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Thursday, 9 October 2003

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

PETITIONS

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

Child Abuse
To the Honourable Members of the Senate in the Parliament Assembled.
The Petition of the undersigned draws attention to the damaging long-term effects to Australian society caused by the sexual assault and abuse of children and the concealment of these crimes within churches, government bodies and other institutions.

Your petitioners ask the Senate, in Parliament to call on the Federal Government to initiate a Royal Commission into the sexual assault and abuse of children in Australia and the ongoing cover-ups of these matters.

by Senator Bartlett (from 40 citizens).

Trade: Live Animal Exports
To the Honourable the President and Members of the Senate in Parliament assembled.
The Petition of the undersigned notes the inadequate numbers of livestock available for Australian slaughter, food consumption and hides; the increase in Australian abattoir closures; the growing negative economic, employment and social impacts on rural Australia; and the unnecessary suffering endured by Australian livestock because of this nation’s pursuit of trade and financial benefits at any cost. Your petitioners call on the members of the Senate to end the live export trade now in favour of developing an Australian chilled and frozen halal and kosher carcass trade using humane slaughtering practices.

by Senator Bartlett (from 128 citizens).

Australian Broadcasting Corporation: Funding
To the Honourable Members of the Senate in the Parliament Assembled.
The Petition of the undersigned draws attention to the recent Government funding cuts to the ABC resulting in the substantial reduction of the educational programming budget and the axing of the popular educational show “Behind the News”.

“Behind the News” has been providing valuable information to students since 1969 in a format they can understand and deal with in a non-threatening way and represents a cost effective and valuable teaching aid for teachers and students across Australia.

ABC is the only national network that has devoted significant resources to educational broadcasting. As well as the axing of “Behind the News”, a further $1 million has been cut from the ABCs educational programming budget, impacting considerably on available teaching resources. It is regrettable that the ABC Board has chosen to reduce its commitment to educational programming at this time, and a matter of deep concern that the ABC has indicated an insufficient provision of government funding as the cause.

Your petitioners ask the Senate in Parliament to call on the Federal Government to reverse the recent funding cuts to the ABC to enable the ABC to restore the educational programming and allow for the immediate re-instatement of “Behind the News”.

by Senator George Campbell (from 182 citizens).

Petitions received.

NOTICES

Presentation

Senator Chris Evans to move on the next day of sitting:

That there be laid on the table by the Minister for Revenue and Assistant Treasurer, no later than 5 pm on Tuesday, 14 October 2003, all documents held by the Australian Government Actuary relating to its calculations of the Incurred But Not Reported (IBNR) levy following the collapse of the medical defence organisation United Medical Protection, including the formulae used to calculate the estimated unfunded liabilities for IBNR claims.
Senator Allison to move on the next day of sitting:
That the there be laid on the table by the Minister for Immigration and Multicultural and Indigenous Affairs, no later than 3 pm on Thursday, 16 October 2003:
(a) the default notice issued to Australasian Correctional Management under the Government’s general agreement contract to manage detention centres; and
(b) the report prepared for the Department of Immigration and Multicultural and Indigenous Affairs by Knowledge Enterprises in 2001 on management of detention centres.

Senator O’Brien to move on the next day of sitting:

Senator Brown to move on the next day of sitting:
That Amendment 46 of the National Capital Plan (Gungahlin Drive Extension—Black Mountain Nature Reserve), made under section 19 of the Australian Capital Territory (Planning and Land Management) Act 1988, be disallowed.

Senator Brown to move on the next day of sitting:
That the Senate—
(a) condemns the effective axing of the SBS Insight program, one of only a handful of investigative reporting programs on Australian television; and
(b) calls on SBS management to immediately reverse its decision.

BUSINESS
Rearrangement
Senator IAN CAMPBELL (Western Australia—Manager of Government Business in the Senate) (9.31 a.m.)—I move:
That the following government business orders of the day be considered from 12.45 pm till not later than 2 pm today:
No. 9 Taxation Laws Amendment Bill (No. 8) 2003
Civil Aviation Amendment Bill 2003
No. 10 Statistics Legislation Amendment Bill 2003
Question agreed to.

Rearrangement
Senator IAN CAMPBELL (Western Australia—Manager of Government Business in the Senate) (9.32 a.m.)—I move:
That the order of general business for consideration today be as follows:
(1) general business order of the day no. 30—Kyoto Protocol (Ratification) Bill 2002; and
(2) consideration of government documents.
Question agreed to.

NOTICES
Postponement
An item of business was postponed as follows:
General business notice of motion no. 624 standing in the name of Senator Stott Despoja for today, relating to human rights in Colombia, postponed till 14 October 2003.

BUSINESS
Rearrangement
Senator FERRIS (South Australia) (9.32 a.m.)—by leave—At the request of the Chair of the Rural and Regional Affairs and Trans-
port Legislation Committee, Senator Heffernan, I move:

That business of the Senate order of the day no. 2, relating to the presentation of the report of the committee on the provisions of the Aviation Transport Security Bill 2003 and a related bill, be postponed till a later hour.

Question agreed to.

CONSTITUTION

Prime Minister’s Statement

Senator ALLISON (Victoria) (9.33 a.m.)—by leave—I amend notice of motion No. 633 standing in my name by deleting ‘through the usual channels three and a half hours later’ and substituting ‘through the usual channels until three and a half hours later’.

Senator MACKAY (Tasmania) (9.33 a.m.)—by leave—As I understand it, Senator Allison, we are unaware of the amendment you are proposing. That will make it quite difficult for the Labor Party to consider the motion in a measured fashion. I wonder whether you would postpone moving the motion till the next sitting day.

Senator ALLISON (Victoria) (9.34 a.m.)—I believe a reading of the amendment will indicate that a word was simply left out of the original motion and that it makes no material difference. It just makes the motion make sense, if you like, grammatically.

The PRESIDENT—Thank you for that explanation.

Senator ALLISON—I move the motion as amended:

That the Senate notes, with concern, that the statement by the Prime Minister (Mr Howard) on so-called ‘Senate reform’ was provided to the media at midday on Wednesday, 8 October 2003, but that advance copies had not been provided to senators through the usual channels until three and a half hours later.

Question negatived.
Tinto of data, modelling or other
information for use by the Working Group
or the Chief Scientist.

Question agreed to.

**FUEL: EXCISE**

*Senator ALLISON* (Victoria) (9.36
a.m.)—I move:

That the Senate—

(a) notes that since the Government’s
announcement that it would introduce an
excise on alternative fuels commencing
2008, the effect on the LPG industry has
been to:

(i) during the week beginning
28 September 2003, force Australia’s
largest manufacturer and supplier of
automotive LPG tanks and accessories
for factory fitted gas only and dual fuel
motor vehicles and after-market dual
fuel installations—APA Manufacturing
Pty Ltd—into voluntary administration,

(ii) put 75 Victorian jobs at APA
Manufacturing under threat, with an
estimated 200-300 direct flow-on jobs
also threatened,

(iii) make unlikely any sale of APA
Manufacturing as a going concern, and

(iv) reduce demand for LPG-only vehicles
by approximately 50 per cent, largely
because of fleet buyer concerns about
the effect of resale values of excise
imposition;

(b) notes that:

(i) the Prime Minister (Mr Howard) wrote
to the industry in November 2002,
stating that the Government had no
intention of imposing an excise on
LPG

(ii) Australia has the second highest
number of LPG vehicles in the world
despite the price differential between
LPG and petrol being the second
smallest in the world, and

(iii) LPG use in transport currently reduces
carbon dioxide emissions by more than
840 000 tonnes a year and avoids the
need to import around 13 million
barrels of oil a year; and

(c) urges the Government to restore certainty
to the sector by designing a tax system
which:

(i) recognises the environmental benefits
of LPG and

(ii) gives incentive to consumers to adopt
LPG as a transport fuel.

*The PRESIDENT*—The question is that
the motion be agreed to.

*Senator MACKAY* (Tasmania) (9.37
a.m.)—by leave—Senator Allison, our
understanding was that you were amending this
on the floor. Have you put the amendment
in?

*The PRESIDENT*—The Clerk has in-
formed me that it was amended under stand-
ing order 77.

Question agreed to.

**COMMITTEES**

**Employment, Workplace Relations and
Education Legislation Committee**

**Extension of Time**

*Senator FERRIS* (South Australia) (9.37
a.m.)—At the request of Senator Tierney, I
move:

That the time for the presentation of the
following reports of the Employment, Workplace
Relations and Education Legislation Committee
be extended to 30 October 2003:

(a) Workplace Relations Amendment
(Compliance with Court and Tribunal
Orders) Bill 2003 and the provisions of
the Workplace Relations Amendment
(Codifying Contempt Offences) Bill 2003;

(b) Workplace Relations Amendment
(Improved Remedies for Unprotected

Question agreed to.
TRADE: LIVE ANIMAL EXPORTS

Senator BROWN (Tasmania) (9.38 a.m.)—I move:

That the Senate—

(a) notes the continuing horror of the Cormo Express’ passage to the Middle East which has resulted in the death of at least 8 per cent of its cargo of 53,000 sheep; and

(b) calls on the Government to immediately suspend the live sheep and cattle trade from Australia.

Question put:

The Senate divided. [9.42 a.m.]

(The President—Senator the Hon. Paul Calvert)

AYES

Allison, L.F. * Bartlett, A.J.J.
Brown, B.J. Cherry, J.C.
Greig, B. Murray, A.J.M.
Nettle, K. Ridgeway, A.D.
Stott Despoja, N.

NOES

Abetz, E. Alston, R.K.R.
Barnett, G. Boswell, R.L.D.
Brandis, G.H. Buckland, G.
Calvert, P.H. Campbell, G.
Campbell, I.G. Campbell, I.G.
Chapman, K.J. Carr, K.J.
Chapman, H.G.P. Farr, J.D.
Collins, J.M.A. Cook, P.F.S.
Crossin, P.M. Denman, K.J.
Eggleston, A. Evans, C.V.
Faulkner, J.P. Ferguson, A.B.
Ferris, J.M. * Forshaw, M.G.
Harradine, B. Harris, L.
Hogg, J.J. Humphries, G.
Hutchins, S.P. Johnston, D.
Kemp, C.R. Kirk, L.
Lightfoot, P.R. Ludwig, J.W.
Lundy, K.A. Macdonald, J.A.L.
Mackay, S.M. Marshall, G.
Mackay, S.M. McAulane, J.J.
McLucas, J.E. Moore, C.
O’Brien, K.W.K. Patterson, K.C.

PAYNE, M.A. SCULLION, N.G.
SHERRY, N.J. STEPHENS, U.
TCHEN, T. TIERNEY, J.W.
WEBBER, R. WONG, P.

* denotes teller

Question negatived.

ANTI-VEHICLE MINES

Senator NETTLE (New South Wales) (9.47 a.m.)—I move:

That the Senate—

(a) notes that:

(i) like anti-personnel landmines, anti-vehicle mines kill and maim long after conflicts have ended,

(ii) like anti-personnel landmines, anti-vehicle mines are indiscriminate and kill both civilians and military personnel in violation of the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol 1) of 8 June 1977,

(iii) anti-vehicle mines can increase the cost and slow the delivery of humanitarian aid,

(iv) there is no publicly available evidence that the Australian Defence Forces have gained any direct military advantage from the use of anti-vehicle mines since the Korean War,

(v) the only Australian soldier killed in the 2001 to 2002 deployment to Afghanistan, SAS Sergeant Andrew Russell, was the victim of an anti-vehicle mine, and

(vi) of the four Australian peace-keepers killed since 1966 by weapons, two have been killed by landmines while driving in vehicles; and

(b) calls on the Federal Government to:

(i) recognise anti-vehicle mines that can be set off by contact with a person as anti-personnel landmines, and therefore banned under the Convention on the Prohibition of the Use, Stockpiling,
Production and Transfer of Anti-Personnel Mines and their Destruction (Mine Ban Treaty),
(ii) support a ban on anti-vehicle mines with anti-handling devices, which can be set off if a mine is disturbed, and
(iii) work with like-minded countries towards a global ban on the production, stockpiling, transfer and use of anti-vehicle mines.

Question put:
The Senate divided. [9.50 a.m.]
(The President—Senator the Hon. Paul Calvert)

Ayes……….. 11
Noes……….. 42
Majority……. 31

AYES
Allison, L.F. * Bartlett, A.J.J.
Brown, B.J. Cherry, J.C.
Greig, B. Harradine, B.
Harris, L. Murray, A.J.M.
Nettle, K. Ridgeway, A.D.
Stott Despoja, N.

NOES
Boswell, R.L.D. Brandis, G.H.
Buckland, G. Calvert, P.H.
Campbell, G. Campbell, I.G.
Carr, K.J. Chapman, H.G.P.
Colbeck, R. Collins, J.M.A.
Cook, P.F.S. Crossin, P.M.
Denman, K.J. Eggleston, A.
Evans, C.V. Faulkner, J.P.
Ferguson, A.B. Ferris, J.M. *
Forshaw, M.G. Hogg, J.J.
Humphries, G. Hutchins, S.P.
Johnston, D. Kemp, C.R.
Kirk, L. Ludwig, J.W.
Lundy, K.A. Mackay, S.M.
Marshall, G. Mason, B.J.
McGauran, J.J.J. McLucas, J.E.
Moore, C. O’Brien, K.W.K.
Payne, M.A. Scullion, N.G.
Sherry, N.J. Stephens, U.
Tchen, T. Tierney, J.W.
Webber, R. Wong, P.

* denotes teller

Question negatived.

AUSTRALIA-UNITED STATES FREE TRADE AGREEMENT
REGULATION OF GENETICALLY MODIFIED FOODS

Senator NETTLE (New South Wales) (9.53 a.m.)—I move:
That there be laid on the table by the Minister representing the Minister for Health and Ageing and the Minister representing the Minister for Trade, no later than 4 pm on 15 October 2003, all documents relating to the proposed Australia-United States free trade agreement and the regulation of labelling of genetically-modified foods in Australia and/or the United States, including but not limited to correspondence generated since 1 November 2002 between:
(a) the Australian and United States Governments;
(b) Commonwealth departments;
(c) Commonwealth and state and territory governments;
(d) Commonwealth government ministers; and
(e) Commonwealth and state and territory ministers.

Question agreed to.

AGRICULTURE: SUBSIDIES

Senator NETTLE (New South Wales) (9.53 a.m.)—I move:
That the Senate—
(a) notes:
(i) the collapse of the World Trade Organization talks in Cancun, Mexico,
(ii) that agricultural subsidies are a crucial issue for Australian farmers, and
(iii) that agricultural subsidies can only be discussed in multilateral trade negotiations; and
(b) calls on the Government to publicly explain to Australian farmers that agricultural subsidies in the United States
of America (US) cannot be on the table in the US-Australia free trade agreement.

Question agreed to.

AUSTRALIA-UNITED STATES FREE TRADE AGREEMENT: AUSTRALIA’S CULTURAL INDUSTRIES

Senator NETTLE (New South Wales) (9.54 a.m.)—I move:

That the Senate—

(a) notes:

(i) that Australia is one of the most open markets for foreign television programming, 68.7 per cent of new airtime hours being of foreign origin,

(ii) that United States of America (US) films take 83 per cent of annual Australian box office takings, and

(iii) the experience of New Zealand which now has one of the lowest percentages of local content, at 24 per cent, as a result of excessive liberalisation of its cultural industries; and

(b) calls on the Government to:

(i) ensure the narrow definition of e-commerce found in the Australia-Singapore Free Trade Agreement (FTA) is the definition used in the Australia-United States FTA to ensure that digital cultural products are excluded from the FTA, and

(ii) protect and strengthen existing support mechanisms for Australian cultural industries by:

(A) removing the regulations which place restrictions on the number of foreign cast and crew per production from any FTA negotiations, and

(b) removing local content quota regulations, and the Government’s ability to increase the quota in the future, from any FTA negotiations.

Question agreed to.

NOTICES

Postponement

Senator MACKAY (Tasmania) (9.55 a.m.)—by leave—At the request of Senator Hutchins, I move:

That general business notice of motion no. 601 standing in the name of Senator Hutchins for today, relating to hepatitis C, to 13 October 2003.

Question agreed to.

COMMITTEES

Employment, Workplace Relations and Education References Committee

Extension of Time

Senator GEORGE CAMPBELL (New South Wales) (9.55 a.m.)—I move:

That the time for the presentation of the report of the Employment, Workplace Relations and Education References Committee on labour market skills requirements be extended to 30 October 2003.

Question agreed to.

Legal and Constitutional References Committee

Report

Senator CROSSIN (Northern Territory) (9.56 a.m.)—On behalf of the Chair of the Legal and Constitutional References Committee, Senator Bolkus, I present the report of the committee entitled Reconciliation: off track, together with the Hansard record of proceedings and documents presented to the committee.

Ordered that the report be printed.

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

Leave granted.

Senator CROSSIN—I move:

That the Senate take note of the report.

Before making my own comments, I seek leave to incorporate Senator Bolkus’s tabling statement in Hansard.
Leave granted.

The statement read as follows—

The report is the result of a year-long inquiry during which the Committee received evidence on the progress towards national reconciliation, from a wide range of organisations, individuals and Federal, State, and Territory governments.

From many quarters the Committee heard an overwhelming message: the Government’s so-called ‘practical reconciliation’ agenda to address disadvantage is failing to adequately address the needs of Indigenous people. Indicators of disadvantage are not improving in many areas, and with a youthful and growing Indigenous population, the problems are not going to go away.

But more than this, the Committee heard loud and clear that the ‘practical reconciliation’ agenda is not enough, and that the broader issues of reconciliation are not being addressed by the Government. During the 1990s, the Council for Aboriginal Reconciliation undertook a lot of good work, engaging with the Australian community in wide-ranging consultations, and identifying the vital importance of recognising the rights of Indigenous Australians, and the need for true and lasting reconciliation between Indigenous and non-Indigenous Australians.

There is still much goodwill in the community towards the reconciliation process. However, the Committee identified a strong sense of frustration that the momentum for change and for lasting reconciliation engendered by the work of the Council has fallen away since the Council finished its work in 2000. Since then, grassroots reconciliation groups have suffered from a lack of funding and government support, and people have become disheartened that reconciliation is slipping off the national agenda. Reconciliation Australia, the successor organisation to the Council, continues to promote the reconciliation process, but is inadequately resourced, and lacks any authority to make governments accountable.

Time and time again, the Committee was told that what is lacking was national leadership, and that only the Commonwealth Government was in a position to provide that leadership. Yet there seems to be no political energy at the top.

The Committee also heard concerns that the ‘practical reconciliation’ agenda was not only failing the people’s movement that had been so vital during the 1990s, but also neglected to adequately acknowledge the recommendations of the Council for Aboriginal Reconciliation on the need for Constitutional reform. The Council recommended that there should be Constitutional recognition of Indigenous people as the first Australians, and a Constitutional prohibition of racial discrimination. The Council had also recommended that legislation be enacted to put in place a process to unite Australians by way of an agreement or treaty, through which unresolved issues of reconciliation could be resolved.

The Government’s rejection of these recommendations is a clear abrogation of its responsibility to provide national leadership that fosters a sense of national unity. It is to disregard issues that are important to Indigenous Australians and to all Australians and their sense of national identity.

Professor Mick Dodson told the Committee that the Government’s approach of focusing on the things that ‘unify us, not the things that … divide us’ excludes discussion about issues that many Indigenous people view as fundamental. Professor Dodson put it very well when he said: “When are we ever going to deal with the things we disagree on?”

Some of the key recommendations the Committee has made in this report are:

• That the Government should adopt all of the recommendations of the Council for Aboriginal Reconciliation, not just those relating to “practical reconciliation”;

• That there should be ongoing funding for local reconciliation groups and Reconciliation Australia;

• That Constitutional amendments should be pursued;

• That there should be a National Reconciliation Convention every four years to discuss progress towards reconciliation; and

• That a parliamentary committee should monitor and report on reconciliation.

The Committee shares the sense of frustration in the community at the absence of leadership at the
national level. I urge the Government to heed the recommendations of the Committee’s report, and to provide some sorely-needed leadership.

In closing, I would like to thank all those people who took the time to make submissions and give evidence to the Committee, including groups such as the Sisters of Mercy and the Sisters of St Joseph, who work everyday with Indigenous Australians, as well as representatives of Indigenous organisations. All gave valuable evidence to the Committee.

I thank my Committee colleagues, including the Deputy Chair, Senator Payne, and staff of the Committee Secretariat for their work in this inquiry, including Louise Gell, Kelly Paxman, Peter Gibson, David Pengilley, and other secretariat staff. I also thank Angela Pratt of the Parliamentary Library for her contribution.

I commend the report to the Senate.

Senator CROSSIN—I was a participating member of this inquiry, it being an inquiry that was undertaken by the Senate Legal and Constitutional References Committee looking at progress towards reconciliation. We had quite a number of submissions and spent some days in Sydney, Melbourne and Canberra taking evidence from witnesses from around this country. The committee spent almost a year conducting this inquiry, and I would have to say that this report is worth reading because it will be one of the very few reports that is undertaken in relation to where this country is at with reconciliation and where we believe the process needs to go. I say at the outset that the conclusion of the committee is, as the title suggests, that reconciliation in this country is off track.

The title of the report comes from the fact that the Council for Aboriginal Reconciliation acknowledged in 2000 that reconciliation was ‘a long, winding and corrugated road, not a broad, paved highway’.

According to the evidence and the submissions we have received in the last 12 months, not only is reconciliation long, difficult, corrugated and bumpy but, under this government, it is also off track and off the mark. We discovered that reconciliation in this country is happening in spite of the federal government, not because of it. Two outstanding pieces of evidence that were uncovered during this inquiry are that there is a substantial lack of leadership in relation to reconciliation from this federal government and that this government relies on addressing Indigenous disadvantage under the guise of the banner ‘practical reconciliation’ as its explanation for what it is seeking to do for Indigenous people. But, as I said, the reality is that reconciliation is off track. It is off the rails and, in fact, it has almost ground to a halt.

The momentum of reconciliation has been sadly lost under this federal government. It has slipped off the national agenda. There is a lack of education and awareness amongst young people and, despite some goodwill in our community, many are disheartened at the lack of progress by this federal government. There is a resolve amongst people out there in the community to do something about reconciliation. We have seen the people’s movement in the last three or four years, where people have walked across bridges—all sorts of bridges—including the momentous walk across the Sydney Harbour Bridge. We have seen an outpouring of support from many in the community to continue the progress of reconciliation. The National Sorry Day Committee, for example, is one such movement that has been established not because of this government but despite this government. We know that these community groups operate with a lack of resources. These community groups, such as ANTaR, Australians for Native Title and Reconciliation, exist not because this federal government funds them—not at all—but because they have a passion and a commitment to do something about progressing reconciliation.
National leadership, I believe, is at the cornerstone of ensuring that this aspect of our society is progressed. That national leadership is not there. Someone once asked me, ‘Can you measure reconciliation?’—perhaps I will go to measuring social disadvantage amongst Indigenous people. You can measure reconciliation. If I said to each and every one of you sitting here, ‘Describe for me that moment at the opening of the Olympic Games when you saw Nikki Webster walk into that arena holding the hands of an elderly Indigenous person in this country,’ everybody—and I know this—would relate to the fact that they would have gone, ‘Yes! That’s it! That’s what I want my country to symbolise and capture when it comes to reconciliation.’ But it has come to a halt. It has stopped dead in its tracks under this federal government.

We are talking about ensuring that we have a national plan to progress an understanding of Indigenous people, to value Indigenous people and to appreciate the fact that Indigenous people, just like Italian, Spanish, Greek and Vietnamese people in our country, have a different culture. We have never really appreciated that. We use it when it suits us, but we do not really appreciate and value it. We need to recognise that Indigenous people are different and that they think differently. We need to accept them, we need to tolerate them and we need to ensure that the racism that exists in this country is eliminated. It is not going to happen unless a federal government and, in particular, a Prime Minister drives it.

We heard a lot of evidence about the meaning of reconciliation. What is the aim of reconciliation? Is it about reform. It is about social justice. It is about building bridges. The Council for Aboriginal Reconciliation’s vision of reconciliation is that it is about a united Australia. There are four national strategies identified by the Council for Aboriginal Reconciliation’s road map: sustaining the reconciliation process, promoting the recognition of rights, overcoming disadvantage and assisting Indigenous people with economic independence. This federal government believes that reconciliation is overcoming disadvantage. This federal government only signs up to one out of four of the road map’s strategies. The government tags it; it puts a sticky label on it and calls that ‘practical reconciliation’. It has ripped up the Council for Aboriginal Reconciliation’s road map; it has kept part of it—the part that suits it, not what is best for race relations in this country. This is a public relations exercise for this government. This government believes that, if you improve the lot of Indigenous people then, in some way, you have assisted reconciliation. But these are basic citizenship rights.

In this report, we outline statistics that prove that Indigenous people, in fact, not only are severely disadvantaged but are not even accessing mainstream services. The government’s view about practical reconciliation is really just about bringing Indigenous people up to the lowest common denominator. When they talk about basic rights and entitlements, they are trying to disguise the fact that under reconciliation they are trying to bring Indigenous people just up to a level of accessing the mainstream services which you and I enjoy each and every day. Ensuring that Indigenous people do not die early, ensuring that Indigenous people do not suffer forever and a day with kidney disease or diabetes, ensuring they have access to secondary school and ensuring they have access to employment is not practical reconciliation; it is their basic right as citizens in this country. Once Indigenous people are on the same level playing field that you and I enjoy, let us give them additional resources and additional benefits to excel in this country. That would be reconciliation in a practi-
cal sense, but it is only one of the four road map strategies outlined by the Council for Aboriginal Reconciliation.

We still have a government that ignores the rights of Indigenous people—such as recognising political rights. We have a government, in the form of some of the members opposite, which does not believe that it is appropriate in this day and age to recognise the Indigenous land which people once owned and still own. We are the only Commonwealth country in the OECD that does not have a treaty with Indigenous people. We are the only federal parliament that has not apologised to Indigenous people for past wrongs. As Dr William Jonas said:

"... reconciliation must go beyond simply providing equality of opportunity in the terms of 'sameness'. It must provide for the acceptance, recognition and celebration of the unique, distinct societies and cultural characteristics of our first Australians."

This report is worth reading and shows that reconciliation is well and truly off track in this country.

Senator RIDGEWAY (New South Wales) (10.07 a.m.)—I rise to speak on the Reconciliation: off track report. Reconciliation is one of the few issues that, over the past 10 years and longer, have enjoyed full cross-party political support. In 1991 the entire parliament spoke with one voice in support of the establishment of the council for reconciliation. I want to make some comments about the final report and about the inquiry that was undertaken by the Legal and Constitutional References Committee. It is important to remember that, more than 10 years on, reconciliation and how Indigenous issues are dealt with in this parliament remain unfinished business.

Today I want to call upon the support that was engendered in 1991 so that we can again ensure that the path to reconciliation does not lose more momentum than it already has and to give hope to the hundreds and thousands of Indigenous and non-Indigenous Australians who expect and require the government to show leadership on this issue. It is important to remember that reconciliation is not simply about overcoming Indigenous disadvantage, as the term 'practical reconciliation' has suggested. It is an issue which, in my mind, relates directly to the non-Indigenous community, and the talk of Aboriginal reconciliation often puts the onus unfairly upon the Indigenous community to somehow reconcile with the rest. This focus, and the government’s approach, is flawed and shifts responsibility away from the non-Indigenous community. It suggests to them that they have no part at all to play in reconciliation.

