to bulk-bill, as is the case now. Nobody will be denied access to bulk-billing.

Mr Smith has said that we have kept the screws down on Medicare rebates. Let me give you the facts. I will pit the coalition’s record on Medicare against that of Labor at any time. Under the last six years of Labor, the rebate for a standard consultation went up by a measly nine per cent. Under the Howard government the rebate has increased by 20 per cent. Taking into account the PIP payments and the enhanced practice payments, it has gone to 24 per cent. If Mr Smith thinks that we have kept the screws down—

The PRESIDENT—Order! Minister, your time for answering the supplementary question has expired.
Senator PATTERSON—let him look at the facts—

The PRESIDENT—Order! Minister, your time for answering the supplementary question has expired.

Senator Faulkner—I raise a point of order, Mr President. You had asked the minister to sit down. There has been enough time wasting in this question time already.

The PRESIDENT—There have also been a lot of interjections today, Senator, and they all waste time.

Medicare: Bulk-Billing

Senator McLUCAS (3.01 p.m.)—My question is also to Senator Patterson, the Minister for Health and Ageing. Can the minister confirm that a family with two children earning less than $32,000 a year, which I think you will agree is not a lot of money, is not eligible for a health care card? Doesn’t the government’s Medicare package in fact make it easier for doctors who are currently bulk-billing families to stop that bulk-billing and to start charging them a gap payment for the first time? Will the minister give a guarantee that, under the government’s Medicare changes, the rate of bulk-billing by GPs will not further decline?

Senator PATTERSON—What we are doing is injecting $500 million in direct and indirect payments to general practitioners to increase the probability of their bulk-billing people on health care cards, particularly in rural areas. The Labor Party would not care a tuppence about people in rural areas and outer metropolitan areas, many of whom have never seen a bulk-billing doctor. What we are doing is putting into place a package which will increase the likelihood of people on a health care card being bulk-billed. Labor senators do not ask, ‘Are there people in rural areas and outer metropolitan areas who have never been bulk-billed—people earning less than $32,000, people on pensions and people on Commonwealth health care cards?’ No, they will not ask that because they know the truth. They know that since the introduction of Medicare there have been people who have never ever had the opportunity of seeing a bulk-billing doctor. What we are doing is increasing the probability by giving doctors either direct or indirect incentives, and the indirect incentives are that 457 practices will be given nurses to assist them in relieving the load in areas where there is a workforce shortage.

As I have said over and again, when we came to government we inherited an absolutely appalling maldistribution of doctors: most general practitioners were practising in the inner city areas, there were too few doctors in rural areas and too few in outer metropolitan areas. We have spent $562 million getting doctors into rural areas, and in the last year alone we have seen a 4.7 per cent increase in the number of full-time doctors going into rural areas. We see people having doctors in areas they have never been in before. We have 19 clinical schools of rural health and university departments of rural health which are encouraging doctors and allied health professionals to study in rural areas. Labor did nothing about that. They did nothing about the maldistribution.

Medicare is about access, equity and affordability. Labor did nothing and cared less about access. We have put $562 million into a program for rural areas and $80 million to get doctors into outer metropolitan areas. We already have 57 doctors who have signed up and have either moved or will move in the next three months. We were aiming to have 150 over four years; we are already ahead of time and we are accelerating that program.

Medicare is not just about bulk-billing, it is about access. Labor cared nothing about access. They left people without the opportunity to have a doctor in their area. They did
nothing. We have systematically been addressing this long-term neglect of Labor. We also have 150 additional training places for general practitioners who will be on the ground at the beginning of next year, undertaking GP work while they are doing their GP speciality, and 234 new places in medical schools, and those places will be bonded to areas of work force need in the specialty of their choice. This is an integrated package to deliver access and to ensure that people can get to see a doctor. Under Labor there were far too few doctors in rural areas and far too few doctors in outer metropolitan areas. This is an integrated package to address issues in the short term and to have long-term solutions to the work force. Labor did nothing. They cared nothing about it because it did not affect the people who came and saw them. There were people in rural and outer metropolitan areas who never had been able to see a doctor or to see a bulk-billing doctor. This package is designed to increase the probability that doctors will bulk-bill people on health care cards.

Senator McLUCAS—Mr President, I ask a supplementary question. As the minister has pointedly refused to give a guarantee that bulk-billing will not further decline, can the minister instead give a guarantee that, under the government's Medicare changes, the cost of seeing a doctor for Australian families will not increase even further?

Senator PATTERSON—There is no-one who can guarantee the level of bulk-billing. Doctors are free to choose whom they will bulk-bill and whom they will not bulk-bill. I will tell senators what Dr Mudge, the Vice President of the AMA, said, because it lets doctors know what the Labor Party think of doctors, because they say that doctors will be opportunistic and jam up their fees. Dr Mudge, who is the Vice President of the AMA and the candidate for the AMA presidency, said:

Doctors are not going to suddenly charge large amounts for patients who cannot afford to pay. They never have and they never will. But Labor have shown their colours and what they think about doctors by the question they have just asked.

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

ANSWERS TO QUESTIONS ON NOTICE

Question No. 1392

Senator HARRIS (Queensland) (3.07 p.m.)—Pursuant to standing order 74(5), I ask the Minister representing the Attorney-General for an explanation as to why question No. 1392 remains unanswered.

Senator ELLISON (Western Australia—Minister for Justice and Customs) (3.08 p.m.)—I am unaware of the reasons for this. I undertake to the Senate that I will make immediate inquiries as to why that is the case and get back to the Senate as soon as I know.

Senator HARRIS (Queensland) (3.08 p.m.)—I move:

That the Senate take note of the explanation.

As is the protocol in this place, I contacted the Attorney-General’s office and let them know that I would be asking for an explanation in relation to question No. 1392. The question asks:

Does the Commissioner of Taxation currently exercise general administration of the Child Support (Registration and Collection) Act 1988 (the Registration and Collection Act) or the Child Support (Assessment) Act 1989 (the Assessment Act) ... as Commissioner of Taxation.

This question goes back to legislation that passed through this chamber quite some time ago in relation to exactly that position. That position was altered by legislation through this chamber, and yet repeated requests, particularly in relation to the Privacy Commis-
sioner, remain ignored. At the present moment the Privacy Commissioner has a set of guidelines, and it is under guideline 9.8 of the Tax File Number Guidelines 1992 that the Privacy Commissioner is operating. These guidelines are very clearly in conflict with the amendments to those acts that I have just referred to. They are in conflict with those guidelines in that, as a result of that legislation, the Commissioner of Taxation no longer has the position of registrar in relation to those acts.

Yet repeated requests of the government and of the Privacy Commissioner to alter the guidelines have gone unanswered. It was for that reason that back on 16 April notice was given to the Attorney-General asking him to make certain facts available to the public in relation to this. Paragraph 7 of the request says:

With reference to section 11 of the Registration and Collection Act, both prior to and after the amendments made under the Amendment Act, has this legislation, or has any other legislation, rule or regulation, provided at any time whatsoever that the Commissioner of Taxation exercise general administration of the Registration and Collection Act in the capacity of the Office Commissioner of Taxation; if so, will the Attorney-General particularise such times.

That really goes to the essence of the question. The question clearly asks the Attorney-General: did the taxation commissioner at any time hold the position of registrar for those acts? Has that ceased to exist at any point in time? It clearly requests the Attorney-General to give us particulars pertaining to those times. There is a belief among certain constituents, both in Queensland and widely around Australia, that the Privacy Commissioner’s regulations in relation to this section are in conflict with the amendments that this chamber has passed. Paragraph 8 says:

With reference to section 147 of the Assessment Act, both prior to and after the amendments made under the Child Support Legislation Amendment Act 2001, has this legislation, or has any other legislation, rule or regulation, provided at any time whatsoever that the Commissioner of Taxation exercise general administration of the Assessment Act in the capacity of the Office Commissioner of Taxation; if so, will the Attorney-General particularise such times.

It is a very clear and concise request to the Attorney-General. It is also a request to the government to look at this situation where, clearly, the Privacy Commissioner’s regulations are in conflict with the legislation. It is a request that the government address this issue by whatever means necessary to remove or correct that anomaly.

Question agreed to.

QUESTIONS WITHOUT NOTICE:
TAKE NOTE OF ANSWERS

Budget 2003-04

Senator CONROY  (Victoria)  (3.15 p.m.)—I move:

That the Senate take note of the answers given by ministers to questions without notice asked today relating to the 2003-04 Budget.

Last night the highest taxing Treasurer in Australia’s history announced the smallest tax cut in Australia’s history. Even after these paltry tax cuts, this government still retains the title of the highest taxing government in Australia’s history. Moreover, these paltry tax cuts represent a cynical attempt by the government to divert attention from the higher costs on Australian families elsewhere in this budget. The proposed changes to Medicare and education will each, on their own, far outweigh the benefits from the tax cuts, which were so accurately described today by Senator Vannstone as nothing more than a sandwich and a milkshake. This budget is all about giving with one hand and slugging families even more with the other.
I want to take issue with Senator Minchin, who today continued to perpetuate the myth about the level of taxation by the government, because I am fond of that old saying: if it looks like a duck, if it walks like a duck, if it quacks like a duck, then it is a duck. What about the GST? It cannot possibly be an orphan: I spent 27 hours in this chamber, in the Commonwealth parliament, debating the GST. The ATO—the Australian Taxation Office—say it is a Commonwealth tax. The Australian Bureau of Statistics say it is a Commonwealth tax. And the Auditor-General—the final arbiter—says it is a Commonwealth tax. So I have got to say to the minister, I have got to say to those on the other side of the chamber: this is walking and talking and quacking like a duck because it is a Commonwealth tax, and you should just get over it.

Why is this government able to give a tax cut? The reason is simple. It is sloshing around with bucket loads of money from tax revenue. Under this government, the tax take has reached new historic heights. The government has finally been forced to give back some money due to months and months of community pressure. However, this long overdue tax cut from the highest-ever taxing government in Australia’s history is meagre. That meagreness was exposed today brutally, by accident, by Senator Vanstone. This tax cut is not only small but it will be swallowed up and gone within 12 months—that is right: just 12 months.

After the changes announced by the government, Australian families earning between $30,000 and $50,000 will receive just $4 extra per week. That is even less than the cost of a milkshake and a sandwich. However, that same worker who is enjoying his tax cut of just $208, at the end of the year will be paying $272 more in income tax. If you assume, as this budget does, that earnings rise in line with the budget, someone on $40,000 will pay $480 more—that is right: $480 more in tax. They have saved $208; they are $272 worse off than they were at the beginning of the year. This government is returning much less in tax cuts than it has taken through bracket creep. This government has not even given back the bracket creep of $3.3 billion that it will harvest this year.

Senator Sherry—Just this year.

Senator CONROY—That is right. But what about the proud boast? I did not hear a word from Senator Minchin or anybody else over there.

Senator Mason interjecting—

Senator CONROY—Senator Mason will have his chance. What about the proud boast that this government will deliver 80 per cent of Australians paying just 30c in the dollar? What the government is admitting in its own figures—and last night on national television the Treasurer admitted it—is that, after this modest little tax cut, only 75 per cent of Australians will pay 30 per cent tax. It gets worse and worse each year this goes on. This government is trying to perpetuate the myth that it is a low taxing government, but its own budget papers, independent analysis and the Auditor-General all say that this is the highest taxing government in Australian history. This is not, however, the first time they have given a tax cut that vanishes quickly. Just go back to 1 July and the GST tax cuts—remember them? (Time expired)

Senator MASON (3.20 p.m.)—I am delighted to say a few words on the government’s budget. As you know, Mr Deputy President, it is a habit of mine to talk a bit about the context and the history of these things so the Labor Party can learn something about their failures. The history is that the government is still cleaning up Labor’s mess. The coalition has again delivered a surplus of about $2.2 billion, and every last
of that will go to pay back Labor’s debt, which amounted to $70 billion over their last five years in government. Just the interest bill on that deficit ran into several billion dollars a year, so a party supposedly so concerned with social justice compromised the federal government’s capacity to help in education, schools, health and welfare. Every cent of the $2.2 billion surplus will go to pay back their deficit. And you know what, Mr Deputy President? This government, the coalition, has now paid back $63 billion of Labor’s debt. That is the history.

Now let me give you a bit of the context. The war in Iraq has been a huge financial burden. It was a war that Labor opposed. It might be interesting to ponder for a second the link between moral courage and financial responsibility. It is an interesting point, but we will discuss that perhaps at another time. Secondly, the important part of the context is the Australian drought—the worst drought in this nation’s history. For a country that relies so much on agriculture for exports and for employment, this was another enormous fiscal burden on the nation. That is the second part of the context. The third part is the unstable world economic environment. Terrorism, uncertain oil prices and falling world share and commodity prices all underpinned a very difficult economic scenario for this nation. With that history and in that context Mr Costello has delivered a budget surplus. He has given the nation a budget surplus and, in a difficult international context, he has given tax cuts. Finally, he has also managed to enhance the defence and the security of our nation.

I think one can say with a great deal of certainty that no other comparable nation on earth has been able to manage this. We can look at our coalition of the willing partners, such as the United Kingdom and the United States. The United Kingdom’s projected budget deficit would now be about $20 billion in the Australian context. In the United States their projected deficit would be around $30 billion. What has Mr Costello given us? He has given a $2.2 billion surplus, which is absolutely remarkable when you compare it with our partners in the coalition of the willing. What does all this mean for the average Australian? Australian home buyers are now paying $330 less per month for a $100,000 home mortgage than they were paying when Labor was last in office. Interest rates are stable. What is happening on the jobs front? The coalition has created more than a million new jobs since 1996. Unemployment is at around its lowest rate in 10 years and is expected to remain steady at around six per cent. This is a very important point: today Australia’s interest bill is $4.39 billion per year less than it was under the Labor Party. That is over $4 billion dollars of savings that this government can spend on things like health and education. In summary, we have a budget surplus of over $2 billion. The nation has tax cuts. We have enhanced defence and security, and in this context it is a marvellous economic and budgetary achievement. (Time expired)

Senator SHERRY (Tasmania) (3.25 p.m.)—Senator Mason wanted to traverse history. I think it is important to remind the Senate that, in fact, the Treasurer who left this country with the highest budget deficit in today’s dollar terms was none other than John Howard. He was Treasurer at the time of the defeat of the Liberal government in 1983. It was the largest budget deficit in Australian history.

Senator Tierney—You’re trawling back in time now. How about the last seven years?

Senator SHERRY—I do not intend to go into history anymore because I think that speaks for itself. I want to deal with this so-called tax cut in the here and now as a result of the budget announced last night. Four dol-
lars a week for an average income earner—that is the value of the tax cut in current dollar value delivered last night. Of course, the Treasurer does not want to explain, and certainly Senator Minchin today did not want to explain, that the $4 will disappear by this time next year. Why will the $4 disappear? It will disappear because the $2.4 billion cost of the tax cut will be clawed back through bracket creep. By this time next year that $4 will be worth precisely zero. What will Australians be left with at this time next year? Not only will they have no tax cut in dollar value terms but they will be left with much higher medical costs as a result of this government’s so-called reforms and so-called improvement in fairness to the medical system. They will be left with higher medical costs. For an average person, just five visits to the doctor will wipe out this tax cut. Goodness knows what the cost to a family will be in terms of the additional expense of sending their child or children to university with an increase in fees of up to 30 per cent. That will certainly wipe out this tax cut for the next 10 years for the average Australian family. We need to look at this so-called tax cut in that context.

I think it would have surprised the Treasurer and the government—it certainly was a surprise to me, albeit a pleasant surprise—that it was none other than Senator Vanstone, the Minister for Family and Community Services, who really torpedoed the value of the government’s own tax cut by her comments this morning on the Life Matters program when she was interviewed by Ms Doogue. In the context of what $5 can buy—bear in mind the average tax cut is $4—Senator Vanstone said:

Five dollars, hell, what will it buy you? A sandwich and a milkshake if you’re lucky.

That is Senator Vanstone’s very correct analysis of the value of this $4 tax cut. It will buy you a sandwich and a milkshake. Of course, it will not even buy that if you have to go to the doctor and pay the extra fees that will flow as a consequence of this budget, and it certainly will not buy a sandwich or even half a milkshake if you have to send your child or children to university. Four dollars will not even buy two loaves of bread. As I said earlier, Senator Vanstone has very perceptively pointed out that it will not even buy you a sandwich and a milkshake.

If $5 is not enough for Australia’s poorest citizens, how can $4 be sufficient for average families? I think it is an insult to suggest that $4, which will disappear by this time next year because of bracket creep, will make a significant difference and an improvement in the lives of struggling lower- and middle-income families in this country, particularly when they are going to have to put the tax cut in one pocket and fork out considerably more as a consequence of higher medical costs and, when they intend or wish to send their child to university, higher university fees.

Senator TIERNEY (New South Wales) (3.30 p.m.)—I also rise to take note of matters arising from the budget and the way in which the Howard government has really kept this country on the right track over the last seven years compared with the previous seven years under the last Labor government. It is an interesting contrast. The pivotal point in history in Australia is the election of the Howard government in 1996: go back seven years under Labor and compare what was happening then, and then move on seven years and see what is happening now. We should compare the really important outcomes in the economy and the record inflation under the last Labor government with the low inflation now. We should compare the incredibly high jobless rates and 11 per cent unemployment with the figure of around six per cent now. We should compare interest rates which were up to 17 per cent back then.
and which are now down to around five or six per cent. Unemployment rates, interest rates and foreign debt levels, in addition to inflation and job outcomes, have all improved massively under this government.

Last night we brought down what I think was one of the best budgets in the history of this government. The criticism we heard this morning has not really cut across the major thrusts of the budget and the important changes in tackling the hard issues that have happened under the coalition government. For example, Labor left Medicare in a total mess and we have now brought major reforms to that area. In higher education, Labor were so bankrupt at the end of their time in government that their solution to the lack of money in universities in 1996 was that the universities should borrow money and then pay it back. That was a totally unsustainable solution. The Minister for Education, Science and Training, Brendan Nelson, is to be congratulated on putting together a totally visionary package, on bringing the sector with him and on reforming it in such a way that it now has substantially more planned resources over the next 10 years.

I would like the Labor Party to remember one figure and that is the comparison between Kim Beazley’s Knowledge Nation and what we did last night. The amount of money promised in Knowledge Nation was only half what this government delivered last night.

Senator Ian Campbell—And ours is paid for.

Senator TIERNEY—That is exactly right. We are delivering $1.2 billion extra over the next four years. That money will go up over those four years and put a decent funding base under the sector. We have changed the HECS system in a way that allows universities on four bands to set their own levels between the bottom and the top of each band. If a university wants to charge zero, it can. The bands run from zero up to the different levels. We have introduced a level, particularly in the national priority areas such as nursing and teaching, where the amount of money is much lower than in the other bands. We also have major reforms for regional universities, with another $122 million to support our regional universities. There are equity places and another 25,000 scholarships being offered across the system over the next four years. There is an improvement in the funding of places across our system, we have put $54 million into learning and teaching, and a national institute of learning and teaching is being established.

This government has delivered on higher education. That is something the previous government was unable to do. In the final few seconds available to me, I want to contrast what happened in the schools system previously under Labor and what is happening at a state level under Labor now with what is happening under our government. We continue to increase funding to public schools at a much faster rate than the state ALP governments. (Time expired)

Senator STEPHENS (New South Wales) (3.35 p.m.)—I would also like to take note of the answers to questions today in relation to the budget and address some of the issues of concern to me as I represent people from regional Australia. Many of those people are in the lower income brackets which have been so generously addressed with a $4 a week tax cut and I would like to consider what that tax cut and some of the budget outcomes might represent for those people. However, it is important to take note of Senator Vanstone’s comments and efforts on ABC Radio this morning. When she took calls from people receiving student allowances like Youth Allowance, she said that $5 more a week would make a significant difference. In that interview she said:
We do care. If I can put it in perspective, you know we were mentioning it’s a third of government outlays we spend, and on a one-on-one basis someone says to me, ‘Couldn’t people just have $5 more?’ and you meet people in very impecunious circumstances and your heart just opens up and of course you want to give them $5 more. Five dollars? Hell, what will it buy? It might buy you a sandwich and a milkshake if you’re lucky.

That is exactly right, Senator Vanstone: what does $5 a week buy? It certainly might buy you a sandwich and a milkshake if you are lucky. If you are a working family, it might buy you a litre of milk and a loaf of bread or a perhaps a kilo of mince as a contribution to the family’s budget, but that is all.

An average Australian family earning between $30,000 and $50,000 will not be able to buy very much at all with Treasurer Costello’s $4-a-week tax cut. In many respects it is an absolute insult. But, to make matters worse, it is the poorest Australians Senator Vanstone was speaking about this morning in her interview. They got absolutely nothing in the budget. They did not get $5; they got nothing. What is more, the minister tried to dismiss the importance of the problem of effective marginal tax rates being faced by welfare recipients who are trying to move into work. In her interview this morning, the senator said:

I do worry that there has been an inordinate focus on what we call effective marginal tax rates.

Then, when pressed on the punishing tax rates faced by people moving from welfare to work, she offered this:

It is too high—that is when it goes over 100c in the dollar. It is obviously too high when a family is worse off. But on an individual basis I do not think there is anything wrong, anything harsh. In fact, I think it is something to be proud of that you replace $1 earned for yourself for $1 that was otherwise coming from other taxpayers because it means you’re becoming more independent and people should be proud of that and not see it as burden.

The problem is that, if you are no better off for every dollar you earn, it is pretty hard to justify working—particularly when your income is very low. The fact is that Senator Vanstone is part of a government that has slugged Australian families and has left people on welfare trapped in poverty. This is what this really represents: it is a poverty trap, and the budget does nothing to tip the scales in favour of these Australians who are actually sinking.

The Howard government’s budget does not share the wealth that is being created in this country. When you think about what the government has delivered in terms of its significant surplus, the fact is that so much of it has come by taking money away from services for average families in this country. The average gross earnings for families in this country are about $800 per week, and after tax that is about $615 a week. With a mortgage repayment of perhaps $220 a week, that leaves $395 for everything else. If you think that is bad, spare a thought for the 2½ million Australians living below the poverty line—$415 a week for a couple with two children to pay for everything. Over the last five years, the gains have been at the top end and have dwarfed those for people at the bottom. Consider some of the blue ribbon seats, such as Wentworth and North Sydney, where family incomes are between—(Time expired)

Senator STOTT DESPOJA (South Australia) (3.40 p.m.)—The issue to which I hope to refer—namely, higher education—has been referred to not only in other contributions but, indeed, in most of the minister’s answers today. I want to make very clear and put on the record the Democrats’ response to the proposed reforms for higher education released in last night’s budget. When Senator Tierney talks about the cut-price or reduced fees for nursing and teaching places, he fails to acknowledge that those fees merely remain the same. It is the other fees that will
increase. While nurses and teachers have received somewhat of a break or an alleviation of their fees and charges, it is still a pretty appalling position to put aspiring students in, given the teacher and nursing shortage that is predicted for this country.

Across the board, we are looking at not the introduction of but the extension of user pays in our higher education system. It is almost the complete privatisation of higher education as we know it. In my question to the minister—to which I did not get a response—I pointed out the fact that we are now overtaking the United States as the third most privatised higher education system in the world at that level. Certainly we have among the highest fees and charges. We know the HECS increase of up to 30 per cent will be a psychological and financial disincentive to students wanting to enter into and participate in higher education. We also know who is going to be hardest hit by that. It is going to be poor kids, Indigenous kids and those from regional backgrounds because in the last 10 years their participation rates in higher education have not improved. And they are not going to improve as a consequence of last night’s changes; they are going to get worse.

In my question to Senator Minchin, the Minister representing the Treasurer, I asked whether or not they had reneged on or disregarded the notion in the Crossroads report that acknowledges that for some groups the Higher Education Contribution Scheme has been a barrier. This budget is going to erect more barriers to education. As for the doubling of full fee paying places for undergraduate education, we cannot even fill the places that are currently available. But we know who will be able to access those places. We also know on current trends that quality will be sacrificed—tertiary entrance requirements are going to get lower. If you can afford to pay, yes, there are examples of wealthier students getting in, but their TERs are not necessarily as good as they should be in comparison to the HECS funded places.

I know student groups and academic and general staff groups are going to be very angry. The postgraduate sector is appalled. Yes, I know that the AVCC are on record saying that they support this package—because they are being blackmailed. They have been given back the $1.5 billion that was cut out in 1996-97. This is not new money. How dare people say this is paid for, as though it were some kind of new reinvestment in public education? It is putting back what this government cut in 1996-97. The AVCC seem to be saying that four to five grand for the average student is the price of a small car. I am not sure how many vice-chancellors are paying for small cars these days; I think they get that in their packages. Let us not pretend that this is a little bit onerous for some students; this means law degrees that take three years and that are charged at up to 30 per cent extra will cost $25,065—to be precise—per degree.

That is not an up-front fee place; that is what law will cost at some institutions from 2005. That is an extraordinary fee, considering the number of students in Australia now who are doing law or are aspiring to do law. As Dr Carolyn Allport from the NTEU said last night, increasingly it is like an arts degree. It is a very popular course. Those students who study and graduate from law do not always get a huge income and do not always practise law, but they are providing community benefit as well. That is what this government is missing: the fact that investment in education has a community benefit and we should treat higher education—in fact, education at all levels—as an investment, not a cost. This is not about backing Australia’s future; it is about hacking Australia’s future. The government can say all it likes in question time today or on record...
elsewhere that it thinks this is actually some kind of investment in future graduates and our community, but I think everyone out there knows the reality. They know exactly what this means, particularly for the disadvantaged in our higher education system. *(Time expired)*

Question agreed to.

**CONDOLENCES**

Reid, Mr Leonard Stanley DFC

*The DEPUTY PRESIDENT* (3.45 p.m.)—It is with deep regret that I inform the Senate of the death on 22 April 2003 of Leonard Stanley Reid DFC, a former member of the House of Representatives for the division of Holt, Victoria, from 1969 to 1972.

**NOTICES**

**Presentation**

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

That the Senate—

(a) notes that:

(i) 11 May to 18 May 2003 is National Autism Awareness Week,

(ii) Autism Spectrum Disorder has a profound impact on the individuals affected by it, their families, friends and communities,

(iii) there is a great deal of research being conducted into the causes of Autism Spectrum Disorder, and

(iv) the Autism Association of South Australia Inc. is providing valuable support and information to people affected by Autism Spectrum Disorder; and

(b) urges the Government to increase funding to families with high support needs in relation to children and adults with autism.

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

That the Senate—

(a) notes that:

(i) 26 May 2003 is National Sorry Day, and that this date commemorates the anniversary of the handing down of the *Bringing Them Home* report on 26 May 1997, and

(ii) National Sorry Day is an opportunity for all Australians to acknowledge and help to heal the wounds of the many Aboriginal and Torres Strait Islander people and their families who suffered as a result of the forced removal policies of successive Australian governments between 1910 and 1970;

(b) congratulates those involved in the ‘Journey of Healing’ and other community-based organisations which are holding events across the country to help all Australians understand the ongoing impact of the removal policies and to rebuild relations between Indigenous and non-Indigenous Australians in the spirit of reconciliation;

(c) notes further that 27 May to 3 June 2003 is National Reconciliation Week, the theme of which is ‘Reconciliation. Together we’re doing it’, and which is designed to reflect the real progress being made in communities around Australia, where partnerships between people in schools, government, private businesses and Indigenous organisations are showing what can be achieved when real effort is made in achieving reconciliation;

(d) acknowledges that despite these efforts, the progress of reconciliation in Australia has remained extremely slow;

(e) notes that the Legal and Constitutional References Committee inquiry into progress towards national reconciliation is in the process of conducting public hearings and is due to report by 11 August 2003; and

(f) urges the Government to take note of this report and give careful consideration to its recommendations.
Senator Greig to move on the next day of sitting:

That the Senate—

(a) congratulates the Government on confirming its support for the resolution on human rights and sexual orientation that was recently introduced to the 59th session of the United Nations Commission on Human Rights;
(b) notes that the resolution was introduced by Brazil and seconded by Poland; and
(c) urges the Government to maintain its commitment to addressing the issue of persecution and violations of human rights on the grounds of sexuality at international fora.

Senator IAN CAMPBELL (Western Australia—Parliamentary Secretary to the Treasurer) (3.46 p.m.)—I give notice that, on the next day of sitting, I shall move:

That the provisions of paragraphs (5) to (7) of standing order 111 not apply to the Therapeutic Goods Amendment Bill (No. 1) 2003, allowing it to be considered during this period of sittings.

I also table a statement of reasons justifying the need for this bill to be considered during these sittings and seek leave to have the statement incorporated in Hansard.

Leave granted.

The statement read as follows—

THERAPEUTIC GOODS AMENDMENT BILL (No. 1) 2003

Purpose of the Bill

To clarify and tighten the responsibilities placed on sponsors and manufacturers of therapeutic goods to ensure that products being supplied meet quality and safety standards. The Bill also makes changes to the advertising provisions and definition of ‘therapeutic goods’.

Apart from the reforms to the advertising provisions and the clarification to the definition of ‘therapeutic goods’ contained in this Bill, the other measures will further strengthen and refine Australia’s world class regulatory system for therapeutic goods. Sponsors and manufacturers of therapeutic goods are to be held more accountable for their statutory responsibilities and obligations. The Therapeutic Goods Administration (TGA) will be given greater powers to take appropriate and timely action to remove substandard or suspect products from the marketplace.

Sponsors will be required to ensure that every manufacturer involved in the manufacture of each batch of therapeutic goods is identifiable and that this information is readily available to the TGA.

Both sponsors and manufacturers of therapeutic goods will have responsibility to report information they receive about deficiencies with their product or any adverse effects from the use of their product to the TGA.

The Bill also expands the mandatory recall powers of the TGA and provides a fit and proper person test in relation to the granting, suspension or cancellation of manufacturing licences. New offences have been created to provide additional incentives for manufacturers to comply with proper manufacturing standards and the level of penalties for a range of existing offences have been increased to provide a more adequate deterrent to non-compliance with statutory requirements.

Reasons for Urgency

The unprecedented recall of therapeutic goods as a result of a number of serious safety and quality breaches by the company Pan Pharmaceuticals Limited necessitated strong regulatory action to protect the health and safety of consumers. The seriousness of the actions of this company and the challenges these actions have presented for the TGA, for other companies and for consumers, has highlighted the need for decisive action to secure stronger protection of public health and safety.

The changes to the regulatory system reflected in these amendments represent a response to the Pan Pharmaceuticals incident to better protect public health and safety in relation to all therapeutic goods. These changes will enable TGA to more readily identify manufacturers and sponsors who may not be acting responsibly and should ensure that future recalls will be able to be conducted faster.
Withdrawal

Senator BARTLETT (Queensland—Leader of the Australian Democrats) (3.46 p.m.)—Pursuant to notice of intention given on 13 May, I withdraw business of the Senate notice of motion No. 1 for today, relating to the disallowance of Migration Amendment Regulations 2002 (No. 10).

Senator STOTT DESPOJA (South Australia) (3.47 p.m.)—Pursuant to notice of intention given on 19 March, I withdraw general business notice of motion No. 406 standing in my name for today, relating to breastfeeding in the chamber.

COMMITTEES
Selection of Bills Committee

Report

Senator FERRIS (South Australia) (3.47 p.m.)—On behalf of Senator Coonan, I present the fifth report of 2003 of the Standing Committee for the Selection of Bills.

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. 5 OF 2003

1. The committee met on Tuesday, 13 May 2003.

2. The committee resolved to recommend—

That—

(a) the provisions of the Family Law Amendment Bill 2003 be referred immediately to the Legal and Constitutional Legislation Committee for inquiry and report on 13 August 2003 (see appendix 1 for statement of reasons for referral).

(b) the following bills not be referred to committees:

- Electoral Amendment (Political Honesty) Bill 2003
- Export Control Amendment Bill 2003
- Maritime Legislation Amendment (Prevention of Pollution from Ships) Bill 2003
- National Residue Survey (Customs) Levy Amendment Bill (No. 2) 2003
- National Residue Survey (Excise) Levy Amendment Bill (No. 2) 2003.

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


Bills deferred from meeting of 19 November 2002

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

Bill deferred from meeting of 4 March 2003

- Workplace Relations Amendment (Compliance with Court and Tribunal Orders) Bill 2003.

Bills deferred from meeting of 13 May 2003

- Defence Amendment (Parliamentary approval for Australian involvement in overseas conflicts) Bill 2003
- Defence Legislation Amendment Bill 2003
- Health and Ageing Legislation Amendment Bill 2002
- Health Legislation Amendment Bill (No. 1) 2003
- National Health Amendment (Private Health Insurance Levies) Bill 2003
- Private Health Insurance (ACAC Review Levy) Bill 2003
Private Health Insurance (Collapsed Organisation Levy) Bill 2003
Private Health Insurance (Council Administration Levy) Bill 2003
Private Health Insurance (Reinsurance Trust Fund Levy) Bill 2003
- Product Stewardship (Oil) Legislation Amendment Bill (No. 1) 2003
- Sexuality Anti-Vilification Bill 2003
- Taxation Laws Amendment Bill (No. 5) 2003
- Trade Practices Amendment (Personal Injuries and Death) Bill 2003

(Christine Milne)
Chair
14 May 2003
Appendix 1
Proposal to refer a bill to a committee
Name of bill(s):
Family Law Amendment Bill 2003
Reasons for referral/principal issues for consideration
The impact of proposed changes to:
- Parenting plans
- The parenting compliance plan
- Financial agreements
- Orders and injunctions binding third parties
- Disclosures and admissions of child abuse

Other family law issues relating to the bill.
Possible submissions or evidence from:
Legal profession, family counsellors/mediators, community legal services
Committee to which bill is referred:
Legal and Constitutional Legislation Committee
Possible hearing date:
Possible reporting date(s): 13 August 2003 (signed)
Whip/Selection of Bills Committee Member

NOTICES
Postponement
Items of business were postponed as follows:
General business notice of motion no. 426 standing in the name of the Chair of the Finance and Public Administration References Committee (Senator Forshaw) for 15 May 2003, proposing to vary an order of the Senate for the production of documents relating to departmental and agency contracts, postponed till 18 June 2003.
General business notice of motion no. 460 standing in the name of Senator Allison for today, proposing the establishment of a select committee on Medicare, postponed till 15 May 2003.

COMMITTEES
Employment, Workplace Relations and Education References Committee
Extension of Time
Senator GEORGE CAMPBELL (New South Wales) (3.48 p.m.)—I move:
That the time for the presentation of reports of the Employment, Workplace Relations and Education References Committee be extended as follows:
(a) the refusal of the Government to respond to the order of the Senate of 21 August 2002 for the production of documents relating to financial information concerning higher education institutions—to 19 August 2003; and
(b) labour market skills requirements—to 28 October 2003.
Question agreed to.
Environment, Communications, Information Technology and the Arts References Committee
Extension of Time
Senator ALLISON (Victoria) (3.49 p.m.)—by leave—I move:
That the time for the presentation of the report of the committee on environmental performance
at the Ranger, Jabiluka, Beverley and Honeymoon uranium operations be extended to 24 June 2003.

Question agreed to.

Procedure Committee
Report

Senator IAN CAMPBELL (Western Australia—Manager of Government Business in the Senate) (3.50 p.m.)—I move:

That the recommendation of the Procedure Committee in its first report of 2003 relating to times of meeting on Tuesday be adopted, and standing orders be amended as set out in the report with immediate effect.

Senator BROWN (Tasmania) (3.50 p.m.)—by leave—I want to record that the Greens do not agree with this amendment. The extra time given on Tuesday will be to government business. There is no equivalent extension of time for private members’ business. I think that it would be better to sit for extra weeks during the year than to try to cram everything into the weeks in which we do sit to clear the government legislative slate. This process, whereby things are crammed into the times that we are sitting, is increasing very slowly for the purposes of getting the government’s legislative schedule through. It would be much better if we were sitting more often. I think the Senate has to look at the need for extended time for private members’ business, particularly as the cross-bench is bigger than it has been in the past and also because there is an increasing number of topics that have to be dealt with that do not come from the government benches.

I put that objection on record and bring it to the attention of the Senate. We do need to sit down and look at the balance of private members’ time, which means the time allocated for the opposition, the Greens, Democrats, members of the other parties and Independents to bring forward bills, motions and indeed to debate questions that they have in doing their job in representing the community. It is an extraordinarily important part of the functioning of the Senate and, in some ways, it is more important to the Senate than it is to the House of Representatives. But it needs looking at, and I draw the matter to the Senate’s attention. At another time we will push for more debate on it.

Senator ALLISON (Victoria) (3.52 p.m.)—by leave—The Democrats will support the first and the third of these procedural motions. It was assumed by the Democrats and myself, as a member of the Procedure Committee, that these proposals would lie on the table, as it were, until members of the committee had given senators an ‘adequate opportunity to consider them’ and to consult their colleagues—I am quoting directly here from the report of the Procedure Committee. On the understanding that this would not be dealt with until June, we did have a preliminary discussion but there has not been time for us to do as was suggested by the report—that is, provide adequate opportunity for consultation and discussion. I realise that these three motions will go through, but the second motion, which relates to the cut-off motion, is a very significant change to standing orders. Again, I point out that—

The DEPUTY PRESIDENT—Senator Allison, can we dispose of No. 1 first?

Senator ALLISON—I am trying to save myself having to make three speeches and I am trying to encompass my remarks in one. The central point, of course, is that time has not been afforded for proper consultation and consideration.

Question agreed to.

Procedure Committee
Report

Senator IAN CAMPBELL (Western Australia—Manager of Government Business in the Senate) (3.54 p.m.)—I move:
That the recommendation of the Procedure Committee in its first report of 2003 relating to the deadline for receipt of bills be adopted, and standing orders be amended as set out in the report with immediate effect.

Senator BROWN (Tasmania) (3.55 p.m.)—by leave—The Greens oppose this motion. As Senator Allison has indicated, it is a very significant change to standing orders. We do have the cut-off rule to ensure that when bills come before the Senate they cannot be dealt with immediately without leave of the Senate because that enables senators to consult with their constituencies before the bill is brought on for debate and voting. It is a good procedure and it needs defending. It did come as a result of a long debate some years ago, and I think my colleague emeritus former Senator Christabel Chamarette from Western Australia took a pivotal role in getting this particular alteration to the standing order. This particular proposal worries me because it relates to bills that have passed the Senate and which are coming back for a second time. As we all know, that means these bills could very well be a trigger mechanism for a double dissolution.

One such potential trigger at the moment involves the Australian Security Intelligence Organisation Legislation Amendment (Terrorism) Bill 2002 [No. 2], which contains provisions to increase the powers of ASIO. It is quite contentious but, quite obviously, it is a potential trigger mechanism. It is our contention that when a bill like that comes back before the Senate, not after three months but after many months or, in some cases, years, then there should be due time for consideration. These are always the contentious bills. There are always changes that occur in the interim in public mood and experience, and there should be time for the Senate to be able to consider that in relation to its electorate and the experts in the field. I warn the Senate that this could very obviously be used as an ambush mechanism for a double dissolution by a government in the future. One has to be aware of that, and I am surprised that the Labor Party, if they do, are supporting this mechanism at this particular time. I know the government at the moment has other triggers—

Senator Faulkner—I never supported the standing order when it was introduced by your emeritus colleague.

Senator BROWN—It is there nevertheless, Senator, and I know you have eminent good sense and political nous in these matters.

Senator Faulkner—I would be interested to see if the government is consistent with the provisions of standing order 111.

The DEPUTY PRESIDENT—I think the debate should not be proceeding between Senator Faulkner and Senator Brown. Senator Brown should be addressing the chair and Senator Faulkner will enter the debate undoubtedly if he feels the need to.

Senator BROWN—As illuminating as it may be. It is a serious matter, Mr Deputy President.

The DEPUTY PRESIDENT—We understand that.

Senator BROWN—I do not support it. I think we should be able to treat potential double dissolution triggers differently and with a great deal of probity. I believe that the executive already has too much power in determining when elections are held in this country for its own benefit. The Prime Minister can call an election—a double dissolution election—any time next month for July, if he wants to, because the polls are good for him. That is not good for democracy. A brake needs to be put on the matter and instead, in this motion, the options are increased for the Prime Minister of the day—this one or any
future Prime Minister—in terms of being able to manipulate the legislature from the executive to hold an election which is an advantage to that Prime Minister. We should have fixed term elections. We should know when the date of the next election is, but we do not. I am not a senator who is about to easily empower the executive outside this parliament to manipulate this parliament for its own advantage, and that is what this particular amendment does. I counsel senators to look very carefully at it and that is why Senator Allison is absolutely right. We should not be debating this today; it should be debated further down the line. I did write to the President about it. I have received a reply today, but I do not think there has been an adequate opportunity for senators to talk about this, as the committee indicated that we should. My counsel today is that the Senate should reject this particular motion and at least think about it a bit more.

Senator IAN CAMPBELL (Western Australia—Manager of Government Business in the Senate) (3.59 p.m.)—by leave—It should be pointed out for the record that this change to the standing order does not diminish the intent of standing order 111. It means that, if a new bill comes in, it has to be subject to the cut-off and the Senate would have to take a deliberate vote to allow it to be dealt with in that session. All this seeks to do is overcome an anomaly—that is, that a bill defeated once by the Senate, laid aside by the House of Representatives and brought back here three months later does not have to go through the cut-off again. The reason for the change is obvious: the Senate has already considered the bill. Quite often, the bill has been off to a committee, come back and gone through a debate, so it is not as though the government can bring a new matter to the Senate. It is something that, by definition, the Senate has already dealt with, often in detail. Especially if it is a contentious bill which has been defeated, it has obviously often been considered in great detail. And so the Senate, by definition, has had at least three months notice and obviously usually more like four or five months notice. So this change just means that the cut-off order remains. There is good reason for that order—Senator Brown has made that point well—but the reason for having the cut-off order is diminished somewhat once the bill has already been considered by the Senate and has been returned three months later.

Senator FAULKNER (New South Wales—Leader of the Opposition in the Senate) (4.01 p.m.)—by leave—You probably do not get too many marks in politics for consistency, but the opposition has had a consistent position on this. I was the Manager of Government Business in the Senate in the good old days when we had a Labor administration in this country, which argued a very principled case strongly opposing the introduction of standing order 111—the so-called cut-off order. Senator Brown’s description of this is fair. It is true that the former Senator Chamarette played a key role in this. It was she who took the initiative to introduce this particular standing order and was able, at the time, to get the support of a very obstructive opposition, which was the coalition parties. All the fair, rational and reasonable arguments that I presented at the time on behalf of the government in relation to the management of Senate business seemed to fall on the deaf ears of the then Liberal and National Party senators.

Unlike the government, I think it is important in politics to adopt a consistent view on these sorts of issues, and the view of the Labor Party has not changed in nearly a decade since standing order 111 was introduced. The point of this standing order—and the arguments surrounding it at the time that it was enshrined in the standing orders of the Senate—was to give senators an opportunity to
examine bills and to adequately look at the provisions contained within bills, to avoid the end-of-sitting rush of bills, which, it is true, has been quite significant at times.

In my view, it is impossible to make a cogent argument that the standing order should apply to bills which come back to the Senate after a three-month interval—that is really what we are talking about in relation to this recommendation of the Procedure Committee. You cannot make a rational and cogent case that there has not been an opportunity for senators to examine these bills when they have been once rejected by the Senate and have certainly been dealt with by the Senate somewhere within at least a three-month period. The Labor Party did not conceptually support standing order 111 at the time it was agreed to and enshrined in the standing orders. We did not support the original standing order and still do not, but we certainly do not see how a rational argument can be brought to bear in support of this case, even for those who do support bills which come to the Senate for a second time under section 57 of the Constitution.

To save time, I say that in relation to the first matter that has been agreed to by the Senate—the sitting of the Senate from 12.30 p.m. to 2 p.m. on Tuesdays in a routine Senate sitting week and for government business only to be considered in that period—what we are doing is mirroring the approach that is taken on the Monday of a normal sitting week. It seems to me to make a lot of sense. But what has not been said and should be said while we are having these brief comments on these matters is that the Senate has determined to take this course of action and not make other changes to its sitting pattern and routine of business. That is a very important point. Senators should understand that there have been some quite significant changes to the sitting pattern in the House of Representatives.

As the Procedure Committee looked at these issues they made a decision that the Senate sit an extra 1½ hours and dedicate that extra 1½ hours to the consideration of government business, but they did not make a range of other changes to the sitting pattern and hence the routine of business for the Senate to reflect changed sitting hours in the House of Representatives. It is important to at least have that point made in this debate as we briefly examine these changes. I hear the point that Senator Brown makes about this, but I certainly do not want to make this change and then have someone make a suggestion at a later stage that, having made that change, we should start the sittings on a normal Wednesday and Thursday at nine o’clock and make other changes that reflect those that have already been agreed to by the House of Representatives. I have tried to represent the sentiment of all members of the Procedure Committee as we examined these matters. I will not canvass the third issue. I merely indicate that, as far as the opposition is concerned, on the matters contained in this Procedure Committee report they have our support.

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

The Senate divided. [4.13 p.m.]

(The Deputy President—Senator J.J. Hogg)

Ayes............. 46

Noes............. 11

Majority........ 35

AYES

Abetz, E. Barnett, G.
Bishop, T.M. Brandis, G.H.
Buckland, G. Campbell, G.
Campbell, I.G. Carr, K.J.
Chapman, H.G.P. Colbeck, R.
Collins, J.M.A. Conroy, S.M.
Cook, P.F.S. Crossin, P.M.
Denman, K.J.  Eggleston, A.
Evans, C.V.  Ferris, J.M. *
Forsyth, M.G.  Hill, R.M.
Hogg, J.I.  Humphries, G.
Hutchins, S.P.  Johnston, D.
Kirk, L.  Knowles, S.C.
Lightfoot, P.R.  Lundy, K.A.
Macdonald, J.A.L.  McGauran, J.J.J.
Marshall, G.  MacKay, S.M.
McLucas, J.E.  O’Brien, K.W.K.
Moore, C.  Patterson, K.C.
Scullion, N.G.  Santoro, S.
Tchen, T.  Stephens, U.
Troeth, J.M.  Tierney, J.W.
Webber, R.  Watson, J.O.W.

NOES
Allison, L.F.  Bartlett, A.J.J.
Brown, B.J.  Cherry, J.C.
Greig, B.  Lees, M.H.
Murphy, S.M.  Murray, A.J.M.
Nettle, K.  Ridgeway, A.D.
Stott Despoja, N.

* denotes teller

Question agreed to.

Senator IAN CAMPBELL (Western Australia—Manager of Government Business in the Senate) (4.16 p.m.)—I move:

That the recommendation of the Procedure Committee in its first report of 2003 relating to committee meetings during adjournment debate be adopted, and standing orders be amended as set out in the report with immediate effect.

Question agreed to.

Foreign Affairs, Defence and Trade References Committee

Report

Senator COOK (Western Australia) (4.18 p.m.)—I move:

That the Senate adopt the following recommendations of the Foreign Affairs, Defence and Trade References Committee in its report on materiel acquisition and management in Defence:

(a) that the Senate request the Auditor-General to direct that the proposed 2003-04 audit of the Defence Materiel Organisation (DMO) by the Australian National Audit Office include a cultural audit that will assess:

(i) DMO’s espoused corporate values and standards and staff compliance with these,

(ii) management and staff values, behaviours and competencies measured against the capability requirement,

(iii) employee attitudes, morale, beliefs, motivation,

(iv) employee understanding of, for example, the DMO’s customers, industry partners, strategies, business plans, roles and contributions to the overall mission of Defence,

(v) communication processes,

(vi) the effectiveness of change management programs, employee commitment to them and the extent of the benefits materialising, and

(vii) compliance with health and safety regulations;

(b) that the Senate request the Auditor-General:

(i) to produce, on an annual basis, a report on progress in major defence projects, detailing cost, time and technical performance data for each project,

(ii) to model the report on that ordered by the British House of Commons and produced by the United Kingdom Comptroller and Auditor General, and

(iii) to include in the report such analysis of performance and emerging trends as will enable the Parliament to have high visibility of all current and pending major projects; and

(c) that the Senate under standing order 164, order the production, upon its completion, of the report by the Director of Trials of the Review of Test and Evaluation in Defence, and refer the document to the Foreign Affairs, Defence and Trade References Committee for examination and report.
Question agreed to.

Rural and Regional Affairs and Transport Legislation Committee

Extension of Time

Senator McGauran (Victoria) (4.18 p.m.)—by leave—At the request of Senator Heffernan, I move the motion as amended:

That the time for the presentation of reports of the Rural and Regional Affairs and Transport Legislation Committee be extended as follows:

(a) provisions of the Aviation Transport Security Bill 2003 and a related bill—to 16 June 2003; and

(b) provisions of the Civil Aviation Amendment Bill 2003—to 16 June 2003.

Question agreed to.

Community Affairs Legislation Committee

Meeting

Senator McGauran (Victoria) (4.18 p.m.)—At the request of Senator Knowles, I move:

That the Community Affairs Legislation Committee be authorised to hold a public meeting during the sitting of the Senate on Thursday, 15 May 2003, from 3.30 pm, to take evidence for the committee’s inquiry into the Health Legislation Amendment (Private Health Insurance Reform) Bill 2003.

Question agreed to.

Foreign Affairs, Defence and Trade References Committee

Extension of Time

Senator Cook (Western Australia) (4.19 p.m.)—I move:

That the time for the presentation of the report of the Foreign Affairs, Defence and Trade References Committee on an examination of the Government’s foreign and trade policy strategy be extended to 20 August 2003.

Question agreed to.

Superannuation Committee

Meeting

Senator McGauran (Victoria) (4.20 p.m.)—At the request of Senator Watson, I move:

That the Select Committee on Superannuation be authorised to hold a public meeting during the sitting of the Senate on Thursday, 15 May 2003, from 3.30 pm, to take evidence for the committee’s inquiry into planning for retirement.

Question agreed to.

Foreign Affairs, Defence and Trade References Committee

Meeting

Senator Cook (Western Australia) (4.19 p.m.)—I move:

That the Foreign Affairs, Defence and Trade References Committee be authorised to hold a public meeting during the sitting of the Senate on Thursday, 19 June 2003, from 7 pm to 11 pm, to take evidence for the committee’s inquiry into the examination of the Government’s foreign and trade policy strategy.

Question agreed to.

Legal and Constitutional References Committee

Meeting

Senator Mackay (Tasmania) (4.20 p.m.)—At the request of Senator Bolkus, I move:
That the Legal and Constitutional References Committee be authorised to hold public meetings during the sittings of the Senate on Wednesday, 14 May 2003, from 4.30 pm to 6 pm, and on Thursday, 15 May 2003, from 9.30 am to 11.30 am, to take evidence for the committee’s inquiry into progress towards national reconciliation.

Question agreed to.

Legal and Constitutional References Committee

Extension of Time

Senator MACKAY (Tasmania) (4.21 p.m.)—At the request of Senator Bolkus, I move:
That the time for the presentation of the report of the Legal and Constitutional References Committee on its inquiry on progress towards national reconciliation be extended to 11 August 2003.

Question agreed to.

NATIONAL RADIOACTIVE WASTE REPOSITORY

Senator STOTT DESPOJA (South Australia) (4.21 p.m.)—I, and also on behalf of Senator Allison, move:
That there be laid on the table by the Minister representing the Minister for Science, no later than 1 pm on 15 May 2003, the document containing the list of potential sites for the location of a national store for intermediate level radioactive waste that has been prepared by the National Store Advisory Committee, referred to in the media release prepared by the Minister for Science, ‘SA Ruled Out’, dated 9 May 2003.

Question agreed to.

DEFENCE: PROPERTY

Senator ALLISON (Victoria) (4.22 p.m.)—by leave—I move the motion as amended:
That there be laid on the table by the Minister for Defence, no later than 12 pm on Thursday, 15 May 2003, the ‘further information’ CD-rom which is obtainable from Colliers International (Vic) Pty Ltd, regarding the expressions of interest in Defence land for sale at Point Nepean.

Question agreed to.

AUSTRALIAN GRAND PRIX: TOBACCO ADVERTISING

Senator ALLISON (Victoria) (4.23 p.m.)—I move:
That there be laid on the table, no later than 4 pm on Thursday, 15 May 2003, the most recent application documents from the Australian Grand Prix Corporation to the Federal Government for exemption from the Tobacco Advertising Prohibition Act 1992 on the grounds of economic hardship, and the documents detailing the Government’s reasons for being satisfied that the case for economic hardship was met.

Question agreed to.

COMMITTEES

Rural and Regional Affairs and Transport Legislation Committee

Extension of Time

Senator McGAURAN (Victoria) (4.24 p.m.)—At the request of Senator Heffernan, I move:
That the time for the presentation of the report of the Rural and Regional Affairs and Transport Legislation Committee on the provisions of the Wheat Marketing Amendment Bill 2002 be extended to 16 June 2003.

Question agreed to.

HEALTH: IMMUNISATION

Senator ALLISON (Victoria) (4.24 p.m.)—I move:
That there be laid on the table by the Minister for Health and Ageing, no later than 3 pm on Thursday, 15 May 2003, the following documents:

(a) the report of the Australian Technical Advisory Group on Immunisation (ATAGI), October 2002; and

(b) the National Health and Medical Research Council report on the new ATAGI recommended vaccines, March 2003.

Question agreed to.
TRANSPORT: BASSLINK
Senator ALLISON (Victoria) (4.25 p.m.)—I move:
That there be laid on the table, no later than 4 pm on Thursday, 15 May 2003, the letters exchanged between the Victorian and Federal Governments since 1 July 2001 concerning the Basslink project, other than those letters relating to the planning process.
I seek leave to table a letter from me to Senator Robert Hill regarding Senate orders for documents and government responses to those documents.
Leave granted.
Question agreed to.

SUPERANNUATION: SEXUALITY DISCRIMINATION
Senator GREIG (Western Australia) (4.26 p.m.)—I move:
That the Senate—
(a) congratulates the South Australian Parliament on the recent passage of the Statutes Amendment (Equal Superannuation Entitlements for Same-Sex Couples) Bill 2002;
(b) welcomes South Australia in joining with Western Australia, New South Wales, Victoria, Tasmania, Queensland and the Australian Capital Territory as jurisdictions that have ended discrimination against same-sex couples under superannuation law;
(c) regrets that the Commonwealth has failed to address this discrimination under federal law; and
(d) calls on the Government to end the discrimination against same-sex couples that is contained within the Commonwealth Superannuation Act.
Question agreed to.

INTERNATIONAL MIDWIVES DAY
Senator RIDGEWAY (New South Wales) (4.27 p.m.)—I move:
That the Senate—
(a) notes that 5 May 2003 was International Midwives Day;
(b) recognises the vital role that midwives play in the Australian health system attending approximately 250,000 births in Australia each year, or 98 per cent of births;
(c) also recognises that midwives are the most appropriate and cost-effective type of health care provider to be assigned to the care of women in normal pregnancy and birth, including the risk assessment and the recognition of complications;
(d) notes the problems still facing independent midwives and midwifery students in securing policies providing professional indemnity insurance;
(e) notes that the Australian College of Midwifery approached the Government for financial assistance on this matter and that its request for around one million dollars has so far been ignored, in contrast with the medical profession, whose professional indemnity interests have been advanced by the Australian Medical Association and the Government; and
(f) calls on the Government to meet with representatives of the midwifery profession in order to assist midwives in their inability to obtain adequate insurance cover.
Question agreed to.

SISULU, MR WALTER MAX ULYATE
Senator RIDGEWAY (New South Wales) (4.27 p.m.)—I move:
That the Senate—
(a) notes with sadness the passing of former African National Congress (ANC) Deputy President, Mr Walter Max Ulyate Sisulu;
(b) remembers Mr Sisulu as a freedom fighter who dedicated his life to the struggle against apartheid and the oppressive former South African regime;
(c) recognises that Mr Sisulu co-founded the Youth League of the ANC and played a major role in the anti-apartheid campaign, a role which resulted in his imprisonment from 1964 till 1989; and 
(d) pays tribute to Mr Sisulu’s contribution to the freedom of black South Africans as well as being an inspiration for oppressed peoples all around the world.

Question agreed to.

NATIONAL RADIOACTIVE WASTE REPOSITORY

Senator BROWN (Tasmania) (4.28 p.m.)—I move:
That there be laid on the table by the Minister representing the Minister for Science (Senator Alston), no later than 3.30 pm on 17 June 2003, all documents dated 1 January 2001 or later relating to the hiring out and work undertaken by the public relations company Hill and Knowlton, in relation to nuclear issues, including the nuclear waste dump.

Question agreed to.

COMMITTEES

Scrutiny of Bills Committee

Report

Senator McLUCAS (Queensland) (4.29 p.m.)—I present the fourth 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.5 of 2003, dated 14 May 2003.

Ordered that the report be printed.

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

On 19 March 2003, I advised the Senate about the continuing concerns of the Scrutiny of Bills Committee with the quality of some of the explanatory memoranda which accompany bills. I further advised that the committee had written to the Acting Parliamentary Secretary to the Prime Minister, the Hon. Peter Slipper MP, and to the First Parliamentary Counsel, Ms Hilary Penfold QC, about these issues.

The committee has now received a very constructive reply from the Acting Parliamentary Secretary to the Prime Minister, advising that he agreed with the committee that agencies should be made aware of the relevant requirements in preparing explanatory memoranda. The Department of the Prime Minister and Cabinet has therefore issued a legislation circular to remind all agencies of these requirements and to alert them to the concerns of the committee.

The legislation circular sets out the role and functions of the committee and attaches a copy of the tabling statement for Alert Digest No. 3 of 2003, which detailed the main problems relating to explanatory memoranda. The circular emphasises that EMs should clearly explain provisions which fall within the committee’s terms of reference. It also asks that the tabling statement be brought to the attention of all officers who prepare EMs.

The committee has also received a most helpful reply from the First Parliamentary Counsel which sets out the role of the Office of Parliamentary Counsel in the preparation of explanatory memoranda and suggestions for improving this process. The OPC has no direct input into preparing or checking EM. It does have an indirect influence, however, in that its drafter mentions to instructing departments some matters which do need to be included in the EM, including provisions which would interest the Scrutiny of Bills Committee. The OPC also advises instructors to begin the preparation of EM as early as possible, because the EM process often reveals difficulties in the draft bill itself. Nevertheless, the OPC has no responsibility for monitoring the final EM.

In relation to improving EM, the OPC agreed with the committee that it would be
useful to emphasise to agencies, and especially to their policy areas, that the legislation handbook and legislation circulars provide standards for explanatory memoranda. The Office of Parliamentary Counsel also advised that it might be appropriate to establish a training course in preparing explanatory memoranda for agency staff who are responsible for developing legislation.

The OPC further advised, however, that there may be more fundamental problems which explain why so many explanatory memoranda do not reach an acceptable standard. The first of these difficulties is the experience of staff who prepare explanatory memoranda. The office has noticed a continuing tendency for agencies to assign legislation projects to staff at lower and lower levels of classification. At present it is usual for quite junior staff to have the daily responsibility for this type of work, with only nominal input from senior executive service level officers. These non-SES staff, while competent, are typically inexperienced in legislative work and receive inadequate supervision and direction. There is a further problem in that the non-SES staff tend to move on to other jobs, often within the same agency and even during a legislative project. The result is a lack of continuity, in that staff are unable to gain reasonable experience in this area and what experience they have is lost when they go. It is these staff who prepare EM, the quality of which is affected by their lack of supervision and experience.

In addition to these deficiencies, the office has identified what it describes as an even more significant factor in the standard of explanatory memoranda, which is the lack of time allowed for their preparation. The Office of Parliamentary Counsel advises that the deadlines for the Department of the Prime Minister and Cabinet to receive bills and explanatory memoranda for introduction are the same. In practice, bills are often completed actually on these deadlines, so there is virtually no scope for final revision of explanatory memoranda.

Another consideration noted by the office is that it is difficult to prepare an explanatory memorandum while a bill is still being drafted. This is the case in relation to both the bill as a whole and individual clauses. It is not practical for instructors to prepare an explanatory memorandum at the same time as finalising a bill, although this is what most agencies expect. Also, the Office of Parliamentary Counsel advises that it is very rare for agencies to resource legislative projects so that some people work on the bill and others on the explanatory memorandum.

In this context, the Office of Parliamentary Counsel suggests that the reasons why bills are often finished right on the deadline are significant. One of these reasons is that such deadlines are sometimes set without taking into account the nature of the legislative project, which itself may expand without any alteration to the deadlines. Also there may be pressures to introduce a bill as soon as it appears to be ready, even though work on other parts of the project, such as the explanatory memorandum, may not be complete. Even in cases where bills are not introduced for some time after drafting has largely been completed, there are factors which largely preclude effective checking of the explanatory memoranda.

The Office of Parliamentary Counsel advises that the lack of time for the preparation of adequate explanatory memoranda might be addressed by having separate deadlines for bills and EM. This would recognise that a proper EM cannot be prepared until both the broad structure and the individual provisions of a bill are known. The OPC notes that some individual agencies have tried this approach but in the opinion of the office it
should be enforced by a central coordinating agency.

The committee is most grateful for these replies, which have significantly assisted in its consideration of the matter. The committee has not yet completed its deliberations in relation to explanatory memoranda, and it may be possible that there will be further initiatives based on the advice in the letter from the First Parliamentary Counsel. The committee will report in full to the Senate on future developments.

Question agreed to.

TERRORISM INSURANCE BILL 2002

Report of Economics Legislation Committee

Senator MCGAURAN (Victoria) (4.37 p.m.)—On behalf of the chair of the Economics Legislation Committee, Senator Brandis, I present the report of the committee on the provisions of the Terrorism Insurance Bill 2002, together with the Hansard record of proceedings and submissions received by the committee.

Ordered that the report be printed.

COMMITTEES

Public Works Committee

Report

Senator MCGAURAN (Victoria) (4.37 p.m.)—On behalf of Senator Ferguson, of the Parliamentary Standing Committee on Public Works, I present a report on the proposed development of off-base housing for Defence at Adamstown, Newcastle in New South Wales. I move:

That the Senate take note of the report.

Senator MCGAURAN—I seek leave to have a tabling statement incorporated in Hansard.

Leave granted.

The statement read as follows—

The report addresses the construction of 72 new dwellings for Defence personnel at Adamstown, a suburb of Newcastle, located some 7 kilometres from the city centre. The work was proposed by the Defence Housing Authority and is estimated to cost $21.6 million.

The impetus for this work came from the most recent Defence Housing Forecast for the Newcastle area, which predicted a growth in the Defence requirement from 839 homes in the current financial year to a total of 892 in the 2005-2006 financial year.

This figure partially reflects the increase in Defence personnel expected in association with the establishment at RAAF Base Williamtown of the Airborne Early Warning and Control capability. Works associated with the implementation of this new system were the subject of the Committee's second report of 2002. Evidence given to that inquiry indicated that personnel numbers at RAAF Base Williamtown would increase by 350.

A further motivation for the proposed work is the need to provide a broader range of housing options for Defence personnel in the Newcastle area. At present, much of the available Defence housing is concentrated in suburbs near the RAAF Base, located some 30 kilometres from the Newcastle CBD. The current proposal will satisfy the requirements of those Defence Force members who have a particular need—for reasons related to spouse employment or the education of older children—to live closer to the city centre.

The proposal will also increase the amount of housing stock owned and managed by the Defence Housing Authority, thereby decreasing the amount of rental allowance being paid to Defence personnel renting homes through the private market.

The proposal brought before the Committee consists of 72 dwellings, comprising 60 four-bedroom detached houses and 12 three-bedroom townhouses, and associated road works and utilities. This range of housing types reflects the preferences of Defence personnel as expressed in a recent survey undertaken by the Defence Housing Authority.

Whilst the proposal was given unqualified support by the Commander of RAAF Base William-
town and by representatives of Defence Families Australia, objections were raised by local residents' groups.

Residents’ worries related mainly to:

- the level of community consultation undertaken by the Defence Housing authority; and
- the potentially dangerous nature of a proposed open space, which is immediately adjacent to the local golf course.

In their evidence to the Committee, representatives of local residents’ groups expressed considerable dissatisfaction with the level of community consultation undertaken by the Defence Housing Authority.

Concerns raised by residents in relation to traffic impacts and environmental issues were largely addressed in expert reports prepared for the Defence Housing Authority during the planning stage of the development, but residents stated that they had not been given access to these reports. At the public hearing, the Authority acknowledged the need to resolve remaining areas of community concern and undertook to make relevant expert reports available to interested residents. The Committee recommended that, in future, the Defence Housing Authority ensure that there is adequate direct community consultation.

Local residents and the President of the Merewether Golf Club also expressed concern at the location of the development’s proposed open space, which abuts the golf club grounds at the south-east corner of the site. Fears were raised that residents using this open area may be hit and injured by off-course golf balls. The Defence Housing Authority stated that their intention was for this area to serve as a ‘passive’ open space that would double as a retention basin for water run-off, and not as an ‘active’ recreational area. Residents of the new development may, nevertheless, enter the area.

The Committee recommended that the Defence Housing Authority work with the Newcastle City Council and the Merewether Golf Club to ensure that appropriate measures be taken to guarantee public safety. The Authority undertook to assist the Golf Club in erecting a physical barrier if necessary.

At the public hearing, the Committee was informed that, while the Development Control Plan for the proposed work had been completed and submitted to Council for public comment, there is no statutory time-frame in which the Newcastle City Council is obliged to make a determination on that Plan. The Defence Housing Authority expects completion of the first 35 dwellings by June 2004 and the remainder by October 2004, but this is dependent upon Council approval for the work being granted in late April 2003. The Committee was concerned that uncertainties surrounding critical project milestones may impact upon the overall cost of the development. This was particularly worrying given the very small contingency provision included in the project budget.

During in-camera deliberations on the project costs the Committee’s unease was compounded by indefinite figures and omissions noted in the budget.

In view of this, the Committee requested that the Defence Housing Authority provide a complete and updated feasibility study, and recommended that, in future, the Committee be provided with a full feasibility and contingency study prior to the public hearing.

Overall, the Committee acknowledges that the project will provide much-needed housing for Defence personnel in the Newcastle region and will expand the range of housing options available to them. Therefore, the Committee has recommended that the proposed works proceed at the estimated cost of $21.6 million, pending the satisfaction of the recommendations contained in its report.

Mr President, I would like to thank my Committee colleagues for their contribution to this inquiry. I also wish to thank the staff of the secretariat for their support.

I commend the Report to the Senate.

Question agreed to.
Migration Committee
Minutes of Proceedings

Senator McGAURAN (Victoria) (4.38 p.m.)—On behalf of the Joint Standing Committee on Migration, I present minutes of proceedings in relation to the report of the committee on the 2003 review of migration regulation 4.31B, which was tabled in the Senate yesterday.

MINISTERIAL STATEMENTS

Iraq

Senator HILL (South Australia—Minister for Defence) (4.38 p.m.)—by leave—Mr Acting Deputy President, senators will recall that on 18 March this year the Senate resolved to support the government’s decision to commit Australian Defence Force personnel to the international coalition to disarm Iraq. The coalition undertook to enforce Iraq’s compliance with its obligations under successive resolutions of the United Nations Security Council with a view to restoring peace and security to that area of the Middle East.

I am pleased to report that the coalition’s major combat operations in Iraq have been successfully concluded.

Australian military forces participated with just cause in an action properly based in international law, which resulted in the liberation of an oppressed people.

Australian defence forces acquitted themselves with great distinction and professionalism. They rightly won the admiration not only of the Australian people but also of our allies.

I know that all Australians will join me in expressing our immense gratitude that no Australian casualties have so far been sustained.

Both the Prime Minister and I have been told by so many senior members of the Australian Defence Force that the absence of casualties is due, in no small measure, to the predeployment of our forces some weeks before the military operation commenced.

This pre-positioning added weight to the attempt to pressure Saddam Hussein into compliance and, more importantly, it gave our people the opportunity to prepare and acclimatise, enhancing their performance and their security in the event of conflict.

Not only was the victory achieved quickly but the doomsday predictions were not realised: the oil wells were not set on fire; there were not millions of refugees; the dams on the Tigris and the Euphrates were not breached to bring on catastrophic flooding; there was no long drawn-out bloody siege for Baghdad. For all this we are extremely grateful.

The decisive victory of the American-led coalition reflects great credit on the strength and determination of President Bush’s leadership. It also has immense implications, not least the momentum that it has already begun to generate towards achieving a Middle East peace settlement.

President Bush and his administration are determined to do all they can to advance the peace process between Israel and the Palestinians.

The President made this very clear to the Prime Minister during their recent discussions in the United States.

Now that the major combat phase is over and efforts in Iraq rightly turn to humanitarian assistance, we have begun to bring home our defence personnel.

This month we will be welcoming home HMAS Anzac and HMAS Darwin, the airmen and women and support crews deployed with the FA18 Hornet aircraft, the majority of the Special Air Service units, the Commando and Incident Response Regiment...
elements, the CH47 Helicopter Detachment and the Navy clearance diver team.

Some military forces are still required to restore peace and security and assist in the rehabilitation of the Iraqi nation.

Our military deployment will be limited given current commitments in our own region. Many other nations have indicated a willingness to provide peacekeeping assistance in Iraq. The government has made clear all along that Australia would not be in a position to provide peacekeeping forces in Iraq. Our coalition partners clearly understood and accepted our position.

However, the following ADF capabilities will either remain or be deployed to Iraq: an Australian National Headquarters element; HMAS Sydney; HMAS Kanimbla and a naval task group command element; an Army commando element for a brief period; two P3C Orion maritime patrol aircraft and support; two C130 Hercules transport aircraft and support; an air traffic control element to support air operations at Baghdad International Airport; a security group for the new Australian Representational Mission in Baghdad, as well as civilian and military experts working on locating and eliminating WMD in Iraq.

Our commitment for this phase of the operation is currently in the order of 1,200 personnel. For Australia and the families of those involved this remains a significant deployment.

It is our intention to ensure that the period of coalition control is kept to a minimum and that the responsibility for governing Iraq is taken up by an interim Iraqi authority as soon as practicable. This will be the first step on the pathway to representative government.

It is worth briefly recalling the history of events that led to our decision to participate in the coalition’s operations in Iraq.

The cease-fire of 1991, which concluded the first Gulf War, prohibited Iraq from maintaining any biological, chemical or nuclear weapons capability.

For 12 years the United Nations sought to cajole and coerce Iraq into compliance. Saddam Hussein’s continued defiance of the United Nations Security Council resolutions, even in the face of a substantial military threat, demonstrated that the community of nations had come to a critical point in this long-running conflict. If Saddam Hussein was to be disarmed, we had to be prepared to resort to force.

I remind the Senate, and through it the people of Australia, that the Security Council was unanimous in its view that Saddam Hussein had continued his weapons of mass destruction programs and that Iraq was therefore in material breach of its obligations under a long series of Security Council resolutions.

There has always been a fear that the more nations that possess these weapons, the more likely they will eventually be used. This fear is compounded when they are in the hands of regimes that show a total disregard for common humanity and the rule of law, aggressive and belligerent regimes like that overseen by Saddam Hussein.

But the greatest fear is that these weapons will find their way into the hands of terrorists. The events of 11 September 2001 and the atrocity in Bali have clearly demonstrated that international terrorists have no regard for human life. Terrorist organisations like al-Qaeda want these weapons. And make no mistake—if they obtain them they will use them.

Through its actions in Iraq the coalition has sent a clear signal to other rogue states and terrorist groups alike—the world is prepared to take a stand. We do not for one moment regret that decision. It was right, it was
lawful and it was in Australia’s national interest.

The government is enormously proud of the magnificent job done by our forces. They have rightly earned the praise of their coalition partners.

Our forces performed superbly in accordance with their very fine reputation for professionalism and skill and courage. I want, on behalf of the country, to record our deepest admiration, our respect and gratitude to all of them. Most of all, I hope that the situation in Iraq can be stabilised relatively quickly and that all our forces will be home, safely and soon, with their families. I am confident that these sentiments are shared by all Australians. They have done this country proud.

I know that the desire to see them home is felt most keenly by their families and friends. The Prime Minister was grateful that he had the opportunity to meet some of the families over the last weeks.