One of the key findings of this inquiry, which ran for the past 12 months, was about leadership and why it is so crucial to the process. The Indigenous population makes up only two per cent of the nation’s population, and leadership is needed at the national level to motivate and educate the other 98 per cent of the population about the benefits to the nation of true reconciliation. When there are significant disadvantages and problems within many Indigenous communities, which are borne out by the stereotypical press reports that we see, how is it that there have been such slow and ad hoc changes to this disadvantage despite even the most well-intentioned programs and funding? If it were any other program or service, wouldn’t the question be asked: ‘What are we doing wrong? Is there something wrong with the approach that we are taking?’ However, it seems that, when it comes to dealing with the issue of relationship between Indigenous and non-Indigenous people in this country, these questions are not addressed and somehow government failings are then made problems for the Indigenous community to solve. If the leadership of the government and its com-
mitment to capture the hearts and minds of the non-Indigenous community is non-existent, to merely say that reconciliation is everybody’s responsibility has no meaning nor any effect.

It is important to remember that the background to why this inquiry was sought, and even the decade of reconciliation, goes back to the 1991 Royal Commission into Aboriginal Deaths in Custody. From 1991 to the present, numerous reports have been provided to the government, and there have been wide consultations on issues that relate to reconciliation. The government’s silence on these issues is deafening, with most of these reports having been relegated to the government’s too-hard basket. Indeed, it took some 12 months, if not two years, for the government to finally respond to the council’s final report.

Publicly, reconciliation appeared to peak in the year 2000, when we witnessed the support of hundreds of thousands of Australians who participated in the bridge walks. The Council for Aboriginal Reconciliation was instrumental in this event and, when it ceased operating in 2000, it provided the government with recommendations—six in total—as required by the legislation under which it was established. This overwhelming display of unity is a message to us all that honest and lasting reconciliation is a goal shared both by non-Indigenous and Indigenous Australians. The government has shown a reluctance to address this issue. With its practical reconciliation agenda, the government appears intent on turning reconciliation into a dirty word. If the government is serious about trying to eliminate the disadvantage that is faced by many Indigenous people across the country, it must listen to the message that Indigenous and non-Indigenous Australians are sending about the need to move the process of reconciliation forward.

I would hope that this inquiry, the final report and its recommendations highlight to the government that reconciliation is about an inclusive process and must involve every corner and every facet of the Australian population. By definition, reconciliation cannot be a process of dictating to the governed or making decisions using an approach of ‘we know what’s best’. I acknowledge that, since 1967, when Australian law formally recognised Australia’s Indigenous people, some progress has been made to improve the lives of Indigenous people within the wider community, but it would be illogical—indeed irrational—to employ the same short-term hit-and-miss tactics in the future when they have so clearly failed in the past and certainly are failing in the present, especially when long-term strategic options and recommendations have been put forward by the council and also in the report that has been tabled here today.

Most of all, we ought to read the report as providing some guidance to the government on how best to move forward with these issues. The fact that the inquiry received some 86 submissions illustrates the importance of reconciliation to many Australians, although the opinions varied, because they did not just come from people who are pro reconciliation but also from people—such as the former minister for Aboriginal affairs, Peter Howson—who also put their views forward about the need for a number of common themes to emerge in which all of us can participate.

What was surprising from this inquiry was that reconciliation has a number of different definitions. It is seen as a process rather than a destination. It is about nation building and national unity. It is about recognition of Indigenous peoples and it is also about overcoming Indigenous disadvantage. The inquiry highlighted that, whilst there are critical issues such as health, employment, education, incarceration rates, domestic violence
and substance abuse, which all must be overcome, these elements form only part of the bigger picture. Unless the government embraces all of the other elements, including the symbolic, it is unlikely that reconciliation will ever be achieved.

The process of reconciliation has, to my mind, been split in two, and we find ourselves being forced to talk about practical versus symbolic. By doing this the government has completely missed the point about what reconciliation actually means. In dividing reconciliation in this way the government has attempted to influence Australians into thinking that the symbolic elements of reconciliation, such as the need to deal with an apology or to acknowledge the effects of past dispossession, or even to understand that the past continues to manifest itself in the present and the historical context to why things are happening within Indigenous communities, are seen by the government as unimportant. It seems to me that that attitude further disempowers Indigenous people and undermines the cause of true reconciliation.

The inquiry also highlighted the progress that the Commonwealth and the states have made through the COAG framework in addressing Indigenous disadvantage by developing benchmarks and implementing action plans to monitor outcomes and performance. Whilst the government have made a commitment to that, and I give credit to them for including it in the budget announced earlier this year, it is disappointing that progress by most of the states has been extremely slow. I think the federal government need to do more to make sure that the states do come on board, and some promising strategies have been employed by the Northern Territory and the Australian Capital Territory. Another disappointing discovery of the inquiry, certainly for me, was that, after much coaxing, New South Wales, the state with the largest Indigenous population in Australia, did not see fit to provide a submission to the inquiry. At its latest meeting, COAG also failed to address the serious issue of Indigenous child abuse.

So it seems to me that the recommendations for the future and the information provided in this report really provide an eye-opener for the government to look at ways forward. I hope that the new Minister for Immigration and Multicultural and Indigenous Affairs, Senator Vanstone, will read this document and I look forward to working with her to make sure that many of these recommendations are indeed implemented.

Senator SCULLION (Northern Territory) (10.17 a.m.)—I would like to make a few comments on the Reconciliation: off track report, tabled today. The dissenting report by the government senators is attached. I am particularly disappointed because it would seem that on an issue as important as reconciliation the chair of the committee did not see fit to take into consideration some fairly minor alterations to the report, so the government senators were forced to dissent in a number of areas. Reconciliation is a very important process, as previous speakers have indicated, and I think it is an issue that every Australian would feel slightly different about. Certainly my participation in the committee inquiry was very interesting in that it allowed me to think again about what reconciliation really means and, more particularly, how will we know when we are there. I think that is very much an individual perspective.

I think that reconciliation across the board, and it is certainly what I came to believe from hearing so much of the evidence, is pretty much how one group of people feels about another. I come from the Northern Territory and I speak to many Indigenous people, and I have spent most of probably 20 years of my life with Indigenous people on
their country. I am a very practical person and I am enamoured of the importance of practical reconciliation. I know that two previous speakers have highlighted the importance of not forgetting the other aspects of reconciliation. Practical reconciliation has been much criticised. I would have to say that, for most of the Indigenous people I have dealt with, the symbolic aspects of reconciliation are probably pretty much unknown to them.

You can talk to people in Arnhem Land about some of the more symbolic aspects of reconciliation, and you might even discuss with them, ‘What did you think about people crossing the bridge?’ but most of them do not own a radio or a television and are simply unaware of it. Their level of disadvantage is so huge, yet many people who perhaps live in the more populated areas of Australia believe that the position of Indigenous people will be much relieved by the more symbolic processes. Whilst the report and the evidence given substantially deal with having to move towards more symbolic aspects of reconciliation, the principle challenge is, and the government still believe very much, that the priorities will have to stay with those practical reconciliation processes to ensure that the disadvantages suffered so much by Indigenous people in Australia today are ameliorated.

It is very important that the government has moved in some symbolic sense to ensure that we do have examples such as Reconciliation Place—which the government spent some $1.1 million on—and I hope that symbolic gestures that we can make can be continued. Clearly the evidence given to the committee indicates that that is an area that we really need to work on. People speak about leadership, and I heard people in this place today say that it is definitely the responsibility of the national government and the Prime Minister to show leadership in this matter. It has been put to us that the reason the reconciliation process has somehow been derailed is a lack of leadership. I find that totally unacceptable. Reconciliation is not only a national issue. The COAG process, which the reconciliation process is being run through, is very clearly one that will have a far better outcome, rather than it just being the responsibility of the national government.

It was very exciting to be part of a committee that continually took evidence from people who were able to tell us where we are really up to and how we are going with the reconciliation process. It was interesting that, when we discussed how we were going, the only tangible outcomes we could look for were those about practical reconciliation. All the benchmarks from the Australian Bureau of Statistics about health and education outcomes are practical reconciliation outcomes, so they are not particularly difficult to measure, and all the benchmarking was associated with practical reconciliation.

Clearly, we need to work towards finding some mechanism to measure some of the symbolic aspects of reconciliation so that we can have a better understanding of how we are going with them. The vision of reconciliation is the blending of both the practical and the more symbolic aspects of reconciliation. The committee discussion concentrated very much on the benchmarking process. As I said, it dealt with the key outcomes in health, education, employment and housing.

This government has been roundly criticised for not participating in the reconciliation debate to the degree that it should. As I said, I reject that entirely. COAG has been provided with some $6 million over two years from 2003-04 to support that whole-of-government approach in Indigenous communities, particularly in the 10 communities that have been selected, to ensure that we can
have a more flexible approach. I think there are going to be some very practical outcomes in regard to that, particularly in the governance area.

We have spent a record $2.7 billion. We are spending about a third more than we did when we came into government. The funding for ATSIC has increased to $1.24 billion. In the area of the arts, we have contributed $1.1 million for Reconciliation Place. We have established a royalty scheme. Opportunities for employment in many Indigenous communities are few, and the magnificent arts that they produce are probably one of the real backbones of economic opportunity in Indigenous Australia. The government has supported major strategies in the arts sector, and I think they will provide increased outcomes in Indigenous communities. There is $10.4 million for education in the Indigenous support fund. The Attorney-General has been provided with $24 million to ensure that the native title process will be more effective and will have some outcomes within the lifetime of Indigenous people. The great tragedy has been that native title outcomes have not been available to them: people who would benefit from them are dying because the process is taking too long. The Attorney-General’s Department has certainly made a huge contribution to the reconciliation process. It is about how people feel, and they certainly feel better when they have access to their country and when those resolutions happen within their own lifetime.

The Department of Family and Community Services is conducting a longitudinal survey of Indigenous children over the next four years. I think that is going to give us a much better understanding of where to put our resources to ensure that the worst aspects of the differences between opportunities for Indigenous children and mainstream children are closed. In the area of employment and workplace relations another $10.5 million has been allocated to support the Indigenous employment policy. Again, it is about how people feel. They suffer the most unemployment of any group in Australia. The government recognises this and is putting in funds and resources to ensure that that does not continue to take place.

COAG is the driver on which reconciliation must move forward. I must say that I shared the previous speaker’s deep disappointment in the COAG process when, prior to the most important aspects of Indigenous reconciliation taking place, as a part of a media stunt, Premier Carr decided to walk out. None of those issues were decided. If COAG is going to play a responsible part in the reconciliation process, we need to ensure that these opportunities are not lost. Also, I was fairly miffed—and I agree with the previous speaker—that New South Wales decided that they were not sufficiently interested in reconciliation to even make a submission to this committee; that is completely damning.

Recently I had the very great pleasure of being part of what I consider true reconciliation—the balance of practical and symbolic reconciliation—at a place called Brooks Soak, west of Alice Springs. We had people from all over the Northern Territory. It was an opportunity for people to recognise their history. I have to say that the history of Brooks Soak was not written. There was a massacre of over 120 Indigenous people in a punitive raid by the police. When we have Anzac Day, we say, ‘Lest we forget,’ but in an Indigenous sense over that period of time it is almost as if we have said, ‘Lest we remember.’ There has been a terrible rewriting of history. It is in that sort of symbolic sense that I think we can play a great role in reconciliation by ensuring that our history books tell the right story. It might be in a symbolic sense, but I believe those are the sorts of things that will make a real contribution.

(Time expired)
Question agreed to.

CIVIL AVIATION AMENDMENT BILL 2003

First Reading

Bill received from the House of Representatives.

Senator MINCHIN (South Australia—Minister for Finance and Administration) (10.27 a.m.)—I move:

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

Question agreed to.

Bill read a first time.

Second Reading

Senator MINCHIN (South Australia—Minister for Finance and Administration) (10.27 a.m.)—I table a revised explanatory memorandum relating to the bill and 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—

CIVIL AVIATION AMENDMENT BILL 2003

This bill represents a significant milestone in the implementation of the Government’s aviation reform agenda. It follows the most comprehensive review of the Civil Aviation Safety Authority since its inception.

The bill reinforces the Civil Aviation Safety Authority’s (CASA) role as Australia’s aviation safety regulator by introducing a package of reforms relating to CASA’s corporate governance and enforcement procedures.

The bill takes into account the outcomes of the review of CASA’s governance and enforcement regime undertaken by its Chairman. It also takes into account industry concerns with CASA’s regulatory powers. I believe that these initiatives will result in a fairer regulatory system for industry and will have a safety benefit for the travelling public by providing the means for CASA to conduct best practice safety regulation and to utilise new enforcement processes. The passing of the bill will serve to maintain and improve the already excellent safety outcomes of Australian aviation.

The bill demonstrates the Government’s continued commitment to Australian aviation safety reform. The Government has been committed to reform since 1999 when I released ‘A Measured Approach to Aviation Safety Reform’, our policy on aviation safety reform which spelt out the Government’s priorities in the area of aviation safety. The measures in the bill attest to how seriously the Government takes aviation safety and confirm that aviation safety reform continues to be a priority for this Government.

The Government has been undertaking a number of reforms which are intended to simplify air safety laws, decrease the number of accidents and incidents, and reduce the cost of air traffic services. As a result, CASA’s performance has improved and is now among the best in the global aviation industry.

It is essential that we have effective governance arrangements for Australia’s aviation safety regulator in line with the Government’s commitment to ensure that Australia has a world class aviation regulator.

Currently, the Minister remains publicly accountable for CASA’s performance, but lacks the necessary direct authority to improve its performance as he has general powers of direction only.

The bill will abolish the CASA board but retain CASA as an independent statutory authority. As a consequence, the Director of Aviation Safety (‘the Director’) will hold office at the pleasure of the Minister. The Minister may appoint or terminate the Director after receiving a report from the Secretary of the Department of Transport and Regional Services.

The Director will become CASA’s Chief Executive Officer and will be directly accountable to the Minister for CASA’s performance. The Director’s role in regulating aviation safety will not change, however, as the CEO, the Director will also be responsible for managing CASA’s governance arrangements.

The changes effected under this bill will provide stronger and more direct powers to the Minister...
over CASA’s governance and accountability by enabling the Minister to: enter into a binding agreement with the Director on matters such as CASA’s policy directions, priorities and performance standards; determine arrangements for CASA to report to him on its work and outputs; determine CASA’s consultation machinery and processes; and establish industry and stakeholder advisory machinery.

The bill also introduces new enforcement measures, which will provide CASA with a wider range of enforcement tools to better match the regulatory action to the seriousness of the breach. These measures will help to ensure that justice is not only done but seen to be done by providing a range of options for CASA to vary, suspend or cancel aviation authorisations such as licences and Air Operators Certificates. This is consistent with a risk-based approach to safety management.

Included in these enforcement tools will be a scheme to allow an automatic ‘stay’ of CASA’s final decision to vary, suspend or cancel an authorisation in cases other than a serious and imminent risk to air safety. The automatic stay will enhance fairness by reducing the time an authorisation holder is grounded while awaiting a review of CASA’s decision by the Administrative Appeals Tribunal.

The bill introduces the concept of a Federal Court exclusion order, where there is a serious and imminent risk to air safety. Under the new enforcement regime, CASA will retain the power to immediately suspend an authorisation where there is a serious and imminent risk to safety, but it will be required to apply to the Federal Court within 5 days of its decision for the Court to adjudicate the suspension.

The bill contains specific provisions for a demerit point system for minor infringements of aviation safety rules. The scheme is a non-discretionary tool for dealing with minor breach similar to the NSW demerit point system for motor vehicle drivers’ licences.

A scheme will also be introduced that will provide a protection for an authorisation holder from administrative action where they voluntarily disclose minor safety breaches to an independent body through a confidential reporting system within 10 days of the breach. This scheme, which is worlds best practice, will encourage a culture of reporting breaches without fear of reprisal and will help CASA identify patterns that may indicate areas that have a need for training. It will not, however, be available for deliberate breaches of regulations, breaches of the act, breaches that seriously endanger the safety of fare-paying passengers, other aircraft or people on the ground, fraudulent behaviour, and breaches that cause or contribute to an accident or serious incident before or after the breach is reported.

A system of enforceable voluntary undertakings will be introduced to allow CASA to accept written undertakings from operators who voluntarily agree to rectify safety deficiencies that have been identified by CASA.

Enforceable voluntary undertakings will address infringements where prosecution or licence action would be disproportionate to the breach, or would be unwarranted. I believe that the use of enforceable voluntary undertakings will encourage operators to take direct responsibility for their safety and compliance. However, where an operator does not comply with the undertaking, the bill does allow CASA to seek an order from the Federal Court requiring the operator to abide by the undertaking.

The new enforcement measures do not in any way dilute CASA’s powers to act when there is a serious and imminent risk that could jeopardise air safety. It is important that CASA has sufficient power to act quickly in such cases. I am confident that these new enforcement measures will strike the appropriate balance between enhancing natural justice and maintaining CASA’s powers to take action on safety breaches.

I am pleased to be introducing this series of bold measures which will retain CASA as a robust, independent safety regulator but at the same time ensure increased fairness for the aviation industry and build a greater degree of trust and confidence between industry and the regulator. The bobby on the beat is there to keep the peace in an amicable and confidence-inspiring way: he must always carry a truncheon, but it is there for those who flaunt the rules, not to intimidate the people who want to do the right thing. I believe it is imperative for the safety of our airways that industry and
CASA work together to maintain our high standard of aviation safety.

I believe that the proposals in the bill will reduce incidences of unsafe behaviour and improve both the safety environment and record in Australia. This will encourage greater confidence by the public in air travel and offer safer skies for all.

Debate (on motion by Senator Crossin) adjourned.

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

MARITIME TRANSPORT SECURITY BILL 2003

First Reading

Bill received from the House of Representatives.

Senator MINCHIN (South Australia—Minister for Finance and Administration) (10.28 a.m.)—I move:

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

Question agreed to.

Bill read a first time.

Second Reading

Senator MINCHIN (South Australia—Minister for Finance and Administration) (10.28 a.m.)—I move:

That this bill be now read a second time.

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

Leave granted.

The speech read as follows—

The Maritime Transport Security Bill 2003 (MTSB) is of vital importance to Australia’s national interests. It is crucial to the protection of Australian citizens, trade by sea and maritime transport infrastructure.

Devastating world events and terrorist acts continue to shape the global security environment. Industry, consumers and governments are being forced to reconsider the ways in which they do business.

Internationally, there are increasing concerns that the shipping sector is an attractive target for terrorist action. The disabling of the French oil tanker, the Limberg, off the coast of Yemen in 2002 confirms that terrorists are increasingly focusing on shipping as a potential target.

Disruption and destabilisation of sea borne trade would have serious economic consequences for the international economy and Australia is particularly vulnerable. Australia has just over 12% of the world’s shipping task, and the value of Australia’s export trade carried by sea is around $100 billion per annum. A recent report from the OECD on the economic impact of potential incidents emphasises that any major breakdown in the maritime transport sector would fundamentally cripple the world economy.

Commercial shipping, by its very nature, is an international industry. A ship could be owned by a company in one country, flagged to another country, crewed by another country, carrying cargoes from any number of countries, traversing through the territorial waters of any maritime nation in the world. With 80% of the world’s trade transported by sea, the maritime sector must incorporate preventive security into its day to day business thinking. However, nation states can not deal with maritime security in isolation from the rest of the world.

The International Maritime Organisation (IMO) moved quickly in the wake of the September 11, 2001 terrorist attacks in the United States to establish an international preventive security regime for the maritime transport sector.

In December 2002 at the IMO Diplomatic Conference, 104 Contracting Governments, including Australia’s major trading partners, agreed to amendments to the Safety of Life at Sea Convention, or SOLAS, to which Australia is a signatory. Amendments were made to Chapter XI and a new Chapter XI-2 was developed and adopted.

The new Chapter sets out the International Ship and Port Facility Security Code and Contracting Governments, such as Australia, will need to be compliant with its provisions by 1 July 2004. The Code sets out a robust framework for the establishment of an effective preventive security scheme for the international maritime sector.
The Code places clear obligations on Contracting Governments to implement preventive security arrangements and the consequences arising from non-compliance are significant. Key trading partners, most notably the United States, have clearly indicated that they will be adopting a zero tolerance approach to international ships which do not comply with maritime security requirements. The implications for our international trade from any non-compliance would be significant.

At the Australian Transport Council meeting in May 2003, Transport Ministers agreed to the establishment of a nationally consistent preventive security framework consistent with the ISPS Code and expressed a clear commitment to meeting the international deadline of 1 July 2004.

In recognition of the importance of a national approach to reducing the vulnerability of our maritime transport sector to terrorist attacks, it was also acknowledged that the Commonwealth Department of Transport and Regional Services should assume the role of maritime security regulator. The Australian Government has allocated additional funding to the Department to fulfil this regulatory responsibility.

The Australian Government would like to commend the States and the Northern Territory governments, and industry for their cooperation in moving forward on this important preventive security regime.

The Maritime Transport Security Bill 2003 provides the legislative basis for the implementation of the ISPS Code into Australia. It establishes an outcomes-based preventive security framework that enables the maritime industry to develop individual security plans that are relevant to their particular circumstances and the specific risks that they face.

The Bill also sets out a nationally consistent enforcement regime, supported by appropriate penalties. It is imperative that certain offences carry significant penalties in light of our reliance upon the maritime industry for our trade and the public harm that could result from an incident. The enforcement regime will enable government and industry to effectively control the new security arrangements and will help ensure broad compliance with the new measures.
tive in nature and will complement existing Commonwealth, State and Territory Government response mechanisms to unlawful incidents, including those embodied in the national counter-terrorism arrangements.

In Australia the new arrangements will affect around 300 port facilities in about 70 ports and 70 Australian flagged ships involved in international and interstate trade. Consistent with the existing arrangements for protection of our critical infrastructure generally, the maritime industry will be responsible for funding the security measures identified in their security plans. While the Australian Government recognises that the cost to the maritime industry will be significant, security costs are now part of the normal cost of doing business in the changing global environment.

Overall, the Bill strikes the right balance between prescription and flexibility while enabling our national security objectives to be met. It will ensure that our reputation as a safe and secure trading nation is maintained.

Ordered that further consideration of this bill be adjourned to the first day of the next period of sittings, in accordance with standing order 111.

SUPERANNUATION (GOVERNMENT CO-CONTRIBUTION FOR LOW INCOME EARNERS) (CONSEQUENTIAL AMENDMENTS) BILL 2003

Consideration of House of Representatives Message

Message received from the House of Representatives returning the Superannuation (Government Co-contribution for Low Income Earners) (Consequential Amendments) Bill 2003, acquainting the Senate that the House has made the amendments requested by the Senate.

Third Reading

Senator MINCHIN (South Australia—Minister for Finance and Administration) (10.31 a.m.)—I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.
Motion for Disallowance

Senator SHERRY (Tasmania) (10.31 a.m.)—I move:

That the Migration Amendment Regulations 2003 (No. 6), as contained in Statutory Rules 2003 No. 224 and made under the Migration Act 1958, be disallowed.

Labor is today disallowing migration regulations relating to temporary protection visas put forward by this Liberal-National Party government. Labor will not vote to extend a bad system, a flawed system, to even more people. The Howard Liberal government has used temporary protection visas in a way that the name makes clear cannot ever have been intended. The Howard Liberal government uses temporary protection as a type of visa to keep people in long-term limbo. Labor’s refugee and asylum seeker policy released last year made clear that we do not support a system of long-term rolling protection visas. Short-term temporary protection can be appropriate, but long-term limbo is just a recipe for misery.

Having adopted this as our policy some time ago, it was clear that Labor could not and would not support the Liberal government’s latest attempts to spread the system to even more people. Labor is moving to disallow these new regulations for two key reasons. Firstly, the regulations seek to extend the failing, rolling TPV system to a new class of people. These regulations seek to cover people who arrived lawfully—perhaps as tourists or students—and then make a protection claim. Secondly, the regulations give the minister even more extensive personal powers at a time when this ability to exercise the existing powers are being questioned through the Senate ministerial discretion inquiry, the so-called cash for visas inquiry.

So let us go to the details of these regulations and why Labor is voting against them. The government’s regulations seek to initiate several significant changes to our onshore humanitarian system. As noted above, the regulations would extend the temporary protection visa, TPV, system that applies to unauthorised arrivals to those who arrive on another type of visa and then later make a protection claim. Effectively, this means everyone seeking protection onshore will only ever get temporary protection. Labor cannot support such a scheme.

Secondly, the regulations seek to extend the minister’s personal discretion to grant permanent protection or allow people to apply for permanent protection if the minister considers it is in the public interest. This is from a former Minister for Immigration and Multicultural and Indigenous Affairs who, for the past six months, has been under serious scrutiny for his role in the cash for visas scandal, currently the subject of a full Senate inquiry process. The evidence is mounting that the former minister, still a minister in another portfolio of course, misused his powers of personal discretion, creating a very strong perception within the community that if you are able to make contact with someone who is close friends with the minister—and even make donations to the Liberal party—you have a better chance of getting a visa granted. Expanding your own personal discretion powers when the way in which they are exercised is already under question shows a very strange set of standards from a minister of the Crown. Labor will ensure not only that Mr Ruddock is held to account for his expansive and, perhaps, improper use of ministerial discretion for the past 7½ years but also that the new minister, Senator Vanstone, deals with the problems she has inherited and that greater accountability and transparency is introduced into a system that is open to corruption.
Thirdly, the regulations seek to remove the seven-day rule for those who arrived prior to 27 September 2001, a rule that effectively stopped people who had stayed in another country on their way to Australia for more than seven days and had not sought protection there from ever being able to apply for permanent protection in Australia. This measure is regarded by many as positive and, on its own, it could be supported. In fact, Labor asked the Liberal government to separately provide for this measure, but it has refused to do so. The seven-day rule is a punitive measure that now appears to be completely unworkable, impossible to assess and possibly unlawful. Therefore, the Liberal government is trying to rectify problems of its own creation in this set of regulations.

The Liberal government has even said that this measure was simply tidying up unintended consequences of its own previous legislative changes. A bit of mea culpa and accepting responsibility for getting it wrong in the first place would not go astray. Such remorse is never shown. There is never any admission by anyone in this government, including the former minister, that they ever do anything wrong. It is always, ‘Blame someone else.’ However, it cannot be expected when it is noted that this slightly beneficial measure that now appears to be completely unworkable, impossible to assess and possibly unlawful. Therefore, the Liberal government is trying to rectify problems of its own creation in this set of regulations.

The Liberal government has even said that this measure was simply tidying up unintended consequences of its own previous legislative changes. A bit of mea culpa and accepting responsibility for getting it wrong in the first place would not go astray. Such remorse is never shown. There is never any admission by anyone in this government, including the former minister, that they ever do anything wrong. It is always, ‘Blame someone else.’ However, it cannot be expected when it is noted that this slightly beneficial measure that now appears to be completely unworkable, impossible to assess and possibly unlawful. Therefore, the Liberal government is trying to rectify problems of its own creation in this set of regulations.