There is a special bond between the community and the armed forces which serve their nation’s interests. When our forces are deployed to combat, we feel it all the more keenly. At the heart of that bond is the recognition that military service carries a commitment to sacrifice.

When the Prime Minister visited Qatar last week he let our people know that everyone in Australia is keen to welcome them home as soon as possible. The nation will have an opportunity to show its heartfelt thanks in the near future. All the men and women involved both in the war in Iraq and the broader international coalition against terrorism will be invited to march through the streets of Sydney and Perth. I encourage all who are able, to gather and join in expressing our thanks for a successful operation and our unqualified pleasure at their safe homecoming.

In Qatar the Prime Minister meet Brigadier Maurie McNarn, the Commander of Australian National Headquarters in the Middle East. I too would like to congratulate Brigadier McNarn, on behalf of the nation, for commanding our forces so successfully. While I know that his family will appreciate these sentiments, I also know that their attention will be overwhelmingly focused on his homecoming, now just a few short days away.

The military campaign in Iraq was astonishingly speedy and effective. It has been a remarkable campaign and a great tribute to the American military leadership. Most importantly, every attempt was made by the coalition forces to ensure that civilian casualties were kept to an absolute minimum. Our quarrel was with Saddam Hussein’s regime, not with the people of Iraq.

We did not only rely on technology, on the use of precision guided weapons, but also on strict targeting policies—policies which Saddam Hussein tried to take advantage of. It is a cruel irony that the Iraqi leadership had less regard for the wellbeing of the Iraqi people than the coalition forces. How else can you explain the placement of artillery, military communications systems, munitions stores and the like in urban areas, in schools, in kindergartens, in hospitals?

It is a testament not only to our fighting men and women, but also to our defence hierarchy, that when missions were aborted out of concern for the impact on civilians, such decisions were praised not admonished.

The government also wants to pay tribute to the contributions of the American, British and other coalition forces. They have behaved and conducted themselves with great honour and distinction. The coalition has, I believe, set new standards of integrity and ethical behaviour in military conflict. This new attitude reflects the reality that the mod-
ern military man or woman is as much a conciliator and a peacekeeper as he or she is a fighter.

The speed and effectiveness of the coalition campaign also reflects the lack of organised military operations by the Iraqi forces against the coalition. Perhaps we should not have been surprised by this. It was probably the first signal of the real feelings of the Iraqi people—they were not willing to sacrifice their lives to save a brutal despot.

Saddam Hussein was not Iraq. Once they could be sure that his regime was crumbling, we saw, in the streets of Baghdad, Basra, and hundreds of other towns all over Iraq, expressions of joy—the sheer joy of freedom.

Of course, for some, that joy will be tempered by sadness. Tragically, despite all the efforts of the coalition, there have been civilian casualties. The death of innocent people, especially children, should always shock and sadden us, lest we lose our basic humanity. But, when we consider the civilian death and suffering in Iraq now—and we are touched by it and grieve for it—we must not forget the deaths and suffering of millions of Iraqis over the past 25 years.

Saddam Hussein and his regime stand accused of the most serious crimes against humanity. Since Saddam Hussein came to power in 1979, torture and summary executions have been a routine mechanism of state control.

You would all have read the reports of the most diabolical and cruel punishments. The coalition forces have only just begun the task of collecting specific and hard evidence of these terrible violations of human rights. They have already uncovered considerable circumstantial evidence, but the task of gathering proof will be time-consuming, difficult, frustrating and harrowing, especially for the families of the victims.

Despite its dark past Iraq now has a promising future, but, as is the case with all beginnings, it is a period of enormous challenge.

Security is the most important immediate priority. The people of Iraq cannot consider their future until their day-to-day security is assured. They must be able to go to work, go to school, meet and discuss issues freely.

The coalition must also work to provide basic humanitarian support for the Iraqis. Without secure food supplies, clean drinking water, functioning sewerage systems, reliable electricity, transport and fuel, there will be little opportunity for the Iraqi people to turn their attention to their political infrastructure.

It is critical that the world not believe that the current dilapidated state of Iraq’s infrastructure is entirely due to military conflict. Even before the conflict started, Iraq’s infrastructure was severely degraded. The telecommunications network required urgent attention, oil and gas infrastructure had deteriorated greatly, electricity generation was at less than half its nominal capacity and, partly because of the poor state of the distribution system, power cuts were common. Water supplies were increasingly vulnerable to contamination by raw sewage and access to safe drinking water was a major concern.

These deficiencies stem from longstanding neglect. It is salutary to consider that more Iraqi lives have been lost to dirty drinking water than to the recent conflict.

Australia takes its rehabilitation responsibilities very seriously. Our contribution, as in the conflict phase, will be to focus our limited resources in niche areas where we have expertise and where a concerted effort can make a difference. We have committed some $100 million in aid. We have provided highly skilled personnel to contribute to key humanitarian planning and reconstruction efforts.
We are keen to play a strong role in rehabilitating Iraqi agriculture, an area where our expertise in dry-land farming, salination and irrigation may prove useful to the Iraqi people. Another focus of our humanitarian efforts will be in the water and sanitation sector.

In addition to meeting these obligations, the coalition is working hard to rid Iraq of all weapons of mass destruction. The hunt for these weapons will not be easy. We know that, in order to protect them from inspectors, the Iraqi regime broke them up and hid them in their disaggregated condition in different parts of the country.

We are starting to uncover the evidence. We have found what appear to be mobile biological weapon production facilities, just like those described by the US Secretary of State to the Security Council in February.

It is going to take considerable time and resources to complete the investigation and destruction of the regime’s weapons of mass destruction, but at least we will no longer be obstructed by a hostile regime.

Australia has joined the United States and the United Kingdom as partners in the coalition transitional authority in Iraq. The coalition’s aim is to create the circumstances in which the Iraqis will have the opportunity to establish a representative government of their choosing. We are not in the business of imposing a particular model of democracy on the Iraqi people.

The transitional phase will be enormously challenging. Restoring political stability and promoting democracy in Iraq are daunting tasks. Iraq has no history of representative democracy and is marked by significant religious and ethnic divides. It will also take time and sustained effort to overcome the corrosive effects of Saddam Hussein’s dictatorship.

But Iraq is a relatively modern and sophisticated country with good economic prospects; not just because of its oil resources but because its people are strong and well skilled and have a strong entrepreneurial ethos.

While it is not for the coalition to dictate the form of Iraq’s new government, we will seek to establish a representative process so that Iraqis can, for the first time, choose their leaders via a process that respects democratic principles and respects Iraq’s religious and ethnic mix. As a committed supporter of the Australian democratic system it should be no surprise that the Prime Minister has speculated that a federal model may be appropriate. But again that is up to the Iraqi people to determine the best way to preserve Iraq’s territorial integrity and enhance the stability of the immediate region.

The government considers that the United Nations could play a significant, practical role in support of the transitional processes.

The United Nations is best placed to help mobilise and coordinate aid efforts, help transfer power to the Iraqis and consolidate international acceptance of the new regime. But the Security Council will need to act much more constructively than it has to date if the United Nations is to have any meaningful role in rehabilitating Iraq.

The Prime Minister’s talks last week with President Bush underlined the deepening and strengthening relationship between our two nations. The relationship between Australia and America has never been stronger. This relationship is not forced or contrived. We are allies because we are friends—close friends. And that friendship is based above all else on a commonality of views. We share a view of the world that values freedom and individual liberty.

Both our nations recognise the threat posed to our communities by international terrorists. We understand the dangers of leav-
The proliferation of weapons of mass destruction unchecked. Our longstanding security alliance with the United States provides a solid and reliable basis for us to cooperate on addressing these issues.

The shared intelligence and the access to cutting-edge defence and security technologies that the alliance facilitates are vital to ensuring Australia’s security, and will only become more important in the future.

But neither nation seeks to promote this relationship at the expense of another. The government will continue to develop and enhance relationships wherever and whenever we can see an advantage for Australia. Our national interest is best served by a network of alliances and relationships.

The government also wishes to place on record our great respect for the strength of leadership displayed by the British Prime Minister, Tony Blair. Australia’s relationship with the United Kingdom is not a relic of history. It is rich and diverse. It extends across so many generations, in so many areas, and has, of course, been reinforced by recent experience.

Without the determination demonstrated by President Bush and his administration, without the dogged resolve of Mr Blair, Saddam Hussein’s intransigence would never have been addressed.

The strengthening of these longstanding and important ties with America and Britain does not mean for a moment that Australia has diminished other important relationships. Indeed, we have been very careful to ensure that our region understands our involvement in Iraq.

Earlier this year the Prime Minister visited Indonesia to consult President Megawati on this and other matters. Although Indonesia has taken a very different position on Iraq, the President did not want this issue to affect our close bilateral relationship.

She specifically assured the Prime Minister that Indonesia would not view a military operation to oust Saddam Hussein as an attack on Islam.

Other friends and important regional partners actively supported the coalition’s operations—Japan, Korea, Singapore for example. It is wrong to characterise our participation in Iraq as somehow out of step with our neighbours.

I return to the question of Israel and the Palestinians. As I have indicated, the Prime Minister drew great encouragement from President Bush’s clearly stated determination to work as hard as possible to achieve a peace settlement between Israelis and Palestinians. Australia has been a staunch friend and ally of Israel for some 50 years, but we nonetheless recognise the imperative for an independent Palestinian state.

We know that this issue is also very close to the heart of Mr Blair.

The Prime Minister has assured both President Bush and Mr Blair that the Australian government will assist in any way it can to achieve a successful outcome for the new peace process. It will not be easy but one thing should be clearly understood and give hope—there is a great determination on the part of the US administration and the United Kingdom to do everything possible to achieve that objective. If ever there was a moment for the Israeli and Palestinian people to seize, this is it.

We hope that the Iraqis too will seize their moment. The sooner we can get them involved in their own governance, in their administration, the better, for only the Iraqi people are in a position to determine what is in their national interest.

This is the first time in my lifetime that the people of Iraq have a real and genuine opportunity to have a free, open and democratic society. I would hope that I speak for
everyone in this place, for every Australian, when we offer them our support and assistance in achieving this objective. I seek leave to move a motion in relation to the statement.

Leave granted.

Senator HILL—I move:

That the Senate take note of the statement.

Senator FAULKNER (New South Wales—Leader of the Opposition in the Senate) (5.01 p.m.)—The war in Iraq is over, but the peace is not yet secured. In the months ahead, as Australians reflect on the war in Iraq, they will remember all the half-truths and misinformation provided by Mr Howard in his justification for the war. The Australian people will not forget that the Howard government took Australia to a war that was unnecessary, illegal and unjust. Australians will not forget the government was never once prepared to tell the truth about the commitments it had made prior to the war. They will reflect on the Prime Minister’s plea that this war was necessary because Iraq had nuclear, chemical and biological weapons of mass destruction.

Of course, in the Prime Minister’s statement today we hardly hear mention of Iraq’s weapons of mass destruction. The justification has disappeared—it is glossed over. The Prime Minister now talks about regime change. But before the war he said regime change was not his policy. He talks about the liberation of Iraq as the reason Australia went to war. The fact is these weapons do not exist in the quantities claimed by the Prime Minister. In his statement to parliament on 4 February, the Prime Minister said:

Iraq is reconstituting its nuclear weapons program ...

The International Atomic Energy Agency now says there is no evidence of a nuclear weapon program. The Prime Minister also said:

… all key aspects … of Iraq’s biological weapons program— including weaponisation— are active … and more advanced than they were before the Gulf War.

That was not true. Iraq did not present the imminent strategic threat that the Prime Minister cited as his main reason for going to war. Unfortunately, the parliament and the nation have been deceived. The disarmament of Iraq’s weapons of mass destruction—and the destruction of the regime of Saddam Hussein—was an important objective, one that was strongly supported by Labor. It was supported unanimously by the UN Security Council in resolution 1441. The reports by Hans Blix and Mohamed ElBaradei showed that progress was being made. With more time it could have achieved the peaceful disarmament of Iraq. Why then did the Prime Minister choose war when a peaceful solution was still available?

But the commitment to war was made—wrongly, in the opposition’s view and in the view of millions of Australians. Labor said that we hoped the conflict would end quickly and that the troops could come home soon. All Australians welcomed the end of the war and were thankful that there were no casualties among the brave men and women of the Australian Defence Force. Of course, many people did lose their lives, including over 170 coalition soldiers and an unknown number of innocent Iraqi civilians. Many Australians have been concerned by images of Iraqi people without food, water or shelter—particularly young children.

Australians are also concerned about the increased threat to Australia from terrorist activity as a result of our participation in military action in Iraq. I note that Mr Abbott had the courage to admit that Australia was at greater risk from terrorism as a result of our involvement in Iraq. But the Prime Min-
ister will not admit that. Mr Howard continues to deny the increased threat. But the budget spending on new counter-terrorism measures shows just how real the threat is. Today, many Australians will be asking, ‘Who was behind the bombing in Saudi Arabia that has killed at least one Australian and injured another?’ Australians are also asking themselves, ‘Has this war made us more secure or less secure in our own region and neighbourhood?’ And many Australians are deeply disturbed at the way in which the government has been willing to flout international law and undermine the United Nations in pursuit of its narrow political objectives.

Australians will always support our troops. We congratulate Australian Defence Force personnel on the courageous and professional way in which they have conducted themselves in Iraq. We are very grateful that they suffered no casualties and we look forward to their safe and early return to their homes and families. Australians, whatever their views on the war, acknowledge the professionalism and dedication of the men and women of our defence forces. We are especially pleased that our community has not repeated the mistakes of the past and that all Australians, regardless of their views about the war, have fully supported our troops.

The Leader of the Opposition was prepared to face the troops and their families and explain that, while the opposition opposed the war, we supported our troops and always will. Our argument has been with the government, not with the troops. This was clearly understood by the troops and their families, and the RSL, whose national president wrote to Mr Crean in these terms:

Above all, we want to see our troops and their families given wholehearted support. For that reason, I am delighted that you [Mr Crean] have publicly weighed in on the side of our troops.

Labor took the view that no military action to disarm Iraq should have taken place without the authority of the United Nations Security Council. That did not happen, and we opposed Australia’s participation in the war on that basis. Even today, most Australians and many community organisations such as the RSL would have preferred that action to have been taken under the auspices of the UN. But be clear: Labor does not hold anti-American views. The Curtin Labor government founded Australia’s alliance with the United States and Labor has supported it ever since. When we have disagreed with American policy we have expressed our disagreements as friends and allies. Australia should now have the courage to tell the US government that there is a deep concern in the international community about peace and stability when the world’s largest military power unilaterally pursues a doctrine of preemptive strike.

Former Liberal Prime Minister Malcolm Fraser summed up these concerns in an article in the Age newspaper on 1 May. He said:

The debate is between those who believe in the development of an international system founded in law and agreement, and those who believe in the exercise of American power ...

How the Liberals hate it! Like former Prime Minister Fraser and all other prime ministers before the current incumbent, the opposition believes that it is in Australia’s long-term national interest to support a world that is ruled by international cooperation, law and justice and not by unilateralism. It is of deep regret and concern that Mr Howard, the most anti-United Nations Prime Minister in the history of this country, has chosen to take Australia down a different path. The Prime Minister continues to ignore the most fundamental premise of the ANZUS treaty—the commitment of parties under article 1 to resolve international disputes peacefully through the United Nations system. The
Prime Minister should stand up for Australia’s national interests and remember that, as a middle power, we have no interest in a world where might is right and where the international rule of law is sidelined.

The Prime Minister has tried desperately to cover his actions in a cloak of respectability. He ignores the clear fact that he has damaged Australia’s international reputation and our ability to work cooperatively with our neighbours on more important national security issues such as regional terrorism. He was well aware of the concerns expressed by countries such as Indonesia about the consequences of military action in Iraq without the authority of the United Nations. With the world’s largest Muslim population, Indonesia is a country vital to the long-term security of this nation. But the Howard government completely ignored the concerns of the Indonesian government, including President Megawati’s statement of 20 March this year in which she said:

War will not only fail to resolve the problem, but it will also cause humanitarian tragedy. The Government and the people of Indonesia are gravely concerned over the innocent civilian casualties and the immense material losses that may result from this military action.

The Prime Minister did not want to hear that message. He probably is not interested either in the views of countries that we have considered close allies for more than a century. Canada and New Zealand have fought alongside Australia in the major wars of the 20th century, but they refused to participate in the war against Iraq. Ask yourself why? The answer is that, unlike the Australia under Mr Howard, Canada and New Zealand actually still believe in upholding international law. They know that, by diminishing the role of the United Nations, Australia and the other members of the coalition of the willing have diminished their own security. Thirty-three countries contributed military forces to the 1991 Gulf War; only three countries participated in 2003.

We must now turn our attention to the needs of postwar Iraq. There must be a transition to Iraqi self-rule as soon as possible. But there are already problems emerging in the civil administration arrangements and reconstruction efforts. The Prime Minister glosses over the security problems facing Iraq, but the breakdown of law and order is a serious problem that requires urgent attention. On 6 May President Bush was forced to change the leadership of the US administration and appoint Paul Bremer as special presidential envoy to Iraq. He will now oversee coalition reconstruction efforts and the process towards self-governance. Australia, together with the United States and the United Kingdom as the three active military forces in Iraq during the war, has assumed legal obligations as an occupying power under the 1949 Geneva convention. These obligations extend to both the humanitarian requirements and the physical protection of the Iraqi population. Mr Howard failed to tell the Australian people that this would be the consequence of taking military action outside of the United Nations mandate.

Mr Howard said that Australian troops would not be involved in any peacekeeping after the war. In comments published in the Bulletin before the war, the Prime Minister gave his categorical assurance that Australian forces would not be engaged in peacekeeping operations and would return to Australia following the end of the conflict. The Prime Minister said on 11 February 2003:

An ongoing peacekeeping role is not something that I would seek for a moment. If there is a final Australian military commitment it will be of a scale that I have mentioned and we would see it as being of a quite short, specific duration. I don’t see any peacekeeping.

That is what the Prime Minister said and now, again, we find it is not the case. We
now know that it was just deceit. The Prime Minister appears pathologically incapable of telling the truth to the Australian people on the most important matters of national security. Since the war’s end, Mr Howard has committed to keeping 1,200 troops in Iraq, but he will not explain how this figure was arrived at. Mr Howard should tell Australians what agreement he has reached with President Bush and why this level of contribution is essential to fulfil Australia’s obligations to secure the peace. He should admit that this burden would be reduced if the United Nations assumed responsibility for the interim authority.

Our commitment in Iraq is more than Australia’s commitment of peacekeepers to East Timor, in which we played the lead role. This expensive and unwelcome position that the Howard government has got Australia into reinforces the need for the United Nations to take the lead in a postwar Iraq. The government has already spent $750 million on this war, and it will cost more than $400 million to keep Australian forces there. We call on the government to move urgently towards a UN sponsored civil and military administration in Iraq. Such an administration provides the only way that Australia can legally transfer its responsibilities in Iraq to a properly constituted Iraqi government where Australia would be one of 191 UN members that would make a contribution to Iraq, not just one of three occupying powers. A UN administration is the best way for Australia to get our troops home quickly and safely.

The Prime Minister is one of those who reject the UN role for the reconstruction of Iraq. But he should remember the pivotal role that the UN played in East Timor, a role that Mr Howard has been prepared to trumpet loud and clear in the past. This is also the same role that the UN successfully played in Cambodia. It was the efforts of Australia under a previous Labor government that drove the peace process in Cambodia in the early 1990s. Through persistence and determination, Australia managed to get the international community to sign onto the most comprehensive peace and reconstruction plan in the history of the UN system. That plan—the ‘Red Book’, as it was called at the time—was the blueprint for the transition in Cambodia from a murderous regime under the Khmer Rouge to the democratic state that it is today. Instead of dismissing the role of the UN, the Howard government should get behind it and start achieving real outcomes.

The opposition believe that the UN is best placed to coordinate the delivery of international humanitarian assistance in the economic reconstruction of Iraq. We believe there should be an international conference held under the auspices of the UN to determine the interim Iraqi authority. Participants in that conference should be drawn from all elements of Iraqi society, including the exile community. The UN is experienced in humanitarian and reconstruction projects. We want to see a democratic government in Iraq, and Australians have been generous in their desire to see Iraq rebuilt. Australia has a great deal of expertise to contribute to the rebuilding of Iraq’s economy and the establishment of democratic institutions. Labor urge the Australian government—and all Australians—to give urgent support to both the humanitarian needs of the Iraqi people at a government level and the various appeals that have been established.

Recent reports from Iraq indicate that Australia and other coalition members are failing to discharge their full responsibilities under the Geneva Convention to provide for the humanitarian needs of the Iraqi people. Yesterday the Prime Minister chastised those who would dare suggest that war in Iraq would cause a humanitarian crisis. Again, he ignores the facts. He should listen to the officials of the World Health Organisation. On
7 May, the World Health Organisation issued a press release which catalogued the growing number of cases of disease as a result of a lack of clean drinking water and adequate sewerage services. In particular, there is a growing incidence of cholera in Basra among very young children aged between 13 months and four years of age. Furthermore, the head of Medicine Sans Frontieres has attacked the coalition, stating that there is not one hospital that is fully functional in Baghdad, a city of five million people.

UNICEF is working in Iraq to alleviate some of the worst problems facing children in Iraq, but the task has been made more difficult by the poor security situation on the ground. The UN has issued an appeal for $2.2 billion of humanitarian assistance in Iraq. So far, $US677 million has been met—that is 30 per cent—leaving an outstanding total of $US1.5 billion. (Extension of time granted) Australia’s contribution to the UN appeal stands at $US10.2 million, 1.51 per cent of the total. In contrast, noncombatant states—Canada, the Netherlands and Germany—have pledged $US29.6 million, $US14.9 million and $US10.2 million respectively. Having contributed to this problem, the Howard government has a moral responsibility to do more to assist with the humanitarian reconstruction of Iraq.

The Prime Minister has spent much of his time speaking about the Middle East peace process. We agree that the engagement by the Bush administration in the road map for peace is strongly welcomed. It is the best chance in a decade to achieve a lasting peace in the Middle East. Each member of the quartet—the US, the European Union, the United Nations and Russia—has an important role to play in bringing the two sides together to reach a lasting solution, but peace will not be achieved without an end to the terrorist attacks that have plagued Israel in recent years. The steps taken by Abu Mazen and the new Palestinian leadership in recent times are encouraging but more still needs to be done to end the violence. The vision of two states living side by side in peace and with secure borders is a goal shared not only by the Israelis and the Palestinians but also by all those in the international community who are interested in peace and stability.

The issue of Iraq is now back before the UN Security Council. It is our hope that Security Council members can negotiate on the draft UN resolution in good faith and quickly re-establish the council’s position at the forefront of international efforts to rebuild Iraq. It is Labor’s view that the draft resolution should be used to achieve three critical tasks: sanctions against Iraq should now be lifted, the UN weapons inspectors under Hans Blix should immediately be returned to Iraq to find and verify the destruction of Iraq’s WMD programs; and, the proposed UN special coordinator should be given sufficient executive powers so that the UN can take responsibility for the humanitarian, political and security reconstruction of Iraq. The government should be arguing strenuously for this outcome, with both the US and the UN. Only through a speedy transition to UN authority in Iraq will Australia be able to withdraw its remaining military forces. Labor wants to see our troops home for the sake of their families and for the sake of our national security. Australia faces numerous security challenges in our own region. Security for Australia begins at home and that is where our forces should be.

**Senator Bartlett** (Queensland—Leader of the Australian Democrats) (5.24 p.m.)—I speak to the ministerial statement on Iraq on behalf of the Australian Democrats. At the outset, I state that we Democrats reaffirm our view that the attack on Iraq was illegal, unnecessary and unwise. It was the subject of a significant amount of debate throughout the Australian community over
many months. I will not extensively revisit that debate, but it should be noted that the debate about where to go from here is more important than ever. That is why I have said a number of times that those millions of Australians who marched and spoke out in support of peace need to keep speaking out and to keep being a part of the debate. The peace movement is more important than ever to ensure that we do not compound the mistakes that have been made. All of us, whether or not we were supportive of the war against Iraq, joined together to try to ensure the best possible outcome in terms of peace and stability not just for that region but for the globe as a whole. The Democrats are looking, and are keen, to work with people across the Australian community, and indeed across the global community, to maximise the chances of that happening.

Nonetheless, there are some components within the government’s statement that do need to be specifically addressed and noted. There is clearly already some rewriting of history going on in relation to the government’s statements on Iraq, as Senator Faulkner has already outlined to some extent, not the least in the very opening sentence of the statement by the Minister for Defence, Senator Hill. I really think the minister should correct the record in relation to this. I know he was basically reading out the Prime Minister’s statement in the other place, or I assume he was, but whoever adapted his speech for the Senate obviously did not know this fact, which shows how much the Senate’s debates and decisions impact on the mind of the Prime Minister. I think that is part of the problem we have seen: there has been a clear ignoring of the Senate’s views and the views of anybody in the Australian community that do not match those of the Prime Minister. They are basically ignored as if they are not there, and the first sentence of the minister’s statement today reinforced that fact. Senator Hill said at the start of his statement:

Senators will recall that on the 18 March this year the House resolved to support the government’s decision to commit Australian Defence Force personnel ...

I am sorry, but the Senate explicitly resolved to oppose the government’s decision. It was a historic occasion on which the Senate for the first time indicated its opposition to the deployment of Australian troops. For the minister to come in here and pretend that that did not happen and to put on the record in a ministerial statement something that is blatantly, clearly and demonstrably false is a clear indication of this government’s willingness to completely ignore reality and rewrite history. I do believe that record must be corrected. I do not know whether it was inadvertent on the part of Senator Hill—I suspect it was—but it should not be forgotten that this Senate passed a motion insisting, amongst other things, that there should be no commitment of Australian troops to a war in Iraq outside the authority of the United Nations. It concluded that Australia’s involvement without UN authorisation is not in, and would not be in, Australia’s interests. It expressed specific opposition to the decision of the cabinet and to that of the President of the USA to commit troops to an attack on Iraq. That was the view of this Senate, and for the minister to portray it as completely the opposite must be corrected as a matter of record.

I think it is also worth building on that Senate motion and the fact that the Senate did for the first time oppose the commitment of Australian troops overseas by reinforcing, pushing and promoting the debate. The Democrats have been pushing since 1981 that the parliament should be required to approve deployment of troops overseas. The parliament, and the Senate, is far more reflective of the diversity of the Australian community than the cabinet, and we believe that ap-
approval should be required in Australia, as it is in many other countries.

I draw the public’s attention to the private member’s bill put forward by Senator Stott Despoja and I, which is on the Notice Paper, which seeks to change the Defence Act to require the approval of both houses of parliament to deploy troops overseas. I think in the past people thought that was a bit of an academic issue. I do not think anyone ever imagined that we would have a Prime Minister who would commit Australian troops to an aggressive act overseas against the wishes of the majority of the Australian community. Of course that is now a matter of historical fact and that, the Democrats believe, means we should revisit the issue. As I said, that was first put forward as an amendment by former Senator Colin Mason back in 1981.

There are other components in the minister’s statement that must be noted. The minister is right in saying that the action in Iraq has immense implications, but I think he is being very glib in suggesting that all those implications are wonderful, rosy and automatically positive. None of us, whether we supported the attack in Iraq or were against it, know what the future holds, but there is no doubt that there are still major risks and dangers to Australians and to the global community. We all need to work together to minimise those risks. We should not pretend that they are not there. If we pretend that they are not there, as the government is doing, we are far more likely to come a cropper in relation to those risks.

I think the minister also misleads the Senate by suggesting that the Security Council was unanimous in its view that Saddam Hussein had continued his weapons of mass destruction programs. Some nations may have believed that, but what was unanimous was that Saddam was in material breach of resolutions by not adequately demonstrating that he had not continued his weapons of mass destruction programs. The other fact is that a material breach of a resolution does not equate to an automatic right for any country to attack a nation—it certainly did not under international law as it existed up until that time. We heard the minister talking about the fear that the weapons of mass destruction, the ones that have not been found yet, will find their way into the hands of terrorists. As the Democrats warned before the war, if those weapons existed—and nobody knows that for sure yet—and if there was a war, there was much more likelihood that they would be smuggled out of the country and into neighbouring countries where they were more likely to fall into the hands of terrorists. The Prime Minister himself suggested that may have happened when people started asking him, ‘Where are these weapons?’ He suggested that they may have been spirited off to Syria.

The minister and the government also make what I believe is a continuing inappropriate and damaging link between September 11 2001, the Bali atrocity and weapons of mass destruction. Weapons of mass destruction as a definition seems to be a bit of a movable one, but it tends to mean nuclear, biological and chemical weaponry. September 11 and the Bali atrocity were certainly horrendous and led to the loss of many lives but they did not involve anything that could be seen as weapons of mass destruction; they involved some hijacked aeroplanes in one case and some close to homemade bombs in another. That is the weaponry of choice for terrorists around the world. That does not mean that we do not need to worry about them getting weapons of mass destruction, but to suggest that the atrocities we have seen to date are linked to weapons of mass destruction is grossly misleading.

The minister said that the action taken against Iraq has sent a clear signal to other
rogue states. It certainly has sent a clear signal: it has sent the signal that you had better get yourself some weapons of mass destruction—like North Korea has done or is threatening to do—before the US decides you are the next target on its list. If anything, it will encourage proliferation of those weapons. The minister’s statement continued with the fiction that the attack on Iraq was lawful when very few credible experts in international law, or even people with basic common sense, believe that it was lawful. The minister talked about Saddam Hussein’s 24-year rule of torture and executions but provided no explanation as to why for the first 23 years it was fine for him to stay in that role—or indeed why it was fine for us to trade with his regime continuously. Why was there this sudden change in focus and attitude?

The minister’s statement again made the hypocritical suggestion that we need to give the US and coalition forces more time to find these weapons of mass destruction. He says that the hunt for these weapons will not be easy and that we should give the coalition forces some more time. If only the US had given the United Nations inspectors more time. The US said, ‘You do not need any more time. You haven’t got any more time. We are going to go in. We can’t be bothered waiting.’ Now the US is expecting everybody else to wait and give its forces more time to find these weapons.

The minister said the United Nations could play a significant practical role in the transitional process. The Democrats’ view is that the United Nations must play a significant—indeed the leading—role. To continue with this aspersion against the Security Council by suggesting that it has not acted constructively, obviously the government’s definition of the Security Council acting constructively is for it to do what it is told by the US. That is when the Security Council would really become irrelevant, and the Democrats are pleased that the Security Council has shown independence of thought and view.

The statement talks about the relationship with the United States. The Democrats are on record a number of times saying that we are supportive of an alliance with the US, but it is not an alliance in which we should be completely subservient and tied to—handcuffed to—the United States. A senior deputy official of the United States administration made what in his view was a positive comment about the Australian-US relationship when he was describing us as being ‘joined at the hip’ to the US. I do not mind being close enough to the US to shake its hand but I do not want to be joined at the hip with any other nation. How the minister can suggest that we can still have a range of equal relationships with a whole lot of other nations based on our own interests when we are joined at the hip with the global hyperpower is laughable.

One statement that I note and welcome is the statement in relation to Israel and Palestine. The Democrats specifically note the government’s recognition of the imperative for an independent Palestinian state. It does make you wonder why they voted against a motion moved in this place not too long ago supporting an independent Palestinian state—as did the Labor Party I might add. I am not quite sure why that was, but it is pleasing to see here that the government, specifically in this statement, recognises the imperative for an independent Palestinian state. In my personal view, Israel equally has a right to exist peacefully and it is a major priority for all of us to do what we can to try to bring about a peaceful solution for that region.

This statement is also about our troops. The Democrats look forward to welcoming
home our troops from Iraq and expressing relief that they have returned safely. I am sure that for some families the last four months have felt more like four years, and there will undoubtedly be scenes and feelings of much joy. Whilst defence families will rightly celebrate, the government should be much more circumspect. The recent health report belatedly released on the 1991 Gulf War veterans showed that Australian troops can return damaged in ways that are not immediately apparent. The Democrats welcome the government’s decision to blood-test returning troops and offer stress assessments and counselling, but we will hold the Howard government to the recommendations of the health of Gulf War veterans of 1991 report, including better monitoring of vaccination and exposures. We have questioned the government about its progress in implementing those recommendations and we will continue to focus on that.

I cannot allow to pass unmentioned this government’s and this minister’s flowery statement about our wonderful service men and women and what a great job they have done and how much the government supports them and acknowledges them. I think we all do that. Indeed you have to admire people who will put their lives on the line in the defence of their own country. It is just unfortunate that the government deployed them overseas in an action that was not in the defence of Australia. We have heard those wonderful, great patriotic statements about our service men and women and the debt we owe them, yet last night we saw a budget which, once again—for the eighth budget in a row—ignored some of the fundamental measures for which the veterans community have been calling out for years, all the specific measures that the RSL, the TPI veterans and other veterans groups have been focusing on year after year. We had the Clarke report that reinforced some of those measures. This government brought down a budget that had over $2 billion in its surplus for next year, yet a few simple measures—such as the proper treatment of compensation payments for veterans so the payments do not get counted as income under social security rules, increasing the funeral benefit payments that have been stuck at a very low level for many years and finally recognising the BCOF veterans—combined would cost less than $50 million a year. This government is making such big noises about how wonderful our service men and women are! It shows it up again. It has new money for monuments and medals, so that its members can proudly stand around at ceremonies and look like they have done something significant by association with people who have done important things, but it will not commit money to actually meet the needs of our veterans.

In the Democrats’ view, that shows the absolute hypocrisy of these government statements. We will continue to push for some proper treatment for our veterans. They have done their job now, but we have a debt to veterans that continues on into the future. They should not be just welcomed home with a nice parade, a memorial and some medals and then patted on the head and not assisted with many of the difficulties that can happen as a consequence of their service.

While the Democrats look forward to the safe return of all Australian troops, we express our sorrow and remorse at the deaths of thousands of people—probably well over 10,000 Iraqis, coalition forces and media representatives, including, of course, an Australian cameraman. The exact number of deaths and casualties will probably never be known. The Minister for Defence has failed to give some indication to the Senate—despite being asked by me, on behalf of the Democrats, before the break—of the numbers of deaths as a result of the war. He said
he would seek further advice, but he has not
provided that information to the Senate or to
the Australian people. Of course, the toll
continues to rise in Iraq as a result of ongo-
ing violence, unexploded cluster bombs and
landmines—which should never be used by
forces that Australia is cooperating with in
any way—and a lack of clean water, food
and, particularly, medical supplies and facili-
ties. There will be long-term effects from the
use of depleted uranium.

So this peace is still not very peaceful at
all. The liberated Iraqi people are not liber-
ated from violence or disease or shortages of
essential goods. We should note that the vast
majority of the civilian deaths from the 1991
Iraq war occurred after the war because of
the damaged infrastructure and because of
inadequate medical supplies. We should also
note the report in Monday’s New York Times
that quoted American officials in Iraq saying
that escalating violence and a breakdown of
civil order are paralysing the effort to rebuild
Iraq. To suggest that all is going rosily and
we just have to sort out a few problems is
again grossly misrepresenting the picture. Of
course, we had Britain’s international aid
minister, Clare Short, resigning from the UK
cabinet just a day or two ago over the US
control over plans for postwar Iraq. So we
should not be boasting.

The Democrats are not wanting to just fo-
cus on the negative. We acknowledge the
great benefit of being rid of Saddam Hus-
sein, but the weapons of mass destruction
have not been found, tens of thousands of
families in Iraq, the US and the UK are in
mourning and their lives will never be the
same again and, very worryingly, the preced-
ent has been set for pre-emptive strikes.
That will only make some nations more ea-
ger to illicitly acquire weapons of mass de-
struction, as a deterrent against possible fu-
ture pre-emptive strikes.

The Democrats urge the government to do
more to address the humanitarian crisis in
Iraq. We believe we have an obligation as a
nation. Having been part of the invading
forces, for better or worse, we now have an
obligation to contribute to repairing the dam-
age as quickly as possible. We note the pub-
lic appeals by many organisations, such as
Oxfam, Community Aid Abroad and others,
and encourage Australians to contribute to
those. We believe we have an obligation to
provide peacekeepers. We have an excellent
record as a nation in that area. We have pre-
viously had an excellent record in supporting
the United Nations in multilateral diplomatic
efforts. The Democrats believe we need to go
back to that approach.