Finally, the regulations allow for temporary protection visas to be granted for shorter periods than under the current 36- or 60-month rule. The former minister for immigration claims that this has been done to allow family groups who arrive separately to be dealt with together, but the regulations give this power in an unrestricted way. The power could also be used for other purposes, including for putting all people from certain nationality groupings onto short-term visa periods. Namely, the Liberal government has tried to attack Labor for opposing these regulations, and it has wheeled out the same old chestnut saying that Labor is soft on border protection. As anyone can see from the description of these regulations above, not one of them has a skerrick of relevance to border protection. In fact, they apply to people who lawfully cross our borders and then claim.

The Liberal government’s contention and argument is wrong. It is silly and it is baseless, and their claims on this front show how desperately political the Liberal government have become in this area. They try to paint every migration measure through the prism of so-called border protection. Despite this hysteria, Labor will continue to assess each piece of legislation on its merits. In making their spurious claims about Labor, it is worth reminding the Senate that when One Nation initially raised the idea in 1998 of only ever granting temporary protection to asylum seekers, the former minister, Mr Ruddock, responded with outrage, stating:

What One Nation would be saying is that they have no place in Australia. They are only here temporarily. Can you imagine what temporary entry would mean for them? It would mean that people would never know whether they would be able to remain here. There would be uncertainty, particularly in terms of attention given to learning English, in addressing the torture and trauma so they heal from some of the tremendous physical and psychological wounds they have suffered. So I regard One Nation’s approach as being highly unconscionable in a way that most thinking people would clearly reject.

That was the former minister, Mr Ruddock, in 1998. Yet how quickly the former minister and the Prime Minister, Mr Howard, changed their tune when they saw the political opportunity present itself a few years ago, and now they are trying it on again. We now see a Liberal government and a minister for immigration prepared to implement the worst of One Nation policies on the one hand while
claiming they are making our immigration system more fair and consistent. The refugee advocacy groups have not swallowed this line, and the many thousands of people on TPVs have not swallowed this line. We believe that many hundreds of communities throughout Australia who have worked and lived with TPV holders over the past four years are also not prepared to swallow this line.

The former minister also specifically chose to use regulations or delegated legislation, as he so often did in this area, rather than to have a full debate through the use of primary legislation, even though at least traditionally major changes such as these would be undertaken through the introduction of an amending bill. The former minister knows full well that the changes that he was introducing were going to significantly change the way Australia exercises its responsibilities under the UN refugee convention, yet he still opted for this course. With such a major change as ensuring that no onshore protection claimants would be eligible for anything other than a series of rolling temporary protection visas, the former minister should have used primary legislation that would be open to the full and proper scrutiny of both houses of parliament. Both the former minister and his department have admitted to—almost boasted about—the design of these regulations, intentionally combining some beneficial measures in these regulations with a much more unpalatable measure to extend the seriously flawed and unfair TPV regime of this government to all people arriving in Australia and making a claim for protection.

The way in which the regulations have been drafted, tying the implementation of each of the provisions to the rest of the regulations, also means the Liberal government has intentionally created a situation where we can only disallow the measures as a whole. That is what is required under the law and the regulation determining how the Senate deals with these matters. Despite written requests to the former minister, Mr Ruddock, he has refused to contemplate separating these measures. Therefore, we have a situation where the beneficial measures are being sacrificed for the sake of not allowing the more sinister measures through. The minister has designed it this way, but the public can understand and see through this tactic, and they are the ones calling strongly for Labor and others to oppose these regulations.

It should also be noted that, although refugee advocates have in the past argued for consistency, such as in the abolition of the seven-day rule and the alignment of family claims, this new approach, to take the lowest common denominator, is certainly not what they were looking for. We have already received strong representations from many refugee advocacy groups and thousands of individual letters asking us to disallow the regulations on the basis that, firstly, consistency will be delivered only by extending the bad part of the TPV system to all onshore applicants; secondly, the seven-day rule will continue to apply to everyone post 27 September 2001; and, thirdly, the power to grant visas may be used for classes of applicants other than just family groups. In fact, the Refugee Council of Australia has developed an extensive position paper in response to the Liberal government’s proposed changes to TPVs, highlighting the inherent problems with this government’s policy on temporary protection for asylum seekers. The UNHCR has also raised serious concerns about these measures.

In conclusion, Labor believes that Australia must have stronger border protection and that it should deter both the misuse of our migration system by people without genuine claims and the practice of people-smuggling that encourages people to arrive unauthorised. But altering the temporary protection
system for those with genuine claims does not meet this objective. Labor believes that the Liberal government has cynically manipulated and perverted the temporary protection visa class since its original inception in 1999 where it is now being used purely as a disincentive to anyone from applying for protection in Australia. In contrast, Labor believes that a well-managed TPV system can deliver benefits both to us as a nation wishing to deter people-smuggling and to people seeking temporary refuge from untenable situations in their home country.

Labor have already announced that we would keep a short-term TPV for asylum seekers who have arrived unauthorised and at the expiration of this short-term TPV we would assess fairly and transparently whether the circumstances from which they have fled have significantly changed. If nothing has changed, they would then be granted a temporary protection visa—not just another temporary visa, as this Liberal government would do. We have also announced that we would give priority to family reunion applications from those who have settled in the regions of Australia designated as being in need of population and having labour force shortages.

In conclusion, I would like to emphasise that Labor is disappointed that the previous immigration minister, Mr Ruddock, was not prepared to separate the measures within these regulations. The fixes to the parts of the TPV regime which are currently unfair and unworkable are tied to the draconian expansion of temporary protection to all on-shore applications. We have asked on several occasions for the Liberal government to allow this separation to happen. We have asked the new immigration minister, Senator Vanstone, to consider this request. She could decide that today she will mark out a new era for immigration policy in this country, but until she does we will vote against these regulations and ensure that temporary protection visas are not the only type of protection visa that asylum seekers applying here can receive.

This is a matter of principle and a matter of international precedence. If our international obligations under the refugee convention mean so little to this Liberal government that they are prepared to duck, weave and pervert the use of domestic law in the way they have tried to do in this instance, then we believe that as a responsible Labor opposition we have no alternative but to disallow in total the new measures they have put forward. It is time that this Liberal government were held to account for their misuse and abuse of this parliament through using delegated legislation for matters that should clearly be considered and debated through primary legislation. It is also time that the actions of the previous minister for immigration, Mr Ruddock, in making the immigration system so dependent on his own personal use of ministerial discretion whenever it suited him were completely exposed.

Labor oppose these regulations and today move to disallow them. In addition, we ask the Liberal government to come back to this place with an amended set of regulations if they are in fact serious about fixing the existing problems they have created from the TPV regime.

Senator BARTLETT (Queensland—Leader of the Australian Democrats) (10.47 a.m.)—The Democrats will support this motion to disallow migration regulations. I say at the outset that it is very disappointing to be in a situation where we are forced to do so and therefore negate some positive measures that will assist many people. Most of the time when I am talking about the disgraceful policy Australia has towards refugees I try to be reasonably gentle towards the Labor Party, encouraging them to slowly move to-
wards a better policy. They have moved a small way, but not very far, as can be seen from the previous speech by Senator Sherry. I know Senator Sherry is not the portfolio holder so he has simply got his marching orders but, frankly, Labor’s approach on this issue has been a combination of breathtaking hypocrisy and absolute stupidity. I am absolutely furious that we are in a situation where we have to damage the future of a whole lot of people simply because of their inability or unwillingness to take an alternative approach. They had an opportunity a couple of weeks ago — through an amendment that the Democrats moved to legislation — to prevent the government from introducing this expansion of temporary protection visas and they chose not to take it.

Senator Sherry says that the public understand this government’s tactic and see through it. I am afraid that the public do not, and that is why the public have been repeatedly urging us to simply disallow these regulations and then introduce new ones that will reintroduce the positive measures. Unfortunately, the Senate cannot introduce regulations. The Democrats attempted to do that through primary legislation and were thwarted by the ALP on the excuse: “The government won’t accept it, so why bother voting for it in the first place?” A fabulous argument! But we will continue to do so. We will seek to reintroduce the positive measure in this through amendments to other legislation when it comes up. I put the government on notice about that. I make no apology for it, because it is an example of where this government quite openly and deliberately has intertwined three distinctly different issues in regulations and made them impossible to be separated.

An official from the Department of Immigration and Multicultural and Indigenous Affairs, Mr Walker, made that absolutely clear at a Senate committee hearing into the legislation. The departmental official also said it is fair to say that it is an approach that has not been used before. As was said by Senator Ludwig at the time, it is an approach that is effectively designed to prevent the Senate from disallowing part of it. I suppose you could say that is clever politics, that is the government being cute, but if they want to abuse the process in that way then we will have to explore other avenues to get outcomes that reflect what the Senate desires to do, and that will have to be through amendments to primary legislation. That is not the best way of doing it but is the only option we have if the government continues to pursue approaches of intertwining separate measures in regulations as a deliberate mechanism to prevent them being separately disallowed.

Senator Sherry said we should hear some mea culpa from the government about this seven-day rule, fixing up an unintended consequence of previous legislation. It probably would be nice to hear that from the government, but personally I am pleased that they actually made an attempt to fix this because it is an area many groups have been trying to get them to address for a long period of time. Speaking of mea culpa, how about a mea culpa from the Labor Party, who supported the legislation that had that consequence in it and plenty of other negative consequences that still exist today? To simply pretend that the mess that things are now in in relation to refugees in Australia is somehow all the government’s fault is a very convenient ignoring of quite recent history.

We even hear, quite rightly, Senator Sherry pointing out Mr Ruddock’s outrage when One Nation talked about temporary protection visas in 1998. There was outrage from the Labor Party as well, as there should have been, as there was from the Democrats. That outrage did not count for much a year later when the government introduced temporary protection visas and the Labor Party...
supported them and did not support a Democrat attempt to disallow the introduction of those temporary protection visas. We refer to, as was done, the policy of the UNHCR and of the refugee council regarding TPVs. They are quite unequivocal in their criticism of the temporary protection visa regime, yet Senator Sherry goes on to point out that it is still part of Labor Party policy. Great stuff!

Nonetheless, we are pleased that we are not extending the policy to require temporary protection visas for people who arrive in an authorised fashion. That is a welcome move and, obviously, one that the Democrats strongly support. As a party we have consistently and strongly opposed the introduction of temporary protection visas from the first instant and, indeed, even voiced concerns when the safe haven visa was first introduced for the Kosovan refugees, because of the potential for it to be abused and misused in the future by the minister and the absolute and accountable power that the minister got from it. Of course, we have been proven right in relation to that as well.

This is a situation where we are trying to figure out the lesser of two evils. Certainly, the Democrats would have preferred the ability to remove the evil altogether and leave the good behind. Instead, we are having to throw out a significant measure—and it is a significant measure—to remove the problem of the seven-day rule for a whole group of people. The seven-day rule applies for a whole lot of other people. I would be interested to hear why Labor thinks it is good for it to be removed for one group of people but still supported legislation that brought it in for a whole lot of other people.

It should be emphasised that temporary protection visas are unnecessary and incredibly cruel. Sure, people’s circumstances can change at home, and they may only want temporary refuge from that persecution, but it should be for that person once they have been found to have been legitimately fleeing persecution to decide for themselves when they want to go back. Many refugees do. Many people who have got permanent visas here as refugees—some who have become citizens—have subsequently gone back when circumstances have changed. But let us have people being able to make that decision for themselves. Let us not have an accountable, non-transparent government process deciding whether it is safe for somebody who has been found to be a refugee to be flung back into a horrendous situation. Let us not have people living with complete uncertainty on temporary visas, not knowing whether they will be forced back in the future, not being able to properly settle in Australia and not being able to make the contribution to their new country that they would like to make.

Temporary protection visas are bad across the board. They remove the power of refugees to determine their own future and leave it in the hands of bureaucrats. The regime removes the power of refugees to get on with their lives and recover from the trauma that they have experienced, and basically leaves their future in someone else’s hands. Nobody should be put in that situation, least of all people as vulnerable and as damaged as many refugees are. The entire temporary protection visa regime should be abolished and the Democrats will continue to work towards that goal. We will continue to encourage the Labor Party to further shift their position to recognise that their acquiescence all the way back in 1999 was a bad mistake. In my view, that is where they really lost the debate with the government about refugee policy—when they caved in and kept their head down for the next two years—rather than when the *Tampa* appeared on the horizon. It was too late by then.
In the meantime, this attempt to further expand TPVs will be defeated, and that is a welcome move. The Democrats will seek to move amendments to future legislation to address what the government is trying to do with part of these regulations—that is, deal with the anomaly to do with the seven-day rule and also the alignment of family visas. It should be emphasised that by doing this the Senate is significantly harming the circumstances of a large number of people. We had the opportunity to take an alternative approach that would not have had this outcome, and that opportunity was not taken up. The Democrats will be looking for other opportunities and hope that we have more success down the track in relation to that.

Certainly, a message needs to go back to those many Australians who, quite rightly and welcome, urged the Senate to prevent the expansion of temporary protection visas. They need to know that the Senate cannot introduce a regulation to reinstate the bits that we like. That is not within our power. It is unfortunate, although not surprising—I do not expect the public to understand the intricacies of delegated legislation and how that power works here—that they were not aware of that. We will certainly be making sure that the pressure will need to be kept on to try to reintroduce the positive measure regarding the seven-day rule. It just will not be able to be done via legislation. We will seek to do it through other means. It is only one component of the very large number of areas where refugees are suffering in the Australian community.

All the reasons that the Senate is disallowing this measure in relation to temporary protection visas go back to what was wrong with temporary protection visas in the first place. Whilst this decision of the Senate—a positive decision—will prevent a greater number of people being put on temporary protection visas, it should be remembered that there are nonetheless many thousands of refugees in Australia on temporary protection visas. For many of them, those visas have expired and they have reapplied and have not been assessed. They are then left in absolute limbo with no idea whether they could be deported within a couple of weeks or a month. Try getting on with your life in that sort of circumstance!

All of those people are being prevented from being reunited with their immediate families. They cannot leave Australia without being unable to return, and their families will never get permission to come here. That is one of the fundamentally evil parts of the temporary protection visa. Australians are probably not aware that there are nine men—refugees—on temporary protection visas with wives and young children who have been on Nauru for two years and who are being prevented from rejoining their husbands. They are being told that they are separate individuals who do not meet the criteria for refugee status even though their husbands do. They are being told that they have to return to Afghanistan and Iraq, and maintain and perpetuate—probably for all time—that separation between husband and wife and, most cruelly, father and young children, some of whom have never seen their fathers.

I challenge any senator in this place to talk with any of those people and not recognise the absolutely unspeakable cruelty that is being inflicted on them, particularly on those children. That is why the temporary protection visa regime should be abolished across the board. That is why it is welcome that at least it is not being expanded. But let us not think that that is really addressing the core of the problem. The core of the problem is thousands of people whose lives are in limbo, whose lives are being destroyed and whose children’s futures are being stolen. We still have a long way to go to reverse that situation.
Senator MINCHIN (South Australia—Minister for Finance and Administration) (10.59 a.m.)—The moving of this disallowance motion shows that the Labor Party simply cannot be trusted on immigration matters or border protection. The Australian Democrats’ support of it shows how completely out of touch they are. God forbid they will ever be in government, and they never will be. I will turn now to the package of regulations we are dealing with. It comprises three quite deliberately balanced elements that together are designed to improve the integrity and effectiveness of Australia’s effort to protect refugees and contribute to international resettlement, and I emphasise the latter. These regulations will ensure that Australia’s onshore protection arrangements are consistent and fair. They build on the work already done to remove incentives for people to misuse our onshore protection provisions by using travel to Australia and refugee claims to obtain residence at the expense of refugees, who are in need of resettlement.

This package has three basic elements: it restores access to permanent protection for temporary protection visa holders who did not lodge a further protection visa application prior to the introduction of legislation on 27 September 2001; it broadens coverage of TPV arrangements to include all asylum seekers arriving in Australia, not just those who arrived unlawfully, and we stand firmly behind that provision; and it provides the ability to grant TPVs and offshore temporary humanitarian visas for periods shorter than those currently stated in the regulations. The real issue is the consequence of disallowance. Disallowance would mean that 2,400 TPV holders would lose entitlement to a permanent protection visa if they were successful on reconsideration and that the government’s capacity to align family situations would be removed.

Senator Sherry raised the issue of splitting up this package, and the government have made it quite clear that we will not do that. We will not do that because this package ensures greater consistency and closer alignment with international practice, which emphasises that for most refugees the appropriate response is to provide interim protection until they can return home in safety. That is something the Democrats completely and utterly fail to understand or acknowledge. It will also ensure that the beneficial elements are balanced with some which send a very clear signal regarding border protection. The integrity of our immigration arrangements is vital to Australia’s national security, and that is utterly consistent with public opinion. The package will also ensure that Australia’s efforts to protect refugees and contribute to international resettlement are improved. We strongly oppose this disallowance motion and trust the Senate will not disallow these important regulations.

Senator SHERRY (Tasmania) (11.03 a.m.)—I want to exercise very briefly my right of reply. I point out to the Senate chamber and to those listening to the debate that the new Minister for Immigration and Multicultural and Indigenous Affairs, Senator Vanstone, is not here. If these regulations are, as Senator Minchin has claimed—incorrectly—so important to Australia’s security, what happened to the minister at her first opportunity to come in and contribute to the debate? She squibbed it. She did not turn up; she did not front. If they are so important, the minister should have been in here to make a contribution. As I have stated, Labor will be voting to disallow these regulations, and I look forward to Labor’s disallowance motion being carried by the Senate chamber.

Question put:
That the motion (Senator Sherry’s) be agreed to.
The Senate divided. [11.08 a.m.]
(The President—Senator the Hon. Paul Calvert)

Ayes........... 37
Noes........... 33
Majority........ 4

**AYES**

Allison, L.F. Bartlett, A.J.J.
Brown, B.J. Buckland, G. *
Campbell, G. Carr, K.J.
Cherry, J.C. Collins, J.M.A.
Conroy, S.M. Cook, P.F.S.
Crossin, P.M. Denman, K.J.
Evans, C.Y. Faulkner, J.P.
Forsaw, M.G. Greig, B.
Harradine, B. Hogg, J.J.
Hutchins, S.P. Kirk, L.
Lees, M.H. Ludwig, J.W.
Lundy, K.A. Mackay, S.M.
Marshall, G. McGauran, J.J.J.
Moore, C. Macdonald, J.A.L.
Murray, A.J.M. Minchin, N.H.
O’Brien, K.W.K. Scullion, N.G.
Stott Despoja, N. Tierney, J.W.
Wong, P. Vanselow, J.

**NOES**

Abetz, E. Alston, R.K.R.
Barnett, G. Boswell, R.L.D.
Brandis, G.H. Calvert, P.H.
Campbell, I.G. Chapman, H.G.P.
Colbeck, R. Coonan, H.L.
Eggleston, A. Ellison, C.M.
Ferguson, A.B. Ferris, J.M. *
Harris, L. Heffernan, W.
Hill, R.M. Humphries, G.
Johnston, D. Kemp, C.R.
Lightfoot, P.R. Macdonald, I.
Mackay, C. Mason, B.J.
McGauran, J.J. Minchin, N.H.
Patterson, K.C. Payne, M.A.
Santoro, S. Scullion, N.G.
Tchen, T. Tierney, J.W.

**PAIRS**

Bishop, T.M. Knowles, S.C.
Bolkus, N. Troeth, J.M.
That would be useful, since a number of senators over a period of time have complained about the lack of time, for example, of estimates committees to give full consideration to the expenditure of the various government departments. I know there has been concern that there have not been enough days put aside for the consideration of estimates, which are coming up early next month. My point is that, if we are here, we should utilise the time to consider legislation or the budget estimates.

I realise the latter case could create some security problems should there be a lot of people coming and going to front up to estimates committees. I foresee that happening, but I cannot foresee that it would be a problem if we were to deal with government business, for example, during that particular time. I am not going to move the amendment unless there appears to be support around the chamber. For example, we could add words to the end of the motion to the effect that half an hour after the conclusion of the address by the President of the United States, the Senate resumes its sitting and continues business in accordance with the routine of business specified in standing order 57 for a Thursday; or we could specify that it be for government business or whatever. If there is support for this, I will move an amendment to this particular motion to give effect to that. I am not an expert in security affairs but, if we were to deal with government business, for example, that would not mean there would be a whole lot of people coming and going into the parliament for the purposes of the estimates committees. In that case, I would be happy to support the restriction of the business of that particular time to government business. Obviously, I am only one senator. I will be interested to see what the opposition and other senators have to say.

Senator FAULKNER (New South Wales—Leader of the Opposition in the Senate) (11.17 a.m.)—I broadly support the sentiment of what Senator Harradine has said. It is unrealistic to have estimates committees meeting at that time, but I do know that, as we speak, certain Senate committees are considering hearings on that day. Issues of witnesses and hearing times are being examined. I do not think it is realistic, given that we have made decisions in the chamber about the estimates timetable, for estimates inquiries to meet during that two-day period. The difficulty we have as we address this issue is the fact that we do not know when either President Bush or President Hu will address the proposed joint sitting.

An additional problem is that we do not know at this stage what other official functions are proposed, if any, around the two official visits, which makes it very difficult for the Senate to make decisions about its program. The only realistic way for the Senate to sit during this period is, as Senator Harradine suggested, for us to limit any business to government business. There are genuine logistical concerns at the moment about when President Bush and President Hu are going to address the joint sitting and about what other functions are proposed. I respectfully suggest and I am sure all senators would agree that, if senators and members are being invited to other functions, there ought to be an option to attend those functions when the Senate is not sitting. This is a courtesy that we extend to all other visiting heads of state and should be extended on this occasion. We have to be consistent with how we have approached these issues in the past.

One possible course of action for the Senate, which I would commend at this stage, is to pass Senator Hill’s motions about the meeting of the Senate with the House of Representatives to hear an address from President Bush and also from President Hu and for consideration to be given a little later...
next week, when there may be clarity about
the timetabling and program, as to how we
deal with the question of the Senate sitting at
that time. In these circumstances, because of
all the uncertainties, I would only contem-
plate the Senate sitting if it were to deal with
government business. I do not think it is pos-
sible for us to organise anything else. I
would have thought the government would
find that acceptable, given their public
statements over recent hours about the role
of the Senate. There is a possibility of find-
ing a way through, but that may not be pos-
sible today. It may be better for us to address
this, armed with more information and
knowledge about the proposed timing and
official functions, at some stage next week.

Senator BROWN (Tasmania) (11.22
a.m.)—The Greens do not support the mo-
tion, but we recognise that the numbers are
here for it to pass. We believe that the right
place for a visit from another head of state to
our parliament is in the Great Hall of Parlia-
ment House if the parliament itself is not
sitting. The expense and the disruption—
and we are just hearing a debate about how to
cobble together some form of bandaid to get
some value out of the recall of parliament—
are not warranted in a non-sitting period.

The recall of parliament ought to be due to
a matter of great national moment, when
there is a crisis and an urgency afoot which
warrant a debate of the elected representa-
tives of this great parliament. When it comes
to foreign heads of state visiting the country
in a parliamentary non-sitting time, that
should be a matter for the Prime Minister to
arrange either in the Great Hall or at some
other function where the address can be tele-
vised and where members of the public and
members of parliament who want to can take
part.

I would remind the Senate that just two
weeks ago Senator Nettle and I moved that,
if we are going to have heads of state ad-
dressing the parliament, it ought to be ex-
tended beyond the President of the United
States. But the whole of the rest of the Senate
voted against that, including the government.
Within two weeks, we had the Prime Minis-
ter overriding that government decision and
extending an invitation to address parliament
to the President of the People’s Republic of
China, President Hu—and we will be dealing
with that motion next. It is quite remarkable
that, two weeks before these events, there
has not even been a time set for the recall of
parliament and the hearing of these speeches.

Underwriting that is the failure of the govern-
ment of the day to assert that this is
the Australian people’s parliament, that a
time will be set that is convenient, but that
we are not going to have that time dictated
by the visitors’ needs only. The parliament is
pre-eminent here. It was a remarkable lapse
of the dignity of this country and in the
prime ministerial responsibility that the news
of the impending visit of President Bush and
his addressing this parliament came from
Washington and not from Canberra. The
symbolism of that is written into the proce-
dures we are now dealing with.

Australia is an independent nation. Aus-
tralia is ours. This parliament is ours and the
recall of this parliament is the business of the
Prime Minister and the houses of parliament,
not a bureaucratic announcement leaked
from Washington. The Prime Minister should
be saying to his counterparts in Washington
in the strongest possible terms that that was
an affront to the dignity of this country and
he should ensure that it will not happen
again.

When it comes to the visits of heads of
state who are going to address parliament—
and we believe it should be when parliament
is sitting, and at other times it should be in
the Great Hall—let us make those addresses
a working part of the democracy which is so important to the houses of parliament. Let us have the representative democracy which we stand for—particularly in this Senate—express itself. I know at the moment the Prime Minister has reform of the Senate on the books because he wants to move us further towards a presidential style of government, but that is not our Constitution. This is much more a working democracy. It is with that in mind that, on behalf of the Greens, I move the amendment as circulated:

Omit paragraph (1)(c), substitute:

(1) (c) concurs in the provisions of the resolution of the House relating to the conduct of that meeting with the following additional provisions:

(i) a representative of the Australian Greens shall make welcoming remarks immediately after the Leader of the Opposition;

(ii) following the address by the President of the United States, Senators and Members may make speeches of not more than 5 minutes each and ask questions of the President of the United States and the Prime Minister.

Innovation in working democracy, which is surely based in the representatives who are elected by the people, demands that we look at the evolution of parliamentary process—I am here referring to the third time a United States President has addressed the combined houses of this parliament—with input from the houses of parliament. I do not think that these matters should simply be left to the Prime Minister of the day. We stand for representative democracy and not simply a presidential form of government, no matter how much the Prime Minister of the day—Labor or Liberal—might want it.

We put forward these amendments seriously. The Greens are represented in both houses of parliament. It is our wish that we be able to address the Presidents of the United States and of the People’s Republic of China, as the government and the opposition are going to do under this motion. We have a different point of view but it is a point of view which has large public support in Australia—that is why we are represented in both houses of parliament. Our point of view ought to be given freedom of expression so that visiting heads of state understand that we have a plurality of viewpoints in this country and not just a two-party system, as the Prime Minister and indeed the opposition might like it to be. There are another 20 or 30 per cent of voters out there—moving towards a third of voters—who deserve to have their point of view put on any occasion in this parliament.

Here we have a situation where a special exception is being made. A President of the United States comes to the parliament and the other parties and, indeed, Independents, are excluded from the proceedings that then take place. Indeed, under the prescription that we have here and have had in the past, which has evolved without input from the houses of parliament, members of parliament are left mummified in their seats listening to three speeches, with no input, no response and no ability to take part in the robust debate which is the hallmark of our living and working democracy. So, beyond moving to take part in the address of welcome to the two leaders, we believe that members and senators—several or a dozen of them—from the whole spectrum of the parliament ought to be able to add a word at the conclusion of those speeches and to ask questions of the visiting heads of state and our own Prime Minister. That is democracy with a capital ‘d’.