It is worth acknowledging that Australia
has higher standards in warfare than the US
forces. We do not use depleted uranium
weaponry or cluster bombs. We acknowledge
and praise the Australian pilot who refused to
bomb a target because he was not confident
that it was not civilian. I would also like to
take this opportunity to praise those Austra-
lians who demonstrated the depth of their
commitment by going over to Baghdad and
other parts of Iraq as so-called human shields
to try and do what they could to protect the
ciaians of Iraq. I particularly note the work
of Adelaide councillor Ruth Russell, a mem-
ber of the Democrats. Her passion and brav-
ergy really need to be noted.

The other concern that we have is that this
statement does not talk about the need for
global disarmament. It talks about weapons
of mass destruction and so-called rogue re-
gimes; it does not talk about the growing
numbers of weapons of mass destruction
with larger, developed nations such as our
allies and friends. This government should
do more to restart the global move towards
disarmament. (Extension of time granted)
I do believe this issue is significant. As I said at the start, it is important and the debate needs to continue. This is not just a wrap-up—which is, I think, what the government is trying to do—of the Iraq issue. We need to look at where we go from here as a nation in terms of our foreign policy, defence policy, security policy and overseas aid policy. That is why this debate is so important. I do encourage Australians to continue to participate in it and to push all political parties down a more peaceful path.

Apart from the lack of action on disarmament, it is worth noting this government’s direction—a direct consequence of this joined-at-the-hip alliance with the United States—in the defence component of the budget yesterday. The defence budget confirms the government’s priorities and plans for acting with the United States in going to war against other countries. It is improving our capacity to join coalition forces in other wars overseas. The Democrats do not believe that money should be spent—it is over $1 billion, according to yesterday’s budget. The details and breakdown are not terribly clear—we will use budget estimates to clarify that—but significant resources, hundreds of millions of dollars, are going to be spent on upgrading and changing our operational capability so that we can work more closely with the United States in their activities. We believe that is the wrong direction, not only for our defence and security policy, but, indeed, for the world as a whole. We are not against operational readiness, but we oppose the operations that the government is clearly considering.

Our defence policy is increasingly made in the USA. When the government talks about funds for interoperability and high-tech communications, they are basically using fancy words for ‘plug and play with the USA’. Many aspects of the defence budget are not about defending Australia or even likely low-level conflicts or peacekeeping in our region, which is where resources should be put. The Democrats are not against defence spending per se or even increased spending, if the need is proven through changes in the world scene with terrorism et cetera. But it must be spent in areas that will increase security and we must spend more on foreign aid.

What has occurred has cost the world many billions of dollars and thousands of lives. Saddam Hussein has disappeared, but it is still far from clear that the region or the world are more secure. I think all of us agree that, as political representatives and as a nation, we must all work towards that goal of making the world and the region more secure. The Democrats commit to that. Despite our strong opposition to the government’s actions and decisions in relation to Iraq, we do seek ways to work together to make the world and our region a safer and more secure place.

Senator BROWN (Tasmania) (5.48 p.m.)—I congratulate, on behalf of the Greens, the men and women of our defence forces for their courage, determination, commitment and success in the deployment, on behalf of the government of this nation, to Iraq. We wish them success in their ongoing role in that beleaguered country after so many decades of terror and disruption. I must also say that, when I wake up every morning these days, I feel better that Saddam Hussein is, as far as we know, off the scene. I remember moving in the Tasmanian parliament in 1991 a motion to ask the then UN mandated forces to come to the aid of the Kurds, who were escaping Saddam Hussein in the north of the country. In the debate before this war, that was drawn to my attention as a point of hypocrisy, because I was opposed to the illegal war in which the government was engaging with this country. But
it was not hypocrisy. The man was a first-class brute—a monster. That he is no longer there is a cause for celebration for everybody.

That said, I woke up this morning and listened to a report, which I think came through from the BBC but was being played on Radio National on the ABC. It was to do with possibly 3,000 graves having been found in a village outside of Baghdad. A woman had gathered the bones of her husband’s friend and put them in a plastic bag and was taking them home. She was hoping to find her husband on a return trip. Kids were watching as this pit was being opened up. It was thought that these were the remains of 3,000 out of potentially 300,000 people who had been slaughtered by Saddam Hussein and his henchpeople in 1991 as a result of the failed Shiite uprising against Saddam Hussein’s regime. What this report did not say was that that uprising had been fuelled by the United States. The then Bush administration had dropped leaflets on these folk telling them to rise up against Saddam Hussein in the wake of the war which ended the occupation of Kuwait. And as with the Kurds in the north, these people were then abandoned by the Bush administration. If there are 300,000 graves there, let us make it clear that the majority of those people went to their graves because of the perfidy of the United States administration at the time. That is a terrible indictment, but there it is.

We are told that history is written by the conquerors, but I think these days information and evidence is better than that. We have to recognise that this world is an unsafe place which can be made safe by determined humanity and global justice but not by the philosophy that might is right. That is the philosophy, after all, of Saddam Hussein. We run a very dangerous course—let Mr Howard, our Prime Minister, listen to this, as well as George W. Bush, the President of the United States—if we believe, with our epithets of democracy and freedom above our heads, that might is right. It is not. The common aspiration of people for life and liberty is right, but we have got a long way to go before we can determine for anybody else how that should be.

I am not about to forget either that in 1983 the current Secretary of Defense, Donald Rumsfeld, went and met Saddam Hussein during the period of conflict between Iraq and Iran which led to one million deaths, mainly of young people. Consequently, upon that meeting—not necessarily arising out of it—it was US laboratories that equipped Saddam Hussein with his terrible technical capability to engage in biological and chemical warfare. It was Russian wherewithal that gave him some nuclear capability and it was German and French wherewithal that gave him other weapons capability. This is not a case of good versus evil but an intricate admixture. We have to be very aware of this in this age where the prevailing dictum is that might is right simply because it is the Pentagon that has got the might. It is a very dangerous dictum, and if we believe ourselves any different to Germans, Russians, Chinese or Peruvians in our ability to go off the rails if we do not rein that dictum in, then we are making a fundamental and unforgivable mistake, given the history of the world as we know it.

This war was not about relieving the Iraqi people of the brutal dictatorship of Saddam Hussein; it was always about American control of the Middle East and its resources, and it continues to be so. The weapons of mass destruction that were alleged to have been held by Saddam Hussein were the ostensible reason for the United States, and therefore the Howard government, being involved in this war. Let me reiterate—and I know that we cannot win on this but we must stand by it: this war was not motivated by the need to
relieve the Iraqi people of the brutality of Saddam Hussein. That brutality over the last 20 years has to some degree been enabled by American largesse in the past and during the last 10 years or so the greatest power on earth sat on its hands while those cruelties were unleashed on the people of Iraq.

Perhaps at Saddam Hussein’s weakest period ever the invasion of Iraq came for other reasons, including the one of weapons of mass destruction. The extraordinary thing is that those weapons of mass destruction have not been found. It is very clear now, as the US’s own weapons inspectors pack up and leave, that the weapons of mass destruction, in the dimensions that we were told—including by our own Prime Minister—they would be found in, will not be found, because they are not there. What we have found is a brutal dictatorship seriously disabled and devoid of the capability to do the things it could do 15 years ago. Would and did American surveillance and intelligence not know this? The question must arise of whether the weapons of mass destruction argument itself is not dinkum. I do not know, but there was a monumental failure of American intelligence if the evidence being put forward by the US Secretary of State or the President in the prewar period is taken into account.

What worries me is what has happened with, and since, the war. Senator Bartlett referred to some of the absolutely unnecessary depredations of that war, including the use of cluster bombs in civilian areas, which has left thousands of people either dead or horribly maimed and which was unnecessary, unneeded and, with the extraordinary firepower of the United States, unforgivable. I refer to a report from Ian Traynor in Zagreb just released today via the Guardian. It is headlined ‘Nuclear looting alarms UN watchdog’. It reads:

United Nations nuclear inspectors, barred from Iraq by Washington, are increasingly worried that the widespread looting and ransacking of Iraq’s nuclear facilities may result in terrorists building a radioactive “dirty bomb”.

The inspectors’ concerns are shared internationally and the British government has reportedly offered to raise the matter with Washington to try to get agreement on a return of the UN nuclear inspectors to Iraq.

The main worry revolves around the fate of at least 200 radioactive isotopes which were stored at the sprawling al-Tuwaitha nuclear complex, 15 miles south of Baghdad. It has seen widespread looting, and reports from Baghdad speak of locals making off with barrels of raw uranium and the isotopes which are meant for medical or industrial use.

“If this happened anywhere else there would be national outrage and it would be the highest priority,” said a senior source at the UN nuclear watchdog, the Vienna-based International Atomic Energy Agency.

“The radioactive sources, some very potent ones, could get on to the black market and into the hands of terrorists planning dirty-bomb attacks,” said Melissa Fleming, an IAEA spokeswoman.

And so on it goes. We have got this extraordinary military power under direction from the Bush administration, which was worried about terrorism and weapons of mass destruction, delinquently allowing the robbing of terribly dangerous nuclear material from the one nuclear facility which was known to contain it, which they knew about all along, with it potentially getting into the hands of terrorists. That is what comes of this simplistic idea that you are in control of everything when, in fact, you are not—you are in control of a complex human society in a place like Iraq. If it is not too late, there is an enormous responsibility on the part of the UN authorities not to wait until Britain asks them—they read this material and they know about it, the same as we do—but to have firstly prevented this from happening and to
now make sure that those nuclear materials are taken out of action.

That brings me to the national museum in Baghdad. On 14 February, Mr Acting Deputy President—and I know you are aware of this—I asked the Prime Minister and his several ministers: what are you going to do with these archaeological and World Heritage treasures for all of humankind in Iraq—the cradle of civilisation, the fabled or historic, whichever way you will have it, Garden of Eden? We are signatories to the 1954 Hague convention, protecting in wartime such historic and human treasures. World authorities had been warning for months about the dangers in wartime for these antiquities, which are priceless treasures for all humanity. In that series of questions, I asked specifically of Mr Howard: ‘What are you going to do to prevent looting’—I used that word—’of these treasures in the wake of the war?’ I will tell you what our Prime Minister did. It was nothing. I will tell you what the President of the United States—the greatest power on earth—did. It was nothing. I will tell you what they did do: they sent their troops to the ministry of oil. They went to protect the oil—because that was what they were after—and ignored this priceless human heritage. I ask you: where is an acceptable philosophy behind that terrible, delinquent series of events?

One then has to move onto the dimensions of the continuing human disaster in Iraq and say, through this debate, to our Prime Minister: you should now concentrate on the fortunes of those Iraqi people who are suffering greatly at the moment, and on the promise of democracy and of their getting control of their own affairs. This is going to raise enormously complex questions. This is an Islamic country which does not see democracy in the way we do. The United States says it is going to take two years before it hands over administration. I am not even going to question whether it will be dinkum democracy, because it will not be. When the United States says that, it means that it is going to hand over to an administration vetted by itself and acceptable to itself, regardless of the democratic wishes of the Iraqi people. That is what is going to happen there. We can debate this in a year or two when we see what happens. But there is an enormous responsibility on the shoulders of our Prime Minister to make sure that the transfer of authority which was promised to the Iraqi people actually takes place.

There is an enormous responsibility also to see that the aid gets to the Iraqi people who, beyond democracy, are suffering on a day-to-day basis. Having suffered appalling depredations in the past, they now face the depredations of a disrupted society—disrupted water supplies, disrupted and failing sewage disposal, pollution and general chaos in society. Of course, in those circumstances it is very often children and women who suffer most. On this continuing occupation of Iraq, I would counsel our Prime Minister to bring into the equation—right at the top of the list—aid, with a humanitarian caveat on it, to those very people in Iraq who now have been freed from the awful yoke of Saddam Hussein.

That brings me finally to the wider question of how we get rule of law in this world. President Bush, backed by Prime Minister Howard, moved on Iraq illegally—but nevertheless strongly—and now has control of that country. But the question is: how do we in future take part in a global community of six billion people where more terrible depredations are going to occur so that everybody has a say? The answer to that is global democracy. I have never heard our Prime Minister or President Bush even go close to backing the concept of one person, one vote, one value planet-wide. If you are going to espouse freedom and democracy and free-
dom through democracy, you have to es-
pouse that dictum not just for Australians and
for Americans, who constitute 4.5 per cent,
the two of us together, of the world’s popula-
tion, but for 100 per cent of the people on
this planet. We, in the rich, powerful 20 per
cent of the world’s population, have to con-
sider seriously whether we are dinkum about
so-called democracy and freedom or whether
it is just going to continue to be used in a
hollow fashion—meaningless, discrimina-
tory, cutting out the poor, cutting out those of
different cultures and religions as we con-
tinue to use an inordinate amount of the
world’s resources, not least dependent on
oil—to the disadvantage of the 80 per cent,
including the one billion people who do not
get $2 a day to feed themselves and their
families.

Neither we nor the US can take unto our-
selves the right to rule the world. That is the
right of everybody on this planet conjointly,
and the formula is democracy. If we are go-
ing to espouse democracy, let us make it real
democracy. I do not think that President
Bush and our own Prime Minister believe in
that for one minute. That is the challenge and
that will be one of the great debates of this
century. If out of this debacle of Saddam
Hussein, the war in Iraq and the sidelining of
the United Nations we can move forward to
a more egalitarian and democratic world,
then good will have come of it in the wider
sense, beyond the breath of freedom that the
Iraqi people are having at the moment. (Time
expired)

Question agreed to.

DEPARTMENT OF THE SENATE:
SURVEY OF SENATORS’
satisfaction with departmental services, dated
2003.

IRAQ

The ACTING DEPUTY PRESIDENT
(Senator Ferguson)—I present a resolution
from the Michigan Senate relating to Austra-
lia’s participation in Operation Iraqi Free-
dom.

MIGRATION LEGISLATION
AMENDMENT (FURTHER BORDER
PROTECTION MEASURES) BILL 2002
[No. 2]

First Reading

Bill received from the House of Represen-
tatives.

Senator TROETH (Victoria—
Parliamentary Secretary to the Minister for
Agriculture, Fisheries and Forestry) (6.09
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 TROETH (Victoria—
Parliamentary Secretary to the Minister for
Agriculture, Fisheries and Forestry) (6.09
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—

In 2001 the Parliament passed amendments to the
Migration Act which in effect excised the ability
of a person arriving without authority at certain
offshore places, such as Christmas Island and
Ashmore and Cartier Islands, to apply for a visa
to enter and remain lawfully in Australia.

These amendments also included authority for
regulations to be made to extend this visa applica-
tion bar to other islands and external territories,
by including those islands within the definition of excised offshore places,

On 7 June 2002 I recommended to the Governor-General the making of regulations to extend the area of excised offshore places to cover islands off the north west of Western Australia, islands off the Northern Territory, and islands off far north Queensland, and the Coral Sea Islands Territory.

These regulations were made following receipt of advice from the Government’s people smuggling taskforce, who were concerned that people smugglers were intending to attempt to send boatloads of unauthorised arrivals either to Australia, or to other countries such as New Zealand via waters off northern Australia.

The opposition and minor parties combined in the Senate to disallow these regulations in June 2002. Following this, I introduced the Migration Legislation Amendment (Further Border Protection Measures) Bill 2002 in June 2002. Again, the opposition and minor parties combined in the Senate to reject that Bill in December 2002.

This is an extraordinary outcome. An Act that received the support of the opposition in 2001 to fight the invidious trade of people smuggling is in effect being undermined by the very same opposition.

It is like saying that we were serious about fighting people smuggling prior to the last election, but we are no longer serious, no longer committed to border protection.

This government will not allow this. This is why we are re-introducing this Bill.

This Bill is being reintroduced at a time when we cannot be complacent about border security. We must have the capacity to manage our borders and ensure that our sovereignty is not put at risk by opportunistic people smugglers.

Without the amendments made by this Bill, should any vessel attempt to come either through the Torres Strait or to outlying islands of Australia, it would be possible for unlawful arrivals to gain access to Australia’s extensive visa application processes.

Turning to the amendments made by the Bill, the definition of ‘excised offshore place’ is expanded to include the same islands off the coasts of Western Australia, the Northern Territory and Queensland and the Coral Sea Islands Territory that were covered by the earlier regulations and Bill.

The provisions of the Migration Act continue to apply to these islands. The legislative changes made by this bill do not affect Australian sovereignty over these islands. The islands remain integral parts of Australia. Over the coming weeks I will be advising communities in these areas that the Bill has been re-introduced, the reasons for this, and to again reassure them that it has no impact on their movements.

Expansion of the excised offshore places by this Bill sends a very strong message to people smugglers that while Australia has commitments elsewhere, we have not been distracted from protecting Australia’s borders. We remain alert and prepared to move quickly to take measures to counter their operations.

The Bill makes it significantly harder for people smugglers to get to an area where visa applications may be made. Places where they can dump their human cargo and escape without detection.

The choice for the opposition is clear. Given the leader of the opposition’s professed concern for border security they can either support strong and effective border controls, or they can contribute to the weakening of Australia’s borders and the perils arising from this action.

I commend the Bill to the chamber.

Debate (on motion by Senator Moore) adjourned.

GOVERNOR-GENERAL

Debate resumed.

Senator McGAURAN (Victoria) (6.10 p.m.)—I continue from this morning my address to this unprecedented and historic motion before the Senate. It is unprecedented and historic as it is the first time the Senate, and indeed the parliament, has debated the dismissal of a Governor-General—so it is of great moment. The government rejects out of hand every point in the motion moved by Senator Faulkner. We stand by our reactions and by the actions that we have taken to date,
as we believe that through those actions we have the confidence of the Australian people.

As I did earlier in the debate this morning, I would again like to read into Hansard the state of play at the moment and the government’s reaction on this issue, because, listening to the opposition, you would think that no steps at all had been taken. You would be forgiven for believing that the Governor-General had not in fact stepped aside pending a resolution to the controversy that has engulfed his position. I refer you to the most important press conference by the Prime Minister on Sunday, which put this issue in perspective and explained the government’s position, which stands today. I say again: I believe we still have the confidence of the Australian people because of our reactions. At the press conference, the Prime Minister said:

... Dr Hollingworth will stand aside from his position as Governor-General pending the determination of the court proceedings initiated in the Supreme Court of Victoria by the late ‘Annie’ Jarmyn.

...          ...

It is only when those proceedings have been determined that the Governor-General can give proper consideration to his longer term tenure of his office. The Governor-General has told me in giving consideration to the longer term tenure of that office that he will place the dignity and the protection of the office above all other consideration.

The Prime Minister went on to say:

Like any other Australian citizen, Peter Hollingworth is entitled to the presumption of innocence, he’s also entitled to a fair go.

Furthermore, on the matter of the Anglican Church report, the Prime Minister explained the government’s perspective, which has led to our making the decisions we have. It explains why we reject the motion currently before the Senate. He said:

The fitness of Dr Hollingworth to hold the office of Governor-General has been vigorously contested by many since the publication of the results of the board of inquiry established by the Anglican diocese of Brisbane. I should say in relation to that report, and it’s a plain statement of fact, that it is of course not a judicial inquiry, it was an inquiry of a purely private character. Dr Hollingworth himself has strongly contested one of the major findings of that report, which are adverse to him, which is adverse to him. He also believes that the conduct and the handling of that inquiry involved a denial of natural justice, he has obtained the opinion of a senior counsel which strongly supports the view which he has put.

That is the situation as it stands today. The government, with the cooperation of the Governor-General, has reacted in a way that shows respect to the office and the dignity of the issue. That is why we have the confidence of the Australian people.

So it is absurd for the opposition to come in here and quote polls to the government as to the way we should react to this issue. Just about every opposition speaker has said, ‘Look at the polls.’ That is an absurd way to run this particular issue, of all issues, but of course it is an absurd way to run government. As I said early this morning, fresh from the Iraqi errors, you are telling us to look at the polls and then react to the situation. This issue is legally, constitutionally and personally sensitive not just for the Governor-General but, of course, for the victims, for all concerned, and you ask us to make our judgments according to the polls! Besides the polls being very varied on this issue, the government has never run its issues nor made its judgments according to the polls, and we will not be bluffed into it by a babbling crowd who say they represent the Australian people on this issue.

We also reject the call for a royal commission on child abuse contained in Senator Faulkner’s motion. More than anything, we believe that the state departments handle this
issue individually and a royal commission would be an unwarranted expense. We are not alone in this view. In fact, Liz Mullinar, the founder of the group Advocates for Survivors of Child Abuse, also believes that a royal commission is not warranted. I quote her also at length:

We are not calling for a royal commission because a royal commission is just more money spent. We know the problem. We want more money spent on solutions, we want more money spent on setting up services and we want more money spent so that any child or adult who reveals their abuse in the future gets appropriate counselling.

That was very well put, and that is why we also reject a call for a royal commission. There is no doubt, as I said, that the motion calling for the dismissal of a Governor-General is quite a moment in the Senate. We are dealing with a position that is seminal to Australian democracy. It is a position that the Australian people have always had respect and confidence in. In fact, the position was overwhelmingly endorsed in the 1999 referendum on the republic.

We are all anguished by these events. But in the debate over the last two days—and the debate could possibly spill over into a third day tomorrow—I have noticed that many opposition speakers have made beelines to other issues. It has been quite obvious. For example, Senator Kirk could not put aside the matters contained within the motion quick enough to get onto the debate of the republic. She made a direct beeline to now arguing the case that this was yet another reason in her mind why a republic would solve these sorts of problems. What an undignified approach. What a lost moment. What a misunderstanding she has for what this debate deserves, what the position deserves and what the Australian people would like her to discuss. They certainly do not want her talking about the republic.

The mover of this motion, Senator Faulkner, more than anyone gave the game away yesterday in question time. Senator Faulkner and so many others—including Senator Bolkus, and you would know this if you dared read one of his speeches from Hansard—have all brought the issue back to John Howard. It is all about getting the Prime Minister and using this most sensitive issue in a political way. This is all about: ‘Howard’s choice. He’s at fault. He’s not infallible.’ We all know that the Prime Minister is riding high at the moment politically. I should add that he is a man who deserves it, because he was certainly riding low in politics when he was in opposition; he would say that himself. He is well deserving of his moment of riding high in politics, but for you to use this to try and dint his existing popularity is really disgraceful. There is no other word for it. You are dragging this issue of the Governor-General and child abuse into the political arena.

Yesterday in the House of Representatives we had a matter of public importance debated, and what do you think it was about? Basically, the wording of it—and I do not have it with me—was that the government is soft on child abuse. The opposition were politicising it. What government is soft on child abuse? There may be much more we all can do, but to say that this government is soft on child abuse is giving away that you are attempting to politicise child abuse. If you bring forward a matter of public importance on it, that is exactly what you are doing. For Senator Faulkner to make a beeline in his speech to attack John Howard’s choice, judgment and everything else about this is dragging it into politics. You will be judged by the Australian people on that. It will be another fault of yours if you make this solely a political issue, which from all the debates
and speeches I have heard so far is exactly right.

And it has not been just in this chamber. Over the weekend I watched Mr Crean make his 10-second grabs, and they were always about John Howard. The Republican Movement even put their head on television over the weekend, making comment about this. It is turning into a grubby political issue, undeserving of the office and undeserving of the issue. But the opposition cannot help themselves. They see this as a way of getting at a Prime Minister who is riding high at the moment—we all know that—and they will use anything politically to attempt to dint his standing. What opportunism, and you will be judged for that.

The magnitude of the error by Dr Hollingworth is one that many of us would never be faced with. The events that occurred in the Anglican Church during his tenure as archbishop are indeed tragic. No-one in this debate would argue with that. But, again, listening to the presentations, which we would have thought would have been deeply researched and measured, but that was not so, you really wonder who exactly has read the report. Senator Faulkner has. One or two seem to have, but most have not. Whenever they bring the issue of the Elliot case forward, the one that the Governor-General was strongly criticised on, it is always a selective reading of it. They always leave out the full text of the paragraph of the report of the Elliot case—complaint No. 5. So I would like to read out paragraph 15.9 simply to put it into perspective, not to say that the final judgment was that Dr Hollingworth did not act reasonably and fairly. He did not. He has acknowledged that himself. Nor does it diminish the error of Dr Hollingworth, but when we are debating this historic and monumental matter we ought not selectively read. Paragraph 15.9 of the report of the inquiry dealing with the high-profile Elliot case, and the conclusion of the report, reads in full:

Dr Hollingworth’s decision, whilst made in good faith, and in consultation, and without demur of the bishops whom he consulted, and in the belief that precautionary conditions imposed minimised the risk of recurrence, was untenable. Thus the Board finds that this complaint was not handled fairly, reasonably and appropriately.

Therein lies the full text of the board’s report. I should add that in fact nine complaints were studied in that report. In seven of the nine it was believed that Dr Hollingworth had acted fairly, reasonably and justly. Of course, the most condemning was complaint No. 5 in relation to the Elliot circumstances, which I have just read out. As I say, it does not diminish the seriousness of the error at all. I can see that again my time is up. Dr Hollingworth has a long history of church and public service which attest to his goodwill and self-sacrifice towards his fellow man.

Senator George Campbell—It doesn’t forgive him.

Senator McGauran—It does not diminish the error, correct, Senator Campbell, but it does put some perspective on this debate that has lost a great deal of perspective when one listens to those on the other side. We reject the motion.

Senator Mackay (Tasmania) (6.24 p.m.)—I rise to add my support to the motion moved by Senator Faulkner relating to the Governor-General. In my mind what underpins this issue is power and how that power is exercised. There is no greater responsibility for the strong and powerful in our community than to protect those who are less so. There is also a responsibility for those who hold positions of power not to abuse that power. Unfortunately what the board of inquiry report prepared for Dr Aspinall demonstrates is that, all too often, these positions of power have been abused and that
the powerful have not acted to protect the less powerful.

It was with great sadness and a fair degree of personal discomfort that I read this report. The distress and long-term hurt suffered by the victims of detailed abuses simply cannot be understated. Reading the report also made me quite angry. I was angry that these abuses could have been allowed to happen in the first place, angry that those abused had not been better protected from that abuse and, most of all, angry that once the abuse was revealed strong and immediate action was not taken to address the issues involved, provide support for the victims of the abuse and ultimately find justice for them.

Yesterday we heard from Senator Hill that he wished these complaints had been taken to the police and that those responsible for these crimes—and they are crimes, regardless of whether physical violence was used or not—had been prosecuted. But we know that it is not that easy to go to the police with such matters. We know that the vast majority of sexual assaults go unreported. The victims fear being disbelieved, they fear having to face the perpetrator in court, they fear having to retell their story over and over again, they fear the effect such proceedings will have on their family and friends. It takes considerable courage and strength to formally proceed through the criminal justice system with such a complaint.

So what did the complainants in the board of inquiry report do? They took their complaints to those they trusted to deal with them appropriately. They took them to the people that they had been socialised to believe were there to protect them. They took them to senior figures in the Anglican Church. They took them to the Archbishop of Brisbane, the man who is now our Governor-General. These people failed them. One of the complainants, identified in the board of inquiry report as complainant No. 3, was allegedly sexually abused by her assistant priest, a man who was also the warden of the hostel in which she was a resident. The complainant was 15 years old at the time the abuse allegedly commenced. This abuse allegedly continued for 18 months until she was expelled from the hostel on what she claimed were spurious grounds. This was the case that Dr Hollingworth, our Governor-General, spoke about on the ABC’s Australian Story when holding the position of Governor-General. In this story he stated that this was:

... not sex abuse. There was no suggestion of rape ...

He continues:

... my information is that it was, rather, the other way around.

At the time this occurrence of ‘not sex abuse’ took place sexual intercourse with the girl under the age of 16 years was a criminal offence, but the law provided that no prosecution could be commenced after the expiration of 12 months from the time of the alleged offence. As the report states:

By the time the Respondent expelled the Complainant from the hostel ... no prosecution against the Respondent could be commenced.

It appears that one of the most significant impacts on the complainant was the impact of not being believed by Dr Hollingworth. In a letter written to her in February 1996, Dr Hollingworth said:

There are a number of matters which I feel duty bound to advise you and the first is that having listened and absorbed the stories of both yourself and Donald Shearman and his wife, there is a very wide discrepancy in your respective collection of events and their outcome.

The complainant was quoted as saying, ‘That was calling me a liar.’ That is how she felt. Further, after the complainant again wrote to Dr Hollingworth to complain that the re-
spondent was continuing to preach, in April 2001 he wrote her what the report describes as an ‘unsympathetic’ letter. The report states:

... the letter chides the Complainant somewhat, for failing to—

in Dr Hollingworth’s words—

“accept the efforts that he and we have made” ... 

The report goes on to find that Dr Hollingworth treated the complainant unfairly. The complainant relied on the Archbishop of Brisbane, now our Governor-General, for justice. The findings of the board of inquiry report and the Governor-General’s comments on Australian Story show that she had little chance of achieving such justice. The Governor-General whilst in office has written to apologise to the complainant in this case—unfortunately, most likely because of the public outcry that followed his comments rather than because he truly understood that he had behaved inappropriately. However, the Governor-General at least did finally see fit to apologise, and this is what he said:

What happened to you as a girl at the hostel was wrong and you were in no way responsible for it. I am deeply sorry for the words I used on Australian Story that suggested otherwise. I cannot try to explain or excuse them.

I think the Governor-General did need to try and explain the comments. But if he had done so, I think we may well have seen that he still had no real understanding of the terrible abuse of power that occurred in this case and in the other cases detailed in the board of inquiry report. If he had understood the abuse of power and the effect that it has had on the victims of sexual assault and of the ongoing hurt that has been felt all across this country by victims of sexual assault, then he would surely now resign. Failing to resign and to live up to the responsibility that he holds for failing to protect and act in the interests of those less powerful shows that he still does not understand the damage that he causes to the victims of this sexual abuse.

Another of the extremely distressing cases discussed in the board of inquiry report is that of complainant No. 5, also referred to as FG. This complainant, while still a boy at school, was repeatedly assaulted by John Elliot, the assistant bursar at the Anglican school ‘Churchie’. The report makes it clear that Dr Hollingworth was fully aware of the circumstances surrounding this repeated abuse. Yet Dr Hollingworth claimed his relative inaction on the complaint was a result of his belief that the abuse was an isolated occurrence. As the report says on page 413:

The Board cannot accept that in 1993 Dr Hollingworth had the belief that the abuse was an isolated occurrence. There was not the slightest basis for him to have that belief. This is undoubtedly what Dr Hollingworth now believes was his belief, but the Board suspects it is the product of reconstruction in distinction to recollection. The statements made on Dr Hollingworth’s behalf by his Solicitors demonstrate that Dr Hollingworth’s recollection is, to say the least, suspect.

The irony of that is that this is often the type of language used against the complainants in cases of childhood sexual assault. It is often inferred that the passage of time since the alleged abuse occurred has resulted in them ‘reconstructing’ events rather than truly remembering them. In this instance, however, it is the Governor-General who has seemingly reconstructed events and whose recollection is ‘demonstrably faulty’.

Regardless of how Dr Hollingworth now recalls events, the report’s findings can only lead us to believe that he was aware of the extent of the abuse perpetrated by Elliot. That Dr Hollingworth did not act to remove Elliot from the ministry begs belief. Even if Dr Hollingworth did consider the abuse to be ‘isolated’, Dr Hollingworth’s actions should have been the same: remove him immediately from the ministry, take whatever
further action is necessary to prevent any
chance of Elliot reoffending and offer imme-
diate support to the victim. Instead, accord-
ing to the report, Dr Hollingworth wrote to
the abuser, Elliot:

Having given your situation long and prayerful
thought, I have reached the conclusion that no
good purpose can be served in my requiring you
to relinquish your pastoral responsibility ...

Dr Hollingworth, in his letter to Elliot, went
on to say:

The matter which has exercised my mind most
strongly is the fact that your departure at this
stage could cause unintended consequences that
would make things worse for you and the Church.

He further apologised for the time it took to
reach his decision, saying:

I am conscious that you have felt the strain of a
long wait, but that is part of the processes as I try
to weigh up what is the right action in a complex
set of circumstances.

It is indeed a shame that the matter which
exercised Dr Hollingworth’s mind most
strongly was not the impact of the abuse on
the victim and how best to support the victim
through this. It is a pity that Dr Hollingworth
did not pay greater attention to the strain felt
by the victim rather than the perpetrator. But
no, his main concern was protecting the per-
petrator and the church, with scant regard to
the long-term and extremely damaging effect
this would have on the victim.

The events we are reading about in the
board of inquiry report in some cases hap-
pened many years ago, but what did not hap-
pen many years ago was these events being
brought to the attention of Dr Hollingworth.
We are talking of his actions over the last 10
years, right up to and after the time he took
up the position of Governor-General. If we
were talking about events that happened
many years ago, there could be some under-
standing of Dr Hollingworth’s failure to act.
Unfortunately, in the past these issues were
not openly recognised and dealt with in our
community. That has changed, fortunately, in
more recent times, and information about
how such complaints should be dealt with is
now readily available. In my home state of
Tasmania, for example, we have a commu-
nity organisation called the Sexual Assault
Support Service, which, as its name suggests,
is there to provide support to the victims of
sexual assault. As well as doing this, the or-
ganisation provides resources and training
around this issue. That service has been in
operation for 15 years, since long before Dr
Hollingworth failed to deal appropriately
with these complaints that were brought be-
fore him.

The point I am making is that Dr Holl-
ingworth had no excuse for not understand-
ing the issues involved. By the time he was
called upon to deal with these complaints,
there would have been a wealth of informa-
tion available to him about how best to han-
dle the matters. But it seems he did not
bother to try and educate himself, but rather
relied on ‘long and prayerful thought’. If he
had bothered to learn more about the issues
he was dealing with, he would have readily
found that one of the most important things
to do in the first instance of a report of sex-
ual assault is to believe the victim and pro-
vide them with all the support they need. To
fail to believe the victim can seriously im-
 pact on the outcomes for the victim and their
long-term success in dealing with the effects
of the abuse. It is also important to provide
support for the family of those who have
been sexually abused, but again we see that
Dr Hollingworth failed to do this. FG’s
brother, who had also been abused, wrote
with some anger to Dr Hollingworth, saying:

What I can’t work out is why you sir, would har-
bour a man who you know has sexually assaulted
children for years.

... surely it is not too hard to see that when his
attacker is so easily forgiven and kept under your
wing my brother is denied the right to properly work through his feelings regarding his own guilt (or lack of) and his anger towards his aggressor. It seems to him that the rest of the world is more interested in the feelings of the Rector of Dalby.

These are very reasonable and valid points that FG’s brother makes, and you might expect that Dr Hollingworth would make considerable effort to address them. Instead, he told FG’s brother, in a letter dated 10 September 1995:

At the end of the day I made the judgment that he is now getting close to retirement and the disruption and upset that would be caused to the whole parish as well as to him and his family would be in nobody’s best interests.

That is appalling. Dr Hollingworth’s concern was to prevent disruption and upset to the perpetrator of the repeated sexual assault of young boys in his care. I must say the board of inquiry report found likewise. In fact the report states, in respect of this matter:

The Board finds that Dr Hollingworth’s handling of the complaint in respect of John Elliot was not fair, reasonable and appropriate. Notwithstanding that the decision was made in good faith with no demur from the bishops whom he consulted, and under conditions of supervision that were believed to minimise recurrence, no Bishop acting reasonably could have continued a known paedophile as parish priest.

Earlier today—and I am told of this; I did not listen to it—we heard Senator Abetz congratulate Dr Hollingworth for acting to protect potential future victims of assault from John Elliot. Dr Hollingworth did this by writing to Elliot—and this is on page 391 of the report—requiring:

... that you give a clear and written undertaking to me that you will not establish or have any close association with CEBS Groups or similar kind of groups for boys. Secondly that when in the presence of young boys you always have someone else with you.

These measures may have given some level of protection to the boys who would come into future contact with Elliot, but what Dr Hollingworth, and now Senator Abetz, failed to realise is the ongoing damage and harm that allowing Elliot to continue in his ministry would have done to previous victims. It also failed to acknowledge the very real danger that Elliot, by virtue of his position of power, could very well place himself in a position where he may be able to reoffend. Dr Hollingworth was relying on a known abuser to regulate his own behaviour and avoid putting himself in a position where he could abuse again. Even Dr Hollingworth recognised the problems associated with this, saying in his letter to Elliot:

This action differs from the advice given to me by Dr Slaughter who is of the view that your problem is something which keeps recurring and is likely to happen again.

That was the advice from the psychiatrist. I think this action points to the lack of understanding of the seriousness of the offences committed by Elliot and a tendency to brush aside sexual assault allegations and see them in a different light to other crimes. If Elliot had been found to have abused his position of trust by repeatedly stealing money from his parish, I wonder whether the response would have been to leave him in his position and merely require that he avoid handling money in the future or have somebody else with him when he did handle money. I regret and fear that the crime of theft may well have been treated with more gravitas than that with which the crime of sexual assault was treated.

We know that Dr Hollingworth has expressed his regret for his ‘serious error of judgment’ in failing to remove Elliot from the ministry but, quite frankly, that is not enough. Dr Hollingworth, as our Governor-General, should be above reproach. He should be looked up to and admired by the Australian people, as was the case with his predecessor, William Deane. William Deane
was known for his compassion and was loved by many Australians, regardless of their views on the issue of a republic. It was clear that Australians were proud of their Governor-General, and justifiably so. Unfortunately, the same cannot be said of Dr Hollingworth. Most Australians believe that he should go. They do not want him as the Governor-General. As Carolyn Bell, the acting manager of the Sexual Assault Support Service in my home town of Hobart, said to one of my staff:

He showed a lack of understanding and failed to take responsibility, and he is not taking responsibility now. I have no faith in him and am not proud to have him as Governor-General.

Carolyn is not the only one to feel this way. I note that Trevor Davies, a recipient of the Centenary of Federation medal for services to the community, said today:

If Peter Hollingworth doesn’t resign by Saturday night I will burn the very nice certificate and send back the medal.

He went on to say:

If the Church isn’t about defending the poor, giving voice to the voiceless and fighting those who oppress and harm people then what’s the point?

I agree with Carolyn and Trevor. The Governor-General needs to take responsibility for his actions and he should resign now. If he does not, the Prime Minister should advise the Queen to terminate his commission. That is the reality. What we have at the moment is a Governor-General who clearly and demonstrably has no understanding of the nature of power and how power is involved with respect to sexual assault. That is the issue—the value system that he as a person holds. We cannot have somebody with this value system holding the position of Governor-General. I agree with the motion. Dr Hollingworth should resign and, if he does not, the Prime Minister should sack him.

Senator JACINTA COLLINS (Victoria) (6.44 p.m.)—I do not think anybody who listened to the debate after question time yesterday will be surprised that I rise to support the motion moved by Senator Faulkner. In doing so, I would like to take some time to reflect upon issues that have been raised by a number of others in this debate. Let me start with the point that Senator Mackay made just a moment ago. Perhaps one of the biggest problems for Dr Hollingworth is that it is patently clear that in many respects in relation to managing cases of child sexual abuse he is not taking responsibility now. Senator Brandis in his contribution, much of which I will reflect upon a bit later, attempted to make the point that we are talking about a case which occurred in 1993 with the community attitudes of 1993 and that Dr Slaughter, for instance, had indicated that the approach Dr Hollingworth had applied was in some senses an improvement on what had occurred previously. What the Australian community are reflecting on is that his approach today is not good enough and even his approach back then was not good enough.

There have been some misrepresentations of Dr Slaughter’s position, which I will come to in a moment, but I think I should first concentrate on responding to many of the areas raised by those seeking to defend Dr Hollingworth retaining his office. Dr Hollingworth claimed in his response to the Aspinall board—and this was at the time when he was Governor-General, having stood aside—that he ‘had personally carried out a detailed pastoral and disciplinary investigation’ in the Elliot case, case 5 in this report. Anyone with an understanding of how cases of child sexual abuse should be managed by today’s standards and even by the standards in 1990 knows that this is patently not the case. One simple thing that Dr Hollingworth should have done in
that case was to seek to test the claim of the perpetrator—to test his view, or his reconstructed view—that this was isolated incident.

The report does indicate that the perpetrator claimed that he had not interfered with any other boys, but we now know that this was patently untrue. But what is worse is that in his ‘detailed pastoral and disciplinary investigation’ Dr Hollingworth never sought to test this. Others claim they told him, but if you give any weight to Dr Hollingworth’s reconstructed view, he never sought to test it. So how, by today’s standards, he can still cling to the claim that he ‘had personally carried out a detailed pastoral and disciplinary investigation’ in this case is of great concern. If he said today, ‘My error in judgment was not only that I left the priest in his post but that I did not carry out a detailed pastoral and disciplinary investigation,’ one might give some weight to the view that, on today’s standards, he has caught up—he has got it, he does understand what has occurred here. But his evidence to this inquiry makes it very clear that, even on today’s standards and even after he had learnt his lesson from the Australian Story program, he has still not got the point.

The error of judgment that Dr Hollingworth applied was not, as suggested by Senator Brandis, based solely on this case. Senator Brandis knows full well, contrary to his comments in the chamber on this debate, that case 3 shows error of judgment as well. We know that from Australian Story—this was the case involved there—but when you look at the detail in the Aspinall report on case 3 you understand that exactly the same thing occurred: he left the perpetrator in a post.

Debate interrupted.

DOCUMENTS

Attorney-General’s Department

Senator STOTT DESPOJA (South Australia) (6.50 p.m.)—I move:

That the Senate take note of the document.

I would like to speak briefly to the Attorney-General’s report. Like most members, I have only just had the opportunity to look at this report that apparently derives from section 23YV of the Crimes Act 1914, which required an independent review of part 1D of that act relating to forensic procedures, particularly the use of DNA material for law enforcement purposes.

I, like others, will read in detail the numerous recommendations that have come about as a consequence of this review, but it is worth noting on the record tonight that this is part of a broad-ranging investigation by this government into a number of issues to do with not only the collection of DNA for the purposes of law and thus forensics but the collection of DNA generally and privacy issues relating to the collection of that information. I hope shortly—but I assume very soon—we will see the tabling of the ALRC-AHEC report into the protection of genetic information. I am glad to say that that report, which has been a broad-ranging, very consultative process over at least the past 18 months, is something that the Australian Democrats, or I particularly, have called for for a long time. Back in 1998 I tabled a private member’s bill on genetic privacy and non-discrimination. While the system has probably moved on a lot since then, there were some issues raised in the context of that debate and the consequent Senate Legal and Constitutional Legislation Committee report, which identified that there were characteristics of DNA collection, disposal and its use for research purposes and, in bad circumstances, discrimination on the basis of DNA information that really needed to be investi-
gated. So I am glad to see this report because this, essentially, is the first part of a process of tabling of reports that relate to this very important issue.

I note, in my initial look at this report, that this report acknowledges that there is not really a national system in place as yet. Obviously there is CrimTrac and other related processes, but they are still very much a state jurisdictional responsibility. There is also different legislation in each state and territory, and different regulatory approaches as well. I certainly commend the chair, Tom Sherman, and many of the others, notably the Privacy Commissioner, who were involved in the deliberations that led to the report and its tabling tonight. As I said, I look forward to the ALRC-AHEC report. For those of you who have seen their interim reports, which are about 600 to 800 pages long, you will know that when the final version is tabled there will certainly be an opportunity to have a long Senate debate in the consideration of government documents. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

Department of Health and Ageing

Senator HUTCHINS (New South Wales) (6.54 p.m.)—I move:

That the Senate take note of the document.

This report of the expert advisory group on hepatitis C and plasma was delivered to the Minister for Health and Ageing today and, equally today, I have had the opportunity of having a number of questions on notice in relation to hepatitis C answered by the minister. I want to give a background to what can be referred to as the Barraclough report. The screening of donated blood in Australia for hepatitis C was introduced in 1990. According to the Australian National Council on AIDS, Hepatitis C and Related Diseases, between five and 10 per cent of hepatitis C cases in Australia were as a result of a blood transfusion before the introduction of screening of blood for hepatitis C. The Red Cross estimates that since the introduction of standard hepatitis C testing the chance of being infected with the disease as a result of receiving a blood transfusion is approximately one in a million.

This report confirms that, in the immediate period following the introduction of the first generation hepatitis C antibody test for the donation of blood and plasma, the Australian Red Cross continued to collect blood plasma from donors suspected of having or known to have had hepatitis C. The report confirms that between February and July 1990 the decision was made to allow blood plasma that tested positive to the first generation hepatitis C antibody to be sent to the Commonwealth Serum Laboratories. The donors whose blood repeatedly tested positive to hepatitis C screening tests were told that they could continue to donate blood for the manufacture of plasma fraction products until July 1990. It is probable that some of this plasma was used in the manufacture of albumin and immunoglobulins. The report has found that to date there are no reported cases of hepatitis C that can be reasonably ascribed to the transfusion of plasma derived blood products since February 1990. However, the report found that in New South Wales there were a number of cases of transmission of hepatitis C from the use of whole blood or blood components in 1990 following errors during the introductory phase of the HCV testing.

The terms of reference for the report tabled today limited the scope of the inquiry to that period of time after which standard hepatitis C testing was first introduced in February 1990. What the report fails to examine or even address is the fact that thousands of Australians were infected with hepatitis C through blood transfusions before testing was introduced in 1990. American
blood banks used a form of blood donor screening for hepatitis C known as surrogate testing from 1986. The American Food and Drug Administration recommended that this kind of testing reduced hepatitis C in blood by as much as 50 per cent. Yet instead of following the American lead the Australian Red Cross Blood Service chose to study the efficacy of surrogate testing in a study that took four years. During this time thousands of Australians contracted hepatitis C through blood transfusions. There needs to be an inquiry of some sort as to why surrogate testing was not introduced when it was available in 1986. Canada recently lived up to its obligation in that regard. I see that I am coming to the end of my five minutes, Mr Acting Deputy President, so I seek leave to continue my remarks later.

Leave granted; debate adjourned.

ADJOURNMENT

The ACTING DEPUTY PRESIDENT (Senator Ferguson)—Order! There being no further consideration of government documents, I propose the question:

That the Senate do now adjourn.

Smith Family Report

Senator PAYNE (New South Wales) (7.00 p.m.)—I rise this evening to speak about the Smith Family’s report Barriers to participation—financial, educational and technological which was launched by the Minister for Employment and Workplace Relations, Tony Abbott, in March 2003, in the last sitting period. The minister launched the document in the shadow of grave international events at the time, but he noted that it was still possible to retain a focus on other important issues, such as Australians living in poverty.

In many ways, the government has a vision of a society where everyone has a place and an opportunity to participate. Many people derive a sense of worth from their work, but for those who do not have work it is important that they still have the opportunity to participate in our society—in our community—in the ways they choose. But increasingly, in a technology driven world, participation in society means ensuring that the gap between the information rich and the information poor does not widen. So it is the technology aspects of the Smith Family’s report that I want to look at this evening.

I will come back to the report after first looking at the landscape of Internet usage as measured by two relevant Australian publications: the ABS’s Biennial report on Internet activity and the National Office for the Information Economy’s report The digital divide. The most recent ABS biennial report, released in March 2003, noted a couple of important things. Firstly, it noted that the number of Internet subscribers with permanent connections had dramatically increased.

The figure was around 350,000 subscribers at the end of the September quarter 2002, an increase of over 47 per cent from the end of March 2002. The number of subscribers grew by around 326,000 to almost 4.6 million. The majority of these were in the household market, with over 3.9 million household subscribers. Finally, the increasing uptake of broadband services is also quite evident in the large increase in the volume of data downloaded, which was up 28 per cent between the March quarter 2002 and the September quarter. This data provides very clear indications of the growing importance of the Internet in the lives of so many Australians.

In the context of the broadening of engagement of Australians as a group, as outlined in that ABS data, NOIE’s most recent Current state of play report, of April 2002, backs up the focus on information technology and underscores the importance of a commitment to ensuring that Australian...
communities, households and individuals can fully participate in the information economy. NOIE reports that, while overall Internet use in Australia continues to rise, with household Internet access at 52 per cent, there are still disparities in online access and use. The report states:

People on low incomes, aged over 55, without tertiary education, and of Indigenous heritage are less likely to have connection to and use the Internet. The disparity in access and use for such groups is commonly referred to as the ‘digital divide’. That divide is clearly not a sharp line, but increases with and contributes to social and economic disadvantage.

NOIE has a strategy, in six parts, to minimise this disadvantage. It looks firstly at access to infrastructure—like adequate bandwidth capacity and affordable and reliable Internet connections—and computer hardware and software and publicly provided access. Secondly, there is information and communications technology literacy—that is, basic ICT information and training to increase user confidence in using both the technology and online content, applications and services. Then there is awareness. An understanding of the benefits of new technology by potential users, and an awareness of how technology can make everyday life easier, should be one of the focuses of IT promotion, and not necessarily the technology itself, because it can seem confronting to some potential users. Then there is integration. Technology should be integrated into the social fabric of everyday life and embedded, in some ways, in people’s lifestyles and into the lives of local communities. Support is also important. The provision of technical and training support, and implementing a supportive regulatory regime, engenders user confidence and trust to address key issues like privacy, security and consumer rights, among others.

Finally are applications and content, the development and production of compelling online content and applications which motivate use and enable users to maximise the benefits of their ICT use. It is seen as a major problem that the existing digital divide framework can overemphasise the importance of the physical presence of computers and connectivity, thus often excluding other factors that allow people to use the Internet. So we really need to address the take-up of information and communications technology more broadly.

The Smith Family report, as I said, Barriers to participation—financial, educational and technological edited by Gianni Zappala, is well received. The third chapter was written by Gianni Zappala and Jennifer McLaren. It examines data on the access and usage of computers and the Internet by households and by children from financially disadvantaged backgrounds. Dr Rob Simons, the National Manager of Strategic Research at the Smith Family, says in the report’s preface:

... the third chapter builds on recently published research by the Smith Family and focuses on the ‘digital divide’ among families and students on the Learning for Life programme. It also provides a preliminary illustration of the need for the ‘ABC of the digital divide’—access, basic training and content—as an effective way of overcoming the barriers to computer and Internet usage that many students in low income households experience.

The analysis in the report is based on data collected from almost 7,000 students from approximately 3,500 households in the Smith Family’s Learning for Life program. It examines their usage by social disadvantage, family type, ethnic and cultural background, employment status and the level of parental education. The report identified that very important issues such as economic participation, education and lifelong learning, access to services and political participation and
social inclusion issues need to be considered further.

I will outline a couple of the key findings of the report. For example, while the access gap has been narrowing, as I indicated, over the last few years, only one-third of the families who were on the Learning for Life, or LFL, program at the end of 2001 had Internet access at home compared with half of the comparable population Australia-wide. Schools are also important in closing or levelling the access gap, as most students use computers and the Internet at school. The report also noted that factors other than income played an important role in determining ICT access. In particular, the level of parental education was identified as most strongly associated with home access to computers and the Internet with higher education correlating to higher levels of access. Families from some NESB groups, for example, have higher levels of home access compared with those who are either Australian born or born overseas from English-speaking countries. Other factors associated with home access were family structure, housing type and regional disadvantage.

In its conclusions, the report advocated the need for a couple of steps to be taken: firstly, greater ICT related support and education for adults so that the importance of home access to computers and the Internet can be recognised by those without higher levels of education; and, secondly, greater research and policy attention to the role of schools, teachers and parents in ensuring that people have the requisite resources and skills to use the technology appropriately.

Whilst I understand the Smith Family’s focus on household computer technology uptake, given this is the greatest area of growth, according to the ABS, as I indicated earlier, I also note that some people have seen a need for more focus on schools being effective in closing the access gap. Technological barriers should be viewed from a broader perspective that looks at all the other places through which children, families and communities access computers and the Internet—that might include, for example, schools, public libraries, community and volunteer organisations, government agencies, local councils and so on—and whether parents choose not to have home access because these options may be more affordable or more accessible.

In the course of pursuing this report and its evaluation, and in the course of NOIE’s further work in this area, it might be valuable for them to have a look at some of the conclusions that the report has come to and perhaps progress the study that has been undertaken by the Smith Family. As I have thought about this and also heard the speakers on the day of the launch as well, I would be particularly interested in seeing more work done on how the Internet and computers are actually being used by students—the balance, for example, between educational and recreational purposes, although there may be some parents who do not actually want to look at the end result of that—whether home Internet access does improve educational outcomes per se, and also questions of technological literacy and competency.

It is interesting for us that the report particularly refers to political participation and social inclusion, the importance of the Internet to the democratic process and how political movements and protests occur via email campaigns—and don’t we know that. There are a lot of issues raised, particularly in this chapter—that is not to say that the other parts of the report are not equally important—and the Smith Family’s contribution to the debate is most particularly important. I look forward to hearing more about the results of their assessment and examination of
the barriers to societal participation among low-income Australians.

World Red Cross Day

Senator STOTT DESPOJA (South Australia) (7.10 p.m.)—Tonight I wanted to put on record the fact that it was World Red Cross Day last Thursday, 8 May. I was honoured to be a part of the launch of that day, which was part of a global celebration to mark the anniversary of the founder of the Red Cross, Henri Dunant, the Swiss philanthropist whose vision of relieving human suffering inspired the birth of arguably the world’s most powerful humanitarian organisation—that is according to the Red Cross itself. I was invited along to speak on the issue of international humanitarian law and I wanted to put some points in relation to that on record tonight, partly because of the extraordinary role that the International Red Cross has had in the development and expansion of international humanitarian law—in fact, the two have pretty much been synonymous. So, on the one hand, I will speak about international humanitarian law and, on the other hand, I will commemorate the founder of the International Red Cross and pay tribute to their work.

We are all aware of the work of the Red Cross, whether in the ACT and New South Wales bushfires, in conflicts like Iraq or in places such as the refugee camps in Albania where I saw them working. Their work is almost unparalleled in scope as a humanitarian organisation. They deserve much support—and, indeed, they get it from Australians. I think Australians are a very giving, generous nation. We have seen the alacrity with which Australians contribute to their campaigns when the Red Cross announce one, whether it is to do with Bali or September 11 et cetera. What is not so well known by many people is the role of the International Red Cross in the development of IHL, which is short for international humanitarian law. This relationship has been going since the mid-19th century.

The work of the International Committee for the Relief of Military Wounded, which later become the International Committee of the Red Cross, actually signalled the beginnings of international humanitarian law. The crux of international humanitarian law is to limit, as far as possible, the devastating impact of war and to ensure that individuals are treated humanely and with respect. Respect and dignity underpin the work of the Red Cross in everything they do—they are founding principles and they remain to this day a key part of their work. In the 140 years since the establishment of the Committee for the Relief of Military Wounded, the International Red Cross has been both the backbone of international humanitarian law and the initiator—the guardian, if you like—of IHL.

From the Geneva conventions, with which we are all familiar, to perhaps some newer areas of IHL, such as the Red Cross initiated declaration on missing persons, the Red Cross has been a crucial force in the development of this fundamental area of international law. One of the main purposes of the Geneva Convention, as we know, is to enshrine the fundamental distinction between civilians and combatants. Of course, the loss of any life in the context of war is a tragedy, but by drawing a distinction between civilians and combatants the Geneva Convention seeks to prevent the mass murder of civilians being used as a military strategy. As weaponry becomes increasingly sophisticated, that distinction is more crucial than ever.

As the nature of warfare has changed, so too has international humanitarian law. It has evolved and it has expanded. The four Geneva conventions, largely products of World War II, were supplemented by two additional protocols back in 1977. They reflected new
concerns, such as strengthening the protection of victims involved in non-international conflicts.

While this development or this supplementing of IHL must continue, at the moment it almost seems like we have to hang onto our hard won gains in this area—there is almost a backlash and we have to ensure the maintenance of IHL, let alone its expansion. Unfortunately, we have seen in recent times a complete disregard for international humanitarian law by some nations. A stark and standout example is the creative efforts of the United States to get around international humanitarian law when it comes to POWs. They have introduced this new category of detainee in Guantanamo Bay: the unlawful combatant. In relation to weaponry also, we have witnessed a blatant contravention of international humanitarian law. We have seen weapons such as cluster bombs used in conflict, particularly in Iraq. That is ignoring international rules of warfare. I guess it is part of a broader process, because the complete disregard of the United Nations processes in the lead-up to the Iraq conflict has set a very dangerous precedent for the future of foreign relations.

Speaking of Iraq, the Red Cross were there. They were there before hostilities began. They are still there now. They have an incredibly important job to do. They are needed desperately. The international dimension to this clean-up effort can be seen with the Australian Red Cross joining with Red Cross organisations from Norway to Japan, from Spain to America, to provide that desperately needed humanitarian assistance.

Thank goodness they are there, because when governments spend a paltry amount of money on the clean-up or the humanitarian assistance in post-conflict regions like Iraq—as opposed to the potentially billions of dollars we have seen spent by governments on the military side—then increasingly we need assistance from these NGOs. But it is not good enough that governments are not spending enough, and $110 million was a small but good start from this government and we need more.

In this respect, I guess the Red Cross reminds us that war does represent such failure and what an anomaly it is in a world that is striving to progress and to feed its people—not only because war gives up on those things that characterise a decent society, such as civility, negotiation et cetera. I actually think the International Red Cross have understood this better than most throughout the ages. They have carried out their work with a great sense of mitigating this failure in human interaction.

On a related note, a week and a half ago I saw the slides from Ruth Russell, the human shield who returned from Iraq. Despite our sensitivities, we did look at her record of the conflict in Iraq. She was incredibly close to the bombings. She was outside a food silo. She had the most heart-warming tales of interaction with the Iraqi people, but she also had some of the most horrific photographs you will ever see. I am glad in some ways that we were saved from seeing those images on our television screens, but in some ways too it does not hurt to be reminded of the reality of war—not the politics of war, but the reality of war. Her talks and her photographs were a very stark reminder. I do not recall there being many dry eyes in the house, even amongst people in the audience who were not supportive of the concept of human shields—and I acknowledge that some people do not support that notion. Looking at burnt bodies of children or at families that are dead is very moving.

Ruth Russell deserves an acknowledgment of her bravery, at a minimum. She bore witness to this suffering, she bore witness to the conflict. I wonder if any of us truly feel that
the CNN or other cameras really captured the reality of what went on in that conflict. I wonder how sanitised we are expected to be in this day and age and whether or not we are really getting a true perspective, regardless of the number of media embedded. That is not simply meant as a political comment; I would be curious to see how many of us in this place really feel that we actually know what goes on, what went on and indeed how many civilians suffered.

The work of the Red Cross is embedded with a deep respect for human rights and dignity. I am sad to say that international humanitarian law is being contravened by nations. We can look at our own record in relation to our failure to support the Optional Protocol to the Convention against Torture, and Cruel, Inhuman or Degrading Treatment or Punishment; we voted against the special session of the UN Human Rights Commission to consider the humanitarian situation in Iraq; we have not ratified the Convention on the Elimination of All Forms of Discrimination Against Women; we still lock people away for fleeing persecution; and this week we are due to debate the ASIO bill, which I will not reflect on in this place. So while you have this climate of the undermining of humanitarian and international law, indeed the undermining of civil rights, we need bodies like the Red Cross more than ever before. I wish to pay great tribute to them tonight, as I am sure all honourable senators would choose to do.

**Iraq**

Senator McGAUrán (Victoria) (7.20 p.m.)—I rise to speak in the Senate tonight to pay tribute to the courage of, and for a job very well done by, Mr Kareem Chullur, the Iraqi caretaker of the Australian Embassy in Baghdad. During the war, and particularly over the past several months, Mr Chullur and his 13-year-old son defended the grounds of the Australian embassy, particularly against the gangs of looters who decimated other embassies in the district. It is worthy to note that those other embassies were the Yugoslavian, Dutch, Greek, Sri Lankan and Cuban embassies. They were all looted and ruined during the days following the fall of Saddam’s regime.

To protect the Australian embassy Mr Chullur removed the brass plaque naming the embassy and the police sentry box from the front of the embassy. With the help of his neighbours he barricaded the street with old drums and scrap metal. It was a great initiative by our embassy protector, Mr Kareem Chullur, and his son. Keeping a vigil every night with an AK47 he had managed to obtain by exchanging civilian clothes with fleeing Iraqi soldiers—a bit of bartering on the street—Mr Chullur would often scare off all the ‘Ali Babas’, as he called them, by firing shots into the air.

Mr Chullur’s bravery was first reported in an article in the Melbourne Age newspaper. This story prompted me, and no doubt many others, to write to the Secretary of the Department of Foreign Affairs and Trade, Mr Ashton Calvert, to ask that the department ensure that the appreciation of the Australian people be extended to Mr Chullur for this most selfless of actions. Since this time, Mr Chullur has been visited by Australian officials from the Department of Foreign Affairs and Trade, including Mr Glenn Miles, who is the first secretary at the Australian embassy in neighbouring Jordan and responsible for the embassy site in Baghdad. The embassy has been closed since the 1991 Gulf War, and right to this point, now that it is open again, Mr Chullur has guarded it. Mr Chullur was presented with a certificate of appreciation by Mr Glenn Miles, some back pay and a bonus for his good work as a sign of gratitude and thanks.
It really is a wonderful story, a magic moment in the fog of war, because Mr Chullur followed in his father’s footsteps when he replaced him as caretaker of the Australian Embassy in Baghdad in 1992, which, as I said, had been closed since the 1991 Gulf War. He meticulously attended to the embassy almost on a daily basis, keeping the grounds and the condition of the embassy in the best way he could—in a pristine condition no doubt. Mr Chullur is known for his warm and friendly feelings towards Australia. He has proudly on many occasions displayed to his neighbours and others his official letter of appointment to the position of caretaker. Mr Chullur summarised his feelings towards Australia and the war in Iraq in the following way when he said:

I have nothing because of Saddam and all his wars but, thank God, I have survived. The Australians have been good to me and it is my duty to protect this place until they come back to Iraq.

Well, Mr Chullur, we are back—as you know. It is gratifying to hear the news that Mr Chullur has been recognised and honoured by Australia for his loyal work. I am sure we all extend to him and his family our appreciation for his loyalty and commitment. On behalf of the Australian Senate and the Australian government I thank him for a job well done and wish him, his 13-year-old son and his family well for the future in their newfound freedom.

Senate adjourned at 7.25 p.m.

DOCUMENTS

Tabling

The following government documents were tabled:

Advance to the Finance Minister—Statement and supporting applications for funds for February 2003.


Treaties—

Bilateral—

Text, together with national interest analysis and annexures—

Agreement between the Government of Australia and the Government of the Democratic Republic of Timor-Leste relating to the Unitisation of the Sunrise and Troubadour Fields, done at Dili on 6 March 2003. [Category B**]


Agreement on Social Security between the Government of Australia and the Government of the Republic of Slovenia, done at Vienna on 19 December 2002. [Category B**]

Text, together with national interest analysis, regulation impact statement and annexures—

Agreement on Social Security between Australia and the Kingdom of Belgium, done at Canberra on 20 November 2002. [Category B**]

Agreement on Social Security between the Government of Australia and the Government of the Republic of Chile, done at Canberra on 25 March 2003. [Category B**]

Multilateral—

Text, together with national interest analysis and annexures—

International Labour Organization Conventions: No. 83 Labour


* Considered by the Joint Standing Committee on Treaties within 15 sitting days of tabling.
** Considered by the Joint Standing Committee on Treaties within 20 sitting days of tabling.

Tabling

The following documents were tabled by the Clerk:


QUESTIONS ON NOTICE

The following answers to questions were circulated:

Defence Materiel Organisation: Professional Service Providers

(Question No. 769)

Senator Chris Evans asked the Minister for Defence, upon notice, on 9 October 2002:

With reference to the employment of professional service providers in the Defence Materiel Organisation:

(1) How many PSPs were employed in each of the following periods: (a) July to December 2000; (b) January to June 2001; (c) July to December 2001, and (d) January to June 2002.

(2) What was the total cost of PSPs employed in each of the following periods: (a) July to December 2000; (b) January to June 2001; (c) July to December 2001, and (d) January to June 2002.

(3) For the PSPs currently employed, what proportion were previously employees of Defence.

(4) For the PSPs currently employed: (a) what categories are employed, for example accounts, project managers, computer specialist, engineers; and (b) approximately what proportion do they represent of the total numbers employed.

(5) For the PSPs currently employed; how many have been employed (not necessarily continuously) by Defence for a total of: (a) 0 to 50 days; (b) 51 to 150 days; (c) 151 to 300 days; and (d) more than 300 days.

(6) Among the PSPs employed today, what is the largest number of days a PSP has been employed by Defence.

(7) Among the PSPs employed today, what is the largest amount paid to a Professional Service Provider by Defence.

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

(1) Defence does not keep records of the number of professional service providers (PSPs) it employs. It only records the purchase orders relating to such services. The total number of PSP purchase orders for the periods in question, grouped by financial year, were:
   (a) and (b) 840 purchase orders.
   (c) and (d) 730 purchase orders.

(2) The total cost of PSP purchase orders for the periods in question, grouped by financial year, were:
   (a) and (b) $54,769,325.
   (c) and (d) $62,153,010.

(3) See (1) above. Records are only kept relating to the overall number of PSP purchase orders that have been paid. Details relating to the actual number of individuals (and their employment history) utilised by contractors to meet their contractual obligations are not recorded.

(4) For PSP purchase orders:
   (a) In terms of categories employed, PSPs are engaged to perform prescribed tasks in support of virtually every non-operational function within the Defence Materiel Organisation. The engagement of PSPs is not constrained to any particular set of categories.
   (b) For the reasons outlined in (1) above, this comparative is not possible.

(5) This information is not available. See (1) above.

(6) This information is not available. See (1) above.

QUESTIONS ON NOTICE
(7) As the breakdown of the cost structure used by companies supporting Defence is not made available to Defence, it is not possible to provide information about the income received by individuals.

**Australian Defence Force: Retention Bonuses**

*(Question No. 976)*

**Senator Chris Evans** asked the Minister for Defence, upon notice, on 29 November 2002:

(1) Are retention bonuses currently payable to serving members of the Navy, Army and Air Force.

(2) In respect of each bonus: (a) what are the eligibility criteria; (b) what duration of additional service is required for payment; (c) what is the amount of the bonus; (d) what penalties apply if the additional service is not performed; (e) how many personnel received the bonus in the last year for which data is available; and (f) what is the estimated cost of providing the bonuses in the 2002-03 financial year.

(3) Since November 2000, has the Government withdrawn any existing retention bonus; if so, what was the reason for withdrawal and the date that it took effect.

(4) Since November 2000, has the Government created any additional bonuses; if so, what was the reason for doing so and the date that they took effect.

(5) Has the department conducted an evaluation of the effectiveness of retention bonuses; if so, (a) when was the evaluation completed; and (b) what were the conclusions and recommendations; if not, why not.

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

(1) Yes.

(2) The information relevant to bonus schemes in operation in the Australian Defence Force is as follows:

Note:

- A completion bonus is paid on completion of the required service.
- A retention bonus is paid up front with the member providing an undertaking to complete a number of years effective service.

ADF Medical Officers (completion bonus), entry into this scheme is suspended (see part 5 below):

(a) must be a medical or dental officer;

(b) required to provide a period of three years effective service for offers made in the 1999 calendar year;

(c) $90,000;

(d) no bonus is paid;

(e) three personnel are expected to receive payments under this scheme in the 2002-03 financial year;

(f) $270,000.

Air Force Flight Engineers (completion bonus), entry into this scheme is closed:

(a) must hold or have held a category A or B status, have a continuing liability for flying duties in the Air Force and must acknowledge the offer by 30 June 1999;

(b) required to provide a period of effective service for three, four or five years;

(c) 3 years - $45,000

4 Years - $70,000
5 Years - $105,000;
(d) no bonus is paid;
(e) one person is expected to receive a payment under this scheme in the 2002-03 financial year;
(f) $45,000.

Navy Submariners (completion bonus), entry into this scheme is closed:
(a) must be a member in the Submarine Arm of the Navy and have a continuing liability for service in the Submarine Arm of the Navy;
(b) required to serve a period of two years effective service;
(c) $23,000;
(d) no bonus is paid;
(e) 16 personnel are expected to receive payments under this scheme in the 2002-03 financial year;
(f) $368,000.

Navy Observers (completion bonus), entry into this scheme is closed:
(a) must be an Observer in the Navy holding the substantive rank of Lieutenant or Lieutenant Commander, hold a qualification as an Embarked Mission Commander and is otherwise suitable for continued service because of the members efficiency and competence;
(b) required to provide a period of effective service for three, four or five years;
(c) 3 years - $40,000
4 Years - $65,000
5 Years - $100,000;
(d) no bonus is paid;
(e) 17 personnel are expected to receive payments under this scheme in the 2002-03 financial year;
(f) $1,700,000.

Air Force Engineers (completion bonus), entry into this scheme is closed:
(a) must be a qualified engineering officer of the armament, aeronautical or electronics specialisations, hold the substantive rank of Flight Lieutenant, Squadron Leader or Wing Commander and have a continuing liability for engineering duties in the Air Force;
(b) required to serve a period of two years effective service;
(c) $30,000;
(d) no bonus is paid;
(e) six personnel are expected to receive payments under this scheme in the 2002-03 financial year;
(f) $74,506.85. This figure represents some pro-rata payments in accordance with the provisions of the bonus.

Air Force Logistics Officers (retention bonus) from 1 January 2003, entry into the scheme closes on 31 December 2005:
(a) must be a member of the permanent Air Force and either a Flight Lieutenant of 2 years or more seniority, a Squadron Leader or a Wing Commander;
(b) required to undertake to serve a period of three years effective service from the date of eligibility;

QUESTIONS ON NOTICE
(c) $45,000;
(d) required to repay the full amount of the bonus if they do not complete three years effective service;
(e) 165 personnel are expected to receive the bonus in the 2002-03 financial year
(f) $7,425,000.

No.

Yes. The Air Force Logistics Officer Retention Bonus. This scheme was established to assist in the retention of qualified and experienced Logistics Officers in the Permanent Air Force. This commences on 1 January 2003.

The department has conducted a review into the Medical and Dental Officers Bonus. This bonus was considered a long-term bonus replacing the Medical and Dental Officers Gratuity. The bonus scheme was not considered effective and a rate was not deemed past the 1999 calendar year. This bonus can be reactivated at short notice if required. The remaining bonus schemes have been for short-term specific periods to alleviate operational needs. The continued viability of these schemes past the completion dates was not warranted.

Defence: RAAF Training College
(Question No. 1042)

Senator Chris Evans asked the Minister for Defence, upon notice, on 20 December 2002:

(1) Has the decision been made to relocate the RAAF Training College from Point Cook and Edinburgh; if so: (a) when was this decision made; and (b) why.
(2) Where will the RAAF Training College be relocated.
(3) What amount, if any, has been spent on the relocation so far.
(4) What is the total amount allocated to the relocation in each of the following financial years: (a) 2002-03; and (b) 2003-04.
(5) (a) What is the estimated cost of transferring all staff and students of the RAAF Training College; and (b) what are the numbers of staff and students across the whole training college.
(6) Has any part of the RAAF Training College moved yet (for example, the Training College Headquarters, The Officer Training School and the School of Post Graduate Studies); if so, which parts have moved and when; if not, when will the move of each part be made.
(7) What use will be made of the RAAF training facilities at Point Cook and Edinburgh after the training college has been relocated.
(8) When were the training facilities at Point Cook and Edinburgh; (a) built; and (b) last enhanced or upgraded.
(9) Is any part of either of these bases proposed to be sold; if so, when will they be advertised and for how much.
(10) Will all students of the RAAF Training College be accommodated on-base at the new location.
(11) How many people will the new accommodation house.
(12) Has a decision been made to move the Recruit Training Unit of the RAAF Training College; if so, where to and why.
(13) How many staff and students are there at the Recruit Training Unit of the RAAF training College.
(14) What is the estimated cost of their relocation.
(15) What is the total amount allocated to the relocation of the Recruit Training Unit in each of the following financial years; (a) 2002-03; and (b) 2003-04.
Senator Hill—The answers to the honourable senator’s questions are as follows:

(1) Yes.
   (a) 2 October 2001, by the former Minister, the Hon Peter Reith.
   (b) The facilities at RAAF Base Edinburgh are in very poor condition and the Defence property at Point Cook, aside from a small portion, is to be disposed of.