We have rules of debate which ensure that such an input will be healthy and enlightening and that we will get some information on great matters of the day—such as the war in
Iraq and the arbitrary and, we submit, illegal imprisonment of Australians. Two Australian citizens, Mamdouh Habib and David Hicks, are being held illegally in Guantanamo Bay under the authority of the President of the United States, and we have received the alarming news that these men may well have been tortured. Should we not be able to ask the visiting President what is happening to our Australians, why it is that those Americans who were in Guantanamo Bay have been repatriated to their homeland and their judicial system but the Australians in Guantanamo Bay are treated as second-rate citizens and held incommunicado without their legal rights? The indications are that they have been tortured, against all decent human sentiments let alone international law, and there is no end in sight for that predicament. They ought to be repatriated or brought to trial, as the American prisoners were, and this applies to all those in Guantanamo Bay. But these two men remain under the custody of the President of the United States, without trial and with all their rights removed. This again is an infringement of the dignity and the rule of law of this nation of Australia. Ought this not be a reasonable matter to be raised when the President of the United States addresses the joint chambers in two weeks time?

There is the matter that Senator Nettle has been raising by way of motion just today of the so-called free trade agreement between our two countries, which will exclude, amongst other things, the impediment to free trade in agricultural products and which has very big potential social, environmental and cultural impacts for Australia. We are very much the small nation negotiating with the big nation in this matter. Ought we not be able, if we are having the elected President of the United States addressing the parliament, to ask the President about such important matters to do with our nation’s welfare?

Of course we should. If we are bringing visiting heads of state into our chambers of parliament to address us, let us make it an exchange. That is democracy.

Senator McGauran interjecting—

Senator BROWN—I note one senator opposite objects. If he wants to be part of the inability to speak, if he wants to be gagged, if he wants not to be able to speak as the representative of his Victorian electorate, that is his prerogative. But we Greens want to have a say in every debate that takes place in this parliament. We can do so with dignity and with well-informed input. We can do so in a way which will garner information which is important to the many citizens in this community who feel frustrated that we seem to be hapless and helpless in a situation where we have many questions to put to visiting heads of state but no opportunity to do so.

Our amendment is no political ruse. It is a well thought out contribution to improving democracy in this parliament. The Prime Minister wants to reform the Senate—and we will defend it against that ‘de-provement’, that diminution of democracy involved in those moves by the Prime Minister. But, at a joint sitting in the other place, let us not be sitting on our hands with our mouths closed, therefore effectively with our minds closed, to an address from a head of any other country as if it were not in our domain to sensibly engage in a discourse. That is what democracy is about. The age of empire, regal procession and pronouncements from the throne are behind us. This is the age of democracy and equality of all persons globally. So let us not revert but let us go forward and ensure that, when institutions like our great parliament are being changed without there having been a passage of legislation—and in this case I am referring to heads of state addressing our parliament—we have input and that we reach for a de-
The democratic outcome better than the one that has been presented to us. For those reasons, and in the name of democracy, I strongly recommend the Greens’ amendment. I indicate that we will also be supporting the Democrats’ amendment to ensure that, if parliament is recalled, the business of parliament is gotten on with in the rest of those two days on behalf of the people of Australia.

The ACTING DEPUTY PRESIDENT (Senator Cherry)—I call Senator Allison.

Senator McGauran—This will be anti-American!

Senator ALLISON (Victoria) (11.39 a.m.)—Perhaps you would like to make your own speech, Senator McGauran, when it is your turn. I foreshadow that the Democrats will have two amendments. The first of these would shift the conduct of the meeting to the Great Hall. We have argued for some time—in fact, back in 1991—that the Great Hall is the place for official receptions. This is where the Queen addresses parliamentarians. I will talk to those amendments after we have dealt with this one, but I want to indicate that the Democrats will not support the Greens’ amendment despite the appeal it might have of asking questions directly of both presidents. I think the amendment is most unlikely to be agreed to, either by the rest of this parliament or by the President himself, so I do not think it is a realistic proposition. Our main concern here is that, in the first instance, it is in the wrong place. We would prefer that the Senate seriously consider our own amendment—one that would shift the place of this reception or joint sitting or whatever you want to call it to a much more appropriate venue. Whilst it has some appeal, I think it would be a world first to invite a President from another country and then subject him or her to questions from this place. I will speak further to this point when I move those amendments.

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

The Senate divided. [11.46 a.m.]
(The President—Senator the Hon. Paul Calvert)

Ayes…………… 2
Noes…………… 44
Majority………. 42

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

NOES
Allison, L.F.                  Brandis, G.H.
Buckland, G.                  Calvert, P.H.
Campbell, G.                  Carr, K.J.
Chapman, H.G.P.               Cherry, J.C.
Colbeck, R.                   Collins, J.M.A.
Cook, P.F.S.                  Crossin, P.M.
Denman, K.J.                  Ellison, C.M.
Evans, C.V.                   Ferguson, A.B.
Ferris, J.M. *               Forshaw, M.G.
Greig, B.                     Harradine, B.
Hogg, J.J.                     Humphries, G.
Hutchins, S.P.                Johnston, D.
Kirk, L.                      Ludwig, J.W.
Lundy, K.A.                  Mackay, S.M.
Marshall, G.                   Mason, B.J.
McGauran, J.J.J.            McLucas, J.E.
Moore, C.                      Murray, A.J.M.
O’Brien, K.W.K.             Payne, M.A.
Ridgeway, A.D.                Scullion, N.G.
Stephens, U.                        Stott Despoja, N.
Tchen, T.                     Tierney, J.W.
Webber, R.                        Wong, P.

* denotes teller

Question negatived.

Senator ALLISON (Victoria) (11.50 a.m.)—I move Democrat amendment (1) on sheet 3122, in the name of Senator Bartlett:

(1) Omit paragraph (1) (c), substitute:

(1) (c) concurs in the provisions of the resolution of the House relating to the conduct of that meeting, except that the place of meeting shall be the Great Hall.
This amendment seeks to move the conduct of that meeting to the Great Hall. There have been only two other occasions when a visiting head of state has addressed the parliament in a joint sitting, or in any sitting for that matter, and on both occasions they were conducted in the House of Representatives, where the Senate was invited to be. The first was in 1992, when President George Bush Sr came to Australia, and on that occasion the parliament was recalled for a joint meeting.

That was the first of what obviously has become a precedent. It was repeated in 1996 when President Clinton was in Australia—although, on that occasion, it was not necessary to recall parliament because it was a sitting week. We argued back in 1991 when it was agreed that President Bush would address the parliament that this place was reserved for parliamentarians and that the Great Hall was the proper place to accept visiting dignitaries. In fact, as I said earlier, even the Queen has not addressed the parliament in a joint sitting, except when she is representing the government. She is our own head of state and has not been invited to do as we are doing with President Bush. Indonesian leaders and other Chinese leaders have addressed parliamentarians as part of a dinner or a lunch in the Great Hall. In the view of the Democrats, this is an appropriate approach to take.

One can now ask: what are the rules? Is it the case that any head of state who comes to this country is going to have an 'as of right' to address a joint sitting of the parliament? I am not sure that that is clear to any of us here, yet it ought to be. Either we have got a protocol that we are now changing—in which case we all should know what the rules are going to be—or we do not. Do we keep making exceptions? Is the Chinese leader addressing the parliament because a day earlier President Bush is addressing the parliament?

We need to ask the government why it is that the protocols are changing and why it is appropriate for this to now be a place where we should be addressed rather than the Great Hall—which, as I said, is set up for much larger numbers of people. It seems to the Democrats that not only is it something of a waste of money to recall the parliament without having the parliament conduct business—which goes to the question of the second amendment—but it is also the case that we are now in some sort of limbo as to what the future brings with regard to dignitaries addressing parliamentarians. I think it is appropriate that we shift the function, and I ask the Senate to support that motion.

Senator Harradine—Mr Acting Deputy President, I seek your clarification. We are dealing with only notice of motion No. 1, are we?

The ACTING DEPUTY PRESIDENT (Senator Cherry)—Yes.

Question put:

That the amendment (Senator Allison's) be agreed to.

The Senate divided. [11.59 a.m.]

(The Acting Deputy President—Senator J.C. Cherry)

Ayes............ 8
Noes............ 37
Majority........ 29

AYES
Allison, L.F. * Brown, B.J.
Cherry, J.C. Geig, B.
Murray, A.J.M. Nettle, K.
Ridgeway, A.D. Stott Despoja, N.

NOES
Boswell, R.L.D. Brandis, G.H.
Buckland, G. Campbell, G.
Carr, K.J. Chapman, H.G.P.
Colbeck, R. Collins, J.M.A.
Cook, P.F.S. Crossin, P.M.
Denman, K.J. Ellison, C.M.
Question negatived.

**Senator ALLISON** (Victoria) (12.02 p.m.)—I move Democrat amendment (2):

At the end of the motion, add:

(3) That on Thursday, 23 October 2003, the routine of business of the Senate shall be as follows:

(a) before the suspension of the Senate for the address, government business only; and

(b) following the address:

(i) Government business only,

(ii) At 2 pm, questions,

(iii) Motions to take note of answers,

(iv) Any proposal pursuant to standing order 75,

(v) Government business,

(vi) At 7.20 pm, adjournment proposed, and

(vii) Adjournment.

I have moved this amendment so that, on the day of the address by the President of the United States of America, the Senate can take advantage of the fact that we have been recalled and so that there is a fairly normal routine of business in the Senate following the suspension of the Senate for that address. We have said a number of times recently that this is a very short sitting year; in fact, it is one of the shortest on record that has not been an election year. Senator Faulkner has indicated that the ALP is of a mind to consider this but not at this point in time. It seems to us that this motion would still allow us, when we know the time of the address, to adjust it. For that reason, I put it forward.

The government, in its paper tabled yesterday, has indicated that there is a deadlock in the Senate—a claim that I would strongly dispute—but if the government is serious about the Senate dealing with its legislation then this is an opportunity for us to do that. As I have said, there is a very low number of sitting days—just 60. It was the second lowest but is now the lowest as we have added two sitting days to Senate estimates. I do not think the government can claim that the Senate is obstructionist and at the same time give us just 60 days in one year to deal with legislation. If the government does not want to deal with its own bills, then I am sure there are plenty of private senators’ bills that we could deal with in this place. The Democrats would be quite happy to do that. However, I think our first call is to deal with government legislation.

**Senator FAULKNER** (New South Wales—Leader of the Opposition in the Senate) (12.05 p.m.)—I want to reiterate what I said a short time ago that the view of the opposition is that if the Senate is to sit at the time of President Bush’s visit then it would be appropriate to deal with government business at that time. Senator Harradine and I both indicated to the chamber a little time ago that there is clearly a difficulty with this particular part of the motion of the Australian Democrats, in that we do not yet know when either President Bush or President Hu will address a joint sitting of the parliament. Obviously, we need to know that as we look at developing some sort of routine of business for both of those days if the Senate is to sit.
The other issue is that we are not aware at this stage what other official functions might also be held surrounding the visits of President Bush and President Hu. I do think it is reasonable if there are official functions—such as lunches, dinners or other functions—for senators, as always, to have an opportunity to attend those functions. In this chamber, we have always taken account of the fact that senators do wish to attend those sorts of functions and the Senate routine of business has often been adjusted, as senators would be aware, to accommodate those sorts of functions.

At this stage not only do we not know when the official addresses will take place but we do not know what other functions may be organised that senators and members will be invited to. That is why it is so difficult, as we are debating this matter, to determine some sort of routine of business as is proposed in the spirit of the amendment that Senator Allison has moved in relation to the visits by President Bush and President Hu. So there is a difficulty here. My suggestion a little earlier was that the Senate look at this issue when we have some more information about the scheduling of both the address to the joint sitting of parliament and the scheduling of any other functions that might hang off the visits of these two heads of state. It seems to me to be sensible for us to look at that issue next week when we have more information. However, I repeat what I said before that it is the opposition’s view that this would be a preferred time to deal with government business. That seems the sensible way for us to deal with these matters, which I think was one of the two suggestions that Senator Harradine had offered to the Senate a little earlier as we discussed these matters. That would be the preferred approach of the opposition. If we were able to look at this issue at some stage during the next sitting week, with more information available to us about what is planned for the official sittings and the official functions surrounding the two visits, that would seem to me to be eminently sensible. I commend that course of action to the Senate.

Senator HARRADINE (Tasmania)

(12.09 p.m.)—What Senator Faulkner said is entirely logical, and I support what he said. The motion itself reveals the problems of making a decision such as this without all of the information as described by Senator Faulkner. For example, the amendment in part states:

(3) That on Thursday, 23 October 2003, the routine of business of the Senate shall be as follows:
   (a) before the suspension of the Senate for the address, government business only; and
   (b) following the address:
      (i) Government business only,
      (ii) At 2 pm, questions,

What happens, for example, if the address is at 2 o’clock? Where do we stand then? There is nothing at all in this amendment that states that business in the Senate starts at 9.30. If the address starts at 2 p.m., then it is a bit premature to be making a decision that at 2 p.m. there will be questions. I do feel that there is an inherent problem if we deal with this matter now. Let us wait, as suggested by Senator Faulkner, for all the information to come in and let us deal with this matter next week. For my part, I agree with what Senator Faulkner has said this morning. Let us deal with government business and get on with the job rather than deal with all of these other matters, including questions, motions to take note of answers, any proposal pursuant to standing order 75 et cetera. You can imagine what that would all be. At this stage I am not prepared, without all the information available, to vote for the amendment.
Senator IAN MACDONALD (Queensland—Minister for Fisheries, Forestry and Conservation) (12.12 p.m.)—The government opposes the amendment. The government’s position is that this should be a ceremonial day and should remain as such.

Question negatived.

Original question agreed to.

Senator Brown—Mr Acting Deputy President, could I have the Greens’ dissent noted?

The ACTING DEPUTY PRESIDENT—Yes, that will be noted.

ADDRESS BY THE PRESIDENT OF THE PEOPLE’S REPUBLIC OF CHINA

Consideration of House of Representatives Message

Consideration resumed from 8 October.

Senator IAN MACDONALD (Queensland—Minister for Fisheries, Forestry and Conservation) (12.13 p.m.)—I move:

(1) That the Senate:

(a) invites His Excellency Hu Jintao, President of the People’s Republic of China, to address the Senate, on Friday, 24 October 2003, at a time to be fixed by the President of the Senate and notified to all senators;

(b) accepts the invitation of the House of Representatives to meet with the House for that purpose; and

(c) concurs in the provisions of the resolution of the House relating to the conduct of that meeting.

(2) That this resolution be communicated to the House of Representatives by message.

Senator ALLISON (Victoria) (12.13 p.m.)—I seek leave to move Democrat amendments on sheet 3123 together.

Leave not granted.

Senator ALLISON—I therefore move:

(1) Omit paragraph (1)(c), substitute:

(1)(c) concurs in the provisions of the resolution of the House relating to the conduct of that meeting, except that the place of meeting shall be the Great Hall.

This amendment is identical to the one I moved earlier for the address of the President of the United States for all the reasons that I gave then.

Senator HARRADINE (Tasmania) (12.14 p.m.)—This is a very serious matter that we are dealing with here now. The proposal is to allow President Hu, who is a dictator—he is not elected and certainly not democratic—to address the democratically elected parliament of this country in the chamber. I take the view that, if we accept this, it will set a very bad precedent indeed and will reflect on the elected chambers—the House of Representatives and the Senate. Whatever might be said about President Bush, at least he is the democratically elected head of the United States. President Hu is not democratically elected and not part of the democratic process. Indeed, the record of the Chinese government is a very, very bad one when it comes to democracy. It is a one-party state and the people of China continue to be oppressed by a one-party state.

It is time to stop being polite about the daily horrific human rights abuses continuing in China. The Australian government has been pursuing polite dialogue for decades with no effect. There is no outcome of these so-called dialogues that it is having. Unfortunately, when it comes to human rights the government is constantly taking its eye off the ball as it sees the more attractive prospects of trade, big cash deals and so on. I am not suggesting that we should not have dialogue with the Chinese—not in the least—including trade dialogue, but we should stand up against the human rights abuses which are manifold and continue to oppress the people of China.
As a trade unionist I was very concerned about the jailing of Chinese labour leaders. As recently as May, two Chinese labour activists were convicted and sentenced to seven years jail and four years jail respectively. They had organised thousands of sacked workers in a peaceful protest against the loss of their jobs. And we are going to hail President Hu and provide him with a forum in a democratically elected parliament. There is also the continued oppression of Christians who refuse to be part of the official Chinese government churches; the continued oppression of members of the Falun Gong; the one-child policy, which uses sterilisation, fines, imprisonment and other punishments to force compliance, including forced abortion; the arrest and forced repatriation of North Korean asylum seekers; the continued restriction on freedom of expression, religion and association in Tibet; and the execution of 150 people in June 2002 for drug related crimes to mark the UN International Anti-Drugs Day on 26 June.

Human Rights Watch is correct to state that the Australian government’s continual reluctance to deal with these issues would undermine its bid to lead the UN Commission on Human Rights. This is a sad day if we accept a proposal that we fete President Hu in the democratically elected chamber of this parliament, all of whom have been democratically elected and stand against gross violations of human rights. Let us make no mistake about this: Prime Minister Howard’s move—against the vote of his own party in this chamber two weeks ago—to have President Hu take the rostrum in the House of Representatives in two weeks time is all to do with money, the big dollar. It is a decision that is abhorrent to those of us who value human rights, human dignity, democracy and liberty—the very things that Prime Minister Howard said he stood for in going to war in Iraq. These ideals would be sacrificed for this ‘ceremonial day’, as members of the government would call it. I foreshadow I will be moving an amendment.

I am well aware of President Hu’s record, not least because he was the supremo in 1989 in the crackdown on Tibetans in Lhasa. He was there; he directed it. Forty people were killed and hundreds were imprisoned. The right of religious expression and political rights were totally taken away under sufferance of death and torture of the seven million people of Tibet. Since then he had a major role in the crackdown in Tiananmen Square, for which an earlier Prime Minister of this country shed tears. This man is now being invited to take the podium in the House of Representatives, with the elected representatives of this parliament muzzled under this arrangement of Prime Minister Howard and the Labor opposition—who are about to obsequiously agree to it and who have no good record when it comes to dealing with humans rights abuses in China.

Let me read from the US Department of State’s current assessment on human rights practices in China. This was issued at the end of March this year. It states:

The Government’s—
that is, President Hu’s government now—
human rights record throughout the year remained poor, and the Government continued to commit numerous and serious abuses.

However, the Government took some steps to address international concerns about its human rights record during the year: A number of prominent dissidents were released; senior representatives of the Dalai Lama were allowed to visit the country; the Government agreed to extend, without conditions, invitations to visit to the U.N. Special Rapporteurs on Torture and Religious Intolerance and the U.N. Working Group on Arbitrary Detention; reform of the legal system continued; and the scope of religious activity allowed in Tibetan areas expanded slightly.

Late in the year, these positive developments were undermined by arrests of democracy activists, the imposition of death sentences without due process on two Tibetans, and the trials of labor leaders on "subversion" charges.

Authorities were quick to suppress religious, political, and social groups, as well as individuals, that they perceived to be a threat to government power or to national stability. Citizens who sought to express openly dissenting political and religious views continued to face repression.

The United States Department of State report goes on to say:

Abuses included instances of extrajudicial killings, torture and mistreatment of prisoners, forced confessions, arbitrary arrest and detention, lengthy incommunicado detention, and denial of due process. Conditions at most prisons remained harsh. In many cases, particularly in sensitive political cases, the judicial system denied criminal defendants basic legal safeguards and due process because authorities attached higher priority to suppressing political opposition and maintaining public order than to enforcing legal norms or protecting individual rights.

The Government infringed on citizens’ privacy rights.

The Government continued to implement its coercive policy of restricting the number of children a family could have.

The Government maintained tight restrictions on freedom of speech and of the press; self-censorship by journalists and writers also continued. The Government continued and at times intensified its efforts to control and monitor the Internet.

The Government severely restricted freedom of assembly and continued to restrict freedom of association and freedom of movement.

While the number of religious believers continued to grow, government respect for religious freedom remained poor and crackdowns against Muslim Uighurs, Tibetan Buddhists, and unregistered groups, including underground Protestant and Catholic groups, continued.

The Government denied the United Nations High Commissioner for Refugees (UNHCR) permission to operate along its border with North Korea and deported thousands of North Koreans, many of whom faced persecution upon their return. Citizens did not have the right peacefully to change their Government.

The Government did not permit independent domestic nongovernmental organizations (NGOs) to monitor human rights conditions. Violence against women (including imposition of a birth limitation policy coercive in nature that resulted in instances of forced abortion and forced sterilization), prostitution, discrimination against women, abuse of children, and discrimination against persons with disabilities and minorities all were problems. In Xinjiang, where security remained tight, human rights abuses intensified.

The Government continued to deny internationally recognized worker rights, and forced labor in prison facilities remained a serious problem. Trafficking in persons was a serious problem.

The Government’s violation of internationally accepted human rights norms stemmed from the authorities’ extremely limited tolerance of public dissent, fear of unrest, and the limited scope or inadequate implementation of laws protecting basic freedoms.

... ... ...

Approximately 1,300 individuals were serving sentences under the Law Against Counterrevolutionary Activity, a law that no longer existed; many of these persons were imprisoned for the nonviolent expression of their political views.
Credible sources estimated that as many as 2,000 persons remained in prison for their activities during the June 1989 Tiananmen demonstrations.

Can you imagine! Further, it states:

Since December 1998, at least 38 leaders of the China Democracy Party have been given long prison sentences on subversion charges.

Let me put it this way: if Prime Minister Howard were in China and moved to represent the Liberal Party, President Hu would put him in jail. If opposition leader Simon Crean were in China and moved to set up either an independent trade union or the Labor Party, he would go to jail. If I or Senator Bartlett wanted to establish a Greens or a Democrats party in China—or, indeed, Senator Harradine, or any of the other Independents, wanted to stand as an Independent for parliament and led a campaign on that—President Hu would send us to jail.

We are giving a podium to President Hu to give us a speech to which there is no response. That is why the Greens will be moving that if this is going to happen—this travesty of democratic avocation in our parliament—then surely there must be interaction. Surely we must have a right to interact with anybody who comes into our parliament. I remind the Senate that, during the debate on land rights, when I moved for an Indigenous person like Michael Mansell—representing the Indigenous people of Tasmania—to come and take some time of my speech and address the parliament on the matter, that was voted down. So we do not have a place in this parliament for Indigenous Australians to give an address on a matter that is germane to their rights, but we are affording a place to a dictator who has blood on his hands—who has directly repressed political, labour, religious, women’s, minority, disabled and cultural rights in his country—because Prime Minister Howard and the corporations that have such open access to his door say that it is good for trade. We must not trade our strongly held democratic and human rights in that manner.

If the President of China comes to this country—and welcomed he must be, because that is the nature of an open and inclusive society; and we hope we may be able to send him back a little enlightened about how to open up society and not fear freedom and democracy—then let his address be given in the Great Hall of this Parliament House or to the Press Club. If we are to entertain the thought of President Hu coming to the rostrum to address the several hundred representatives elected by the people of Australia, for goodness sake, let us not even mock the situation in the Great Hall of the people in China, where nobody can speak on any subject unless permitted to do so. We are not mummies. We are not here just to listen. We are here to take part in debate. That is the basis, the essence, of democracy. We can do that with dignity—a dignity that President Hu has not shown to the thousands of his people languishing in jail because they have a different point of view—and so we ought.

Senator Allison said this would be a world first. This is not the first time we have had a world first in democracy in this country. The vote for women, secret voting and the Hare-Clark system are some examples of that.

I think we are going to have a far greater reciprocation of visits of heads of state in this rapidly-globalising world, but let democracy keep pace with that. Let us not be in a situation where the Prime Minister and the Leader of the Opposition give welcome to President Hu and he gets the podium under the same conditions as he would do in the fake parliament in China—that is, he gives a speech, he gets applause and nobody gets up to question him. Are we to rubber-stamp that Chinese absence of democracy or are we to encourage democracy by example? Let President Hu go home and more rapidly open
up his country to the democracy that everybody from Tibet to Hong Kong to East Turkestan—indeed, all the people within that Chinese realm—deserve to have. I cannot believe that we are being so obsequious about this. I cannot believe that Prime Minister Howard thinks so little of democracy as the fulcrum of our society when it comes to decision making or that the Labor opposition, for that matter, is not going to support a move to have some repartee—some democratic to-and-fro—with any individual brought into our parliament, let alone the repressive leader of the People’s Republic of China.

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

The Senate divided. [12.38 p.m.]
(The Acting Deputy President—Senator P.F.S. Cook)

| Ayes........ | 9 |
| Noes......... | 35 |
| Majority...... | 26 |

AYES
Allison, L.F. * 
Cherry, J.C.
Harradine, B.
Nettle, K.
Stott Despoja, N.

NOES
Barnett, G.
Buckland, G.
Carr, K.J.
Collins, J.M.A.
Cook, P.F.S.
Denman, K.I.
Evans, C.V.
Hogg, J.J.
Hutchins, S.P.
Kirk, L.
Ludwig, J.W.
Macdonald, I.
Marshall, G.
Moore, C.

Scullion, N.G. 
Stephens, U. 
Tierney, J.W. 
Wong, P.

Sherry, N.J. 
Tchen, T. 
Webber, R. 

* denotes teller

Question negatived.

Senator ALLISON (Victoria) (12.42 p.m.)—I move amendment (2) on sheet 3123:

At the end of the motion, add:
(3) That on Friday, 24 October 2003, the time of meeting shall be 9.30 am and the routine of business shall be as follows:

(a) before the suspension of the Senate for the address, government business only; and

(b) following the address:
(i) Government business only,
(ii) At 2 pm, questions,
(iii) Motions to take note of answers,
(iv) Any proposal pursuant to standing order 75,
(v) Government business,
(vi) At 3.45 pm, adjournment proposed, and
(vii) Adjournment.

This amendment, apart from the date, is identical to amendment (2) which I moved earlier. I make the point in moving this that I hear the debate, which is accurate insofar as we do not know what time various functions might be held, but it seems to me that, if the will of the Senate about a sitting of some sort—whether or not we deal with government business; whatever the case may be—were to be expressed at this point in time, at least we would have some certainty that bookings and staff arrangements could be made. There will be plenty of time to vary this motion next week, when and if we finally find out what time things are going to happen. That way we will know that it is necessary to be here in the early part of the
day and we will know when we are going to adjourn. It seems sensible to at least give an indication at this point in time that it is the intention of the Senate to sit, deal with legislation and make the most of that day. While the Senate chose not to support the last amendment, I suggest to honourable senators that this is another good argument. Senator Faulkner has indicated that the ALP may be inclined to support such a proposal, and this would be a good chance to express that so that we have some certainty about the day.

Question negatived.

Senator BROWN (Tasmania) (12.44 p.m.)—I would have been prepared to delete item (1)(c)(i) if it had tempted the Labor Party to support the Greens amendment, but I do not think that is going to happen. Therefore, I move the Greens amendment as circulated:

Omit paragraph (1)(c), substitute:

(1)(c) concurs in the provisions of the resolution of the House relating to the conduct of that meeting with the following additional provisions:

(i) a representative of the Australian Greens shall make welcoming remarks immediately after the Leader of the Opposition;

(ii) following the address by the President of the People’s Republic of China, Senators and Members may make speeches of not more than 5 minutes each and ask questions of the President of the People’s Republic of China and the Prime Minister.