(2) The decision on where to relocate to is currently being reconsidered.

(3) Consultants have been engaged to investigate the proposal and prepare cost estimates. The consultants fees are $43,907.68 (excluding GST)

(4) The funding programmed for the project is:
   (a) $1.0 million; and
   (b) $25.0 million.

(5) (a) In addition to the normal posting cycle relocation costs there will be an additional one of cost of approximately $0.65 million for staff relocation.
   (b) 170 positions will be affected by the move.

(6) A decision was made to move the Headquarters for School of Post Graduate Studies (SPS) and the few SPS instructional staff at Point Cook to Wagga in mid 2002. This decision was based on the operational need to co-locate the HQ with the other elements of SPS at Wagga. Existing facilities at Wagga are being used to house SPS staff. The re-location cost was small and was absorbed within the college budget. Dates for the remaining moves will be determined when the relocation is reconfirmed and the proposal further developed.

(7) The Defence facilities at Point Cook will be sold, except for a small portion, which will be retained for the RAAF Museum and the RAAF heritage precinct. The recuit training facilities at RAAF Base Edinburgh will be demolished, with the exception of the demountables, which will be relocated to Murray Bridge Training area to be utilised for on-site accommodation.

(8) The training facilities at Point Cook were built in the early 1960’s and the last major enhancement was about 20 years ago. The training facilities for the Recruiting Training Unit at RAAF Base Edinburgh were constructed prior to World War II and occupied in the mid 1960’s. With the exception of demountable accommodation, installed in 2001/2, there have been no major enhancements or refurbishment in the last decade.

(9) Yes. RAAF Base Point Cook has been included in the Defence Property Disposal Program for the 2003/2004 financial year. It is anticipated the property will be offered for sale in the 2002/03 financial year, although revenue is not anticipated until the 2003/04 financial year. The property will be sold through an open tender process and will not have an ‘advertised price’. The estimated revenue return from the sale of the property is considered Commercial-In-Confidence. No part of RAAF Base Edinburgh has been included in the Defence Property Disposal Program.

(10) It is planned that students will be accommodated on base, some in the new facilities and some in refurbished facilities.

(11) The numbers will depend on the location selected.

(12) The Recruit Training Unit is an element of the RAAF College and is part of the proposed relocation. The facilities occupied by the Recruit Training Unit are inappropriate.

(13) There are approximately 100 staff. In 2002, approximately 1300 recruits were trained but this will reduce to approximately 900 in 2003.

(14) The estimated cost of the staff relocation is approximately $0.4 million. (note, this cost is included in the answer to part 5). There will be no cost to relocate students.
(15) The cash flow for the project has not programmed on an element by element basis.

**Family and Community Services: Vacation Care**

**(Question No. 1055)**

_Senator Jacinta Collins_ asked the Minister representing the Minister for Children and Youth Affairs, on 7 January, 2003:

With reference to the recent reallocation of 1,030 Outside School Hours Care places (415 in September 2002 and a further 615 in December 2002) in Victoria to meet the state’s Vacation Care unmet demand of 1,750 places, as identified by the Victorian Family and Community Services office:

(1) (a) Which localities received the extra Vacation Care places; and (b) what was the number of places that each locality received.

(2) (a) From which localities and forms of care were the Outside School Hours Care places reallocated; and (b) what was the number of places that each locality and form of care gave up.

(3) (a) Which localities are still in need of Vacation Care places; and (b) what is the estimated unmet need for each of these localities.

(4) (a) What is the current number of Vacation Care places in each state as compared to other forms of Outside School Hours Care; and (b) what is the number of any recent reallocation of Outside School Hour Care places to Vacation Care in states other than Victoria, if any.

(5) If there has been any recent reallocation of Outside School Hour Care places to Vacation Care in states other than Victoria, for each state: (a) which localities received the extra Vacation Care places; (b) what was the number of Vacation Care places that each locality received; (c) from which localities and forms of care were the Outside School Hours Care places reallocated; (d) what was the number of places that each locality and form of care gave up; (e) which localities are still in need of Vacation Care places; and (f) what is the estimated unmet need for each of these localities.

(6) What was the methodology used to calculate the unmet demand for Vacation Care places.

_Senator Vanstone_—The Minister for Children and Youth Affairs has provided the following answer to the honourable senator’s question:

(1) (a) and (b) The table below shows the number and location of reallocated Vacation Care places in Victoria:

<table>
<thead>
<tr>
<th>Local Government Area</th>
<th>Vacation Care</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ballarat</td>
<td>60</td>
</tr>
<tr>
<td>Banyule</td>
<td>15</td>
</tr>
<tr>
<td>Baw Baw</td>
<td>0</td>
</tr>
<tr>
<td>Boroondara</td>
<td>0</td>
</tr>
<tr>
<td>Cardinia</td>
<td>30</td>
</tr>
<tr>
<td>Casey</td>
<td>70</td>
</tr>
<tr>
<td>Colac-Otway</td>
<td>35</td>
</tr>
<tr>
<td>Darebin</td>
<td>30</td>
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<tr>
<td>East Gippsland</td>
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</tr>
<tr>
<td>Frankston</td>
<td>10</td>
</tr>
<tr>
<td>Glen Eira</td>
<td>90</td>
</tr>
<tr>
<td>Gr Bendigo</td>
<td>0</td>
</tr>
<tr>
<td>Gr Dandenong</td>
<td>30</td>
</tr>
<tr>
<td>Gr Geelong</td>
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</tr>
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QUESTIONS ON NOTICE
### Questions on Notice

**Local Government Area**

<table>
<thead>
<tr>
<th>Local Government Area</th>
<th>Vacation Care</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hobsons Bay</td>
<td>25</td>
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<tr>
<td>Hume</td>
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<td>60</td>
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<td>Whittlesea</td>
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<tr>
<td>Wyndham</td>
<td>35</td>
</tr>
<tr>
<td>Yarra</td>
<td>0</td>
</tr>
<tr>
<td>Yarra Ranges</td>
<td>30</td>
</tr>
<tr>
<td><strong>Total Places</strong></td>
<td><strong>1030</strong></td>
</tr>
</tbody>
</table>

(2) (a) and (b) The following table shows the location, number and type of places relinquished in Victoria.

<table>
<thead>
<tr>
<th>Local Gov’t Area</th>
<th>Before School Care</th>
<th>After School Care</th>
<th>Vacation Care</th>
<th>Total No of Places</th>
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</thead>
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</tr>
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</table>

**QUESTIONS ON NOTICE**
### QUESTIONS ON NOTICE

Local Gov’t Area | Before School Care | After School Care | Vacation Care | Total No of Places
--- | --- | --- | --- | ---
Melbourne | 15 | 35 | 10 | 60
Mildura | 0 | 10 | 0 | 10
Monash | 45 | 55 | 0 | 100
Moonee Valley | 45 | 25 | 20 | 90
Moreland | 20 | 50 | 0 | 70
Mornington Pen. | 20 | 20 | 0 | 40
Moynie | 15 | 0 | 0 | 15
Nillumbik | 30 | 25 | 0 | 55
Port Phillip | 25 | 40 | 0 | 65
South Gippsland | 10 | 10 | 0 | 20
Stonnington | 35 | 10 | 0 | 45
Surf Coast | 0 | 30 | 0 | 30
Wellington | 15 | 15 | 0 | 30
Whitehorse | 20 | 25 | 0 | 45
Whittlesea | 25 | 10 | 0 | 35
Wyndham | 28 | 45 | 0 | 73
Yarra | 5 | 35 | 0 | 40
Yarra Ranges | 30 | 35 | 0 | 65
Total Places | 817 | 933 | 270 | 2020

(3) (a) and (b) Following the allocation of the 1030 vacation care places there are no localities that have a demonstrated unmet demand for Vacation Care places in Victoria.

(4) (a) The table below shows the numbers of outside school hours care places by type of care in each State and Territory.

<table>
<thead>
<tr>
<th>State</th>
<th>Before School</th>
<th>After School</th>
<th>Vacation</th>
</tr>
</thead>
<tbody>
<tr>
<td>NSW</td>
<td>14851</td>
<td>29531</td>
<td>21330</td>
</tr>
<tr>
<td>QLD</td>
<td>7055</td>
<td>22759</td>
<td>20040</td>
</tr>
<tr>
<td>VIC</td>
<td>14281</td>
<td>30459</td>
<td>17150</td>
</tr>
<tr>
<td>SA</td>
<td>4818</td>
<td>10629</td>
<td>9253</td>
</tr>
<tr>
<td>WA</td>
<td>1595</td>
<td>5394</td>
<td>6795</td>
</tr>
<tr>
<td>TAS</td>
<td>345</td>
<td>2213</td>
<td>2133</td>
</tr>
<tr>
<td>NT</td>
<td>125</td>
<td>1948</td>
<td>1857</td>
</tr>
<tr>
<td>ACT</td>
<td>1043</td>
<td>3369</td>
<td>1629</td>
</tr>
</tbody>
</table>

(b) The recent reallocation of Outside School Hours Care places to Vacation Care included 198 in Western Australia, 230 in Queensland and 5 in Northern Territory.

(5) (a) and (b) The tables below show the name of the localities and the numbers of Vacation Care places that each locality received in States other than Victoria.

<table>
<thead>
<tr>
<th>Western Australia</th>
<th>Numbers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Albany</td>
<td>14</td>
</tr>
<tr>
<td>Bunbury</td>
<td>20</td>
</tr>
<tr>
<td>Fremantle</td>
<td>12</td>
</tr>
<tr>
<td>Joondalup</td>
<td>35</td>
</tr>
<tr>
<td>Stirling</td>
<td>20</td>
</tr>
<tr>
<td>Swan</td>
<td>26</td>
</tr>
<tr>
<td>Upper South West</td>
<td>16</td>
</tr>
<tr>
<td>Wanneroo</td>
<td>55</td>
</tr>
</tbody>
</table>
(c) and (d) The following table shows the location, number and types of places relinquished in states other than Victoria.

### Localities

<table>
<thead>
<tr>
<th>Western Australia</th>
<th>Before School Care</th>
<th>After School Care</th>
<th>Vacation Care</th>
<th>Total No of Places</th>
</tr>
</thead>
<tbody>
<tr>
<td>Armadale</td>
<td>15</td>
<td>0</td>
<td>0</td>
<td>15</td>
</tr>
<tr>
<td>Bayswater</td>
<td>15</td>
<td>1</td>
<td>0</td>
<td>16</td>
</tr>
<tr>
<td>Geraldton</td>
<td>0</td>
<td>5</td>
<td>0</td>
<td>5</td>
</tr>
<tr>
<td>Joondalup</td>
<td>3</td>
<td>0</td>
<td>0</td>
<td>3</td>
</tr>
<tr>
<td>Lower South West</td>
<td>0</td>
<td>10</td>
<td>0</td>
<td>10</td>
</tr>
<tr>
<td>Mundaring</td>
<td>0</td>
<td>0</td>
<td>6</td>
<td>6</td>
</tr>
<tr>
<td>Perth</td>
<td>0</td>
<td>0</td>
<td>20</td>
<td>20</td>
</tr>
<tr>
<td>Pilbara</td>
<td>43</td>
<td>34</td>
<td>34</td>
<td>111</td>
</tr>
<tr>
<td>Rockingham</td>
<td>15</td>
<td>5</td>
<td>0</td>
<td>20</td>
</tr>
<tr>
<td>Stirling</td>
<td>0</td>
<td>5</td>
<td>10</td>
<td>15</td>
</tr>
<tr>
<td>Swan</td>
<td>30</td>
<td>10</td>
<td>0</td>
<td>40</td>
</tr>
<tr>
<td>Upper South West</td>
<td>0</td>
<td>10</td>
<td>20</td>
<td>30</td>
</tr>
<tr>
<td>Vincent</td>
<td>8</td>
<td>6</td>
<td>5</td>
<td>19</td>
</tr>
<tr>
<td>West Kimberley</td>
<td>0</td>
<td>20</td>
<td>0</td>
<td>20</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Queensland</th>
<th>Before School Care</th>
<th>After School Care</th>
<th>Vacation Care</th>
<th>Total No of Places</th>
</tr>
</thead>
<tbody>
<tr>
<td>Albert</td>
<td>10</td>
<td>0</td>
<td>0</td>
<td>10</td>
</tr>
<tr>
<td>Cairns</td>
<td>0</td>
<td>5</td>
<td>0</td>
<td>5</td>
</tr>
<tr>
<td>Clayfield</td>
<td>5</td>
<td>0</td>
<td>0</td>
<td>5</td>
</tr>
<tr>
<td>Clayfield</td>
<td>0</td>
<td>15</td>
<td>0</td>
<td>15</td>
</tr>
<tr>
<td>Clayfield</td>
<td>0</td>
<td>0</td>
<td>15</td>
<td>15</td>
</tr>
<tr>
<td>Cook</td>
<td>0</td>
<td>0</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>Enoggera</td>
<td>0</td>
<td>5</td>
<td>0</td>
<td>5</td>
</tr>
</tbody>
</table>

QUESTIONS ON NOTICE
Northern Territory has no demand for additional Vacation Care places.

Localities with Demand Estimated Demand
Queensland
Aspley 15
Atherton 60
Bundaberg 45
Caboolture 20
Cairns 20
Charters Towers 5
Clayfield 30
Fraser 20
Gladstone 60
Hinterland 160
Inner Brisbane South 80
Ipswich 8
Kedron 65
Kenmore 35
Logan 110
Nth West Darling Downs 30
Nudgee 25
Outer Brisbane South 105
Pine Rivers 55
Red Hill 10
Redcliffe 82
Redland 40
Sandgate 5
South Burnett 15
South Coast North 45
South Coast South 35
South West Brisbane 70
Localities with Demand | Estimated Demand
---|---
Sunshine Cooloola | 105
Toowoomba | 5
Townsville | 115

Localities with Demand | Estimated Demand
---|---
Western Australia | 
Armadale | 48
Belmont | 10-20
Bunbury | 26
Fremantle | 13
Joondalup | 26-39
Melville | 5
Pilbara | 20
South Perth | 30

(6) Identifying the unmet demand is part of the planning process and Planning Advisory Committees (PACs) are provided with a range of demographic and survey data on supply and demand for child care places at the local level. The data is provided to assist PACs in making recommendations on areas where additional places are required.

**Defence: Manpower Call Centre**

(1) (a) When was the decision taken to extend the pilot trial of Manpower in Victoria and Tasmania past its original completion date of September 2001; (b) who made this decision; and (c) why.

(2) Is the amount paid to Manpower the same for each recruit to the Australian Defence Force (ADF), regardless of the rank or job to be performed by the new recruit; if not, what amount is paid to Manpower for recruits to each different rank, job, geographic location etc.

(3) Can a list be provided of all the ADF recruitment call centres and their locations.

(4) For each call centre what is the number of: (a) Manpower employees; (b) uniformed ADF personnel; and (c) public servants from the department.

(5) (a) Has any decision been made to move the Manpower Defence Recruiting Call Centre from Dickson, ACT; if so; (i) when was the decision made; (ii) to where will it be moved, and (iii) when; and (b) what was the baseline operating cost for the call centre in Dickson.

(6) How much will Manpower be paid automatically under the national recruitment contract awarded in September 2002, and when, for example, what amount will Manpower be paid that is not linked to the number of recruits enlisted, and at what intervals in the life of the contracts.

**Senator Chris Evans** asked the Minister for Defence, upon notice, on 14 January 2003:

(1) (a) 11 July 2001.

(b) The Government.

(c) To incorporate lessons learnt during the initial pilot period and to allow a robust evaluation of the trial.

(2) The amount paid to Manpower per recruit is dependent upon the category of entry. Different rates apply for full-time aircrew ($10,000), officers ($9,000), technical entry ($6,000), general entry ($5,000), part-time officers ($5,000) and part-time general entry ($3,500). The amount reduces by 2.5% per annum over the term of the contract.
(3) There are two call centres used for Australian Defence Force (ADF) Recruitment purposes: the Manpower call centre at Dickson, ACT for ADF recruiting in Victoria, Tasmania and Southern New South Wales; and the Defence Service Centre at Cooma, NSW for ADF Recruiting in the remainder of Australia. The Manpower call centre will close with effect 3 March 2003, at which time all ADF recruiting call centre services will be conducted at the Defence Service Centre.

(4) (a), (b) and (c) The Manpower call centre has 20 Manpower employees, no ADF and no Australian Public Service (APS) employees. The Defence Service Centre has 92 APS employees delivering call centre services – ADF Recruiting represents approximately 85% of the business. There are no Manpower or ADF employees at the Defence Service Centre.

(5) (a) As a result of the decision of 14 November 2002 to progress to national rollout, the Manpower call centre will close with effect 3 March 2003. All ADF recruiting call centre services will be provided by the Defence Service Centre as a Defence retained function under the Contract.

(b) The operating cost of the Manpower Defence Recruiting Call Centre was included in the per recruit rate for Phase 1 and 1A of the project.

(6) Under the national ADF Recruiting Services Contract, Manpower is paid a monthly fixed fee of $499,563.00 that comprises amortisation of set up costs, depreciation of capital expenditure and construction and maintenance of the information technology network, over the period of the contract.

Wide Bay Electorate: Program Funding
(Question No. 1085)

Senator O’Brien asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 14 January 2003:

With reference to each of the twenty-six Dairy Regional Assistance Program (DRAP) projects funded in the electorate of Wide Bay and listed in the answer to questions on notice nos 424 and 443 (Senate Hansard, 29 August 2002, p. 4074):

(1) When was the project application lodged with the Wide Bay Burnett Area Consultative Committee.

(2) When was the application for funding lodged with the department and when was each application assessed and approved.

(3) Was the Member for Wide Bay or his electorate office informed by the Wide Bay Burnett Area Consultative Committee of the details of the application.

(4) Did the Member for Wide Bay or his electorate office make representations in support of the application.

(5) Was the Member for Wide Bay or his electorate office consulted on the details of the application.

(6) Was the Department of Agriculture, Fisheries and Forestry, the Minister for Agriculture, Fisheries and Forestry and/or his office: (a) advised of the lodgement of the application and/or consulted on the details of the application; and (b) informed of the outcome of the assessment; if so, when was this information provided.

(7) Which individual or organisation lodged the application.

(8) What was the level of funding sought, and what level of funding was approved.

(9) What was the total cost of the proposed project.

(10) Did the applicant agree to meet 50 per cent of the cost of the project.

(11) Did the application contain proposed assessment criteria for evaluation; if so, what are the details of the assessment criteria.
(12) Has the project been evaluated; if so: (a) who conducted the evaluation; (b) when did it occur; and (c) what are its findings; if not, why not.

(13) Has the project failed to meet the milestones contained in its project plan; if so: (a) what is the nature of the failure; and (b) what action has been taken by the department to address the failure of the project to meet the terms of its project plan.

(14) If the application did not contain proposed assessment criteria, why not.

(15) Was the application varied between lodgement and approval; if so: (a) what was the nature of the variation; (b) was the variation required to ensure the proposal complied with the program guidelines; (c) who requested the variation; and (d) when was it requested.

(16) Has the project commenced; if so, when did it commence and did it commence on schedule; if not, why not.

(17) Has the project been completed; if so, when was it completed and was it completed on schedule; if not, why not.

(18) (a) If the project has been completed, has the proponent submitted a completed evaluation form including audited financial statements; if not, why not; and (b) what action has been taken by the department to ensure the proponent of the project complies with DRAP guidelines.

(19) How many direct and indirect jobs did the applicant estimate would be created by the project, and what was the anticipated duration of these jobs.

(20) Did the department evaluate the job creation forecast contained in the application; if so, what was the result of the evaluation; if not, why not.

(21) Has the project proponent provided monthly progress reports in accordance with section 1.17 of the DRAP application; if not: (a) has the project failed to comply with the requirement contained in section 1.17 of the DRAP application, and (b) what action has the department taken to address this failure.

(22) On how many occasions has the state office of the department inspected the project in accordance with section 1.18 of the DRAP application, and on what dates did those inspections occur.

(23) If a departmental officer has not visited the project in accordance with section 1.18 of the DRAP application; why not.

Senator Ian Macdonald—The acting Minister for Transport and Regional Services has provided the following answer to the honourable senator’s question:

Answers to the above questions have been provided to Senator O’Brien and copies are available from the Senate Tabling Office.

Attorney-General’s: Copyright

(Question No. 1130)

Senator Ludwig asked the Minister representing the Attorney-General, upon notice, on 22 January 2003:

(1) What steps has the Government taken to monitor the operation of the Copyright Act as new technologies develop, particularly in relation to the Internet.

(2) With reference to the Government’s commitment to review the Copyright Amendment (Digital Agenda) Act 2000 in response to the recommendations of the Government-appointed Intellectual Property and Competition Review Committee in August 2001: (a) Has this review commenced; if not why not and when will it commence; (b) who is conducting the review; (c) are the terms of reference for the review available; if not why not and when will they be available; and (d) when in 2004 will the review be available.

QUESTIONS ON NOTICE
What steps has the Government taken to enhance enforcement mechanisms in relation to copyright.

**Senator Ellison**—The Attorney-General has provided the following answer to the honourable senator’s question:

(1) The amendments to the Copyright Act 1968 made by the Copyright Amendment (Digital Agenda) Act 2000 (the Digital Agenda Act) commenced on 4 March 2001. The reforms represent the Government’s main initiative in the area of copyright law to meet the challenges posed by new technologies, particularly the Internet. Since commencement, the Attorney-General’s Department and the Department of Communications Information Technology and the Arts have been monitoring the operation of the amendments against the underlying objectives of the reforms. This has involved monitoring publicly available reports, news and case law, both domestically and internationally, as well as maintaining close liaison with the industries concerned.

(2) (a) The review has commenced. The Intellectual Property and Competition Review Committee (IPCRC) recommended in its final report to the Government that a number of issues be examined as part of the Government’s proposed review. The Government is committed to including the issues recommended by the IPCRC in the review.

(b) The Attorney-General’s Department and the Department of Communications, Information Technology and the Arts are jointly responsible for the review. Following a tender process, law firm Phillips Fox has been engaged as a consultant to analyse specific aspects of the amendments from legal, economic and technical viewpoints. The consultant’s report and recommendations will form part of the Government’s broader review.

(c) The terms of reference for the consultant’s analysis were made publicly available on 1 April 2003. Other relevant matters will be examined as part of the broader review.

(d) The Government has indicated that it would review the Digital Agenda Act Amendments within three years and is on course to meet that timeframe.

(3) The Government notes that the rates of copyright infringement in Australia are among the lowest in the world. This is an objective measure which demonstrates that Australia’s enforcement mechanisms are appropriate and effective. Nevertheless, the Government gives careful attention to suggestions for improving copyright enforcement.

The Government has recently examined a number of proposals from Parliament and industry organisations for changes to copyright legislation. A formal response is being finalised. A number of legislative changes designed to strengthen copyright enforcement were recently passed in the Copyright Amendment (Parallel Importation) Bill 2002.

Australia has been working in APEC and generally in our region to promote IP enforcement. This has included hosting seminars, giving training and the provision of technical assistance. In Australia, a consultative group on IP law enforcement led by the Australian Federal Police (AFP) was established in 2001. Membership of the group is open to all interested government and industry bodies. It provides a mechanism by which law enforcement agencies and industry are able to consult on practical ways of facilitating law enforcement action and improving cooperation, for example, in the exchange and coordination of intelligence. Representatives of the film, recording, business software, entertainment software, toy and trade mark clothing industries are regular participants. The Australian Customs Service (ACS) also attends the consultative group.

The AFP has recently taken part in several major investigations in conjunction with international agencies and Customs. ACS continues to intercept imported material in accordance with the provisions of the Copyright Act.
Defence: Personnel
(Question No. 1142)

Senator Chris Evans asked the Minister for Defence, upon notice, on 30 January 2003:

(1) Is there an established process by which Australian Defence Force (ADF) personnel who are deemed to be medically unfit may be redeployed to civilian positions within the department; if so, are there any guidelines or administrative procedures that detail how the process is carried out and, if so, can a copy of these guidelines be provided.

(2) Does this process in any way restrict the employment of former ADF personnel in civilian functions in the department; if so, under what circumstances might such restrictions occur.

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

(1) The level of an Australian Defence Force (ADF) member’s medical fitness and, therefore, a measure of their individual readiness, may change due to illness, accident or injury. A member’s medical status is important as it is a determinant of their suitability for:

(a) deployment and postings;
(b) fitness for retention in the ADF;
(c) extension of enlistment or appointment;
(d) promotion;
(e) payment of specialist allowances, such as diver, aircrew or submariner;
(f) transfer between military occupations; and
(g) inter- and intra-Service transfers.

Where a member, not in need of active medical treatment (that is, hospitalisation or institutionalised care), is found by a medical board to be medically unfit for all further service, the member will be recommended for discharge from the ADF (as medically unfit) as soon as possible after the findings of the medical board have been confirmed by the appropriate Service medical authority.

Where a member is found to be medically unfit for retention in their present employment category (as opposed to unfit for all service) then advice of the member’s fitness for other Service employment is forwarded to the relevant Service Career Management Staff for consideration of reallocation within their Service. If the member declines an offer of appropriate alternative ADF employment, then a recommendation for discharge on grounds other than medical unfitness will be considered.

Appropriate alternative employment in these circumstances is that which is consistent with the member’s rank, pay level, experience and training, including reasonable retraining. Where no appropriate alternative employment is available, the member will be recommended for discharge.

Where a medical board proposes to recommend discharge, the member is advised in writing and will be provided with an opportunity to respond. This will then be considered by the discharge approval authority.

The Services each retain some non-operational positions in which members who are suffering short-term medical disabilities still perform essential ADF functions, but avoid the physical and mental stress of their primary employment category for which they have been assessed as medically unfit. While these positions may be located in a civilian workforce environment of Defence, and be subject to civilian supervision, the personnel remain ADF members and thereby subject to the employment provisions of the Defence Act 1903.
While an ADF member (as a member of the Australian community) is free to apply for any advertised APS vacancy for which they feel qualified, there is no provision whereby an individual ADF member can transfer into a civilian (APS) position without first:

(a) separating from the ADF; and
(b) being selected through a competitive merit process against other applicants for the civilian employment opportunity, as required by the Public Service Act 1999.

In applying for advertised civilian vacancies, retired or discharged ADF members receive no preferential treatment.

Policies and Guidelines addressing aspects of this subject are available electronically to all Defence personnel through the Defence intranet (DEFWEB). Copies of these policies and guidelines have been forwarded separately to your office.

(2) Defence encourages ADF members, who are considering separation from their Service, to explore opportunities to apply their skills within Defence as members of the civilian workforce. To this end, a publication ‘The Other Side of Defence’ was developed and a copy has been forwarded separately to your office. It is available on the Defence Internet site at: www.defence.gov.au

The booklet explains the Australian Public Service (APS) environment and its merit-based entry process, encouraging eligible readers to apply for employment opportunities for which they feel qualified. ‘The Other Side of Defence’ has recently been updated and is currently being reprinted for distribution to all attendees at ADF Resettlement Seminars during 2003, and to ADF units.

Ex-ADF members who are medically discharged, and who are subsequently successful in the selection process for an APS employment opportunity, would be required to meet health standards associated with fitness for duty and superannuation entry criteria as would any other APS entrant.

**HMAS Voyager: Legal Action**

(Question No. 1143)

**Senator Chris Evans** asked the Minister for Defence, upon notice, on 30 January 2003:

(1) (a) How many legal actions have been commenced, to date, in relation to the HMAS Voyager/HMAS Melbourne collision; and (b) how many claims have been settled out of court.

(2) For each year since 1985: (a) how many claims were settled; and (b) on average, how many days before the trial commenced were the cases settled.

(3) How many legal actions commenced in relation to the collision have not yet been settled or mediated or had a judgment given.

(4) In each year since 1985: (a) how many requests have been made under the Freedom of Information (FOI) Act to the department for information on personal files by persons with claims relating to the collision (or their lawyers); and (b) how many of the requests have been granted.

(5) Has the department refused some FOI requests relating to the collision; if so, how many and in what years.

(6) Did the department refuse, at some point in the 1990s, FOI requests made by persons with claims relating to the collision (or their lawyers) insisting that the request be made instead to the department’s external lawyers.

(7) Has the Commonwealth destroyed any documents from personal files by persons with claims relating to the collision.

**Senator Hill**—The answers to the honourable senator’s questions are as follows:
(1) (a) From 1964 to date, approximately 436 claims for damages were the subject of legal proceedings before the courts.

(b) From 1964 to date, approximately 308 of those 436 claims for damages that were the subject of legal proceedings before the courts have been settled out of court (that is, without a full hearing and a final judgment).

(2) (a) From 1985 to date, approximately 284 claims for damages that were the subject of legal proceedings before the courts were settled (that is, without a hearing or final judgment) in the following years:

<table>
<thead>
<tr>
<th>Year</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>1985</td>
<td>2</td>
</tr>
<tr>
<td>1990</td>
<td>1</td>
</tr>
<tr>
<td>1991</td>
<td>3</td>
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</tr>
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<td>2001</td>
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</tr>
<tr>
<td>2002</td>
<td>19</td>
</tr>
<tr>
<td>2003</td>
<td>0</td>
</tr>
</tbody>
</table>

(b) This request would entail an unreasonable diversion of limited staffing resources in circumstances where those resources are required to deal with significant ongoing litigation arising from the 1964 collision. This is because of the number of matters involved, the nature of the enquiry, the 17 year time-frame involved, and the range of enquiries that would need to be made by the Department of Defence, and of its legal advisers and of the courts in relation to each matter, to ascertain and provide this information.

(3) 128 claims for damages continue to be the subject of legal proceedings before the courts have not yet been settled or mediated or had a final judgment given. A number of matters are currently the subject of an appeal.

(4) (a) and (b) Registers of Freedom of Information Act 1982 (FOI) requests received in Defence are not kept in such a way that would enable the department to compile the information sought. Moreover, persons who make requests for access to documents under the FOI Act are not required to state why they make their requests – although some choose to do so. Accordingly, FOI case records may or may not reveal that an applicant sought access to personal records in connection with a claim relating to the collision.

Some information of the kind sought might be obtained by examining individual FOI case files, where these have not been destroyed in accordance with approved disposal arrangements. However, from 1 July 1986 to 30 June 2002, Defence received 5570 requests for access to documents under the FOI Act. It would be beyond the capacity of current resources, which are devoted to responding to FOI requests, to research and provide the detailed information sought.

(5) See answer to part (4).
See answer to part (4). Based on available information the department is not aware of any case in which this has occurred.

Yes. This apparently occurred pursuant to archiving processes.

Iraq

(*Question Nos 1160, 1161 and 1162*)

**Senator Brown** asked the Minister representing the Minister for Foreign Affairs, upon notice, on 14 February 2003:

With reference to Australia’s possible involvement in a war on Iraq:

(1) What steps have been taken to ensure that the estimated 10 000 to 100 000 archaeological and cultural sites in Iraq are protected from damage, specifically, how do these steps apply to bombing and to activities of ground troops.

(2) Will Australian forces observe the 1954 Hague Convention.

(3) What information about the location, value and sensitivity of archaeological and cultural sites in Iraq has been provided to Australian forces.

(4) What plans are in place to protect archaeological and cultural sites from looting, illegal excavation or other damage after the conflict.

(5) Who is responsible for protecting archaeological and cultural sites during, and after, any war in which Australia is involved.

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

(1) Australian rules of engagement require members of the Australian Defence Force (ADF) to comply fully with the laws of armed conflict. This includes Australia’s obligations as a Party to the Convention for the Protection of Cultural Property in the Event of Armed Conflict (The Hague, 14 May 1954) and the First Additional Protocol (Geneva, 8 June 1977) to the Geneva Conventions of 1949 to respect and protect cultural property, including archaeological sites. Australian compliance with its legal obligations is effected through the appropriate analysis of the area in which military operations will be conducted. This analysis is a required step for all ADF military operations and is based on an assessment of the information available to ADF commanders at the time. Australian forces clearly understand their obligations under the laws of armed conflict and as such, care is taken in both air and ground operations to protect known archaeological and cultural sites from the effects of military operations. Legal advisers are available to commanders to provide advice on these matters.

(2) Yes. See response to question (1).

(3) The Australian forces obtain information through a variety of intelligence sources that relates to protected buildings and objects known to be located in the vicinity of military objectives and in areas of military operations. This information would cover known archaeological and cultural sites.

(4) See response to question (1).

(5) Iraq is a party to the Hague Convention and as such has a clear obligation to protect these sites from harm. For example, the Hague Convention requires that Iraq not use such sites for military purposes or to shield military sites. Archaeological and cultural sites may lose their protection under the Hague Convention if they are used for military purposes. In relation to Australia’s obligations, see response to question (1).
Wednesday, 14 May 2003

SENATE

11141

Science: Cooperative Research Centre for Tree Technologies

(Question No. 1164)

Senator O’Brien asked the Minister representing the Minister for Science, upon notice, on 17 February 2003:

(1) On what date was the bid for the Cooperative Research Centre (CRC) for Tree Technologies (CRC-TT) received by the CRC Committee.

(2) (a) Which CRC expert panels assessed the bid; and (b) on what day did each expert panel receive the bid for consideration.

(3) Under the selection process described on the CRC website (www.crc.gov.au), on what day did the CRC-TT bid pass from what is described as: (a) ‘Stage 1 - eligibility’ to ‘Stage 2 - shortlisting’; and (b) ‘Stage 2 - shortlisting’ to ‘Stage 3 - interview’.

(4) On what days were the ‘Stage 3 - interviews’ conducted with the applicants in the CRC-TT bid.

(5) Where were the interviews conducted.

(6) Which members of the CRC Committee attended the interviews.

(7) (a) Which CRC expert panels were represented at the interviews; and (b) whom from each CRC expert panel attended.

(8) With reference to the members of the CRC Committee and the CRC expert panels, what was the total cost to the Commonwealth in conducting the interviews, in terms of: (a) transport; (b) accommodation; (c) meals; and (d) other costs.

(9) With reference to the members of the CRC-TT bidding syndicate, what was the total cost to the Commonwealth in conducting the interviews, in terms of: (a) transport; (b) accommodation; (c) meals; and (d) other costs.

(10) On what day did the Commonwealth Scientific and Industrial Research Organisation Division of Forestry and Forest Products withdraw from the CRC-TT bid.

Senator Alston—The Minister for Science has provided the following answer to the honourable senator’s question:

(1) The Department of Education, Science and Training received the bid for the Cooperative Research Centre (CRC) for Tree Technologies on 23 May 2002. A copy of Part A Section 1 of all applications was sent to members of the CRC Committee prior to the 10 July 2002 meeting and full applications were available to members at the meeting. Recommendations made by the Life Sciences Expert Panel in relation to the bid were considered by the CRC Committee on 10 July 2002, 11 September 2002 and 26 November 2002.

(2) (a) The bid was assessed by the Life Sciences Panel. (b) The bid documentation was sent to the Chair and Co-Chair of the Panel on 5 June 2002.

(3) (a) On 12 July 2002, the Minister for Science approved the CRC Committee’s recommendation on the applicants to proceed to stage 2. (b) On 17 September 2002, the Minister for Science approved the CRC Committee’s recommendation on the applicants to proceed to stage 3.

(4) The Stage 3 interview was held on 24 October 2002.

(5) The interview was conducted at Forestry Tasmania, 79 Melville Street, Hobart.

(6) No members of the CRC Committee attended the interview.

(7) The Life Sciences Panel was represented at the interview by Mr Jim Miller, the Chair of the Life Sciences Panel, and Panel members Mr Wayne Gerlach and Ms Kiara Bechta-Metti.

(8) (a) Total transport costs were $2,306. (b) & (c) Accommodation costs including meals were $570. (d) Other costs including sitting fees and preparation fees amounted to $1,675.
(9) The Commonwealth incurred no costs associated with the transport, accommodation, meals or other costs of members of the Tree Technologies bidding syndicate.

(10) CSIRO Division of Forestry and Forest Products notified the Department of Education, Science and Training of its withdrawal from the Tree Technologies bid via an e-mail received on 12 September 2002.