This amendment provides for a Greens representative to make a welcoming speech and allows members of the combined houses to question the President of the People’s Republic of China and the Prime Minister for five minutes each after the address in the name of democracy.
Senator LUDWIG (Queensland) (12.48 p.m.)—My understanding is that Senator O’Brien wished to speak on the Civil Aviation Amendment Bill 2003. Civil aviation is an important issue in Queensland and in other states. It is difficult to deal with it comprehensively in one piece of legislation or through one amendment such as this. This is a non-controversial piece of legislation to amend the Civil Aviation Act. Perhaps I will make a declaration: being both a private pilot and a glider pilot—

Senator Ian Macdonald—You are?

Senator LUDWIG—Yes. I do have some knowledge of the civil aviation—

Senator Faulkner—You have absolute expertise; don’t be modest!

Senator LUDWIG—I have some knowledge of civil aviation, but I digress. From my experience as a private pilot, what troubles me in this instance is that there is sometimes an inability for communication to come all the way down the line to the area in which I engage. As a private pilot and a glider pilot I know that we have difficulties such as the regulations, which are quite extraordinary. Wearing another hat, I was on the Senate Regulations and Ordinances Committee. The Civil Aviation Authority have put through an extraordinary number of different regulations. We have asked them to simplify some of the legislation, to bring it to a place where people can understand it and for it to be written in plain English. For pilots who are not full-time commercial pilots but partake in flying part time as aviation enthusiasts it would be helpful if the regulations were written in plain English and promulgated in such a manner that pilots could understand and meet the regulations in that area.

There is not just one regulation. There is a range of orders and other pieces of legislation that you have to get your head around. There are a number of books that you have to be familiar with, together with amendments that come out every six months, and there are various maps that you have to understand. I think I can speak on behalf of the many pilots I know when I say that any assistance that the Civil Aviation Authority provides is helpful in getting your head around the amount of material that is put out. I do not want to take up the time of the chamber with this matter, so I will not continue too long, but this is an opportunity for me to at least express a view on behalf of other pilots for whom I know it would be helpful if the Civil Aviation Authority learnt to be more responsive with the legislation they put out and understand the needs of part-time pilots.

One of the other areas that has always troubled me is ensuring that private pilots who pursue gliding and ultralighting interests can participate in those pursuits. I also have a student licence for ultralighting, and that requires you to join the ultralights association. To be a glider pilot, you have to join the Gliding Federation of Australia. Then, if you want to keep up with news in the private pilots field, there is another organisation you could join as well. You can imagine that, at the end of 12 months, you could have spent a lot of money not on flying but on joining all these associations. They do serve a worthwhile purpose, but you would hope that the civil aviation authorities would be able to ensure that recreational pilots can participate in those particular pursuits. In sports aviation, there are recreational pilots who do paragliding and ballooning. In that whole recreational area, you would really hope that the authorities could interact and develop a better framework so that people did not have to join all those organisations. That is not to say that we would not want those organisations supported.

The other area is regional airports, where a lot of these pursuits are carried on. Currently many of them are in the responsibility
of local authority areas. You get different responses from the local authority areas about the upkeep of the landing areas and such. One of the issues that always comes up is the place from where I do both gliding and ultralighting—a small country strip in southeast Queensland. From time to time it really does require the local council to consider doing a little bit more in the area. But they have other pressures and other residents to consider, so they have to strike a balance in that area.

You really expect that, in many instances, the Civil Aviation Authority and government authorities would take up the issue and ensure that, if they are going to encourage recreational pilots, the areas from which they fly are similarly well supported from a government perspective. They are some of the broad issues that I face. I certainly do not have the time to go through the many more issues I could talk about in respect of this field—

Senator Ian Macdonald—I’ll just find out if Kerry is coming or not.

Senator Ludwig—My understanding is no, so I will wrap up at this point. I did think I needed to say a few things about the issues that face recreational pilots.

Senator Ian Macdonald (Queensland—Minister for Fisheries, Forestry and Conservation) (12.55 p.m.)—I appreciate Senator Ludwig’s comments. As he is obviously well aware, the government is very responsive in this area, as it is in most areas. I will indicate that a couple of government amendments were adopted in the Main Committee of the House of Representatives which tidy up some aspects of the bill. The amendments to governance and application of savings provisions were necessary, as the bill was not enacted in time for new governance arrangements to take effect from 1 July this year. The amendment that inserted schedule 2 took on board representations from the aviation industry. I want to thank the opposition for its cooperation and constructive input into the development of these amendments.

I also indicate that the Democrats have indicated to me that they support the bill. Unfortunately none of them are able to be in the chamber, but they did ask me to indicate their support for the bill. Passage of this bill will ensure that the already excellent aviation safety outcomes in this country will be maintained and improved. I thank the Senate for its support.

Question agreed to.

Bill read a second time.

Third Reading

Bill passed through its remaining stages without amendment or debate.

STATISTICS LEGISLATION AMENDMENT BILL 2003

Second Reading

Debate resumed from 7 October, on motion by Senator Patterson:

That this bill be now read a second time.

Senator Ian Macdonald (Queensland—Minister for Fisheries, Forestry and Conservation) (12.57 p.m.)—In closing the debate on this legislation, I thank the other parties for their support. I indicate that the Democrats have asked me to record that they support this bill—and, indeed, the first bill we dealt with in this session today, which I forgot to do.

Question agreed to.

Bill read a second time.

Third Reading

Bill passed through its remaining stages without amendment or debate.

Sitting suspended from 12.58 p.m. to 2.00 p.m.
QUESTIONS WITHOUT NOTICE

Centrelink: Debt Recovery

Senator GEORGE CAMPBELL (2.00 p.m.)—My question is to Senator Patterson, Minister for Family and Community Services. Can the minister confirm that Senator Vanstone was interviewed in August on A Current Affair about her approach regarding pensioners who could not repay Centrelink debts? Can the minister confirm that when Senator Vanstone was asked whether she would be prepared to sell up their family homes she replied, ‘Well, I would be’. Minister, do you endorse this approach?

Senator PATTERSON—Thank you very much for the question, Senator George Campbell. Our income support is based on fairness, and the community expects that people should receive the amount they are entitled to under the law in a fair and timely manner. However, the community does expect people to repay any debt that they owe if they have been in receipt of an overpayment. The premise is supported by key representatives of the sector such as Michael Raper, the Director of the NSW Welfare Rights Centre, and Chris Connolly, from the Financial Services Consumer Policy Centre at the University of New South Wales. Even Labor’s shadow minister for family and community services said, ‘I’m not arguing for writing off of debt. A debt is a debt is a debt, and if it has been incurred it must be repaid.’

However, I also agree with Michael Raper that we need to look at this area to ensure that people are able to meet those debts in a fair and timely manner. Centrelink have a legislative obligation to ensure that money that has been overpaid to recipients is recovered, if they have been paid more than their legal entitlement. Legislation requires Centrelink to recover debts within a reasonable timeframe without imposing unnecessary financial hardship on the customer. Specialist Centrelink officers look at each case individually when assessing a customer’s ability to repay a debt. If a customer cannot pay a debt back in full without undue hardship, Centrelink will negotiate individually tailored repayment arrangements. This may include fortnightly repayments, out of future welfare payments, that are sensitive to a customer’s financial situation. Claims that age pensioners would have their houses sold from under them if they were to incur a debt are untrue.

Indonesia: Terrorist Attacks

Senator SANDY MACDONALD (2.02 p.m.)—My question is to the Minister for Justice and Customs, Senator Ellison. Minister, will you outline what is being done to mark the one-year anniversary of the tragic events in Bali last October and what further steps the Australian government is taking to ensure that those responsible for these evil acts are brought to justice?

Senator ELLISON—I thank Senator Sandy Macdonald for what is an important question, as it reminds us of the forthcoming anniversary of the Bali bombings. It seems hard to realise that a year has now gone by since that fateful day on Sunday, 12 October, 2002, when three terrorist explosions resulted in the killing of 88 Australians and 114 other nationals. Of course, many hundreds were also injured. Those bombings burnt a trail of grief across Australia and the world as the impact of these awful acts was realised. All senators will remember the shock and anger we felt as the news came through of rising casualties and the extent of the destruction. Out of that destruction, however, came a determination to bring the perpetrators to justice.

This Sunday, 12 October, at 8 a.m., a Bali memorial service will take place at the Garuda Wisnu Kencana Cultural Centre, an
outdoor venue located at Jimbaran, about 30 minutes drive south of Kuta. The service, to be attended by the Prime Minister, is for Australian survivors and the families of victims of the tragedy. Indonesians and other foreign nationals affected, as well as volunteers who assisted in the aftermath of the tragedy, are also invited. The service will be open to members of the public, and all Australians and other nationals are welcome to attend. It will be a Christian ceremony, with Hindu and Islamic elements, and will be conducted by the Australian Defence Force chaplains who provide pastoral care to the victims and also did so shortly after the tragedy. Well-known singer John Williamson has agreed to lead the singing of *Waltzing Matilda* at the end of the service, and the government has helped 416 eligible people to attend Bali for the service.

A number of other events are also planned by various organisations and local community groups in Bali over the commemoration period. However, these events have not been organised by the Australian government and Australians may wish to carefully consider their attendance in view of DFAT’s current travel advice for Indonesia, including Bali.

In Australia, a memorial service will be held in the Great Hall at Parliament House at 11.30 a.m. on Thursday, 16 October 2003. That will be attended by the Governor-General, the Prime Minister, the Deputy Prime Minister and the Leader of the Opposition. It will broadly follow the format followed at last year’s Bali memorial service. Volunteers who helped in the aftermath of the tragedy and members of the public are also most welcome. The service will be preceded by the unveiling of a memorial in the grounds of Parliament House to those Australians killed in the tragedy. After the service, the Governor-General will host a reception for families and survivors at Government House.

Senator Sandy Macdonald asked also about Operation Alliance, and I am pleased to see many senators today wearing the pin which commemorates the great work done by many Australians in relation to Operation Alliance. Operation Alliance is the investigation, which is still ongoing—the determination is still there—to bring those at large to justice for this outrageous attack. It is worth while noting that this has been an outstanding success. We already have convictions and sentences being imposed in relation to the great effort by many Australians, from across the country, in carrying out what has been a comprehensive and difficult investigation.

**Centrelink: Debt Recovery**

Senator WEBBER (2.07 p.m.)—My question is to the Minister for Family and Community Services, Senator Patterson. Has the minister seen comments this week by Mr Peter Lindsay, the chair of the government party room committee for family and community services? He said that the government’s budget decision to collect debts, going back seven years, that have arisen from administrative errors is ‘unfair’ and:

If a private business makes a mistake with a customer, it does not go back to the customer years later and say, “Gosh, we made a mistake; we want our money back.” If a business makes a mistake it wears the mistake.

Minister, if Mr Abbott can place a moratorium on the collection of doctors’ indemnity levies so that they do not have to wear the mistakes made by you prior to your dumping, can the minister now give an assurance that aged and disabled pensioners will not have to wear Senator Vanstone’s botched system?

Senator PATTERSON—Senator Webber ought not read out questions that have been written for her without getting the facts. Senator Webber should have gone back and
read Peter Lindsay’s press release, which indicated that Wayne Swan had taken Mr Lindsay out of context and that it was reported incorrectly on the radio. Peter Lindsay explained that he was describing one particular case that is currently under investigation or is being reviewed. It was not about a family tax benefit overpayment at all. That was the context in which Mr Swan took it, and Mr Lindsay corrected the record in a press release. It would pay Senator Webber to be honest and up-front and to at least look at the question when it is handed to her by the questions committee, because the questions committee has decided it is ‘get Patterson day’ today—‘We’ll get Patterson. We’ll have a whole lot of questions on Patterson’—and Webber gets the question. Do you know what? Labor senators have to read the question out exactly the way they are given it, warts and all, with little barbs on the end of it. They do not have the guts to get up and change it. I would not ask questions the way they ask them. When the questions committee gives them a question, they have to ask it just the way it is written. Go back and find out the truth, Senator Webber—find out what Peter Lindsay said, and come back and ask the question next week.

Senator WEBBER—Mr President, I ask a supplementary question. I point out to the minister that my question was actually about age pensioners and disabled pensioners, not about the family tax benefit system. Why can’t the minister announce that she will intervene on these debts, as Mr Abbott has over the medical indemnity levy? Or is it just the case that she does not have the clout that Mr Abbott has?

Senator PATTERSON—Mr President, didn’t I say they have these barbs on the end of the questions and they are made to read them out? The question time committee puts them in and they get up and diligently read them out, barbs and all. Let me just say that Mr Swan said that a debt is a debt is a debt and should be recovered. So if a person has been in receipt of an overpayment it should be recovered. How they are informed and how it is recovered are important issues, but a debt is a debt, said Mr Swan, and it should be recovered.

Employment: Policies

Senator HUMPHRIES (2.10 p.m.)—My question is to the Minister for Family and Community Services and the Minister Assisting the Prime Minister on the Status of Women, Senator Kay Patterson. Will the minister outline to the Senate how the Howard government’s responsible economic management has created more jobs and resulted in a reduction in the number of job seekers receiving benefits?

Opposition senators interjecting—

Senator PATTERSON—The Labor Party get agitated when we start talking about jobs, and they get agitated when we talk about unemployment, because of their appalling record when they were in government. Today the department released the latest figures on the number of job seekers—

Opposition senators interjecting—

The PRESIDENT—Order! I know it is Thursday and you are going home tonight or tomorrow, but can’t we have a bit of quiet on my left?

Senator PATTERSON—They do not want to hear the story, Mr President, because today the department released some figures on the number of job seekers receiving either Newstart or youth allowance. Since September 2002—that is, over the last 12 months—the number of job seekers receiving income support payments has fallen by 31,498 people, or 6.7 per cent. Of course, the Labor Party would not want to hear that. They would not want to know that the number of people who now receive Newstart or youth...
allowance has decreased by 6.7 per cent over the last 12 months. In the last month alone, the number of long-term job seekers has fallen by 7,161 people, or 2.7 per cent—that is, in a month there were 7,161 fewer people on Newstart. Those people are in employment, but the Labor Party would not want to hear about that.

The number of short-term job seekers has decreased by 8,083, or 4.3 per cent. They are at the lowest levels in almost a decade. A reduction in the unemployment rate has resulted in a substantial decrease in job seekers receiving benefits. The number of unemployed income support customers is also at its lowest level in over a decade. It is the lowest number of unemployed customers since March 1991. There are 222,400, or 27 per cent, fewer unemployed customers in September 2003 than in March 1996. There are 222,400 fewer unemployed customers of Centrelink since we came into government.

The other good news is that long-term unemployed customers have dropped by 77,491, or 17.6 per cent, since 1998. But, of course, the Labor Party would not want to hear this. It is good news. It is something they were not able to achieve. As most senators would be aware, we recently announced the lowest unemployment rate in 13 years. The Howard government has achieved substantial gains in the labour market. This figure was reconfirmed today and is a seasonally adjusted 5.8 per cent for September 2003. This is the lowest level since 1990 and well below the 8.6 per cent unemployment we had when we came into government in March 1996. Record low unemployment has been achieved through the Howard government’s responsible economic policies that have both stimulated the economy and delivered low interest rates.

We have reduced the debt that we inherited, which was $96 billion. You had been profligate over 13 years in spending about $80 billion of the next generation’s inheritance. You sold the Commonwealth Bank, you sold Qantas, you sold CSL and you spent that money. You did not invest it in deep infrastructure that was going to create wealth and jobs for the next generation. You spent it in a profligate way, and many millions of dollars of it in social security fraud and overpayment.

We have the lowest interest rates for 13 years, and that has increased the number of people that businesses are hiring. Small businesses were going to the wall when the Labor Party were in government, because of the absolutely high interest rates. We have taken action to address the unemployment rate, and that is why we have created 1.2 million jobs since coming into office in 1996—1.2 million people now have jobs who did not have jobs when you were in office. You ought to sit there and hang your heads in shame rather than putting up little questions with barbs on the end of them. You ought to get on and develop some policies that will actually ensure that if you ever get into government you do not put us back into debt again, as you did before by borrowing from the next generation in an unacceptable and inappropriate way that meant they would not only be paying for us into the future but also be paying for our needs now. We have been responsible. We have reduced debt, we have ensured that we have lived within our means and we have maintained a fair social security system.

**Centrelink: Jobnet**

**Senator DENMAN** (2.15 p.m.)—My question is to Senator Patterson, the Minister for Family and Community Services. Can the minister confirm that Centrelink staff were told in July to spend whatever it takes to fix the flawed $60 million Jobnet IT interface in the Department of Employment and Work-
place Relations after the new system linked a Tasmanian man with a job as a prostitute some months ago? Is the problem now fixed? Can the minister confirm that the cost in overtime and other expenses incurred by Centrelink in fixing the Jobnet interface has now reached $20 million and has forced the agency to apply an across-the-board running costs cut of 1.5 per cent to rein in cost overruns, a move that now threatens the jobs of staff?

Senator PATTERSON—Senator Newman—

Honourable senators interjecting—

Senator PATTERSON—I would not mind being called Senator Newman. There are a lot of other people I would mind being called, but I am sure Senator Denman will not mind as she is from Tasmania and Senator Newman was a very good senator for Tasmania. I just happened to get them confused for the moment, but what a wonderful confusion to have. I would like to be confused with Senator Newman, even though there are a lot of people I would not want to be confused with. Senator Denman at least did not put a barb on the end of her question. I do not know whether she was given a barb, but she did not put it on.

I remember Senator Vanstone answering in detail questions on this issue. I have not been briefed on that in detail in the last few days and, rather than mislead you, Senator Denman, I will get back to you with the detail next week.

Senator DENMAN—Mr President, I ask a supplementary question. Can the minister confirm that Centrelink Customer Relations Unit staff have already been rebuked by Senator Vanstone’s office for an escalation in calls complaining about Jobnet and the government’s policy, which increased the workload of the minister’s staff? Minister, if Centrelink is an independent organisation at arm’s length from the government, as you stated yesterday, how else can Centrelink’s customers make you aware that your social security policies are unfair?

Senator PATTERSON—I do not believe that Senator Vanstone would have said that, because I have heard her over and over in the chamber talk about the work of Centrelink officers, of the millions of phone calls they answer, the millions of letters they send out and the millions of contacts they have with customers every year. Senator Vanstone has constantly said how good the Centrelink officers are, how hard they work to deliver a service to their millions of customers. I do not believe Senator Vanstone actually said that. I am sure that I will also be able to say with the same confidence that Senator Vanstone has said that those officers who work tirelessly to deliver a service to people who need it do so under enormous pressure and in huge quantities in terms of dealing with paperwork and clients in a way that was never done when Labor were in government. I will go back and I will remember over time and remind you of what it was like—it looked like the gulag. (Time expired)

Telstra: Share Buyback

Senator CHERRY (2.19 p.m.)—My question is to the Minister for Finance and Administration. The minister has stated that the government will not be participating in the Telstra share buyback that involves a $1.50 return of capital, with the rest coming as a fully franked dividend. Is the minister aware that a shareholder who bought a Telstra share at $5 and sells it as part of the buyback at $5 will be entitled to a $3.50 capital loss, even though they have made no real loss? Is he aware that this scheme, agreed to by the Australian Taxation Office, will cost Australian taxpayers around $200 million as a result? Why does the govern-
ment, as Telstra’s majority shareholder, allow this abuse of the tax system to occur?

Senator MINCHIN—I thank Senator Cherry for his question. The government have made it quite clear that we are not participating in the buyback. The government are legislatively required to maintain a shareholding of 50.1 per cent, and it would become quite complex for that legislative requirement to be maintained if we were to participate in the buyback, so we are not proposing to do so. We have made it quite clear, as many commentators have pointed out, that the benefits to existing shareholders are therefore, in effect, doubled. So this is very good for shareholders in Telstra, and we have indicated support for Telstra engaging in this buyback. It is good for the company and it is good for shareholders. However, we will adopt a position of sitting on the sidelines.

The question of the arrangements and structure of the buyback is a matter entirely for Telstra and the relevant regulatory authorities, not one for the government per se. Telstra has sought the proper approvals and advice from the Australian Taxation Office, and that is not something the government should become involved in at all. It would be quite improper for the government to come between the tax office and a commercial corporation, which it is—as per the Labor Party in government, ensuring that it was a corporatised entity required to operate along commercial lines and independent of the government. It is for that corporation to come to arrangements with the tax office as to the appropriate structure for its buyback to comply with relevant law. It would be quite wrong and quite improper for the government to come between Telstra and the tax office so far as those arrangements are concerned. I reiterate that we do support Telstra in this buyback. It is from a shareholder’s point of view an appropriate decision for the board and it will be good for those shareholders who do decide to participate in it.

Senator CHERRY—Mr President, I ask a supplementary question. Earlier this week DOFA officials gave evidence to a Senate committee, stating that they were in constant day-to-day contact with Telstra management about management matters. Is the minister, as the custodian of the public’s 50.1 per cent ownership of Telstra, concerned that the board of directors of Telstra, appointed by government owners as well, are using tax minimisation schemes of this sort to boost the share price?

Senator MINCHIN—Mr President, Senator Cherry seems to forget that it was the parliament, through the auspices of the former government, which required this company to operate along commercial lines. The reality is that it now has millions of individual Australian shareholders and it has obligations to those millions of Australian shareholders to run the company commercially and in the interests of its shareholders, customers and investors; and it is so doing. It is a responsible board. It has decided that, in terms of the company’s capital structure, it is appropriate to engage in a share buyback, as many other corporations do in terms of their capital structures. It has come to a structure in relation to that buyback which it believes is in the interests of the shareholders and is consistent with the board’s obligations under relevant law, and it has done so in accordance with advice from the Australian Taxation Office. I repeat: that is not something the government should be involved in.

Social Welfare: Carer Allowance

Senator HUTCHINS (2.24 p.m.)—My question is to Senator Patterson, the Minister for Family and Community Services. Can the minister confirm that the government’s review of carer allowance, which has budgeted to remove payments of $87 a fortnight from...
30,000 parents caring for children with disabilities, is continuing despite the Prime Minister’s assurance that no-one would have their payment cut? Can the minister confirm that Centrelink is now telephoning parents and threatening them to get their review forms in by 31 October or they will be automatically cut off?

Senator PATTERSON—I congratulate Senator Hutchins on being in the No. 1 spot on the Senate ticket. I am sure he has made a few enemies over the last weekend or so. It is interesting to see a backbencher as No. 1 on the ticket. I am sure you are guaranteed a spot back here in the chambers, Senator Hutchins.

Honourable senators interjecting—

The PRESIDENT—Minister, ignore the interjections and address your remarks through the chair.

Senator PATTERSON—I took a keen interest in this issue when Senator Vanstone was answering questions about it, because some of the issues that were raised stem from a decision that the Labor Party made some time ago about people with children with disabilities and carer allowance. As you know, the saved cases review has been achieving the purpose that parliament intended. A number of reviews have been done so far and they have resulted in the continuation of carer allowance.

We have had more evidence, and it was clear from that some conditions were not included on the list where most claimants were meeting the requirements of the child disability tool. Senator Vanstone agreed that there was no point in continuing to put those people through the process because the data was showing that most of them stayed on benefit. We decided to add an extra six conditions to the list of recognised disabilities—Down syndrome to age 16 and fragile X syndrome to age 16 for boys and girls, cystic fibrosis, moderate and severe haemophilia in young people, uncontrolled epilepsy and phenylketonuria. This gives automatic access to carer allowance for carers of those children, effective from 1 July 2003.

Anyone with children with those conditions and whose payment has been cancelled for medical reasons has had the payment reinstated from that date. The list of recognised disabilities will be reviewed by an independent panel of medical experts. This will be completed as quickly as possible, and the six additional conditions will not be affected by that review. Carers of saved case children who have not yet had their eligibility reviewed should complete and return their forms to Centrelink. A carer whose child has one of the recognised disabilities, including the ones that have just been added, can be assured of staying on the payment.

The important thing is that a number of people have indicated voluntarily that they no longer require the carer’s allowance. It is absolutely vital that, if we are to ensure a system which is sustainable, those people who care for children and who genuinely need the payment get the payment and that those who do not go through the review process. This will ensure that we are able to assist those in genuine need. That is the important thing about making these systems sustainable. The people who have children with a disorder which is on the list will have their payment continued.

Senator HUTCHINS—Mr President, I ask a supplementary question. Minister, isn’t it the case that families of some children with cerebral palsy are among those 30,000 families currently facing the prospect of losing their carer allowance payments? Isn’t it true that some of those children have the dis-
ability as a result of contracting pneumococcal meningitis—the very illness you would not fund vaccines for when you were the health minister?

Senator Patterson—I find that question totally offensive. When and if you ever get into government, you will be faced with some very difficult decisions—and being No. 1 on the ticket you might even think that you will be on front bench.

ATAGI did not recommend the funding of pneumococcal vaccine as the highest preference on the list. In fact, only two or three or weeks ago I announced the extension of pneumococcal vaccine to the high-risk group, which are children in Central Australia. It was extended out. I asked that further information about those children who have died from pneumococcal—

Senator Faulkner interjecting—

Senator Patterson—Senator Faulkner, you are No. 2 on the ticket. Why don’t you just keep quiet and hear what I have got to say. The issue is that those children who have cerebral palsy who are dependent, for example, on a wheelchair or a walking frame for mobility will still be entitled to the benefit. (Time expired)

Forestry: Tasmania

Senator Brown (2.29 p.m.)—My question is to the Minister for Forestry and Conservation, Senator Ian Macdonald. I know Senator Macdonald would be aware that last night the Senate Rural and Regional Affairs References Committee was given evidence by Mr Bill Manning, who has spent 30 years in the forest industry in Tasmania, and latterly was a forest auditor for Tasmania’s Forest Practices Board. He gave documented evidence of illegal falsification of documents, breaches of logging codes and illegal destruction of habitat of rare and endangered species by senior members of the bureaucracy in Tasmania, including Forestry Tasmania, and the complicity in this by the former Attorney-General of Tasmania, Peter Patmore, and the present minister for forests, Mr Paul Lennon, by ignoring it. What action will the government take on this matter?

The President—The time for asking the question has expired. Senator Macdonald, I know it is rather difficult as you did not have a question.

Senator Ian Macdonald—I am not quite certain what the question was. I think he did say, ‘Was I aware of the hearing last night?’ I guess my answer would be, ‘Yes, I was aware of the hearing.’ Senator Brown, I am not quite sure what you are going to ask me.

Senator Faulkner—But you’re going to answer it anyway!

Senator Ian Macdonald—I am not quite sure what I am answering. Senator Brown did not get around to actually asking a question. I will try and do a little bit of crystal ball gazing. Senator Brown, if allegations are made of criminal activity, I would certainly hope that the gentleman involved has reported it to the police. I would imagine then that the police would conduct appropriate investigations. If they are proved, I would expect Tasmania Police to take action on them. As you know, I have a high regard for the forestry operations of the Tasmanian government. I think that they do, by and large, a fairly good job—they are not perfect but they do a fairly good job—in sustainable management of native and plantation forests in Tasmania.

As far as the Commonwealth is concerned—and I assume that had you had time to ask your question you would have got around to somehow linking it to the Commonwealth—its involvement with Tasmanian forestry operations is through the regional forest agreements. We have had a five-year review, to which we are about to
give a response. Where possible, if there are issues happening that are in conflict with the Commonwealth’s role in the regional forest agreements, we would certainly pursue those.

Senator BROWN—I ask a supplementary question, Mr President. How will they be pursued, in view of the fact that the Prime Minister signed the regional forest agreement and that, in turn, was contingent on the legal application of the Forest Practices Code? There is now documented evidence that that code has been breached in the application by senior officers in Tasmania and a blind eye turned to those illegalities by no less than the Tasmanian minister for forests and the Deputy Premier, Mr Paul Lennon, and former Attorney-General, Mr Peter Patmore. I ask: does the government think it is a trite matter that the Prime Minister’s signature on that document has been dishonoured by the Tasmanian government? And does the minister not think he himself should take these accusations to the police, if necessary, and set up an independent judicial inquiry to look into these very grave, illegal breaches of the agreement which the Prime Minister signed?

Senator IAN MACDONALD—The Prime Minister signed all of the regional forest agreements. I am disappointed to say that very few of the state governments have honoured the regional forest agreements. Certainly, in Western Australia they have shown a complete disregard for an agreement reached between the Western Australian government and the Commonwealth—similarly in Victoria, I have to say; both Labor governments—but, by and large, the Labor government in Tasmania has abided by the regional forest agreement. Senator Brown asked why we do not report it to the police. I would have thought that the guy with the evidence should report it to the police. Senator Brown asked me how we are going to pursue some of these issues. We will have a look at the allegations and whether they do involve the RFA. If there is something we have to pursue, we will pursue it in accordance with the RFA and the Commonwealth’s obligations thereunder.

Telstra: Staffing

Senator LUNDY (2.34 p.m.)—My question is to Senator Kemp, the Minister representing the Minister for Communications, Information Technology and the Arts. Is the minister aware that Telstra’s latest information technology outsourcing arrangements have caused the loss of 180 information technology jobs offshore? Given that Telstra’s chief information officer has told the Australian Financial Review that there have been communications between Telstra and the government on the plans to send jobs overseas, why has the government, in its capacity as a major shareholder of Telstra, not acted to stop this loss of Australian jobs?

Senator KEMP—I would have thought that you would have listened very carefully to Senator Minchin’s comments and that you would have been aware that Telstra, as a result, I understand, of changes in the law which the Labor Party brought in actually—I may be wrong but my colleague is nodding—has to act in a commercial fashion. I make no judgments on the substance of the question, but to the extent that Telstra has to operate in a commercial way it has to, among other things, ensure that it works in a way which is in the interests of its customers and its shareholders.

In relation to IT, I am aware that in recent times there has been some downturn in employment in the ICT area, but I think that has stabilised recently. The fact of the matter is that this is a government that has created jobs in the Australian community. In some areas jobs are lost and in other areas jobs are gained. I remember during the time of the
Labor government when the unemployment rate was 10 per cent plus—

Senator Brandis—10.6 per cent.

Senator Kemp—My colleague reminds me it was 10.6 per cent—whereas now the unemployment rate in this economy is at a very low level indeed, far lower than it was during the term of the Labor government. So we have a very proud employment record. For the Labor Party to get up here and attack this government on jobs is a little bit rich, if you don’t mind me saying so.

Senator Lundy—Mr President, I ask a supplementary question. I would like the minister to guarantee that Telstra’s data which is stored, managed or processed offshore is subject to Australian laws in relation to both security and privacy.

Senator Kemp—Senator Lundy, you are aware of the requirements on security and privacy. You understand the way the law in this country operates. I am absolutely certain that Telstra would ensure that their security and privacy matters are protected.

Insurance: Medical Indemnity

Senator Scullion (2.38 p.m.)—My question is to the Minister for Revenue and Assistant Treasurer, Senator Coonan. Will the minister inform the Senate what steps the Howard government has taken to encourage the states and territories to expedite reforms to the laws of negligence or tort law? How has this contributed to the ongoing restructuring of the medical indemnity insurance landscape? Is the minister aware of any alternative policy approaches?

Senator Coonan—I thank Senator Scullion for the question. The ongoing restructure of the medical indemnity insurance industry has as its objective the commercial provision of medical indemnity on a sustainable basis. This has seen the transition of previously unregulated medical indemnity organisations into a prudentially regulated network and framework with appropriate reserves and sufficient capital to meet future claims. The ongoing provision of medical indemnity insurance also relies on a fault based system, and the determination of liability is established by the states’ and territories’ laws of negligence. It is clear beyond argument that the current problems with large unfunded claims have been caused by, firstly, an out-of-control fault system run by the states and territories that has seen doctors held liable for every adverse medical outcome and, secondly, the largest medical insurance provider, UMP, failing to make adequate provision for these claims.

I am pleased to inform the Senate that, as a result of the government’s leadership on tort law reform, by convening a series of ministerial meetings and commissioning a principled review of the law of negligence chaired by Justice David Ipp of the New South Wales Supreme Court of Appeal, all states and territories have now substantially adopted the suite of recommendations for reform of negligence that were made in the Ipp report. These reforms include changes to foreseeability, caps and thresholds for general damages, caps and thresholds for gratuitous care, capping of economic loss, introducing statutory discount rates on awards, no prejudgment interest on economic loss, excluding exemplary and aggravated damages and awards and, very importantly, tightening statutes of limitations to reduce the long tail of claims.

Going forward, because of tort law reform coming on-stream, effectively the only element of damages awards that is not subject to capping or limitations is that relating to long-term care costs for the catastrophically injured. What is involved in long-term care costs will obviously vary significantly from case to case. Insurance ministers have commissioned modelling of a long-term care
scheme, which will be available in November. However, large claims are already provided for by the High Cost Claims Scheme, introduced by this government as part of the restructure, whereby the insurer pays half and the government pays half of any claim over $2 million up to the insured limit and insured limits are generally available up to $20 million. The blue sky scheme protects doctors from any personal liability for claims over $20 million.

In addition, all states and territories have now reformed statutes of limitations, as I mentioned, so long-tail claims and exposure to liability for 20 or so years after an incident will be dramatically reduced for incidents occurring after commencement of the legislation in each state. The largest medical indemnity provider, UMP, has been stabilised and recapitalised to provide continuity of cover for affected doctors. Subject to the supervision of the Supreme Court, an application will be made shortly to remove UMP from provisional liquidation.

Whilst the medical work force, affordability issues, the IBNR and the amount of subsidies which fall within the health portfolio are subject to monitoring and review, as they should be, the restructure of the medical indemnity insurance industry has been and will continue to be progressed by this government in consultation with the states and territories. The government is committed to a viable and sustainable medical indemnity system that will strike a fair balance between an affordable system and the proper compensation of those injured through medical negligence.

Roads: Administration

Senator COOK (2.42 p.m.)—My question is to Senator Ian Campbell, Minister for Local Government, Territories and Roads. I ask whether you are aware that the Deputy Prime Minister welcomed your appointment in a media statement but said:

In regard to roads, I will be retaining direct responsibility for Auslink, Roads to Recovery and Blackspots.

Minister, what precisely do you do as minister for roads?

Senator IAN CAMPBELL—I thank Senator Cook for the question. It is very nice not to have to go to my own questions committee to organise dorothy dixers when Cookie and I can work out a little deal between us as Western Australians to get a dorothy dix from the other side. So thank you, Senator Cook. As the cabinet minister, of course Minister Anderson has direct responsibility for Auslink. But he also now has a minister for roads because he respects the fact that having a full-time minister responsible for roads is a very important improvement and shows the government’s commitment to the importance of roads in Australia.

For example, Senator Cook has shown a specific interest in the development of the Peel deviation. For those non-Western Australians who do not know what a Peel deviation is, it is of course a very crucial and potential piece of infrastructure for Western Australia which will help create infrastructure for Western Australians to be able to travel south of Perth. Rather than create massive traffic jams through that burgeoning town of Mandurah, it will in fact create a bypass.

The Commonwealth, because it has been urged regularly by the member for Canning, Mr Don Randall, to build this new road for the people in the southern suburbs, has made it very clear to the state minister for transport, who could never be called the minister for roads—

Opposition senators interjecting—

The PRESIDENT—Order on my left!
Senator IAN CAMPBELL—You could never call Minister MacTiernan the minister for roads. You could never do that. She is the minister for transport. Minister MacTiernan rips money out of roads, ensures that things like the Roe Highway do not get built, ensures that things like the Peel deviation will never get built under a state Labor government and ensures that all of the taxpayers’ money is put into her favourite southern railway project. That is why you could not under a Labor government have a minister for roads and that is why the federal Liberal government has a minister for roads.

Yesterday in question time Senator Cook said that the state Labor government had in fact done all the work required on the Peel deviation. The Minister for Transport and Regional Services, Mr Anderson, has confirmed that we have nothing from the state government in relation to the Peel deviation. We have made repeated requests for full planning details for the Peel deviation. In fact, we have made it clear to them that with the progress of the Auslink program, which Senator Cook referred to in his question, we would welcome a full submission on the Peel deviation to be considered under the Auslink program. In fact, we have heard from Minister MacTiernan and the state Labor government is a submission for funds for—guess what?—her favourite program: the southern railway.

So she wants money for the southern railway and she has cut $200 million out of the state budget for roads—ripped it out of regional and rural areas. While the federal government has put $200 million a year into roads, the state Labor government, Senator Cook’s comrades in Western Australia, are ripping it out. I suggest Senator Cook goes home to Western Australia and suggests to his comrades in the WA Labor Party that they follow the lead of Minister Anderson and Prime Minister Howard and ensure that we actually do have a minister who is interested in roads in Western Australia.

Senator COOK—Mr President, I ask a supplementary question. Given that Mr Anderson has responsibility for Auslink, Roads to Recovery and black spots and, Minister, since you did not spell out, as asked, precisely what you do as minister for roads, would you now tell us exactly what programs you administer in the department?

Senator IAN CAMPBELL—I will be happy to provide Senator Cook with a full list of all of the programs I administer. I would also like to reconfirm that I will be assisting the minister for transport in administering those three particularly important programs—programs that did not exist under a Labor government. The Roads to Recovery program has seen hundreds of millions of dollars go into regional and rural roads. What do the state Labor government do when we give them hundreds of millions of dollars under the Roads to Recovery program? They rip all the money straight back out of it again, cut regional and rural communities, cut road funding and pump it into Alannah’s white elephant.

Veterans: Entitlements

Senator HARRIS (2.48 p.m.)—My question is to Senator Hill, the Minister representing the Minister for Veterans’ Affairs. Minister, despite the Clarke review, TPIs are still losing more than ever. TPIs are still losing in relation to the last CPI increases. The rates for war widows and Centrelink disability pensions went up by 2.66 per cent and those for TPIs only went up 1.3 per cent. When you relate this to $11.73 per fortnight and twice-yearly increments, TPIs are down more than $70 per fortnight over the last five years.

Senator Faulkner—He has run out of time, for God’s sake!
The PRESIDENT—There were quite a few interjections during the asking of the question, Senator.

Senator Faulkner—It is also total gibbledegook.

The PRESIDENT—I cannot direct the senator how he asks his question, but he was interrupted more than once. Can you very briefly come to your question, Senator Harris?

Senator HARRIS—Thank you, Mr President. My question to Senator Hill is that the 1.3 per cent increase to TPIs results in them being $70—

Senator Faulkner—Mr President, on a point of order: are you seriously giving a senator an opportunity to extend the time of his question? I recall yesterday in question time you sat Senator Cook down the second the clock wound down. We are not going to have two rules in this place: one for Labor senators and one for the One Nation senator. You should sit him down when the minute is up.

The PRESIDENT—During the question he was twice rudely interrupted by your side of politics. That is why I gave him extra time.

Senator HILL—Mr President, I understood the question in any event.

Senator Carr—Of course you had it given to you. He writes a note to you—a cosy little note.

Senator HILL—No, he didn’t actually. All he said to me was, ‘I’m going to ask you a question on TPIs.’ That caused a search to be undertaken and, fortunately, we got it right. The question he intended to ask was: why is the government ignoring calls for the pension to be indexed to the CPI? It is a serious question. It was a recommendation by the Clarke review of veterans’ entitlements. As Senator Harris will remember, there were 109 recommendations that came out of that review. The government responded briefly but in substance said it would undertake further consultation with the veteran community before reaching a final position on the package. That process of consultation is still taking place. I, therefore, hope that we will be able to respond to the substance in the reasonably near future.

Senator HARRIS—It is nice to see some humour in the chamber during question time. Mr President, I ask a supplementary question. Senator Hill, in 1941 the TPI rate per week was $8, representing 76.9 per cent of the average weekly earnings. In 2000 it was $328, representing only 43 per cent of the average weekly earnings. Will the government commit to raising the TPI back up to approximately 75 per cent of the average weekly earnings?

Senator HILL—The recommendation of the review was that the average general rate component of the pension be benchmarked and indexed to 75 per cent of the male total average weekly earnings and that the payment up to the general rate be indexed to the CPI. That is the recommendation that is being considered by the government in the terms that I mentioned a moment ago. The government will respond to that as soon as possible.

Insurance: Medical Indemnity

Senator CONROY (2.54 p.m.)—My question is addressed to Senator Coonan, the Minister for Revenue and Assistant Treasurer. Can the minister confirm that the Australian Government Actuary provided the government with a report on 30 May this year on UMP’s liabilities, which stated:

Contributions appear likely to be payable for a period of, very roughly, 10 years allowing for some leakage and some inflation.

However this may change as, for example, the impacts of tort reform flow through.
Given the government was told in May that tort law reform may change the IBNR levy, why did you fail to ask the Government Actuary to go back and calculate the consequences to the levy of tort law reform in New South Wales? Can the minister confirm that this report was presented to cabinet?

**Senator COONAN**—We really have to go back and educate Senator Conroy a bit about how this all worked. First of all, the actuary’s report was required as part of the legislation that the Senate passed and that the Labor Party voted for, so I would have thought that they would know the relevance of the actuary’s report to the calculation of the IBNR and which medical indemnity providers should be included in it. That is the purpose of the actuary’s report: to go to the Minister for Health and Ageing so that the health department can then calculate the IBNR, strike the levy and administer it.

So the actuarial reports were provided, seriatim, by UMP, who had the information about their long-tail liabilities. It was provided to the Government Actuary to check. It was presented, as I understand it, to the minister for health. It certainly was not presented to me. The relevance to any ongoing situation with recalculation of the levy was, in fact, announced by me in a press release—in August, I think—where it was said, as clearly as can be, in clear writing, that the levy would be recalculated as tort law reform comes on stream.

The tort law reform that was taken into account in the original calculations was the first tranche of the New South Wales reforms. Obviously, not all tort law reform has uniformly come on stream on the same date. Clearly, the movement from the long tail in claims made will depend on when they are filed. Some of them were filed before tort law reform and some of them will be filed after tort law reform. The reduction of the long-tail liability is balanced by a claim when it finally comes to be paid. The relevance of recalculating the IBNR amount is clearly understood by the government. It was clearly foreshadowed in my press release and it was clearly taken into account, insofar as tort law reform was relevant, in the actuary’s report.

**Senator CONROY**—Mr President, I ask a supplementary question. As the minister has stated in a press release and yesterday in the Senate:

> Obviously … as claims are made and assessed in accordance with the new tort law reforms across the country, the figure will be updated.

The question is: what was there to prevent the government back in May from asking the Government Actuary to work out estimated levy changes that included changed circumstances such as tort law reform? The New South Wales reforms have been there before then—you know that. Why did you not make the call then?

**Senator COONAN**—Senator Conroy, your ignorance about this matter is graphic, because tort law reform has not proceeded uniformly—not even in New South Wales. It has actually been implemented in tranches, and even now there is still some tort law reform to go in some other states. The relevance of tort law reform is clearly contemplated by the government—announced by the government. The levy will be recalculated each year. It will take some time for the tort law reforms to kick in, obviously because there are a lot of claims in the system that have to be paid that also relate to the time of the levy in the tail before the tort law reforms commence. Surely you are not really suggesting that retrospectively we should be impacting on people who have had rights up to a certain date. Is that seriously what Senator Conroy is suggesting? You can be assured that, as the dates become relevant and the
claims match the changes, it will be taken into account. (Time expired)

Trade: Live Animal Exports

Senator BARTLETT (2.58 p.m.)—My question is addressed to the minister representing the Minister for Agriculture, Fisheries and Forestry. It is regarding the live sheep and cattle trade. Does the minister agree with repeated statements by the Prime Minister, Minister Truss and others that the welfare of animals in the sheep and cattle trade is of the highest priority? Is the minister aware of the report in the recent Australian Veterinary Association journal that detailed the routine treatment of animals in the live sheep and cattle trade, which included animals being offloaded by people frequently hitting them with metal bars, hammers and sticks armed with nails; transported in open trucks without shelter or bedding; and slaughtered by mechanisms such as cutting the Achilles tendon, breaking knee joints and stabbing out the eyes—all whilst the animals are still conscious? Does this sort of treatment match the government’s idea of adequate animal welfare standards? If not, why does the government allow the trade to continue whilst this level of cruelty is endemic?

Senator IAN MACDONALD—Lest anyone should misunderstand Senator Bartlett’s question, I do not think the incidents he talks about and says have been reported occur in Australia. Senator Bartlett might confirm that, because a disinterested observer might think he was suggesting that that is what happens in Australia. Of course, it is not. In Australia we do very much care for the welfare of animals, and we have good regimes in place. Australians by their very nature are the sort of people who are concerned about the welfare of animals, and that follows through to the government. Senator Bartlett, you asked me whether I agree with the Prime Minister’s comment that the welfare of the animals was very important. Yes, I do agree with that and that certainly is the government’s position.

Many things occur in countries other than Australia that we as Australians would not support, but there is a limit to what Australia can do across a whole range of areas when things that we would not tolerate in Australia occur in other countries. I remind Senator Bartlett that, in the instance of the Cormo Express shipment, these were Australian sheep that were bought by an international businessman. They were then loaded on that businessman’s ship—it is not an Australian ship; it was crewed by others—and delivered to a foreign port. The Australian government do not quite know or understand what happened at the foreign port, and inquiries have not allowed us to understand that any better, but something obviously happened between the importer and people in Saudi Arabia and the sheep were refused.

That would normally be the importer’s commercial risk. Many would say that that is a matter for the businessman, not a matter for the Australian government. But the Australian government, because it is concerned about the sheep, actually took steps to try and address the problem. The diplomatic efforts have been very extensive, and I give credit to all those involved in efforts to find a destination for the sheep. As someone once said, Geoffrey Robertson would not need to make up hypotheticals if he looked at the difficult situation here and at the complexities in every way you turn. I can assure Senator Bartlett that the Australian government is determined to do what it can to look after the welfare and comfort of these animals, and it will continue doing that for as long as it takes.

Senator BARTLETT—Mr President, I ask a supplementary question. I ask the minister: if the government is concerned about
the welfare of the Australian sheep on the *Cormo Express*, as it states it is, why is it not concerned about the welfare of all the other Australian sheep and cattle that are exported from Australia under a trade that is licensed by the Australian government? Is it simply because of the public outrage about the *Cormo Express* and the lack of awareness about the treatment of all the other animals that Australia exports? Is the minister seriously saying that this government has no responsibility for and interest in ensuring the proper treatment of animals that are exported from Australia in an Australian regulated and licensed trade? If the Australian government does have any interest in the treatment of those animals, how can it allow the sort of cruelty that I outlined in my initial question to continue?

**Senator IAN MACDONALD**—Simple commonsense would tell Senator Bartlett that, if there were not Australian animals being exported, other animals from somewhere else in the world would be exported to those destinations. We as an Australian government have, as Senator Bartlett would well know, made attempts to better the procedures at ports of destination. I think Senator Bartlett would be aware of Australian government involvement with Egypt—and I think it is Egypt—in relation to slaughter and ongoing treatment of animals, whether they come from Australia or anywhere else. But there is a limit to what Australia can tell other countries to do with their food chains. I do not think anyone in the Senate would expect that Australia should go around the world telling every other country how to behave. If we attempted to do that, I think the Democrats would probably be the first to create a ruckus about it. We will do what we can do and we will continue to do that. (Time expired)

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

**QUESTIONS WITHOUT NOTICE:**

**TAKE NOTE OF ANSWERS**

**Answers to Questions**

**Senator LUNDY** (Australian Capital Territory) (3.05 p.m.)—I move:

That the Senate take note of the answers given by the Minister for Family and Community Services (Senator Patterson) and the Minister for the Arts and Sport (Senator Kemp) to questions without notice asked by senators today relating to Centrelink and Telstra’s outsourcing of information technology.

I would like to open my comments today by reflecting on some of Senator Patterson’s responses to questions asked of her today, particularly to Senator Webber’s question. Her defence for not answering the question effectively was that it was out of context. What we are about to see here is a decline in the Family and Community Services portfolio comparative to the one Labor observed in the Health and Ageing portfolio under her watch. It is worth reflecting for a few moments on some of the disturbing trends that emerged in the health portfolio while it was under her watch. One that has really stuck out in my mind is the decline in the number of people—which can be seen by looking at some of the statistics—who actually attended a GP last year. My colleague in the other place Julia Gillard placed on record that three million fewer people presumably needed to see a doctor last year. Labor contends that a reasonable proportion of those people surely did not go to the doctor because they could not afford to. Labor has documented very effectively how health costs have risen and how basic health services have become unaffordable for Australians.

It is scary to think what havoc could be wreaked upon the Family and Community Services portfolio. If what we have seen today and earlier this week are any indication then it is not looking good for Centrelink or
for the Department of Family and Community Services in terms of what they are going to be able to do for the people in this country who are most in need. What those people need is a compassionate minister who understands their problems and does not take the coalition’s harsh and unjust approach to enforcing the unreasonable repayment of debt that has clearly accrued through no fault of the people who have incurred it. It has accrued through mismanagement of the portfolio and the programs within it.

I would now like to comment on Senator Kemp’s answer to my question about Telstra’s offshore IT outsourcing. I know many senators are aware that I have taken a particular interest in IT outsourcing. Telstra’s involvement in this issue has quite a fascinating history and, as I have a few minutes, I would just like to run through it. Back in 1996-97, Telstra, as part of the IBM GSA consortium, managed to secure—a contract without a competitive process—a contract with the Department of Finance and Administration. At that time, IBM GSA were one of the largest companies touting for work under the government’s IT outsourcing program, which it is rumoured they had a very big hand in designing for the coalition government.

It is ironic that in response to criticisms at the time about the lack of Australian involvement in the IT outsourcing program, which strongly favoured large multinational companies with the business model to respond to what the coalition was putting out to tender, it was actually Telstra who formed another consortium, which was 51 per cent controlled by Telstra, with the same partners as IBM GSA—IBM and Lend Lease—but of a different proportion. Telstra were able to assist the government directly by forming a new company called Advantra to tender on government work. They managed to land a $90 million contract for the group 5 agencies which, incidentally, include the Department of Communications, Information Technology and the Arts, the ACCC and the Department of the Prime Minister and Cabinet. They secured $90 million worth of work and gave the coalition government a way out when it came to claiming that one of the contracts had gone to a company that was majority Australian owned. It did. It went to Advantra, which was Telstra.

Further down the track, IBM GSA—still with Telstra’s 30 per cent shareholding—secured the health contract, which was worth an enormous amount of money: some $350 million. Since then the wheels have fallen off these partnerships: Advantra has now become Telstra Enterprise Services, and both Lend Lease and IBM have pulled out. Telstra Enterprise Services still provide the services for DCITA, the ACCC and the Department of the Prime Minister and Cabinet, but they are fully owned and run by Telstra—they are an in-house outfit.

The supplementary part of my question to the minister today related to security and privacy of data held by Telstra—an important issue. Do the changes mean that customer information is held offshore and not covered by the privacy and security laws in the jurisdiction of our country of Australia? That also begs the question whether the data held by Telstra Enterprise Services—now a subsidiary fully owned and fully controlled by Telstra—is also held offshore and not protected by the privacy and the security laws of the Australian jurisdiction. The minister does need to come back to the Senate and answer these questions properly. (Time expired)

Senator EGGLESTON (Western Australia) (3.10 p.m.)—Senator Lundy is off on a bit of a frolic, attacking the government over things on which the government has a very strong record—namely, our record in bringing in the A Fairer Medicare package and our record in seeking to outsource government
IT. That was a great success for many reasons—it lowered the cost of IT services to the government and, by outsourcing IT services, we saw a great stimulation of the Australian internal or domestic IT industry.

I was on the Finance and Public Administration References Committee which held an inquiry into the question of the success or otherwise of the government’s outsourcing of its IT program. Senator Lundy was on that committee as well, and it is a funny thing that she seems to recall the evidence that was given in a very different way to the way that I recall it. I recall it as an overall great success story: the government had a hotchpotch of IT which was not appropriate to various departments, it was outsourced to various contractors in groups, and the end result was a great reduction in costs to the Commonwealth. We ended up stimulating the domestic IT research industry, both strengthening the industry and increasing employment in the Australian IT industry. We were also able to gain a better understanding of the specific IT requirements of various departments of the Australian Public Service.

In some cases, the conclusion was that it was better, and that it was in the public interest, for IT to remain in-house in various departments. In most cases, however, it was seen to be preferable to outsource it. This was a great initiative of former minister for finance Mr Fahey. I must say the IT outsourcing initiative has been one of the great success stories of the Howard government. So I do not really understand what it is that Senator Lundy is criticising. She is perhaps criticising the success—perhaps she is being a bit envious—of the initiative and the flexibility which the Howard government showed in undertaking the outsourcing of IT.

The other point that Senator Lundy raised was what she called the ‘decline’ in general terms of the health services during the watch of the former minister, Senator Patterson. That is utter nonsense. During the term of Senator Patterson, the government introduced the A Fairer Medicare package, which provided an extra $917 million to strengthen Australia’s universal health system. The fact of the matter is that that package was designed to preserve bulk-billing, in particular for people who are health care card holders, of which some seven million people in the Australian community are.

There were incentives provided to bulk-bill concession card holders, ranging from around $3,500 per annum for GPs in urban and outer metropolitan areas to some $22,050 for GPs in remote and rural areas so GPs would get a higher rebate for bulk-billing people on health care cards and, thus, be more likely to continue bulk-billing them. That was a very good initiative of the Howard government to preserve bulk-billing for the most needy people in our community. The doctors, of course, retain the right to determine their own billing practices, as they do now, but the A Fairer Medicare program will certainly mean that the people most in need in our community will be able to be bulk-billed. That is a very important achievement.

The other thing to say about our package is that the real universality of Medicare relates to the fact that hospital treatment is freely available to all Australians, regardless of their income level. That is what the universality of Medicare is really about and it is a great service that Australia has. The ALP may like to criticise the Australian health system, but in fact we have one of the most magnificent and effective health systems in the world—the envy of many countries. (Time expired).

Senator FORSHAW (New South Wales) (3.15 p.m.)—I might start where Senator Eggleston just left off. For at least 20 years
under Medicare Australia has had one of the greatest health systems in the world. It is recognised universally as the best health system. Unfortunately, under this government its quality and access is declining due to the mismanagement of this government. It is also due to the fact that this government really does not like Medicare—it never has—and it is doing nothing about restoring Medicare to its pre-eminent position as the best health system in the world. I find it fascinating that in his remarks Senator Eggleston outlined to the Senate the details of the government’s so-called ‘Fairer Medicare package’. The previous Minister for Health and Ageing, Senator Patterson, said herself that she did not really understand this package; she said it was like ‘living in la-la land’. Those were her words when she was talking about her own package. She also said it had a ‘snowflake’s chance in hell’ of getting through the Senate. That is another quote from Senator Patterson. She also actually said, as the minister for health, charged with promoting this package, that it was not really the package she would have liked to have put forward.