Defence: Project Sea 1390
(Question No. 1182)

Senator Chris Evans asked the Minister for Defence, upon notice, on 24 February 2003:

With reference to Project Sea 1390, the project to upgrade the Adelaide Class Guided Missile Frigates (FFGs):

(1) What is the latest estimate of the delay with this project.

(2) Can an update be provided of the problems that are being experienced with the combat system software.

(3) What are the latest estimates of when the first ship will commence the upgrade program and when the last ship will be finalised.

(4) Is the Minister confident that the delay will not increase beyond 2 years.

(5) What action has the Minister taken to ensure that the delay will not increase beyond 2 years.

(6) What are the proposed commencement and completion dates for each of the ships that will be upgraded.

(7) With reference to evidence given to the Foreign Affairs, Defence and Trade Legislation Committee estimates hearing on 12 February 2003 (Hansard, p. 47): When is it expected that HMAS Sydney and HMAS Newcastle will next be deployed to the Gulf.

(8) Will the proposed deployment of HMAS Sydney to the Gulf alter the date on which it is proposed that the ship will commence its upgrade.

(9) How much will it cost to upgrade each of the FFGs.

(10) Given the claim, in the response to question on notice W13(a) from the Foreign Affairs, Defence and Trade Legislation Committee estimates hearings, on 21 November 2002, that a 2-year delay did not warrant a reconsideration of the viability of the project: If the delays increase further, at what point would the viability of the project be reconsidered.

(11) (a) Which of the FFGs have been in the Gulf since the contract for the upgrade project was signed in June 1999; and (b) what were the dates of each of these deployments.

(12) With reference to the answer to question on notice no. 1041 which indicates that ‘the overall combat system performance [of the FFGs] does not meet current capability requirements’: What are the implications of this statement for HMAS Darwin which is currently stationed in the Gulf.

(13) Is HMAS Darwin more vulnerable to attack given the inadequacies of its combat system.

(14) With reference to the answer to question on notice no. 324 (Senate Hansard, 19 August 2002, p. 3191), which indicates that the presence of the FFGs in the Gulf would be reviewed ‘should [the] environment change’, and in view of these and other comments about the deficiencies in the combat system software and the ‘environment change’ that has occurred in the Gulf: Has the presence of the FFGs in that region been reviewed; if so, what was the outcome of this review; if not, why not.

(15) Given the deficiencies in its combat system software was the option of recalling HMAS Darwin and not deploying any of the other FFGs to the Gulf considered; if so, what was the outcome; if not, why not.
(16) Were the inadequacies in the combat system software on HMAS Sydney and HMAS Newcastle considered before it was decided to deploy these ships to the Gulf later in 2003; if so, why was it decided to proceed with the deployments; if not, why not.

(17) What is the latest estimate of the total budget for this project.

(18) With reference to page 62 of the Portfolio Additional Estimates Statements 2002-03, which states that the forecast expenditure on the project in the 2003-03 financial year is $208 million, and the response to question on notice W18(a) from the Foreign Affairs, Defence and Trade Legislation Committee estimates hearings on 21 November 2002, which suggested that $175 million was to be spent in the 2002-03 financial year: (a) why are these figures different; (b) what is the correct forecast for expenditure in the 2002-03 financial year; and (c) can a breakdown be provided of forecast expenditure in the 2002-03 financial year.

(19) How much of the budget for the 2002-03 financial year will be paid to ADI Limited.

(20) (a) How much of the $642 million that had been paid to ADI Limited by the end of the 2001-02 financial year was subsequently paid to subcontractors; and (b) can details be provided for all the financial years since the project commenced, including the name of the contractor, the amount paid and the basis of payment.

(21) (a) Which organisation has the contract to develop the combat system software; and (b) is ADI Limited confident that there will not be any further slippage in the development of this element.

(22) Given the response to question on notice W21(a) from the Foreign Affairs, Defence and Trade Legislation Committee estimates hearings on 21 November 2002, which indicated that the question of liability for delays had yet to be finalised, and given that the same response was provided in the answer to question on notice no. 342 (Senate Hansard, 19 August 2002, p. 3191): (a) has this issue been resolved yet; if not, why is it taking so long to be resolved; and (b) when is it expected that the matter will be resolved.

(23) Can a copy of the liquidated damages clause in the contract with ADI Limited be provided.

(24) Given the response to question on notice W21 from the Foreign Affairs, Defence and Trade Legislation Committee estimates hearings on 21 November 2002, which indicated that liquidated damages clauses are used to address ‘performance shortcomings’: Is a 2-year delay in a contract considered to be a performance shortcoming; if so, has the liquidated damages clause in the contract with ADI been invoked; if not, why not.

(25) If a 2-year delay is not enough for the damages clause to be invoked: (a) at what point will this occur; and (b) why is this the case.

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

(1) See response to Question W11(a) from the Senate Foreign Affairs, Defence and Trade Legislation Committee consideration of Supplementary Estimates on 21 November 2002. This status is unchanged.

(2) See response to Question W20 from the Senate Foreign Affairs, Defence and Trade Legislation Committee consideration of Supplementary Estimates on 21 November 2002. This status is unchanged.

(3) See response to Question W12(a) from the Senate Foreign Affairs, Defence and Trade Legislation Committee consideration of Supplementary Estimates on 21 November 2002.

(4) and (5) See responses to Question W11(a) and (d) from the Senate Foreign Affairs, Defence and Trade Legislation Committee consideration of Supplementary Estimates on 21 November 2002.

(6) See responses to Question W12(a) and (b) from the Senate Foreign Affairs, Defence and Trade Legislation Committee consideration of Supplementary Estimates on 21 November 2002.
Specific future operational deployment dates for Royal Australian Navy ships are classified information and will not be released publicly until shortly before a deployment occurs. HMAS Sydney was deployed on 8 April 2003.

The contract with ADI is a fixed price contract to upgrade six ships and identified training equipment. The estimated cost to upgrade each FFG is dependent on the final allocation of costs for design and development, project management by the prime contractor and sub-contractors, and non-recurring engineering costs.

See response to Question W13(b) from the Senate Foreign Affairs, Defence and Trade Legislation Committee consideration of Supplementary Estimates on 21 November 2002.

HMA Ship

<table>
<thead>
<tr>
<th>Departed Australia</th>
<th>Returned</th>
</tr>
</thead>
<tbody>
<tr>
<td>Melbourne</td>
<td>24 May 1999</td>
</tr>
<tr>
<td>Sydney</td>
<td>10 November 2001</td>
</tr>
<tr>
<td>Adelaide</td>
<td>3 December 2001</td>
</tr>
<tr>
<td>Newcastle</td>
<td>18 February 2002</td>
</tr>
<tr>
<td>Canberra</td>
<td>14 March 2002</td>
</tr>
<tr>
<td>Melbourne</td>
<td>25 June 2002</td>
</tr>
<tr>
<td>Darwin</td>
<td>4 November 2002</td>
</tr>
<tr>
<td>Sydney</td>
<td>8 April 2003</td>
</tr>
</tbody>
</table>

None, given the expected operational environment for HMAS Darwin in the Gulf.

The vulnerability of all ships, including FFGs, is considered carefully before deploying them on operations. The capability of the deployed ships, the environment into which they are deploying and the likely threats that they might face are taken into account.

The employment in the Gulf of the Royal Australian Navy has been reviewed. The operational role and area of operations for the FFGs, in the context of the ‘environmental change’, are within their operational capability.

See response to (15) above.

The $208m amount was determined in mid-August 2002 following an update from December 2001 to December 2002 prices. The $175m amount is the current major capital equipment project’s program determined at the end of November 2002, which was too late for inclusion in the Portfolio Additional Estimates Statements 2002-03. The estimate of $175m comprises:

<table>
<thead>
<tr>
<th>Component</th>
<th>$m</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prime Contractor</td>
<td>150</td>
</tr>
<tr>
<td>Logistic Support</td>
<td>9</td>
</tr>
<tr>
<td>Government Furnished Materiel</td>
<td>10</td>
</tr>
<tr>
<td>Other</td>
<td>6</td>
</tr>
</tbody>
</table>

$150m.

ADI is the prime contractor and it is confident that further slippage will not occur.

The matter is under consideration by the Government.
(23) The principal liquidated damages clauses in the contract with ADI are shown below:


11.13.1. The Parties acknowledge that if the Contractor delays Provisional Acceptance of an upgraded FFG beyond the date set out in the Contract then:

a. the Commonwealth will suffer loss and damage; and

b. all such loss and damage will, having regard to the governmental non-commercial nature of the Supplies and the significance of the defence of Australia, be impossible, complex or expensive to quantify accurately in financial terms, then the loss and damage arising from such claim may not be able to be precisely calculated or proved; and therefore the Parties agree that the amount of liquidated damages referred to in clause 11.13.2 is a genuine pre-estimate of the damage that will be suffered by the Commonwealth in such event.

11.13.2. If the Contractor delays delivery of an upgraded FFG or upgraded facility, beyond the date for Provisional Acceptance in accordance with the Contract, the Commonwealth, without prejudice to any rights that would otherwise accrue under the Contract, is entitled to recover from the Contractor, or deduct from moneys due to the Contractor, as liquidated damages and not as a penalty, the amount specified in Attachment A in respect of that item or upgraded FFG or upgraded facility for each Working Day of delay in Provisional Acceptance.”

(24) and (25) Liquidated damages apply to the agreement of the contracted specifications and each provisional acceptance of the upgraded FFG facilities and training equipment, and have an aggregated liability cost cap not exceeding $10m. To allow the contract to proceed, the contract specifications were agreed after contract signature without invoking the liquidated damages provision. To date, none of the FFGs has reached the contracted date that would allow clause 11.13.2 to be invoked. For the training facilities, the delays to date are incorporated into the overall excusable delay claim.

**Defence: JP2062 Project**

*(Question No. 1183)*

Senator Chris Evans asked the Minister for Defence, upon notice, on 24 February 2003:

With reference to the JP 2062 project in the Defence Capability Plan (DCP):

(1) Can an outline be provided of all of the phases of this project.

(2) Did former Minister John Moore’s announcement on 1 March 1999 relate to phase one of the project.

(3) Was there a request for tender (RFT) issued for phase one of this project; if so (a) when was the request for tender issued; (b) how many organisations submitted tenders; (c) what were the names of those organisations; and (d) on what basis was the deal with the United States Air Force chosen.

(4) If no RFT was issued; (a) why not; (b) on what basis was the deal with the US Air Force chosen without a tender round.

(5) What was the original budget for phase one of the project.

(6) What is the cost of phase one of the project to date.

(7) What was the original timing on phase one of the project.

(8) (a) Has phase one now concluded; and (b) when did it conclude.

(9) (a) What was the original timing for phase two of the project; and (b) what is the current timing.
11146 SENA TE Wednesday, 14 May 2003

QUESTIONS ON NOTICE

(10) (a) Why was a spokeswoman from the Minister’s office quoted on page 5 of the Australian of 7 February 2003, warning that, ‘cost blowouts associated with the Global Hawk program might delay any final purchase decision’; and (b) what did the spokeswoman mean by the statement.

(11) What are the ‘cost blowouts’ that have been experienced with the project.

(12) (a) What implications do the spokeswoman’s comments have for phase two of the project; (b) is the timing specified in the DCP still on target (for year of decision and delivery date); if not, why not; and (c) what is the new timing for the year of decision.

(13) Is the budget for phase two still in the order of $100 to $150 million, as specified in the DCP; if not, why is this the case.

(14) How would any delays with this project impact on future capability.

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

(1) Phase 1 of JP2062 was Australia’s contribution to a collaborative venture with the United States to enhance, and then demonstrate, the capabilities of the Global Hawk system in the Australian environment. Phase 1 was completed in June 2001. Phase 2 was to consider and further develop options leading to the acquisition of a mature Global Hawk system, subject to a review of the Defence Capability Plan by the Government.

(2) Yes.

(3) (a) and (b) The majority of Phase 1 was not subject to a formal request for tender process, although one was issued for some minor aspects concerning training on ground-element software. Phase 1 facilitated Australia’s contribution to a government-to-government activity executed under the Deutch/Ayers Agreement. The majority of Phase 1 funds were expended on the development of the Global Hawk system in preparation for its deployment and demonstration in Australia.

(c) All developmental work was sole-sourced to the prime contractor, Northrop Grumman, via contracts controlled by the United States Air Force Global Hawk System Program Office.

(d) The United States Government made the initial approach and offer to Australia to collaborate in the Global Hawk program. This offer was accepted on the basis that the collaboration would greatly enhance Australia’s understanding of the operational effectiveness of high altitude endurance unmanned aerial vehicles such as Global Hawk, particularly in a wide-area surveillance role. At the time, Global Hawk was, and still is, the only such vehicle under development in the world. This collaborative effort gave Australia a unique opportunity to join the United States at the leading edge of the development of this emerging technology.

(4) (a) and (b) See response to question (3).

(5) Original budget approval was $16m (December 1997 price basis). Current project approval is $20.590m (December 2002 price basis).

(6) The cost of JP2062 Phase 1 to the end of January 2003 is $17.948m (December 2002 price basis). A breakdown of expenditure by financial year is as follows:

<table>
<thead>
<tr>
<th></th>
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<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Expenditure ($m)</td>
<td>$0.923</td>
<td>$14.251</td>
<td>$1.513</td>
<td>$1.214</td>
<td>$0.047</td>
<td>$17.948</td>
</tr>
</tbody>
</table>

(7) Original timing of Phase 1 was as follows:

Funding approval | February 1998
Project arrangement signature | 28 August 1998
Stage 1 analysis complete | 1 March 1999
Stage 2 development complete | 1 March 2000
Stage 3 operational demonstration concluded | June 2001
(8) (a) Phase 1 has not yet concluded but all activities associated with the Global Hawk demonstration are now complete.

(b) The Global Hawk demonstration in Australia concluded on 7 June 2001. Following the analysis of results from the demonstration, a project closure report was completed on 2 September 2002. Remaining Phase 1 activities will support the development of requirements for the potential acquisition of the mature Global Hawk system.

(9) (a) Funding approval was due in 2004-2005 and in-service delivery was forecast for 2007.

(b) The future of JP2062 Phase 2 is dependent on the outcome of the Defence Capability Plan review currently being undertaken by the Government.

(10) and (11) The ‘cost blowouts’ referred to in the article in The Australian relate to cost increases associated with the United States Air Force Global Hawk Program, not JP2062.

(12) (a), (b) and (c) The project is under review as part of the Government’s review of the Defence Capability Plan.

(13) Yes.

(14) See response to question (12).

**Defence: Asset Sales**

**(Question No. 1185)**

**Senator Chris Evans** asked the Minister for Defence, upon notice, on 24 February 2003:

With reference to Defence asset sales:

(1) What progress has been made in selling the $722 million worth of assets that were forecast to be sold in the Portfolio Additional Estimates Statements 2002-03.

(2) Does the $560 million worth of proposed sales that has been carried over from previous years form part of the $722 million for the 2002-03 financial year.

(3) What are the receipts from asset sales that have occurred so far in the 2002-03 financial year.

(4) (a) Can a list be provided of assets that have been disposed of so far in the 2002-03 financial year, including the sale price of each of these assets; and (b) when did each of these assets first come up for sale.

(5) Has the department subsequently leased back any of these assets; if so: (a) what are the lease arrangements; and (b) what rent is being paid.

(6) (a) Can a list, including relevant dates, be provided of Defence property that has been sold and leased back since the 1995-96 financial year; and (b) can details be provided of all of the leases, including the rent being paid for each of these properties.

(7) (a) Can a list be provided of assets that the department expects will be disposed of before the end of the 2002-03 financial year; and (b) when did each of these assets first come up for sale.

(8) Does the department intend to lease back any of these properties.

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

(1) Defence is progressing with its program of asset sales. The target of $722m includes $659.5m from the sale of Defence property. This includes the sale of some property which is being managed by the Department of Finance and Administration. Defence anticipates that it will achieve that share of the property target for which it carries responsibility.

(2) Yes.

(3) As at 7 March 2003, Defence has sold property to the value of $0.18m. This amount does not reflect the fact that there are a number of significant properties being prepared for sale before the
end of the financial year. For instance, the sale of the Defence National Stores Distribution Centre in Moorebank is expected to settle at the end of March 2003. The sale of properties at market will see the bulk of 2002-03 receipts from assets sales being achieved between March and June 2003.

(4) (a) and (b) The two properties that have been sold are in Brighton, Tasmania, and in Cootamundra, New South Wales. Both properties were identified as surplus to requirements in 1997. Details on the sale price for each property are commercial-in-confidence.

(5) (a) and (b) No.

(6) (a) and (b) The sale and lease-back program commenced in 2000-01. Properties that have been sold and leased back are:

<table>
<thead>
<tr>
<th>Address</th>
<th>Initial Lease Cost</th>
<th>First Year</th>
<th>Lease Term</th>
</tr>
</thead>
<tbody>
<tr>
<td>270 Pitt St Sydney, New South Wales</td>
<td>$8,621,745</td>
<td>2000-01</td>
<td>Ten years plus two five year options</td>
</tr>
<tr>
<td>Campbell Park, Australian Capital Territory</td>
<td>$7,917,490</td>
<td>2001-02</td>
<td>20 years plus one five year option</td>
</tr>
<tr>
<td>Ground-Level 9, 661 Bourke Street Melbourne, Victoria</td>
<td>$1,050,920</td>
<td>2000-01</td>
<td>Ten years plus two five year options</td>
</tr>
<tr>
<td>8 Station Street Wollongong, New South Wales</td>
<td>$4,169,120</td>
<td>2000-01</td>
<td>Ten years plus one five year option</td>
</tr>
</tbody>
</table>

(7) (a) and (b) The information provided in response to Senate Question on Notice 337 (Hansard 19 August 2002) contains details of the anticipated disposals for 2002-03. Defence continues to monitor the status of Defence properties and brings forward surplus property for sale if possible. Significant properties that might be brought forward to this financial year include property in Lee Point, Northern Territory, and East Hills, New South Wales. Significant properties likely to be delayed are Ermington, New South Wales (Stage 1), Schofields, New South Wales, Thornton Park, New South Wales, and Caversham, Western Australia.

(8) Yes.

**Defence Materiel Organisation: Professional Service Providers**

*(Question No. 1186)*

**Senator Chris Evans** asked the Minister for Defence, upon notice, on 24 February 2003:

With reference to the Minister’s letter, dated 12 February 2003, advising that a response to question on notice no. 769 concerning the use of professional services providers (PSP) by the Defence Materiel Organisation (DMO) had been withdrawn, and given the attempts by the DMO to correct its evidence to a public hearing on 15 November 2002 of the Foreign Affairs, Defence and Trade References Committee’s inquiry into materiel acquisition and management in Defence:

(1) Why has the DMO been unable to provide information on the number of PSP contracts in place, and the value of those contracts, in a timely and accurate manner.

(2) How much has been spent by the department in each of the financial years since 1995-96, and for the 2002-03 financial year to date, on: (a) consultants; and (b) professional services.

(3) How much has been spent by the DMO in each of the financial years since it was established, and for the 2002-03 financial year to date, on: (a) consultants; and (b) professional services.

(4) How many PSP contracts have been entered into by the DMO in each of the financial years since it was established, and for the 2002-03 financial year to date.
(5) (a) Is it expected that the number of PSP contracts entered into, and expenditure on these contracts, will continue to increase; (b) why; and (c) what are the implications of this for the permanent workforce.

(6) (a) How many PSP contracts are currently in place in the DMO; and (b) what is the total value of these contracts.

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

(1) to (6) Defence is not prepared to divert the considerable resources and time that would be needed to provide much of the detail requested in the question. This is for two reasons. Firstly, information for 1998-99 and prior years is not readily available because consultants and professional services were not itemised separately under suppliers expenses and the financial system which recorded the data is no longer in use.

Secondly, information from 1999-2000 onwards included in the ‘consultants and professional services’ line item under suppliers expenses contains errors in transaction account codes and, hence, in correct categorisation. This means that there are errors in the line items subsumed under suppliers expenses, but that does not affect the total amount of suppliers expenses as reported in the financial statements contained in Defence annual reports.

It should be noted that the term ‘professional services’ does not equate to professional service providers (PSPs). Professional services comprises PSPs and legal/health expenses, while total PSP contracts comprise those accounted for under suppliers expenses and those which are included in the ‘specialist military equipment’ category under assets. The latter contracts, all let by the Defence Materiel Organisation, relate to PSPs used on major capital equipment projects and are capitalised in accordance with Australian accounting standards.

Defence acknowledges that its current practices in relation to the recording and reporting of consultants and professional services are not satisfactory.

Action began in 2001-02 to rectify errors identified in the recording and reporting of consultants, as stated in the Defence Annual Report 2000-01 (page 293). Miscoding in the consultants category was subject to more rigorous account checking and clearer guidance was issued that accorded with the recommendations contained in the Australian National Audit Office Report No 54 of 2000-01, Engagement of Consultants.

Analysis of the 2001-02 financial statements revealed that the problem of miscoding was more widespread than the issue of wrongly categorising PSPs as consultants. Further remedial action was required to define more precisely the categories of consultants, PSPs and contractors, develop clearer guidelines and simpler methods for staff involved in the categorisation process, and more stringently monitor data inputs into Defence’s financial management information system.

As a first step, total expenditure on PSP contracts let in 2001-02 was extensively rechecked. The results are shown in the table below.

**BREAKDOWN OF CONSULTANTS AND PROFESSIONAL SERVICES LINE ITEM UNDER SUPPLIERS EXPENSES FOR 2001-02**

<table>
<thead>
<tr>
<th></th>
<th>Consultants $m</th>
<th>PSPs $m</th>
<th>Legal/Health Expenses $m</th>
<th>Total $m</th>
</tr>
</thead>
<tbody>
<tr>
<td>2001-02 Financial Statements</td>
<td>7.5</td>
<td>222.5</td>
<td>50.3</td>
<td>280.3</td>
</tr>
<tr>
<td>Rechecked Data</td>
<td>7.5</td>
<td>178.3</td>
<td>50.3</td>
<td>236.1</td>
</tr>
</tbody>
</table>

When PSP contracts recorded in the specialist military equipment line item under assets are included, total expenditure on, and numbers of, PSP contracts let, by Defence Group, in 2001-02 are shown in the table below. The information accords with the revised response to Senate
Question on Notice No 769 and corrections to evidence given to the Senate Foreign Affairs, Defence and Trade References Committee’s inquiry into materiel acquisition and management in Defence.

Professional Service Provider Contracts Let by Defence Groups in 2001-02

<table>
<thead>
<tr>
<th>Group</th>
<th>Number of Professional Service Provider Contracts Let</th>
<th>Expenditure (1) $m</th>
</tr>
</thead>
<tbody>
<tr>
<td>Headquarters Australian Theatre</td>
<td>19</td>
<td>0.5</td>
</tr>
<tr>
<td>Navy</td>
<td>93</td>
<td>4.8</td>
</tr>
<tr>
<td>Army</td>
<td>183</td>
<td>4.5</td>
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<tr>
<td>Air Force</td>
<td>178</td>
<td>9.0</td>
</tr>
<tr>
<td>Strategic Policy</td>
<td>42</td>
<td>2.0</td>
</tr>
<tr>
<td>Intelligence</td>
<td>123</td>
<td>7.6</td>
</tr>
<tr>
<td>Vice Chief of the Defence Force</td>
<td>134</td>
<td>6.6</td>
</tr>
<tr>
<td>Chief Finance Officer (2)</td>
<td>120</td>
<td>10.4</td>
</tr>
<tr>
<td>Defence Science and Technology Organisation</td>
<td>149</td>
<td>2.5</td>
</tr>
<tr>
<td>Defence Personnel Executive</td>
<td>346</td>
<td>42.5</td>
</tr>
<tr>
<td>Public Affairs and Corporate Communication</td>
<td>76</td>
<td>1.7</td>
</tr>
<tr>
<td>Defence Materiel Organisation (3)</td>
<td>730</td>
<td>62.2</td>
</tr>
<tr>
<td>Corporate Services and Infrastructure Group</td>
<td>811</td>
<td>65.1</td>
</tr>
<tr>
<td>Total</td>
<td>3,004</td>
<td>219.6</td>
</tr>
</tbody>
</table>

Notes

1. Figures do not add due to rounding.
2. Chief Finance Officer data includes the Offices of the Secretary and the Chief of the Defence Force.
3. Defence Materiel Organisation contracts under suppliers expenses and under assets are $20.9m and $41.3m respectively.

Further steps in the rectification process, including clearer definitions, better guidance and closer in-year monitoring, are being pursued with the aim of implementing changes by 1 July 2003.

Full details relating to actions taken and changes implemented will be provided in Defence’s annual report for 2002-03.

Defence: National Storage and Distribution Centre

(Question No. 1190)

Senator Chris Evans asked the Minister for Defence, upon notice, on 24 February 2003:

With reference to the sale and leaseback of the National Storage and Distribution Centre at Moorebank:

(1) When was the decision taken to sell and leaseback the centre.
(2) When was it sold.
(3) Which organisation purchased the property.
(4) What was the sale price for the property.
(5) (a) What rent is being paid by the department for the first year of the lease; and (b) what rent will be paid in the second and subsequent years of the lease.
(6) (a) What is the total value of all building works that have been carried out at the site over the past 5 financial years; and (b) can a full breakdown of these works be provided.
Senator Hill—The answer to the honourable senator’s question is as follows:

(1) The decision to sell the centre was made in the context of the 2000-01 review of Defence property suitable for sale and leaseback.

(2) Contracts for the sale of the Defence National Storage and Distribution Centre were exchanged on 29 January 2003, with settlement expected to be at the end of March 2003.

(3) Westpac Funds Management Limited is the responsible entity for the Westpac Moorebank Defence Property Trust. Westpac Funds Management Limited is a wholly-owned subsidiary of Westpac Banking Corporation.

(4) This information is commercial-in-confidence and cannot be provided by Defence.

(5) (a) and (b) As per the tender documentation, the lease payment for the first year is $14m with a three per cent escalator per annum. Defence is to lease back the centre for a period of ten years, plus a further two five-year options.

(6) (a) and (b) The centre was constructed between 1993 and 1995. Since then, only one building, a storehouse, has been built. It was constructed in 2001-02 for $142,500.

Defence: Operation Blazer
(Question No. 1196)

Senator Mark Bishop asked the Minister for Defence, upon notice, on 24 February 2003:

(1) How many personnel from each of the services were assigned to Operation Blazer in 1991.

(2) (a) Was the purpose of Operation Blazer to go to Iraq to destroy and remove weapons of mass destruction; and (b) why was the operation cancelled.

(3) Was the operation to be under the direction of Mr Richard Butler.

(4) Can the Minister confirm that each member of the operation was vaccinated at least 24 times over a 4-week period against anthrax, typhoid, plague, meningococcal, and tetanus.

(5) What other vaccinations were given.

(6) Was an investigation made into: (a) the supplier of the vaccines; and (b) whether each vaccine was approved for human application, and in combination with other vaccines.

(7) (a) Was the supplier of the anthrax vaccine CAMR, a United Kingdom company; and (b) has this company been closed due to breaches of health regulations.

(8) Do records of the vaccination program exist within the department.

(9) Has any study been done of the health of each member of the operation; if not, why not.

(10) How many of the team are still serving, and what compensation claims have been lodged as a result of their training for the operation.

Senator Hill—The answer to the honourable senator’s questions are as follows:

(1) 16 personnel were assigned to Operation BLAZER each year from 1991-1998. Their Service break up varied according to the nature of the tasks required.

(2) (a) The purpose of Operation BLAZER was to provide an Australian contingent to the United Nations Special Commission (UNSCOM) in Iraq. UNSCOM’s mission, in conjunction with the International Atomic Energy Agency, was to destroy, remove or render harmless Iraqi weapons of mass destruction and certain ballistic missiles with a range greater than 150 kilometres.

(b) The Australian Defence Force (ADF) contribution to Operation BLAZER ceased in 1998. On 31 October 1998 Iraq announced the cessation of any interaction with UNSCOM and directed that the commission cease its activities. UNSCOM personnel were withdrawn on 16 December 1998. The operation has not been cancelled; it remains dormant.
Ambassador Rolf Ekeus of Sweden was the first Executive Commissioner of UNSCOM from 19 April 1991 to 1 July 1997. Mr Richard Butler did not assume that role until July 1997. Personnel assigned to Operation BLAZER remained under Australia national command at all times.

No. All ADF personnel are routinely vaccinated against diphtheria, tetanus, polio, hepatitis A and B, measles, mumps, rubella and typhoid. A medical officer with access to the individual’s medical records would decide if any boosters to these vaccinations were required prior to deployment.

All personnel deployed on Operation BLAZER were vaccinated against meningococcal disease. Vaccination against anthrax and plague was tightly controlled and restricted to those considered most at risk; that is, selected health staff and the small number of personnel who were involved in intrusive inspections into suspected bacteriological weapons establishments.

Even if the five vaccines listed were all administered in a four week period the total number of doses would be eight.

In the early stages of Operation BLAZER, anthrax vaccination was accompanied by pertussis (whooping cough) vaccination. Medical opinion at that time was that the pertussis acted as an adjuvant. The practice was discontinued in the ADF in 1996.

Some health staff and the small number of personnel who were involved in intrusive inspections into suspected bacteriological weapons establishments were vaccinated against botulinum.

From early 1996 all personnel were vaccinated against rabies due to the risk from packs of feral dogs which had become common in Iraq. The vaccine used is licensed for use in Australia by the Therapeutic Goods Administration (TGA) of the Department of Health and Ageing.

(a) Yes.

(b) All vaccines used were approved for human application. While anthrax is not licensed for use in Australia due to the low level of threat, it is approved by TGA for use by selected personnel in high risk occupations such as veterinary surgeons and some abattoir workers.

Botulinum is an investigational new drug which is approved for use by TGA under tightly controlled circumstances. Since 1970 this vaccine has been administered to over 16 000 personnel world wide.

The anthrax vaccine used during the early stages of Operation BLAZER was sourced from the United Kingdom Ministry of Defence for whom the Centre for Applied Microbiology and Research (CAMR) was the sole supplier of anthrax vaccine. In the mid 1990s, the ADF purchased the anthrax vaccine manufactured in the United States of America (US). The decision to change to the US vaccine was taken solely on the grounds of cost.

(b) No. CAMR closed the anthrax vaccine facility in 1998 when it was recognised that it had come to the end of its operational life. A new state-of-the-art facility was completed in 2000 and in July of that year inspected and approved by the UK Medicines Control Agency. The vaccine developed in this new facility has been tested and approved for use by the UK National Institute for Biological Standards and Control, the UK authority for the release of biological products.

Yes.

Some of the personnel who deployed in the early days of Operation BLAZER were included in the recent Gulf War Veterans Health Study carried out under the auspices of the Department of Veterans’ Affairs. Personnel who have deployed on any operation are subject to a Return to Australia health examination and those who continue to serve in the ADF are subject to periodic health examinations.

A specific study of all personnel who deployed on Operation BLAZER has not been carried out because there have been no indicators that these personnel are suffering from a lower level of
health that their peers nor, given the relatively small numbers involved, would such a study produce results which were of statistical significance.

(10) The information sought in the honourable senator’s question is not readily available. To collect and assemble such information solely for the purpose of answering the question would be a major task and I am not prepared to authorise the expenditure and effort that would be required.

**Drought**

*(Question No. 1216)*

**Senator O’Brien** asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 25 February 2003:

(1) Has the Minister received the first monthly report from the Country Women’s Association (CWA) in relation to expenditure of $1 million in public drought funding:

(a) If so, (i) when was the report received, (ii) how much has been expended, (iii) what amount has been expended by state, (iv) on what date was the first grant made, (v) what is the value of the smallest grant, and (vi) what is the value of the largest grant; and (b) if not, when will the first report be received.

(2) What details does the Commonwealth require to include in the expenditure reports?

**Senator Ian Macdonald**—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator’s question:

(1) (a) Yes

(i) Individual State and Territory Country Women’s Associations (CWA) reports were received by the Department in mid-February 2003.

(ii) By 31 January 2003, $484,603.36

(iii) NSW: $279,700.00; QLD: $107,504.00; VIC: $63,555.20; WA: $30,371.30; SA: $3,472.86; TAS: $0; NT: $0

(iv) 22 December 2002

(v) $30.26

(vi) $2,000.00

(1) (b) Not applicable

(2) Postcode; Date; Type of Assistance Sought and Amount; Other Drought Assistance Sought/Received; Amount Distributed and to Whom (eg Business, Organisation); and CWA Assessment of need.

**Immigration: Asylum Seekers**

*(Question No. 1221)*

**Senator Brown** asked the Minister representing the Minister for Foreign Affairs, upon notice, on 27 February 2003:

(1) When persons who have been detained on the island of Nauru have been persuaded to return voluntarily to Afghanistan, have they been promised that they may safely do so.

(2) Has any effort been made to ensure the safety of those returning to Afghanistan, or to determine whether they have been able to successfully resettle; if so, can the Minister attest that most have safely and successfully returned to Afghanistan.

(3) Have those returning to Afghanistan been provided with any warm clothing and footwear, particularly when being returned in the Northern Hemisphere winter.
Senator Hill—The Minister for Foreign Affairs has provided the following answer to the honourable senator’s question:

(1) Those people on Nauru who have been found not to be refugees and who have made a decision to return have done so after being provided with information by the International Organization for Migration (IOM). This advice includes information from the United Nations High Commissioner for Refugees (UNHCR) and other agencies on current conditions in their home lands. In the case of Afghanistan, the UNHCR has strongly supported the voluntary return of Afghan nationals. Around two million Afghan nationals have returned home under UNHCR auspices in recent months.

(2) Yes, all returnees from the processing centre on Nauru are met by IOM staff on arrival in Kabul and are provided transportation to their home region, town or village as appropriate. IOM advise that all returnees have been safely returned.

(3) Yes, returnees have been provided with appropriate clothing.

Mr Ruddock has provided a more detailed response to each of these questions.

Building and Construction Industry: Royal Commission

(Question No. 1247)

Senator Marshall asked the Minister representing the Attorney-General, upon notice, on 4 March 2003:

With regard to the Building and Construction Industry Royal Commission:

(1) What was the commission’s total expenditure on Commissioner Cole’s housing allowances, particularly: (a) rent; (b) furniture; (c) electricity; (d) mobile phone; (e) security installations at Commissioner Cole’s St Kilda residence; (f) security installations at Commissioner Cole’s private residences; (g) gardening around the St Kilda residence; and (h) cleaning of the St Kilda residence.

(2) What was the commission’s total expenditure on Commissioner Cole’s: (a) Comcar usage; (b) travelling allowances; and (c) living away from home allowance.

(3) What was the total amount spent by the Government in fees for the legal counsel of: (a) John Agius, SC; (b) Lionel Robberds, QC; (c) Nicholas Green, QC; (d) Richard Tracey, QC; (e) Andrew O’Sullivan; (f) Antoni Lucev; (g) Dr James Renwick; (h) Dr John Bishop; (i) Dr Matthew Collins; (j) Ian Neil; (k) Dr Stephen Donaghe; (l) Timothy Ginnane; and (m) Ronald Gipp.

(4) What was the commission’s total expenditure on living allowances for the abovementioned persons.

(5) What was the commission’s total expenditure on travelling allowances for the abovementioned persons.

(6) What was the commission’s final expenditure on: (a) employees; (b) contractors; (c) consultants; (d) legal and audit expenses; (e) document management; (f) information technology; (g) travel; (h) taxi and motor vehicle expenses; (i) security; (j) communications; (k) stationery and consumables; (l) other suppliers; (m) office accommodation; (n) residential accommodation; and (o) depreciation.