Those are the facts of the matter. Senator Eggleston knows he has just given us an explanation of a package that has now been disowned by the government itself. The Prime Minister has given the job to Tony Abbott to try to fix this. Whether or not the Minister for Health and Ageing can fix it is a tall order. I doubt that he can fix the crisis in health care in this country. The minister is already talking about adding another $500 million to the health care package in order to try to convince the Democrats to put it through the Senate. When the states were asking the Commonwealth for an extra $1.5 billion for the public hospital system, this government said ‘No, there’s no more money.’ Now this government is saying it has suddenly found another $500 million to prop up its A Fairer Medicare package. This government has just announced that it has a $7½ billion surplus, so there is plenty of money washing around—plenty of money taken out of taxpayers’ pockets that should be put back into fixing Medicare.

Let us get back to Senator Patterson, the demoted former Minister for Health and Ageing. Senator Patterson succeeded the previous former minister for health, Dr Wooldridge. We all remember Dr Wooldridge. He presided over the decline in Medicare bulk-billing, the crisis in medical indemnity insurance and the fact that private health insurance premiums continued to skyrocket despite the 30 per cent subsidy. Minister Wooldridge presided over a system where relations with the states deteriorated to a level where the reform agenda in health ceased to operate. Minister Wooldridge, we all know, was a failure. Eventually, he decided to leave government and leave the parliament at the last election, making sure of course that he could fix up a job for himself as a consultant for the health industry before he left.

The Prime Minister appointed Senator Patterson to take over. Things did not get any better; they actually got worse. Bulk-billing has continued to decline even further, there is a huge crisis in medical indemnity insurance in the health industry at the moment and thousands of specialists around the country are going on strike, withdrawing their services from public hospitals. And this government does nothing. Senator Patterson presided over this crisis, along with Senator Coonan. Check the record. What did some members of the profession say about Senator Patterson? They said things like, ‘She was the worst health minister ever’, that she ‘lacks clout with her cabinet colleagues’, that she was absolutely ‘pathetic’ and that she was ‘embarrassing’. She was even described as ‘Monty Pythonish’. These were comments
made by health professionals. They did a survey of the pharmaceutical, consumer and medical groups, which gave her a score of between one and five out of 10 for her performance.

Senator Kemp—Mr Deputy President, I rise on a point of order. Senator Forshaw may be leaving the Senate in view of his poor performance in the preselections for the New South Wales Labor Party, but he is making a very silly speech at present. I think some people would find it quite offensive. Senator Patterson is a very much respected member of this Senate and this government, and to have to put up with this childish abuse from Senator Forshaw is quite disgraceful. Could you kindly rule that his comments are out of order.

The DEPUTY PRESIDENT—Senator Kemp, there is no point of order and you know it.

Senator FORSHAW—Senator Kemp knows it; that is why he has the job he does at the moment.

The DEPUTY PRESIDENT—Senator Forshaw, address your comments to the matter before the Senate.

Senator FORSHAW—These were comments made by professionals in the health industry about the former minister. She has now been dumped from the portfolio and has been given control of Family and Community Services. It was in recognition by the Prime Minister that she presided over a huge crisis in health—(Time expired).

Senator WEBBER (Western Australia) (3.21 p.m.)—I also rise to take note of answers given by Senator Patterson. In doing so, I would like to focus on the debacle that her health policies inflicted on my home state of Western Australia. Since this government has been in office, and particularly in her time as health minister, the proportion of bulk-billing general practitioner services in WA has decreased from 79.8 per cent in 1996-97 to 66.1 per cent in 2002-03. That is a massive decline. What is the major contributor to a decline in bulk-billing? It is the lack of access to GP services—the lack of access to doctors.

In Western Australia the shortages of GPs are most severe in the outer Perth metropolitan areas, such as Ellenbrook—and I will come back to the case of Ellenbrook shortly—Clarkson, Merriwa, Mindarie, Quinns Rocks and Butler, as well as some of the rural and remote areas. But some of our newest suburbs are missing out because Senator Patterson, when she was the Minister for Health and Ageing, refused to provide adequate incentives for doctors to practise in those communities.

Many of our rural and regional communities also do not have access to private GPs, with people instead being forced to rely on public hospitals—which is something else the minister neglected to adequately resource. In the Kimberley and Pilbara regions—regions that will be familiar to Senator Cook—there were fewer than 10 private GPs for a population of over 80,000 people. This government’s lack of policy response to the provision of GP services—and, particularly, the former minister’s lack of policy response to the provision of GP services—in rural and remote areas forces 80,000 people in the Kimberley and Pilbara regions to rely on state provided public hospitals to access their medical care.

Another great thing due to Senator Patterson’s complete mismanagement of the health system is the lack of funding in the current health care agreement. Due to her cutting funding that was alluded to by Senator Forshaw earlier, more than 25,000 Western Australians could now miss out on public health treatment, thanks to the federal government’s funding arrangements that Senator Patterson
introduced. For Western Australia the new funding arrangements mean that there will be at least $80 million less spent in our public hospital system over the next four financial years, thanks to Senator Patterson. As I say, that can translate to more than 25,000 patients not getting the treatment that they need and deserve.

But let us focus on the minister’s package that will supposedly get GPs to service outer metropolitan, rural and remote areas. Let us have a look at some of the comments from the Perth and Hills Division of General Practice. The division has advertised widely to get a GP to practise in the suburb of Ellenbrook. Ellenbrook, according to the Australian Bureau of Statistics March report, has the fastest growing population in Australia. From 1996 to 2001, it has grown by 847 per cent. There are now approximately 5,500 young families living in the area of Ellenbrook. They do not have one GP to service them. They are all forced to travel widely or to rely on the Swan District Hospital.

The Perth and Hills Division of General Practice have had a look at the package that was proposed by Senator Patterson. They have advised that it will have absolutely no impact on the provision of GPs in that area and that there is no incentive for a GP to actually move out to Ellenbrook to practise. They say there is far too much red tape in the entire package and that it is hard to find out which GPs will be eligible for assistance under her package and which ones will not. The package does not make a distinction for a medium-size community like that—the community is too large to set up a sole practice, yet it is not large enough to attract anyone from the corporate medical sector—and, therefore, the package is completely irrelevant to its needs.

The other thing the former Minister for Health and Ageing was famous for is this. Remember the dramatic demise in bulk-billing and the heated disagreement because she was starving our public hospital systems of adequate resources? What was the minister’s response to that? Remember when she decided to change the language? *(Time expired)*

*Question agreed to.*

ADDRESS BY THE PRESIDENT OF THE PEOPLE’S REPUBLIC OF CHINA

Consideration of House of Representatives Message

Consideration resumed.

**Senator Hill** (South Australia—Leader of the Government in the Senate) *(3.26 p.m.)*—At 12.45 p.m. today, it was ordered that the vote on the amendment moved by Senator Brown relating to the proposed joint meeting of both houses for an address by the President of the People’s Republic of China be deferred to a later hour. I seek leave to have that vote taken immediately.

The **DEPUTY PRESIDENT**—Is leave granted? There being no objection, it is so ordered.

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

The Senate divided. *(3.31 p.m.)*

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

Ayes............ 2
Noes............ 49
Majority........ 47

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

NOES
Allison, L.F. Barnett, G.
Bartlett, A.J.J. Boswell, R.L.D.
Brandis, G.H. Buckland, G.
Campbell, G. Carr, K.J.
Chapman, H.G.P. Cherry, J.C.
Question negatived.

Original question agreed to.

Senator Brown—Please record the opposition of the Greens to that motion.

The DEPUTY PRESIDENT—I will record the opposition of the Greens to that motion.

Senator HARRADINE (Tasmania) (3.35 p.m.)—I spoke strongly against that proposal to allow the non-elected dictator to speak in the chamber—

The DEPUTY PRESIDENT—And you would like your vote recorded?

Senator HARRADINE—I normally do not ask that. I suppose people can take note of what I have done, but may I have my vote recorded in opposition?

The DEPUTY PRESIDENT—Senator Harradine, you will have your vote recorded.

Senator HARRADINE—Thank you.

BUSINESS

Rearrangement

Senator HILL (South Australia—Minister for Defence) (3.36 p.m.)—by leave—I move:

That consideration of general business, other than consideration of orders of the day relating to government documents, not be proceeded with today.

Question agreed to.

INDONESIA: TERRORIST ATTACKS

Senator HILL (South Australia—Minister for Defence) (3.37 p.m.)—by leave—I move:

That the Senate—

(1) Marks the first anniversary of the Bali tragedy by honouring those who lost their lives or were injured in the horrific terrorist attacks of 12 October 2002.

(2) Offers its continuing support and compassion to all those who have been hurt by this terrible event, especially the bereaved and the injured.

(3) Sends its heartfelt sympathy to the people and Government of Indonesia and the other nations whose citizens were killed or injured in the attacks.

(4) Conveys its deep appreciation to those who volunteered to assist in the terrible aftermath of the attacks.

(5) Expresses its gratitude to the Indonesian Government and authorities for their cooperation and support in bringing those who perpetrated this horrendous crime to justice.

(6) Reiterates its condemnation of those who employ terror and indiscriminate violence against innocent people.

(7) Reaffirms Australia’s commitment to continue the fight against terrorism in our region and in the rest of the world.

Today we remember the tragic events that took place in Bali almost a year ago. This horrific act of terrorism, which claimed 202
lives, including 88 Australians, remains etched in the consciousness of all Australians. Coming little more than 12 months after the terrorist attacks in the United States, the Bali bombing confronted us with the brutal realisation that our region is not immune to the senseless and arbitrary acts of terrorism.

This was a moment of human tragedy—202 lives lost, many others left seriously injured and families and friends devastated by the loss of their loved ones. One year on, we pause to remember the innocent lives that were lost and to renew our support to families and loved ones left behind. We stand united as a nation in our admiration for those injured in the blast, who continue to inspire us with their courage and determination. But what was one of the darkest moments in our nation’s history has also proven to be a moment that defined the true character of our people. Despite our great sorrow, it is impossible to look back on the events of 12 October last year without being filled with great pride at the way all Australians united to respond to this tragedy. We recall stories of injured Australians selflessly offering assistance at the site of the blast both to friends and to strangers in greater need, stories of Australians who had suffered horrific injuries giving priority to others to receive medical assistance and stories of Australians in the vicinity of the blast rushing to assist in any way they could. These are stories of great inspiration. They embody what we believe is the true Australian spirit.

Our nation was quick to respond to this tragedy. As Minister for Defence, I am particularly proud of the efforts of the men and women of the Australian Defence Force. Through Operation Bali Assist, the ADF brought immediate medical assistance to those injured in the blast. This support continued around the clock in the days that followed. As we have come to expect from the ADF, this difficult task was performed with both great professionalism and compassion.

We should also acknowledge the efforts of countless medical staff here in Australia who swung into action at hospitals around the nation to offer medical care, particularly in the area of burns treatment. State governments and public servants at both state and federal level also worked tirelessly to ensure that our nation could support those affected by this attack.

My colleague Senator Ellison earlier today highlighted the efforts of the Australian Federal Police in assisting the effort to bring the perpetrators of this attack to justice. Cooperation with Indonesia in the investigation was exceptionally good. We should remember that Indonesia suffered greatly from this attack. Together with Indonesia and others, we have made enormous efforts to prevent further attacks. Regrettably there have been subsequent attacks, and there may still be more. We must continue the struggle against terrorism until we are ultimately and absolutely successful.

Memorial services to be held in Bali on Sunday and in Canberra next week will enable victims’ families and the survivors to come together in a dignified tribute to those whose lives have been lost. They will also provide our nation with an opportunity to remember the victims and to reinforce our support for the survivors, the families and loved ones affected by this tragedy. It will also be an opportunity to reflect on the strength and character of the Australian people displayed in the response to the attack, to show our continued support for those whose lives have been changed by this tragedy and to show our determination that acts of terrorism will not cower our nation. I commend the motion.

Senator FAULKNER (New South Wales) —Leader of the Opposition in the Sen-
ate) (3.43 p.m.)—On behalf of the opposition, I support this motion to observe the anniversary of the Bali tragedy on 12 October 2002, and I associate the opposition with it. It has been nearly 12 months since those bombs in Bali killed 202 people and injured hundreds more. Eighty-eight of those killed were Australians, as were more than 100 of the injured. There has been a great deal of debate about what effect the brutal murder of those 88 Australians has had and will have on our nation and our national character. While that debate is important, even necessary, this afternoon I want to speak about the effect of the Bali tragedy on those most immediately touched by the unspeakable horror of that night.

Sunday will see the first anniversary of the bombing. For those of us who were not there, who did not lose friends or family on 12 October last year, Sunday will be a day to pause and honour lives lost or inconceivably changed. Sunday will be a day to remember that those who died were not symbols but people—many of them young, all of them murdered because they had simply and ordinarily gone out to enjoy themselves in a holiday nightclub. They did not go to Kuta Beach to become part of our national mythology; they went for a good time. First and foremost, we must remember them and mourn them as individuals.

Sunday will also be a day to remember that for the injured, for the bereaved, for those who heroically turned to help the survivors and the families of the dead in the aftermath of the bombing—for them, grief and loss and the memory of the horror are not reserved for memorial services and anniversaries. In the past 12 months the spotlight of our national grief has turned many of these people into emblems of Australian strength and courage. On Sunday we must remember that they are also members of our community who have endured what we cannot even imagine. They have needed, and still need, our support. On behalf of the opposition, I pledge that they will receive that support. On behalf of the opposition, I offer the deepest sympathy to them for all they have endured and our admiration for the courage and grace so many have shown in the face of such devastation.

On Sunday we will also remember the tremendous efforts by the Australian Defence Force and the Australian Federal Police. We will remember the largest civilian airlift in Australian history that evacuated the injured. We will remember the work of consular officials in Indonesia, the work of doctors and nurses in hospitals all round Australia and the work of countless others right across the Public Service in the face of an unprecedented emergency. Their dedication and their professionalism were superb. We will remember the hundreds of men and women, Balinese locals and tourists from around the world, whose first reaction was to go straight to the bomb site because there were people there who needed help. These volunteers carried the injured to safety. They gave what help they could at overstretched hospitals and medical centres, and they went to the morgue to help identify the dead. Their generosity and humanity were extraordinary. But there are some who will always be silent heroes, for security reasons. They are the intelligence officers and Australian Federal Police officers who tracked down the killers and brought them to justice so swiftly. They are also the ones busying themselves with that most crucial task of making sure that an outrage and atrocity like this can never happen again.

As we approach this first anniversary, we remember that it is an anniversary of tragedy but also one of heroism. Acts meant to inspire fear invoked courage. Murders intended to provoke hatred produced fellowship. We thank all those from Australia, In-
donesia and around the world who responded with such bravery and compassion to the tragedy in Bali. Their actions gave us faith in the enduring strength of common human decency at a time when that faith was sorely tested. While we remember this on Sunday and draw from it what comfort we can, we must remember that for the victims, the survivors and their families no comfort is sufficient to the enormity of their tragedy.

On behalf of the opposition, I extend our profound sympathy and condolences to all those whose lives were forever changed on 12 October 2002 in Bali.

Senator BOSWELL (Queensland—Leader of the National Party of Australia in the Senate) (3.50 p.m.)—I too would like to associate my colleagues in the National Party with the motion that was moved by the Leader of the Government in the Senate, noting the tragedy that occurred on 12 October 2002 when 88 Australians lost their lives in Bali and many more were wounded and burnt and showed extreme courage in their convalescence, in their hurt and during the transport back to Australia. Two hundred and two people died in the event in the Sari Club and Paddy’s Bar in a senseless, needless act, and we in Australia ask the reason why. It is so foreign to us that people would take this sort of action in the name of religion. It is very hard to understand. It is the biggest peacetime loss in the history of Australia. We can only say that Australian heroism came through as people tried to pull their comrades out of the fires and carry them out wounded, at great risk to themselves. People went to the morgue to identify their friends and their relatives. That must have been one of the hardest things to do. The victims themselves became helpers as they helped people who were more seriously hurt than themselves.

We are left with this tragedy beyond all tragedies in Australian peacetime history.
were still in the process of being flown back to Australia. A year later, we now know a lot more.

We watched the extraordinary cooperation between Australian and Indonesian governments and, indeed, security and other forces in the aftermath of that bombing. We have witnessed the arrests, the trials and the convictions of a number of those responsible for the attacks. Now we are beginning to piece together some of the bits of information that point to the growing risk posed by Jemaah Islamiah and the potential for them to attack soft targets. We now have a Senate inquiry looking into the intelligence that was available to government in the lead-up to those bombings.

While our shock and our confusion in relation to this tragedy may have subsided, our deep sense of loss has not. I imagine for many of those who were directly affected by the attacks it is difficult to believe that a year has passed since their lives were suddenly interrupted by such brutality. I know that they continue to feel acutely the impact in their everyday lives. I think we know that, because we have heard these stories from people: they have talked about their daily struggles.

In the year that has passed since the Bali attacks, I and I am sure many others in this place, have had the honour, the privilege, to meet with people who have been affected. I have been deeply touched by their courage, their humanity and their determination to honour the memory of those who have been lost. I have met with those injured in the bombings. Their bravery and their determination to live life to the full has inspired me and no doubt others. Indeed, we were all inspired by Jason McCartney’s run onto the footy field to play that last game for the Kangaroos. I think we are all in awe of Jason. I am proud to call him and Nerissa friends. But, of course, there are many other stories, apart from some of those so-called high-profile ones.

I have seen this courage in many of those whose lives have been changed as a result of Bali. Today gives us, the Senate, an opportunity to acknowledge their ongoing struggles and their enormous bravery. I think of those in particular who told their stories to the Senate inquiry in Adelaide a few weeks ago. Samantha Woodgate—who, together with her sister Leanne, suffered horrific burns—told the inquiry:

Our whole lives have turned around. We still have sleepless nights, nightmares and all that sort of stuff. We do not know when it is going to end, do we?

Julian Burton, a member of the Sturt footy club—for those in South Australia, they were the premiers who had just gone off to celebrate in Bali—suffered third degree burns to 21 per cent of his body. He told the inquiry that he and his team mates ‘still battle with mental and emotional problems every day’.

Brian Deegan, who lost his son Joshua—another member of the Sturt team—said:

I have lost my son, and I do not sleep. I do not like watching my children play sport any more. I am exhausted.

Today, we stand with these people and sincerely assure them of our ongoing support. We stand here and we join with them in honouring the memory of those that were lost—the many young lives that were lost, the dreams that were cut short, and those who were not so young in body but still young at heart, like Bob Marshall. His son David told the inquiry that Bob:

... might have been 68 years of age, but he was about 20 years of age at heart ... I am really asking you to think from your heart on this. Do not only think about the young kids that died, the young kids that were injured and the young kids that have been traumatised—these kids are probably never going to be able to father or
mother a child and they will never be able to give their parents a grandchild—but also think of my father, who has five grandchildren. He will never see his grandkids grow up. I want you to think about this from the heart. This is a huge issue, and we do not want this ever to happen again ...

As the representatives, as we are here today, of these extraordinary people, our enduring responsibility is to do everything in our power to prevent anything like this from occurring again. Indeed, it is our responsibility to ensure that they are assisted in any way that we can during their period of trauma or rehabilitation et cetera. Many of us met with Jason McCartney when he came to Parliament House. When he did and was honoured by the Prime Minister and the Leader of the Opposition, he implored us not to play politics in relation to the Bali tragedy—and he is right.

The Senate inquiry represents the determination of all of us to ensure that governments and indeed the parliament take appropriate measures to protect Australians from acts of terrorism. It is not politics; it is responsible leadership. The bottom line for all of us is that it is about listening to those we represent. The overwhelming message that has come out of the inquiry and the evidence, particularly from victims, is that they do not want this to happen again. Samantha Woodgate said that changes need to be made so that, ‘No-one else has to live through what we and other families have had to live through.’ Her sister, Leanne, said, ‘We have gone through so much and I would not want anyone to go through that.’ On behalf of his family, David Marshall said the same thing. What the Marshall family wants to come out of this is that, ‘No-one should have to be put through what our family has been put through.’ The victims of the Bali tragedy think this is important and we agree with them. I imagine that it would have been very difficult for some of them to appear before that inquiry and to be questioned about such a traumatic event in their lives. But they came forward for the sake of others and we all thank them and appreciate them doing that.

The evidence shows that there is a risk of further attacks in our region. I speak on behalf of the Australian Democrats and others when I say that we are committed to making decisions that will help prevent such an attack. Indeed, terrorism affects all of us and it has indeed affected many Australians. We remember today those victims who perished in Bali, the survivors, their families and others. We also remember other Australians in particular who have been affected by terrorism. I did not have the opportunity in this place on September 11 this year to remember my friend Andrew Knox, but I do so now. He was one of the victims on September 11. It just goes to show that we are not removed from the impact of terrorism no matter who we are or where we live.

In closing, my thoughts will be with all those affected by this tragedy as we remember the horrific events of 12 October 2002 and as we, and many others, participate in the many memorial services that will be held not only in Bali but around the world and throughout Australia. I will be joining with my fellow South Australians to remember those who lost their lives. We will have a memorial service in Adelaide on Sunday. I will join my colleagues in this place at the memorial service to be held next Thursday. It is important for us to come together and remember the immense loss that our nation suffered a year ago. We must all work together to help prevent another tragedy like this occurring in the future.

Senator CROSSIN (Northern Territory) (4.02 p.m.)—As people have reminded this chamber, this Sunday marks the first anniversary of the Bali tragedy. It is very appro-
appropriate that this chamber supports the motion that is before it—that is, that we offer our continuing support and compassion to those who have been hurt, we send our heartfelt sympathy to the people of Indonesia and the government of Indonesia, and we remember and thank those people who volunteered to assist during that time. We also note the work that has been done by the Indonesian government and our own authorities in bringing to justice those people who undertook this crime. More importantly, we all stand here reaffirming our commitment to ensure that the fight against terrorism continues not only in this country but also as we stand side by side with other nations of the world.

The events of September 11 and certainly 12 October last year brought home to Australians that even though we are an island and a continent in the Southern Hemisphere we cannot and will not be left alone when it comes to the impact of terrorism. We were made to realise that whatever happens in this world we are not protected or shielded from it. We are also impacted by it and it was an impact that left a trail of destruction, grief and horrific memories for those who were involved in that bombing. Most of us can never fully understand the pain that some of those families and people have gone through, emotionally and physically. Those people who have over the last 12 months told their stories and relived their memories, as horrific as they were, have shown us just how brave they are. We know now that 88 Australians were killed and 114 other nationals died. There were many others injured. Those who were affected will live the rest of their lives with those memories. We know that this is something that they will never, ever forget. The best we can do is stand with them, support them, try to ease their pain and assist them in overcoming whatever memories, whatever after-effects, whatever grief they still carry in their hearts. I personally want to give my support, concern and empathy to those who have been touched by this event around this country.

These terrorist acts—three terrorist bombings—meant that there were large numbers of critically injured Australians in a country where the provision of medical services is so very different from our own. It provided an unprecedented challenge to the people in this country and in the immediate vicinity of Bali. This tragedy required a response that had not previously been known or conducted by this country. In particular, the injuries that were involved were burns. They required prompt resuscitation and expert surgical management. It was recognised that the best response for these victims was to bring them to Australia as safely and as quickly as possible and then to specialist burns units around the country.

It was on that morning that the Chief Minister in the Northern Territory, Clare Martin, had enough faith in the people of Darwin to offer Darwin as the gateway for these people affected by this tragedy. In the speech I gave at about this time last year in the Bali aftermath I paid tribute to the people of Darwin who had rallied so quickly to the cause of assisting those people who had been affected. Darwin became the first and immediate link to assist those who were injured. We played a pivotal role in providing assistance and in caring for and saving many lives. People treated in Darwin came from the United Kingdom, Germany, Canada, Sweden, South Africa and New Zealand. We know now that over 60 people were airlifted to Darwin in the immediate 24 hours following the terrorist attacks.

This country and the people affected in those attacks will be forever indebted for the support given in Darwin. The people at the Royal Darwin Hospital, the private hospital, St John Ambulance, the police, the fire bri-
gade, the Red Cross, our fantastic Defence Force in the Top End, emergency services and a whole host of community based organisations put their own needs and wants well behind them in those 24 hours and the weeks that followed and did whatever they could around the clock to assist. I particularly want to pay a special tribute not only to the 1,250 hospital staff but also to the other people who were there 24 hours a day: the people working in the pharmacy, the radiographers, the people in the sterilising unit and in the laundry, the cooks and the cleaners. We sometimes forget about the people who are actually the engine room of the operations in a hospital and who back up and support the clinical and nursing staff, 24 hours a day. The support, kindness and goodwill from everyone in Darwin who was involved has certainly been recognised nationally.

The response was well coordinated, it was professional and it was certainly one to be very proud of. I know, for example, that Concord Repatriation General Hospital has written to the Northern Territory to say that they were impressed with the comprehensive disaster plan and, in fact, to specify that it set a benchmark against which their own disaster plan could be measured. We know that when Senator Kay Patterson went to Darwin hospital she passed on admiration from the senior clinical staff at Melbourne’s Alfred Hospital. From 1 a.m. to 11:30 a.m., a period of a little over 10 hours, over 60 patients were actually airlifted to Darwin, transported to the Royal Darwin Hospital by the Australian Air Force’s Hercules and cared for by people in Darwin. It was a massive, intensive effort in only a short period.

In the days and months following that effort, we have had comments from Associate Professor Danne in Sydney and the director of emergency medicine at the hospital who said that the Royal Darwin Hospital coped well with the 61 critically injured patients admitted from Bali. There was an acceptance that Darwin was the front door to Australia at this time and that there was a need for improved planning for chemical, nuclear and biological attacks should they occur. It was necessary, of course, to support further infrastructure and to bolster funding to ensure that people in Darwin were ready and able to respond if this effort was ever needed again. Of course, we have to make sure that this will never be needed again and that we continue a diligent fight in the war against terrorism.

In the weeks following this tragedy, I met nearly 700 people at a barbecue sponsored at the Royal Darwin Hospital for all the many groups and organisations I have named that were involved. They were humble about what they had done. It was almost as if they were saying, ‘That’s the least I could have done. The fact that I had no sleep for 36 hours didn’t matter; when I saw so many people who were in pain and people who were dying, working flat-out was the least I could do.’ In meeting and thanking as many people as I possibly could, there were a few who said, ‘What I’d really like is to meet these people. In a couple of months time, I’d really like to know what happens to these people and how they end up.’ Thankfully, a number are actually returning to Darwin, so some of the people who assisted have had their requests come true.

A survivor of the Bali bombing returned to Royal Darwin Hospital in July this year. Dale Aitken, a 27-year-old Melbourne man, arrived in Darwin from Bali with extensive burns to his arms, back and legs and spent many days in Royal Darwin Hospital where he received life-saving emergency treatment. He returned to Royal Darwin Hospital to personally thank the people who had assisted him: Dr Dan Draper, Dr Marcus Ilton, physiotherapist Margaret Matthews and nursing staff. He spent six weeks in hospital and
received rehabilitation and outpatient treatment for his injuries. So there are some people who have been affected by this tragedy who have returned to Darwin to say thanks. But it is not needed; the people in Darwin appreciate and know that there is heartfelt thanks for what they have done.