Senator Ellison—The Attorney-General has provided the following answer to the honourable senator’s question:

(1) **Total Expenditure on Commissioner Cole’s Accommodation - Final**

<table>
<thead>
<tr>
<th>Housing Allowances</th>
<th>Rate</th>
<th>Final Payment</th>
<th>Total Paid $</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rent</td>
<td>$3,250 per month</td>
<td>7-Mar-03</td>
<td>56,334</td>
</tr>
<tr>
<td>Furniture</td>
<td>$1,345 per month</td>
<td>3-Mar-03</td>
<td>27,609</td>
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<tr>
<td>Electricity</td>
<td>Full cost</td>
<td></td>
<td>1,220</td>
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<tr>
<td>Telephone service charges</td>
<td>33.95 per month</td>
<td>4-Mar-03</td>
<td>526</td>
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</table>

QUESTIONS ON NOTICE
Wednesday, 14 May 2003  

<table>
<thead>
<tr>
<th>Housing Allowances</th>
<th>Rate</th>
<th>Final Payment</th>
<th>Total Paid $</th>
</tr>
</thead>
<tbody>
<tr>
<td>Security mobile phone</td>
<td>$9.09 per month</td>
<td>28-Feb-03</td>
<td>121</td>
</tr>
<tr>
<td>Security installations – St Kilda</td>
<td>one off</td>
<td></td>
<td>22,880</td>
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<tr>
<td>Security installations - private residences</td>
<td>one off</td>
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<td>74,656</td>
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<tr>
<td>Gardening</td>
<td>none</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cleaning</td>
<td>end of lease clean</td>
<td>3-Mar-03</td>
<td>253</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td></td>
<td><strong>183,599</strong></td>
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</table>

(2) **Total Expenditure for Commissioner Cole on Comcar and Allowances - Final**

<table>
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<tr>
<th>Other Items</th>
<th>Rate</th>
<th>Final Payment</th>
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</thead>
<tbody>
<tr>
<td>Comcar</td>
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<td>37,039</td>
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<tr>
<td>Travel Allowances</td>
<td>SES rates</td>
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<td>16,107</td>
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<tr>
<td>LAFHA</td>
<td>$308 per week</td>
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<tr>
<td><strong>Total</strong></td>
<td></td>
<td></td>
<td><strong>70,158</strong></td>
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</table>

(3), (4) & (5) **Fees and Allowances Paid to Counsel Assisting – Final Costs**

<table>
<thead>
<tr>
<th>Name</th>
<th>Start Date</th>
<th>End Date</th>
<th>Fees</th>
<th>Total Payments</th>
</tr>
</thead>
<tbody>
<tr>
<td>John Agius SC</td>
<td>16/08/01</td>
<td>7/02/03</td>
<td>1,466,972</td>
<td>1,576,210</td>
</tr>
<tr>
<td>Lionel Robberds QC</td>
<td>13/08/01</td>
<td>7/02/03</td>
<td>1,288,409</td>
<td>1,329,767</td>
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<tr>
<td>Nicholas Green QC</td>
<td>4/09/01</td>
<td>7/02/03</td>
<td>926,588</td>
<td>971,194</td>
</tr>
<tr>
<td>Richard Tracey QC</td>
<td>10/09/01</td>
<td>24/02/03</td>
<td>1,037,050</td>
<td>1,039,035</td>
</tr>
<tr>
<td>Andrew O'Sullivan</td>
<td>16/09/01</td>
<td>7/02/03</td>
<td>753,864</td>
<td>840,522</td>
</tr>
<tr>
<td>Antoni Lucev</td>
<td>16/09/01</td>
<td>19/12/02</td>
<td>609,091</td>
<td>616,525</td>
</tr>
<tr>
<td>Dr James Renwick</td>
<td>13/09/01</td>
<td>14/02/03</td>
<td>601,921</td>
<td>674,081</td>
</tr>
<tr>
<td>Dr John Bishop</td>
<td>16/09/01</td>
<td>17/01/03</td>
<td>726,250</td>
<td>817,684</td>
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<td>Dr Matthew Collins</td>
<td>17/09/01</td>
<td>21/02/03</td>
<td>617,727</td>
<td>648,975</td>
</tr>
<tr>
<td>Ian Neil</td>
<td>18/09/01</td>
<td>18/02/03</td>
<td>675,250</td>
<td>743,455</td>
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<tr>
<td>Dr Stephen Donaghy</td>
<td>4/09/01</td>
<td>17/02/03</td>
<td>462,944</td>
<td>474,293</td>
</tr>
<tr>
<td>Timothy Ginnane</td>
<td>19/11/01</td>
<td>21/02/03</td>
<td>593,273</td>
<td>601,678</td>
</tr>
<tr>
<td>Ronald Gipp</td>
<td>10/10/01</td>
<td>25/01/03</td>
<td>688,595</td>
<td>731,018</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td></td>
<td>10,427,934</td>
<td>11,071,253</td>
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</table>

(6) **Actual Expenditure to 28 February 2003**

<table>
<thead>
<tr>
<th>BCI Royal Commission EXPENSES</th>
<th>Actual Expenditure FY 2001/02</th>
<th>Actual Expenditure 1 Jul 2002-28 Feb 2003</th>
<th>Total Expenditure to 28 February 2003 $</th>
</tr>
</thead>
<tbody>
<tr>
<td>Employees</td>
<td>3,090,755</td>
<td>2,248,427</td>
<td>5,339,182</td>
</tr>
<tr>
<td>Contractors</td>
<td>2,355,728</td>
<td>1,313,408</td>
<td>3,669,136</td>
</tr>
<tr>
<td>Consultants</td>
<td>676,798</td>
<td>897,139</td>
<td>1,573,938</td>
</tr>
<tr>
<td>Legal &amp; Audit expenses</td>
<td>12,138,572</td>
<td>9,444,854</td>
<td>21,583,426</td>
</tr>
<tr>
<td>Document Management</td>
<td>2,345,751</td>
<td>1,518,077</td>
<td>3,863,827</td>
</tr>
<tr>
<td>Information Technology</td>
<td>5,582,316</td>
<td>2,016,544</td>
<td>7,598,860</td>
</tr>
<tr>
<td>Travel</td>
<td>2,438,000</td>
<td>565,397</td>
<td>3,003,397</td>
</tr>
<tr>
<td>Taxi &amp; Motor Vehicle Expenses</td>
<td>344,500</td>
<td>243,195</td>
<td>587,695</td>
</tr>
</tbody>
</table>

QUESTIONS ON NOTICE
### BCI Royal Commission EXPENSES

<table>
<thead>
<tr>
<th>Category</th>
<th>Actual Expenditure FY 2001/02</th>
<th>Actual Expenditure 1 Jul 2002-28 Feb 2003</th>
<th>Total Expenditure to 28 February 2003</th>
</tr>
</thead>
<tbody>
<tr>
<td>Security</td>
<td>262,231</td>
<td>121,950</td>
<td>384,181</td>
</tr>
<tr>
<td>Communications</td>
<td>913,668</td>
<td>424,811</td>
<td>1,338,480</td>
</tr>
<tr>
<td>Stationery &amp; Consumables</td>
<td>340,070</td>
<td>152,454</td>
<td>492,523</td>
</tr>
<tr>
<td>Other Suppliers</td>
<td>734,945</td>
<td>1,444,594</td>
<td>2,179,539</td>
</tr>
<tr>
<td>Office Accommodation</td>
<td>2,993,550</td>
<td>1,146,444</td>
<td>4,139,994</td>
</tr>
<tr>
<td>Residential Accommodation</td>
<td>314,774</td>
<td>147,508</td>
<td>462,282</td>
</tr>
<tr>
<td>Depreciation &amp; Loss on Disposal</td>
<td>1,133,010</td>
<td>1,516,973</td>
<td>2,649,984</td>
</tr>
<tr>
<td><strong>Total Expenses</strong></td>
<td><strong>35,664,668</strong></td>
<td><strong>23,201,776</strong></td>
<td><strong>58,866,445</strong></td>
</tr>
</tbody>
</table>

### Category as a Percentage of Total Expenditure

<table>
<thead>
<tr>
<th>EXPENSE CATEGORY</th>
<th>Expenditure to 28 February 2003</th>
<th>Percentage of Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Employees</td>
<td>5,339,182</td>
<td>9.07%</td>
</tr>
<tr>
<td>Contractors</td>
<td>3,669,136</td>
<td>6.23%</td>
</tr>
<tr>
<td>Consultants</td>
<td>1,573,938</td>
<td>2.67%</td>
</tr>
<tr>
<td>Legal &amp; Audit expenses</td>
<td>21,583,426</td>
<td>36.67%</td>
</tr>
<tr>
<td>Document Management</td>
<td>3,863,827</td>
<td>6.56%</td>
</tr>
<tr>
<td>Information Technology</td>
<td>7,598,860</td>
<td>12.91%</td>
</tr>
<tr>
<td>Travel</td>
<td>3,003,397</td>
<td>5.10%</td>
</tr>
<tr>
<td>Taxi &amp; Motor Vehicle Expenses</td>
<td>587,695</td>
<td>1.00%</td>
</tr>
<tr>
<td>Security</td>
<td>384,181</td>
<td>0.65%</td>
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<tr>
<td>Communications</td>
<td>1,338,480</td>
<td>2.27%</td>
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<td>Stationery &amp; Consumables</td>
<td>492,523</td>
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<tr>
<td>Other Suppliers</td>
<td>2,179,539</td>
<td>3.70%</td>
</tr>
<tr>
<td>Office Accommodation</td>
<td>4,139,994</td>
<td>7.03%</td>
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<tr>
<td>Residential Accommodation</td>
<td>462,282</td>
<td>0.79%</td>
</tr>
<tr>
<td>Depreciation &amp; Loss on Disposal</td>
<td>2,649,984</td>
<td>4.50%</td>
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<tr>
<td><strong>Total Expenses</strong></td>
<td><strong>58,866,445</strong></td>
<td><strong>100.00%</strong></td>
</tr>
</tbody>
</table>

### Science: Radiation Exposure

(Question No. 1269)

**Senator Allison** asked the Minister representing the Minister for Science, upon notice, on 19 March 2003:
Has the Government accepted the recommendations of the Medical Association for the Prevention of War in relation to the Australian Radiation Protection and Nuclear Safety Agency’s recommendations for Intervention in Emergency Situations Involving Radiation Exposure, that:

(a) in the event of a radiation release where estimated exposure levels will exceed 1 mSv, the public be advised to take shelter until further information about the release is available;
(b) the current generic intervention level of 5 mGy for urgent sheltering be retained;
(c) the generic intervention level for stable iodine prophylaxis for children and pregnant women be lowered to 10 mGy, as advised by the World Health Organization;
(d) limited household, school and reception centre pre-distribution of stable iodine be recommended as an integral part of emergency response planning; and
(e) the generic intervention level for stable iodine prophylaxis for children and pregnant women be the same as the generic intervention level for evacuation.

Senator Alston—The Minister for Science has provided the following answer to the honourable senator’s question:

(a) to (e) The Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) released the Draft Recommendations for Intervention in Emergency Situations Involving Radiation Exposure on 4 October 2002 for public comment by 28 February 2003. Twenty six submissions were received, including one from the Medical Association for the Prevention of War. The submissions are being considered by a Working Group of ARPANSA’s Radiation Health Committee, as part of the Committee’s role in formulating draft national policies, codes and standards for consideration by the Commonwealth, States and the Territories. The Radiation Health Committee’s membership includes the senior radiation experts from the State and Territory radiation regulators. ARPANSA plans to release a revised draft document for a further round of public comment in the second half of this year. It would be inappropriate for the Government to comment on the merits of any one of the submissions that are under consideration by independent experts.

Fuel: Ethanol

(Question No. 1279)

Senator O’Brien asked the Minister for Justice and Customs, upon notice, on 18 March 2003:

(1) Was a new rate of duty of 38.143 cents per litre imposed on denatured ethyl alcohol (ethanol) for use in internal combustion engines imposed at midnight on 17 September 2002.
(2) Is this duty imposed in addition to the existing tariff rate (5 per cent general).
(3) What companies and/or industry organisations were consulted prior to the imposition of the duty.
(4) When and in what form did that consultation take place.
(5) When were ethanol producers, importers, distributors and industry organisations informed about the Government’s intention to impose a new duty on ethanol.
(6) On what date or dates were ethanol producers, importers, distributors and industry organisations informed of the decision to introduce the production subsidy.
(7) How were ethanol producers, importers, distributors and industry organisations informed.
(8) What duty has been collected on ethanol, by month, since the imposition of the duty.

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

(1) No. The new rate of duty applying to denatured ethyl alcohol (ethanol) for use as a fuel in internal combustion engines was imposed on 18 September 2002.
(2) Yes.

(3) Customs was not involved in consultations with companies or industry organisations prior to the imposition of the new duty rate on ethanol.

(4) Refer to 3 above.

(5), (6) and (7) Producers, importers, distributors and industry organisations were informed of the Government’s intention to impose a new duty on ethanol by the Prime Minister’s press announcement on 12 September 2002. Customs informed its clients of the new duty via a message on the Customs Commercial Computer System, which is accessed by importers to clear imported goods, on 17 September 2002. Australian Customs Notice (2002/53) was also issued in the week commencing 23 September 2002. New working pages for the Customs Tariff were notified and distributed at the same time.

(8) No duty has been collected on ethanol for use as a fuel in internal combustion engines since imposition of the duty on 18 September 2002 and 4 April 2003 (when this response was prepared).

Manildra Group of Companies
(Question No. 1281)

Senator O’Brien asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 19 March 2003:

What payments, subsidies, grants, gratuities or awards have been made to the Manildra group of companies, including but not necessarily limited to Manildra Energy Australia Pty Ltd, since March 1996.

Senator Ian Macdonald—The acting Minister for Transport and Regional Services has provided the following answer to the honourable senator’s question:

We are unable to access financial records prior to October 1998 without substantial manual effort but have been unable to find either this company or group of companies as a vendor or any payments made since October 1998.

Manildra Group of Companies
(Question No. 1283)

Senator O’Brien asked the Minister representing the Minister for Employment and Workplace Relations, upon notice, on 18 March 2003:

What payments, subsidies, grants, gratuities or awards have been made to the Manildra group of companies, including but not necessarily limited to Manildra Energy Australia Pty Ltd, since March 1996.

Senator Alston—The Minister for Employment and Workplace Relations has provided the following answer to the honourable senator’s question:

My department has made no subsidies, grants, gratuities or awards to the Manildra group of companies, including but not necessarily limited to Manildra Energy Australia Pty Ltd, since March 1996.

Manildra Group of Companies
(Question No. 1286)

Senator O’Brien asked the Minister representing the Minister for Education, Science and Training, upon notice, on 19 March 2003:

What payments, subsidies, grants, gratuities or awards have been made to the Manildra group of companies, including but not necessarily limited to Manildra Energy Australia Pty Ltd, since March 1996.

Senator Alston—The Minister for Education, Science and Training has provided the following answer to the honourable senator’s question:

QUESTIONS ON NOTICE
The Department of Education, Science and Training has paid Manildra Flour Mills (MFG) Pty Ltd, part of the Manildra Group of companies, a total of $184,477.79. Payments were made from 9 April 2001 through to 28 January 2003.

This is comprised of $144,375.00 for New Apprenticeship incentive payments and $40,102.79 for the Workplace English Language and Literacy program.

Fuel: Ethanol Imports

(Question No. 1298)

Senator O'Brien asked the Minister for Justice and Customs, upon notice, on 18 March 2003:

(1) On what date or dates did: (a) the Minister; (b) the Minister’s office; and (c) the department, become aware that Trafigura Fuels Australia Pty Ltd proposed to import a shipment of ethanol to Australia from Brazil in September 2002.

(2) What was the source of this information to: (a) the Minister; (b) the Minister’s office; and (c) the department.

(3) Was the Minister or his office or the department requested to investigate and/or take action to prevent the arrival of this shipment by any ethanol producer or distributor or industry organisation; if so: (a) who made this request; (b) when was it made; and (c) what form did this request take.

(4) Did the Minister or his office or the department engage in discussions and/or activities in August 2002, or September 2002 to develop a proposal to prevent the arrival of this shipment of ethanol from Brazil; if so, what was the nature of these discussions and/or activities, including dates of discussions and/or activities, personnel involved and cost.

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

(1) While generally aware of the possibility of a shipment of ethanol, Customs was not advised of specific details of any shipment.

(2) The source of the information was mainly through the media.

(3) No.

(4) The only request Customs received was to develop subordinate legislation to give effect to the measures (ie increased duty rate) announced by the Prime Minister on 12 September 2002. Customs Tariff Proposal No.3 (2002) was subsequently tabled in the House of Representatives on 16 September 2002.

Education: Higher Education Sector

(Question No. 1304)

Senator Carr asked the Minister representing the Minister for Education, Science and Training, upon notice, on 19 March 2003:

(1) Has the department completed a national report on the higher education sector for 2001; if so: (a) when was it completed; (b) was the recommendation to the Minister that the report be released publicly; (c) how much did the report cost; (d) is the report the second in a series, with the first published in 1991; and (e) were external consultants commissioned.

(2) What was the value of the contracts and were the consultants listed in annual reports; if so, which ones.

(3) Can a table be provided, listing contract value and description, the name of the consultants and the annual report in which this was notified.

(4) Was any in-house research undertaken; if so, can a description of this research be provided.
(5) In particular, were there studies on participation rates in higher education by sector: (a) by socio-economic status; (b) by region; (c) by age; (d) by gender; and (e) by undergraduate and postgraduate categories.

(6) Did the study report change in any of the above areas, since 1996, especially in relation to Higher Education Contribution Scheme changes.

(7) Has any of the research shown deterioration in participation for the groups: socio-economic status, by region, age, gender, undergraduate and postgraduate categories.

(8) Why was the report not released as part of the Crossroads higher education review.

(9) When will the report be released and a copy tabled and/or provided to the Opposition.

Senator Alston—The Minister for Education, Science and Training has provided the following answer to the honourable senator’s question:

(1) No – the Report is currently in draft form and may be revised further.

(a) See (1) above.

(b) There has been no recommendation to the Minister regarding public release of the Report.

(c) The final cost of the Report is not yet known.

(d) Yes – the (1st) National Report on Australia’s Higher Education Sector was published in 1993.

(e) Yes.

(2) and (3) The net value of external consultancies (inclusive of GST) that have contributed to the drafting of the Report is $62,200. Details on the consultancies are attached.

(4) The draft Report incorporates a range of information, data and research sourced externally and internally. These cover numerous facets of the development of the higher education sector in the decade 1992 to 2001, including enrolment, participation, policy developments, funding, curriculum and delivery developments, the growth of international education, developments in quality assurance and governance.

(5) There is no study along the lines suggested by the question contained in the draft Report.

(6) See above.

(7) See above.

(8) It was not intended that the Report form part of the ‘Crossroads’ Review of higher education.

(9) The Report will be published and made publicly available when it is finalised.


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<thead>
<tr>
<th>Consultant</th>
<th>Description of consultancy</th>
<th>Contract value</th>
<th>Annual Report</th>
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<tr>
<td>Australian University</td>
<td>Achievements of the Australian partnership for advanced computing</td>
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<td>University of Adelaide</td>
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Wednesday, 14 May 2003

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<th>Consultant</th>
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<td>The Adoption of Problem Based Learning Patterns of Higher Education Research</td>
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<td>Charles Sturt University</td>
<td>Changes in Distance Education The Changing Mix of Student Work &amp; Study Loads</td>
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<tr>
<td>University of New England</td>
<td>The Second National Report - Historical Background</td>
<td>$22,000</td>
<td>This consultancy has not been reported in an Annual Report as it was initially classified as an out of scope Funding Contract. This misclassification has now been rectified.</td>
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<td>Macquarie University</td>
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<td>Provision of editorial advice on the 2nd National Report</td>
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</table>

1 Under PM&C Annual Reporting Guidelines Department’s are not required to report individually on consultancies valued less than $10,000 in annual reports. It should be noted, however, that the Department has reclassified all the above projects as consultancies rather than Funding contracts and will rectify future reporting for this period accordingly. The exception is the consultancy to Ray Adam & Associates which has been previously classified and reported as a consultancy.

Telstra

(Question No. 1307)

Senator Harris asked the Minister for Communications, Information Technology and the Arts, upon notice, on 20 March 2003:

(1) If Telstra has been bound by Australia’s Corporations Law since 1991, consistent with the arrangement for government business enterprises, on what date did Telstra employees cease having Australian Government Service ‘C’ numbers, prior to the numbers being changed to Telstra Employee numbers.

QUESTIONS ON NOTICE
(2) (a) While Telstra employees were still using ‘C’ numbers, did their conduct come under any specific Commonwealth Act or Commonwealth Government policy that governed the employees’ conduct; and (b) does the Minister agree that the Senate has investigative powers over such Government employee conduct if, on a prima facie basis, internally produced documents or records tabled in the Senate appear to be technically-and factually-flawed.

(3) If such internal Telstra records were established to be technically-and factually-flawed and liability cover-ups were established to have resulted in the Australian Government receiving substantially inflated dividends prior to the T1 float, would the liability currently be a liability of Telstra, or a liability of the Australian Government or a shared liability of the Australian Government and Telstra jointly.

(4) If the Minister was provided with internally-produced Telstra material that, prima facie, is technically-and factually-flawed, would the Minister be prepared to request the Prime Minister to order a royal commission to allow these matters to be fully and openly investigated.

(5) As the Minister responsible for the Commonwealth’s controlling ownership of Telstra, what recourse does the Minister have when the Chief Executive Officer (CEO) and Chairman fail to comply with their, and the Deputy Chairman’s, assurances given to all shareholders at Telstra’s annual general meeting (AGM) on 15 November 2002.

(6) If the Minister were to be fully informed of such unreasonable failures to comply, would the Minister: (a) use the Commonwealth’s majority ownership to call on a special general meeting to have such assurances fully complied with in an open public forum; (b) instruct the CEO and Chairman privately, to comply so as to save Telstra substantial shareholder funds being used in holding a special general; or (c) do nothing and expect 100 shareholders to combine and publicly ensure a special general meeting is held to have the CEO and Chairman fully comply with the assurances given to shareholders.

Senator Alston—The answer to the honourable senator’s question, based on information provided by Telstra, is as follows:

1) At no time have Telstra employees had an Australian Government Service (‘AGS’) ‘C’ number. Telstra employees did have an AGS number until the commencement of the Telecommunications Act 1975. At this time, all transitioning officers of the Australian Postal and Telecommunications Commission became officers of the Australian Telecommunications Commission. Transitioning officers were given a ‘Telstra’ number at the time of transition, a number that coincided with their former AGS number. Those transitioning officers who remain with Telstra retain the same Telstra employee number to this day.

2) (a) As mentioned above, at no time have Telstra employees had a ‘C’ number. The Postal and Telecommunications Commissions (Transitional Provisions) Act 1975 (Transition Act) enacted transitional provisions consequent upon the establishment of the Australian Telecommunications Commission (ATC). In respect of disciplinary issues, s27 of the Transition Act provided that the Public Service Act 1922-1975 continued to apply during the transitional period.

Following the establishment of the ATC, Division 6 of Part V of the Telecommunications Act 1975 (Dismissals and Punishments) governed the conduct of ATC officers. Subsequent legislation also suggests that public service disciplinary processes, such as those contained within the Public Service Act 1922-1975, do not apply to Telstra employees. Today, internal Telstra policies and procedures govern disciplinary processes in respect of employee conduct at Telstra.

(b) Witnesses appearing before Senate committees are expected to provide full and accurate information. As the honourable senator would be aware, the Senate has various powers to conduct inquiries. The power to conduct inquiries is usually not exercised by the Senate itself,
but is delegated to its committees. The powers given to those committees include the power to require the attendance of witnesses, the production of documents and taking of evidence under oath. A decision whether to conduct an inquiry is matter for the Senate. It is not appropriate for me to speculate whether liability, if any, might exist under a hypothetical scenario where no evidence has been presented on which to assess whether or not there may be any substance or merits to the claims.

(3) It is not appropriate for me to speculate whether liability, if any, might exist under a hypothetical scenario where no evidence has been presented on which to assess whether or not there may be any substance or merits to the claims.

(4) I would treat claims of the provision of technically and factually flawed material by Telstra seriously. However, I am not prepared to speculate on any particular course of action without evidence that supports the merits of such claims.

(5) I would treat claims of failure to comply with assurances given to shareholders by the Chairman, Deputy Chairman and CEO at a Telstra AGM seriously. However, I am not prepared to speculate on a particular course of action without evidence that supports the merits of such claims.

(6) (a) & (b) I am not prepared to speculate on any particular course of action that might be available to the Commonwealth as majority shareholder without any evidence that supports the merits of such claims.

(c) The Corporations Act provides that at least 100 members who are entitled to vote at a general meeting can write to the directors of the company and request directors to call and arrange for a general meeting.

Health: Maternity

(Question No. 1326)

Senator Webber asked the Minister for Health and Ageing, upon notice, on 20 March 2003:

(1) Has the Government provided a response to the National Maternity Action Plan.

(2) Does the Government support the recommendations of the plan; if not, why not.

(3) Given that the World Health Organisation has determined that midwife-led births are the safest and most appropriate for healthy women, what is the Government doing to move towards this internationally-accepted best practice.

(4) What is the Government doing to reduce the rate of elective and emergency caesarean surgery.

(5) What is the Government doing to increase women’s access to ‘continuity of carer’ with a midwife through pregnancy, labour, birth and the postnatal period.

(6) What is the Government doing to increase access to midwifery care generally.

(7) What measures has the Government taken in the past, on either a pilot or permanent basis, to fund continuous one-on-one midwifery care for pregnant women.

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

(1) No.

(2) Midwifery services are principally the responsibility of State and Territory Governments.

The Government has no plans to increase its role in relation to the provision of publicly funded community midwifery services, and does not support the extension of the Medicare arrangements to include allied health services.

The Government is working with the States and Territories to implement a range of measures, including to encourage insurers to make professional indemnity insurance available and affordable.
(3) Refer to Question 2 above.
The Government has provided assistance in areas where there is a need for national coordination. For example, the Government has provided funding of $4.3 million over five years for the Rural and Remote Midwifery Upskilling Program. This Program, which commenced in 1999, invests in the maintenance of midwifery skills in rural areas, allowing rural women to deliver their babies as close to their families as possible.

(4) There are a number of factors that affect caesarian rates including risks to the mother and baby, advancing maternal age, previous medical history, current complications and co-morbidities. Analysis of caesarian rates needs to take these factors into account and this in turn will be dependent on accurate information being available.

The Government provides funding to the Australian Institute of Health and Welfare to improve national reporting on reproductive health. The ability to provide clinically relevant comparisons of obstetric and gynaecological practice and outcomes across Australia is also currently under review.

(5) The Commonwealth Government makes a contribution to State and Territory Health Authorities for eight specific public health programs through the Public Health Outcome Funding Agreements. One of the eight programs is for alternative birthing services.

(6) Refer to question 5 above.
(7) Refer to question 5 above.

**Hydrogen Economy Conference**
(Question No. 1339)

**Senator Brown** asked the Minister representing the Minister for Science, upon notice, on 24 March 2003:

(1) Why is it being held in such an expensive and inaccessible location.
(2) Why is tidal power singled out for special focus.
(3) Who is paying for the conference.
(4) What provision has been made to enable community participants to attend the conference, through scholarships, heavily discounted registration fees and assistance with travel costs.
(5) When will the proceedings be published and made available.
(6) (a) Who are the members of the High Level Advisory Group; (b) who are they advising; and (c) what are they advising upon.

**Senator Alston**—The Minister for Science has provided the following answer to the honourable senator’s question:

(1) to (6) The Education, Science and Training portfolio is not responsible for the organisation of the Hydrogen Economy Conference or the issues raised in the honourable Senator’s question.

**Trade: Livestock**
(Question No. 1355)

**Senator O’Brien** asked the Minister representing the Minister for Trade, upon notice, on 26 March 2003:

(1) Does the European Union prohibit the export of ruminant livestock from Australia; if so, when was this prohibition applied.
(2) Has the European Union recently moved to regularise third-country trade in live animals.
QUESTIONS ON NOTICE

(3) Has a draft amendment to Council Decision 79/542/EEC been prepared.
(4) When did the Minister become aware the draft amendment was in preparation.
(5) Would the application of this amendment further restrict live animal exports from Australia to member countries of the European Union.
(6) Has the amendment been agreed to by the European Union; if so, when was it agreed to; if not, when is it likely to be agreed to.
(7) Has the Minister sought advice on the impact on Australian exporters of the application of this amendment; if so, what is the likely impact, including affected breeds, export volume, export value and number of affected producers and exporters.
(8) Has the Minister made representations to the Commission of European Communities, or individual member countries of the European Union, about this matter; if so: (a) when were these representations made; and (b) what form did they take.
(9) Has the Minister received any representations from Australian producers and/or exporters about this matter; if so: (a) when were those representations received; and (b) what form did they take.

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

(1) Yes. The European Union (EU) prohibits the importation of cattle, sheep and goats from Australia. This stems from a Council Directive in 1972. Currently the United Kingdom (UK) permits the entry of alpacas from Tasmania.
(2) Yes.
(3) Yes.
(4) There was no prior advice of the proposal. The European Commission’s (EC) notification to the SPS Contact Point was dated 3 March 2003.
(5) All ruminants from Australia, except alpacas to the UK, are currently prohibited from import into the EU. We expect application of this amendment will close off the small but high value trade in alpacas.
(6) No. The EC’s SPS notification advises the proposed date of adoption is May 2003 with the proposed date of application 30 days after adoption with a transitional period of 60 days for the existing certificates.
(7) The Department of Foreign Affairs and Trade is consulting with industry and other relevant Departments.
(8) As the Government’s contact point for SPS notifications, the Department of Agriculture Fisheries and Forestry will respond to the EC SPS notification within the 60 day consultation period. For many years the Government has been making representations to the European Commission and Member States on the ruminant import ban, specifically the Commission’s failure to recognise Australia’s zoning of bluetongue. These representations will continue.
(9) No.

Education: Higher Education Contribution Scheme Debts
(Question No. 1361)

Senator McLucas asked the Minister representing the Minister for Education, Science and Training, upon notice, on 27 March 2003:

Can a state-by-state breakdown be provided of accumulated Higher Education Contribution Scheme debts for the years 1995 to 2001 inclusive, in the same format as provided in the answer to question no.
QUESTIONS ON NOTICE

E689 03 taken on notice by the department during estimates hearings of the Employment, Workplace Relations and Education Legislation Committee.

Senator Alston—The Minister for Education, Science and Training has provided the following interim answer to the honourable senator’s question:

The Australian Taxation Office (ATO) administers the system for recording and tracking Higher Education Contribution Scheme (HECS) debts. The HECS management information system used by the ATO for this purpose requires specific programming to produce the data requested by the honourable Senator and the task is both complex and time-consuming. The ATO has commenced the work required and has advised that they will provide the data as soon as the work has been completed.

Education: Systemic Infrastructure Initiative
(Question No. 1362)

Senator McLucas asked the Minister representing the Minister for Education, Science and Training, upon notice, on 27 March 2003:

With reference to the answer to question no. E763-03 taken on notice by the department during estimates hearings of the Employment, Workplace Relations and Education Legislation Committee:

(1) What is the total amount of funding available under the Systematic Infrastructure Investment Fund (SII).
(2) What amounts of funding have already been allocated and to what projects.
(3) What is the total amount of unallocated funds under SII.
(4) Against what criteria will remaining funds be allocated.
(5) Have guidelines been developed for the allocation of the remaining funds.
(6) When will guidelines be developed for the allocation of the remaining funds.
(7) By what date must all funds under SII be expended in full.

Senator Alston—The Minister for Education, Science and Training has provided the following answer to the honourable senator’s question, assuming the honourable senator is referring to the answer to Question on Notice No. E582-03, not E763-03:

(1) $247,470,000 (in 2003 prices) is available under the Systemic Infrastructure Initiative.
(2) $122,458,907 – Details of expenditure on projects is available at:
(3) $125,011,093.
(4) All funding is allocated with reference to the Systemic Infrastructure Initiative programme guidelines.
(5) See answer to previous question.
(6) N/A.
(7) It is expected that funds will be expended in 2007.

Environment: Air Quality
(Question No. 1378)

Senator Nettle asked the Minister representing the Minister for the Environment and Heritage, upon notice, on 3 April 2003:

QUESTIONS ON NOTICE
(1) Why is the current PM10 standard for ambient air quality still applied to tunnel ventilation stack exhausts when it has been proven that PM10 is not an appropriate measure of toxic respirable particles in motor vehicle exhaust.

(2) (a) Why are there are cases of inconsistencies from state to state in the application of the National Environment Protection Measures standards to traffic tunnel ventilation stacks; and (b) has the Minister considered applying national guidelines for the application of the standards.

(3) (a) Can a list be provided of the situations in which these standards do not apply; and (b) can an explanation be provided as to why, in such situations, there are no other national guidelines to determine what constitutes an acceptable level of emissions exhaust from stacks of traffic tunnels.

(4) Given that air quality affects people regardless of their state of residence, has the Minister considered establishing a national body to regulate air quality throughout Australia.

Senator Hill—The Minister for the Environment and Heritage has provided the following answer to the honourable senator’s question:

(1) The PM10 standard of the National Environment Protection (Ambient Air Quality) Measure (“Air NEPM”) does not apply to emissions from point sources, such as vehicle tunnel ventilation stacks, as the NEPM sets ‘ambient’ air quality standards, not ‘emission’ standards. Management of emissions from point sources in a way that achieves the standards in the Air NEPM by the target date of 2008 is a State and Territory responsibility.

(2) (a) and (b) Given that the PM10 standard of the Air NEPM is not designed to be applied as an emission standard for point sources, such as vehicle tunnel ventilation stacks, there are no national guidelines that cover the application of the standard in this way. Jurisdictions set local emission standards for point sources as appropriate. These emission limits may vary between jurisdictions due to the effect of local factors that can influence the effect emissions from a given source have on the local airshed. Given these local factors it would not be appropriate to set national guidelines for vehicle tunnel ventilation stacks.

(3) (a) and (b) See answer to question 1.

(4) The objects of the National Environment Protection Council Acts of the Commonwealth and of each State and Territory is to provide equivalent environmental protection to all Australians wherever they live and to ensure that markets are not distorted by environmental decisions. The National Environment Protection Council (NEPC), established under these Acts, is empowered to make National Environment Protection Measures (NEPMs) that are designed to protect particular aspects of the environment by setting national environmental standards. The Air NEPM sets such standards for ambient air, in respect of six “criteria” pollutants; namely carbon monoxide, nitrogen dioxide, sulphur dioxide, photochemical oxidants (measured as ozone) lead and particles as PM10. In doing so, Governments working together as NEPC have taken a national approach to managing air quality in Australia.

Aboriginal and Torres Strait Islander Commission: Funding
(Question No. 1388)

Senator Brown asked the Minister representing the Minister for Immigration and Multicultural and Indigenous Affairs, upon notice, on 15 April 2003:

With reference to the Aboriginal and Torres Strait Islander Commission (ATSIC):
(1) What is ATSIC’s global budget for this financial year.
(2) What percentage of this budget is under the direction of the ATSIC board.
(3) How much is directly spent by the board.
(4) (a) How much is allocated to other agencies or bodies, including regional councils, for spending under ATSIC’s direct supervision; and (b) on what was this money spent or being spent.

Senator Ellison—The Aboriginal and Torres Strait Islander Commission has provided the following information in response to the honourable senator’s question:

(1) ATSIC’s global budget for 2002-03, excluding the Capital Use Charge and based on current Estimates of Expenditure is $1,121,275,398.

(2) 100% of ATSIC’s global budget is under the direction of ATSIC’s Board of Commissioners, subject to the approval of the Minister for Immigration and Multicultural and Indigenous Affairs.

(3) The ATSIC Board of Commissioners directly spends $4,372,832 in relation to its own administrative costs.

(4) (a) $939,795,038 is allocated to other agencies or bodies, including Regional Councils for spending under ATSIC’s direct supervision, primarily through grant arrangements.

(b) This money is spent, or being spent, on delivering the following outputs:

Access to Effective Family Tracing & Reunion Services
Broadcasting Services
Preservation & Protection of Indigenous Heritage
Preservation & Promotion of Indigenous Culture
Preservation of Indigenous Language & Recordings
Professional Services to Native Title Claimants
Advancement of Rights to Land & Sea
Indigenous Rights
Indigenous Women
Public Information
Torres Strait Islanders on the Mainland
Community Housing and Infrastructure
Sporting Opportunities for Indigenous Peoples
Legal Aid
Law & Justice Advocacy
Family Violence Prevention
Prevention, Diversion & Rehabilitation
Business Development and Assistance
Employment and Training
Community Development Employment Projects
Planning & Partnership Development
Welfare Reform – Participation