Someone suggested that perhaps on a day like this we all needed to wear some sort of a badge that symbolised the wattle. It was pointed out to me that there were lots of people working in the hospital who would have loved to have worn something but, of course, wattle was not appropriate on their lapels, so some sort of symbolic brooch would have assisted them by being able wear that for the coming months. People in rural and remote communities in the Territory have signalled that it is not always possible to get a sprig of wattle but something symbolic to wear would be appropriate. I am pleased to see that the Australian Federal Police have brought out the Operation Alliance remembrance pin, which signifies a sprig of wattle and combines the weaving of an Indonesian cloth along with the symbol of the Australian Federal Police. So people who raised with me the fact that they wanted some sort of remembrance struck forever and a day have had their wish granted, thanks to the Australian Federal Police.

Bali and Indonesia have a very dear place in our hearts in the Northern Territory. Living in the Top End, we are very conscious of the fact that we are on the doorstep of Asia. We are constantly reminded of how important our relationship is with South-East Asia and, in particular, with Indonesia and Bali. Minister Henderson of the Northern Territory government has travelled to Bali since this tragedy and offered his support and willingness to continue to cooperate with the Indonesian government to provide whatever assistance is needed for regional development and ongoing assistance. Can I say in finishing that we will never forget, nor would we want to ever forget, the impact that 12 October 2002 had on the people of this country, particularly those who have lost loved ones and those who will forever have to bear the memories of that day. I want to particularly pay tribute to the people in Darwin who rallied to the cause, who were there when they were asked and who just showed the good old Aussie spirit when they had to.

Senator PATTERTON (Victoria—Minister for Family and Community Services and Minister Assisting the Prime Minister for the Status of Women (4.15 p.m.)—I just want to make a few comments on this occasion. 12 October 2002 is a date which will be etched in the minds of Australians forever, but no more so than in the hearts and minds of those who lost loved ones or who suffered severe injuries which they will carry for the rest of their lives. As health minister, I was perhaps a little more involved than others in the aftermath of that tragic event and saw first hand the tremendous effort that went into bringing people back from Bali and then treating them. It was amazing to see, within hours of the event, doctors and nurses being flown from South Australia to Darwin and that Darwin hospital had gone into full emergency mode. I was told when I visited Darwin that only weeks before, if not the week before, they had had an exercise to prepare for an emergency. To see the way in which so many departments, both state and federal, came together to respond to a unique situation was indeed gratifying. It was my privilege to actually have the opportunity to travel around to all the hospitals where people who had been evacuated from Bali were being treated.

The first hospital that I went to was the Alfred Hospital where Jason McCartney was being treated. Beside Jason was a young man called Rick Gleason. Rick was a young Canadian who spoke French, Spanish and Ger-
man and was studying Japanese. He had worked in an accounting firm, Ernst & Young, here in Australia for a short period of time in 1995. He was in the army and navy reserves and, from all accounts, lived life to the full and was a great traveller. I met his mother Audrey and his father Dick who were waiting outside. They had flown from Canada. Unfortunately, Rick succumbed to the terrible injuries that he had received and died a few days after I had been in the hospital. His mother and father were incredibly grateful for what Australia had done for Rick. I wrote to them to say how sorry I was to hear that he had died. I thought that that part of the story had closed for me, but it was not to be, because I met Rick’s brother Jamie at the healing ceremony when I went to Bali. Jamie was proudly wearing a Canadian-Australian badge and he said to me, ‘I’m going to wear this for the rest of my life, so I can tell people what Australia did for my brother Rick.’ Jamie had also been to Australia before. They were obviously great travellers who loved Australia, and Jamie was incredibly appreciative of what had been done. That was just one example of the number of people that Australia was able to help. I met some young German boys, one of whom had his 21st birthday in a hospital in Perth and whose mother was overwhelmed when I was able to tell her that we were able to treat her son as a Medicare patient and that they would not be receiving a bill. There are some good things that you can do and very small announcements that you can make that can have huge effects on people.

I went from the Alfred Hospital to the Royal Darwin Hospital. Senator Crossin has talked about some of the things that happened there. Those people worked around the clock, as she said, from the catering and cleaning staff to the sterilising staff to the medical staff. Photos of them all working in the emergency department make it look like a war zone. Those people did so well. There were some very unkind comments that were made by the press about why people had been moved from Darwin hospital which were totally uncalled for. I think sometimes it is very easy to make a quick remark that can have very significant effects. It was very important that I was able to take a message, as Senator Crossin said, from the Alfred Hospital to the medical staff in Darwin—nurses, medical scientists and doctors—to say how amazed their peers were about the state in which their patients had arrived. It was a credit to the RAAF and the defence forces and their emergency treatment of those patients and a tremendous credit to the medical staff in Darwin and all the people who were involved that those patients arrived in a much better condition than had ever been anticipated. As I went around to the other hospitals, the same comments were made. I was only sorry that I was not able to get to those hospitals before I went to Darwin so that I could have relayed those messages, but at least I was able to tell them that their peers in the Alfred were singing their praises.

I was able then to go on to Western Australia, where I met with the staff of the hospitals that treated patients there. There were amazing stories of people who had worked in the hospital before who had come back in, showed their ID and said, ‘I worked here a couple of years ago. I’ll just come onto the wards.’ And they did. You saw the whole community pulling together. When you saw Fiona Woods in the burns unit and the amazing miracles that they performed there, it makes you appreciate the skills of our medical profession.

I went on to the hospital at Adelaide where there were similar stories of the sorts of outstanding work that was undertaken by them. I visited the burns units, the ICU units and the emergency departments of all these...
hospitals to thank the staff on behalf of my colleagues and on behalf of the people of Australia, because they pulled their fingers out and just worked so hard. I then went to hospitals in Sydney—to Concord and all the hospitals. I think I did a PB in that week; I did every state and territory in seven or eight days, and a couple of other visits that were not associated with Bali. I then went to the Bali cleansing ceremony and met a large number of the victims and a number of the victims’ relatives. I also met with the AFP people who were working on tracking down the perpetrators of the crime. The absolute determination of those people—many of them young people, many of them the age of people who had been killed and injured in Bali—was absolutely palpable, as was that of the people who worked with them in the basement of the hotel.

One of the more salutary experiences was going into the next room with those people working on victim identification. Again it made me realise that sometimes some comments in the press can be a little hurtful. These people were working round the clock in a curfew situation—some of them had not left the hotel for five weeks or so—identifying the victims according to international protocols, what must have been the most gruesome job. There were young dental mechanics and young forensic people. A lot of them were young, although maybe I am getting old and they all look young. There was a difference between the two rooms. The people involved in the forensic investigation were determined. In the other room they were just as determined, but there was a much more sombre note. We celebrated someone’s birthday, I think, with a cake, and it lifted their spirits a little.

It did come home to me that behind these tragedies, behind the loss of the relatives and behind the injuries of the victims are people who will suffer for a long time, most probably for the rest of their lives, the memories they have of the gruesome task they had to undertake. I want to pay tribute to those people, who can be forgotten in all of this—those young Australians, who were living in what was then considered a possibly dangerous situation, who undertook the two tasks of forensically investigating the perpetrators, with the Indonesian police, and of victim identification. They did it in a way that was responsible. They told me how they felt about the task that they were doing and, when they read that it was not being done fast enough, about how difficult it was for them because they could not actually reply. I think the families grew to understand, as difficult as it was for them, the enormous task that those people were undertaking in victim identification. So a very big thank you to them and, as Senator Ellison said today, to the people who are still there tracking down the perpetrators. We should never forget the people of Bali, either, and the enormous economic and personal impact it has had on the families of people who lived in Bali who were killed.

It reminds us all of how temporary our existence is, how fragile any system is, how much we ought to value our democracy and our freedom. Yet we understand how amazing Australians are—when the chips are down, everybody is in there. I heard a story of two young doctors from Western Australia who happened to be at a conference—a young plastic surgeon in training and his wife who is a fully trained anaesthetist. They just got in there and with very little did a lot. There was a GP from Melbourne. By referring to some you may omit others. There was an enormous number of nurses who came on the scene in Bali and who made the difference. It was a huge effort, from a retired nurse holidaying in Bali, to a cleaner in Darwin, to a leading plastic surgeon in Perth, to a young dental mechanic in the victim
identification group—you could go on and on about the range of people who worked tirelessly to deal with this tragedy.

Our hearts should go out, first and foremost, to the parents, the partners, the brothers, the sisters, the nieces, the nephews, the uncles, the aunts and the extended families of those who were killed, and to those who have been injured. We will never understand what they went through. It is important that we remember them and that we also thank all those people who worked to make it as easy as possible in the most tragic and difficult circumstances.

Senator CONROY (Victoria) (4.27 p.m.)—This Sunday Australians will pause to reflect on the tragic loss of Australian life, on the first anniversary of the bombings at Kuta Beach in Bali. Australians, and in particular the families and friends of those killed and injured, will share this moment of remembrance and reflection with people from around the world whose lives were forever changed by the devastating events of 12 October 2002. Australia, of course, experienced the greatest loss of life. Eighty-eight Australians died that day and more than 100 Australians were injured. However, amongst the 202 lives cut short that day were individuals from 21 countries representing every region in the world—38 Indonesians died that day and 23 Britons lost their lives. This time of remembrance will also be shared with people in Sweden, the United States, Germany, the Netherlands, Denmark, New Zealand and France. Families and friends are also grieving in South Africa, Japan, Korea, Brazil, Singapore, Taiwan, Italy, Portugal, Ecuador, Poland and Canada.

In each of these countries are families and friends who share the same pain experienced by the friends and families of the 88 Australians who died that day. In each of these countries, families and friends will remember, reflect and try to come to terms with the tragic events of 12 October 2002. The first anniversary of such a monumental event is always pivotal for those whose lives it forever changed. Grief is a very personal emotion, and dealing with grief is a very personal experience. Each of those killed was an individual, and that is how we should remember them. Each had families and friends for whom their loss is very personal. We must remember to step back and allow people to heal in their own time and to remember and reflect on these events in their own way.

At the same time, coming together to mark this first anniversary and honour those people who lost their lives is an opportunity for us all to offer family and friends our continued support. It is also an opportunity to offer our support to the more than 100 Australians who were injured that day. Many are still going through the painful process of recovery from the physical and emotional wounds sustained last October.

It is also an opportunity to mark the courage and compassion of many people caught up in the tragedy: people who, though injured themselves, helped others; people who, despite the danger, went to the bombsite and saved lives; the Indonesian doctors and nurses who did their best with limited resources to help the victims; and the Australians who were part of the largest ever peace-time operation to bring the injured home, including defence personnel, doctors, surgeons, nurses and anaesthetists. There were also those who had the immensely difficult job of identifying the victims and delivering them to their families for burial; the staff of Darwin Hospital who treated the survivors when they first arrived back in Australia; and the medical and other professionals in Australia who dedicated themselves to healing the survivors—a task that continues today. There were individual Australians who donated blood in the wake of Bali or who con-
tributed money to the relief effort, and Australian companies that offered financial and other support to the victims and their families.

We should also pay tribute to members of the Australian Federal Police and the Indonesian National Police for their successful prosecution of the perpetrators of the Bali bombing. It is hoped that this will offer some solace to those who lost loved ones. The cooperation between these two police forces during the Bali investigation has developed into an ongoing partnership against terrorism. Such is the relationship that, after the bombing of the Marriott Hotel in Jakarta two months ago, the head of the Indonesian National Police sought the assistance of the Australian Federal Police even though no Australians were seriously injured in the attack.

The expanded role of the Australian Federal Police goes beyond Indonesia. In September the Federal Police Commissioner attended a meeting of police chiefs of the 10-member Association of South East Asian Nations, as an observer. This was the first time an AFP commander has attended such a meeting. The level of cooperation and the sharing of intelligence across South-East Asia offer the best way of seeking to prevent further tragedies like Bali. Further tragedies may have already been averted.

While this first anniversary of the Bali bombings is a time to remember and reflect it is also important to look to the future. In the wake of the Kuta Beach attack Australians must accept that we are vulnerable. However, we must also keep our concerns in perspective. As a recent study, Beyond Bali, notes:

This is a situation we need to take very seriously but we also need to keep it in perspective. The risk to individual Australians remains low.
It goes on to say:

The specific challenge for all Australians is to keep hold of the sense of tolerance and inclusiveness that has been the hallmark of our society. Australians’ sense of inclusiveness was amply demonstrated earlier this year when we contributed resources to build new health facilities in Bali. These new facilities will provide a ‘living memorial’ to those who lost their lives. As the Prime Minister said at the time:

Bali is much loved by many Australians and we are truly grateful for the care and support given by the Balinese community in the horrible aftermath of the attack.

I know it has been noted by others but I was lucky enough to be at a couple of presentations to Jason McCartney, who demonstrated enormous courage in fighting his way back to fitness and showing that the Australian spirit is never beaten and is never down. Jason deserves the support, thanks and congratulations of all of us for that heroic return. Unfortunately, I was not lucky enough to be there for his return but I was able to watch it on television as it was happening. It was a spine-tingling evening and I am sure his courage, and the courage he gave to all the others who are suffering from the after-effects, touched hundreds of thousands of Australians. I am sure that everyone took much joy in seeing his successful return.

In closing, it is hoped that the one-year anniversary of the Bali tragedy and the commemoration of those events will help the survivors to continue to rebuild their lives. It is also hoped that it will help the families and friends of those who did not return to come to terms in some way with their loss. Healing, however, happens in its own time and not according to the calendar. For some, one year will have brought some relief; for others it will not. To those affected by the tragic events in Bali on 12 October 2002, we offer you our deepest sympathy and our continued support.
Senator BROWN (Tasmania) (4.35 p.m.)—I speak on behalf of the Australian Greens in supporting this motion in observance of the terrible tragedy of 12 months ago next Sunday in which more than 200 people lost their lives in the appalling circumstances of a bomb blast set off by terrorists who were indiscriminate and who in some cases remain uncaring about the carnage that they wreaked on that terrible day. I also join in sending condolences and the deepest empathy to those people who were bereaved in that terrible tragedy and to those people who survived the bomb attack.

It is, as other speakers have said, impossible to adequately contemplate the agony that so many people have been through but we are with them in spirit. We reach them in the best way our understanding can make and we wish that whatever recovery they can make from that terrible event is as speedy as possible, recollecting—to paraphrase Abraham Lincoln—that time has its own way of making some closure on the death of even the closest and most beloved person in our lives, though never adequately.

I want also to congratulate those people who in the aftermath helped to minimise the trauma of the tragedy, to bring those responsible to justice and to seek some reparation by reaching out to the people who continue to suffer. I particularly note the memorial that the Balinese people are building near the site of this destructive tragedy and the Hindu motifs of good, evil and the pursuit of justice built into that memorial. The memorial will have the name of every person who lost their life etched into it as a long-term memorial—something for those who want to see some fitting memorial at the site. It is a big undertaking by the Balinese people, who suffered enormous loss. Let us hope that it continues to bond our communities together—something that we will need to continue to pursue in the years ahead to minimise the opportunity for terrorists to again be able to wreak such havoc, as no doubt is being planned and will be planned into the future.

I want to add a special word for those people who will not be going to the Bali memorial—those people who feel they do not want to go, who do not want to face even the slightest risk of that awesome violence again, who remain angry or let down in some way by the lack of warning that this could happen or by the failure that is inevitably involved in rescuing loved ones from such an awesome predicament or death. In some ways those people need to have special recognition, and there are many of them. It is important for us to recognise that and to heed their disengagement from the course of events in a way that leaves them feeling bewildered, angry and distressed about events and things which they cannot undo.

I also want to add to the last part of this motion, which says that we reaffirm Australia’s commitment to continue the fight against terrorism in our region and in the rest of the world. One of the great opportunities that come out of the current instability and insecurity in the world is for those of us in the rich world to reach out and share. Ultimately, nothing will put to rest the impulse for killing and destruction from people who feel that they have been short-changed—or people representing those who have been short-changed in this world—other than a reach for equality of circumstance. We in this wealthy country would do well to pursue the idea of a Marshall Plan for the poor and distressed in the world. If just some of the trillion dollars spent on armaments each year in this world were spent on the two billion or so people who cannot earn more than $1 or $2 a day to feed themselves and their families—let alone get them to school; let alone get them clean water; let alone ensure their health and opportunities for a job later in life—that would be an extraordinary potent
way of defraying the risk of future terrorist outrages on the planet.

We must not just give lip-service to the reality that equality, immaterial of where-withal, is an extraordinarily potent way of bringing peace to communities; we must act on it from our privileged position and read more into the terrorists events, not just of recent times but also of past times, than simply saying, ‘These are misguided people who have heinously attacked other people to prove a point.’ It is difficult to forgive people who have created such acts of wanton destruction, but it is incumbent upon us to recognise that we have to do more to make this world a fairer, happier and more secure place for future generations. Finally, I want to say that a year before the Bali outrage there was another great loss of life in the north from the SIEV X—over 300 people disappeared into the ocean. I extend my thoughts to all the people who have suffered enormous loss from that other tragedy to our north in the couple of years just passed.

Senator FERGUSON (South Australia) (4.43 p.m.)—I rise to associate myself with the remarks that have been made on both sides of the chamber in support of the motion that was moved by Senator Hill. I will not repeat the statistics that have been quoted by others who have spoken previously about the impact that this tragedy has had on the lives of Australians, on the lives of the Balinese people and indeed on the lives of people throughout the rest of the world from those many countries which lost citizens in this act of terrorism. I think it probably brought home to Australians for the very first time the vulnerability that we face from terrorism and terrorist attacks around the world. Invariably in Australia we have read of terrorist attacks that have occurred in somebody else’s country. Although this happened in another country, it was an attack right on our doorstep.

This attack means so much to Australians because so many Australians have actually visited Bali. It was a very popular destination for young Australians and there is scarcely a person in any community who has not been to Bali or does not have memories of Bali. Many of them would have thought: ‘There but for the grace of God go I. I could have been one of those people that were there.’ My youngest daughter was in the Sari Club just three weeks before the terrorist attack. The son of one of my best friends was in the Sari Club the night before the terrorist attack. He would have been there again that night except that he had been out on the water all day and at 11 o’clock, while he and his friend were walking towards the Sari Club, decided that he was too tired, turned around and went back to the hotel room. There are so many stories of what might have been and so many stories of those people who, unfortunately, were caught up in this terrible attack on mankind.

We ought not to forget the effect that this has had on the lives of Balinese people. About 85 per cent of those living on the island of Bali rely on tourism for their livelihood. In February this year I was asked to attend a conference for two days relating to ways and means of trying to get the tourist industry in Bali back on its feet again as soon as possible for the Balinese people who, through no fault of their own, are suffering so badly from a loss of income. One of the issues that was raised at that conference was that of travel advisories issued by the Australian government. They were urging the lifting or easing of the travel advisories that were in place at that time. Yet, when you consider the criticism that was sometimes made as a result of this tragedy that there was not enough warning given to people travelling to countries such as this, you will see that that was out of the question. Australian people being as they are, they take note
of the advisories and, if they still want to travel there, they do.

It is pleasing for me to see that the tourist figures for Bali have been increasing quite dramatically over the last few months. Although they are probably still not much more than half of what they were a year prior to the event, at least they are heading in the right direction and they are improving. Of course, incidents like the bombing of the Marriott Hotel can only set back the confidence that people have in visiting a country like Indonesia, which has now suffered two attacks of that sort. The second one did not cause the same loss of life, but it certainly once again reminded people how devastating the effects of terrorism can be.

There are many lessons to be learned for Australians, too. Because this happened on our doorstep, questions have been asked as to how ready we are as Australians to manage the effects and the consequences of any terrorist act in Australia. Our Joint Standing Committee on Foreign Affairs, Defence and Trade, which I chair, is currently having public hearings in every state and territory, trying to assess the preparedness of the states and territories to manage the consequences of a terrorist act in Australia. I think that is part of very prudent preparation. We hope that the strategies we are preparing will never have to be put into practice, but you can do no more than be as prepared as possible. Already we have held public hearings in Perth, the Northern Territory and Victoria, and we intend to have hearings in all of the other states.

At a time like this, when we are remembering the anniversary of this tragedy, we must, as the motion before the Senate says, offer our continuing support and compassion to everybody who has been touched in any way by this terrible event—those who have lost loved ones and those who were injured and are now trying to recover. We think at this time especially of those people bereaved by the enormous loss of a loved one from their family. It is also a time for us to remember and to reaffirm our commitment to continuing the fight against terrorism wherever it is. Senator Brown and others may have different ideas of how these things should happen, but this government is committed—and certainly we should all individually commit ourselves—to the fight against terrorism wherever it exists, in either our region or the rest of the world.

The other thing I think it is important that we remember is the effect that it has had on our relationship with Indonesia and the new strengths that it has put into that relationship, particularly through the work of the Australian Federal Police and, to a lesser extent, our defence forces. It has marked a watershed. The cooperation that has existed between our two countries, particularly since that tragedy of Bali, can only augur well for the future of our relationship. The relationship has had a bit of a rocky path over the past three or four years since the events of Timor, but now I think it is heading towards being a much stronger relationship.

The role that the Australian Federal Police, the defence forces and the many volunteers throughout Australia have played in strengthening those ties ought to be recorded on this occasion. While we remember the sadness and stark tragedy of the event and the impact of the news of the bombing in Bali, it would be very sad if we did not learn from it, reflect on it and gain something new from it in trying to strengthen the relationship with Indonesia in order to maintain our fight against terrorists and to help those who have terrorists living within their countries to eradicate this problem from their regions.

It is important on this anniversary of the Bali bombing that we do all of those things.
and convey our deep appreciation to all those who volunteered, not only at the time of this event but since then, such as those who have helped the injured victims to recover. It was not something that just happened on one day and was finished within a week or two; for many people it has been ongoing for the past 12 months. We think of those people at this particular time. I guess it must be some small satisfaction for all of those people to know that the Indonesian government and authorities are working so hard to bring to justice those who perpetrated this horrendous crime. It is with sadness that we reflect on the events of 12 months ago, but we look with some hope to the future.

Senator HOGG (Queensland) (4.51 p.m.)—I associate myself with this motion this afternoon and with the comments made by my colleagues in this chamber. I do not want to traverse the same ground, but I do want to pick up on a theme that I think is very important, and that is the lives that were lost. As has been focused on, 88 Australians lost their lives. The fact remains that life is precious, that life is sacred and that it must be respected. We only live once, and the grief that people feel when a life is lost is not really understood until one has been faced with that issue. One must have a great deal of sympathy for, and empathy with, the people who lost their loved ones, not just in normal circumstances but in very tragic circumstances, as happened in Bali. Life cannot be devalued, and life in this instance was destroyed in a premeditated, callous and calculated way. As such, this deserves the greatest condemnation that can be expressed by us and by others. Life cannot be claimed, whether it be through political causes, religious fanaticism or racial prejudices. None of those provides a basis or a justification for taking another person’s life in any circumstance.

In Bali, there was a tragic loss of innocent lives. The people were unsuspecting. On 11 October last year they had no idea that this was going to be upon them the next day. Most were there for fun, for relaxation and for pleasure, as Senator Ferguson has just outlined. They were mainly young people. Each had their own individual character, each had their own personality and identity. Each was unique, as we all are. It is their uniqueness that is lost forever, and that is the cause of much of the suffering and grieving by those who lost dear ones in the Bali bombings. As individuals, they meant different things to different people. I did not know or meet any of them personally, but I know that they were special because that is the nature of being a human being, that is the nature of a person—they are special, they are unique and, therefore, they are loved. It is this that makes their loss hard for many people, both those close to them and those not so close, and it is this that makes it difficult to accept their loss in these tragic circumstances.

The perpetrators were identified with the assistance of Australia, as a good international citizen and neighbour. They have been tried under Indonesian law and, where appropriate, have been convicted. But, having said that, where is there hope for the Australian people? In that sense, I want to refer to comments made by Senator Stott Despoja in her presentation this afternoon. Senator Stott Despoja referred to a current inquiry being undertaken by the Senate Foreign Affairs, Defence and Trade References Committee, and it is important for the Australian people to know that the Australian parliament has an ongoing concern for the safety of Australians overseas. In my early days in this parliament—and I think Senator Forshaw was then a member of the committee—

Senator Forshaw—The chair.
Senator HOGG—Sorry, Senator Forshaw. We participated in an inquiry which produced a report entitled Helping Australians abroad: a review of the Australian government’s consular services. Part of that inquiry involved looking at travel advices, and we had representations from the Department of Foreign Affairs and Trade.

It is worthy when remembering the tragedy that has come upon us as a nation—and, more importantly, upon the families of the individuals who were in Bali—to go back to 1996 when that inquiry was taking place and to look at how circumstances have changed dramatically even in that brief period of time. It is interesting to refer to the evidence of a senior official from the Department of Foreign Affairs and Trade who at that time said:

We have not put out, for example, a travel advisory on New York. People often say to us, ‘Why don’t you?’ The reason is that we have tried to keep our travel advisories at a threshold where we think the problem is at a stage where government needs to draw the attention of the traveller to that issue.

How ironic that is because, as people know, I happened to go to New York on 10 September and look what happened on the 11th. Never would that Department of Foreign Affairs and Trade official—nor would any of us—have reckoned as to what happened in New York on 11 September, just as it was not easy or predictable for anyone to reckon what happened in Bali on 12 October.

I think it is important to put in perspective what this parliament has done, through the Senate, in establishing a comprehensive inquiry into the operations of the Department of Foreign Affairs and Trade, our relationship with our Indonesian neighbours and how travel advisories work in that particular region at this point in time. The inquiry has nine points of reference. It is taking evidence around Australia and, whilst the inquiry will be comprehensive, it will never overcome the suffering and the pain that has been experienced by those who lost loved ones in the Bali tragedy. In many instances, people look to such inquiries as closure for some of their grief, but of course the processes of this place can never provide complete closure for those who lose loved ones in such circumstances.

The deep loss felt by many and the grieving for loved ones will continue, in many instances for a long period of time. But the Australian people can take some heart that, with the fairly rigorous investigation that is being undertaken—without trying to preempt the outcome of the inquiry—undoubtedly there will be recommendations that will improve and enhance safety and security for Australians travelling abroad.

One would hope that, in a society that has such marvellous technological advances, whether in communications or in travel—whatever it might be—our capacity and our ability to treat each other with respect has not been diminished by the sometimes hardening of the relationships that tend to emerge in our modern society. It was proper that this parliament conducted a deep and moving memorial service last year for those who died tragically and remembered those who participated in attending to the wellbeing and the needs of those who were injured in Bali and those who assisted in seeking out the perpetrators of the crime.

Nothing more fitting can happen than to remember next Thursday the beauty, the warmth and the wonderful lives of the victims knowing that, whilst their life may be tragically gone, their spirit nonetheless survives. To those families who have lost loved ones, I join with my colleagues in extending our deepest sympathy to them on the occasion of the memorial of their loss, and we wish them all the best in dealing with the
crisis and the difficulties of losing a loved one.

Senator HUMPHRIES (Australian Capital Territory) (5.02 p.m.)—I also rise to offer some brief words of support for the motion which has been moved on the anniversary of the tragedy in Bali. Earlier today Senator Stott Despoja made reference to Bali survivor and retired Kangaroos player Jason McCartney. This year in the hype leading up to the 2003 AFL grand final, in the wake of the staged contest between the two teams that were playing, he made the comment that, whatever the outcome, no-one would die. I do not exactly know the context in which he made that remark, but I interpreted it as a bit of wry and quintessentially Australian humour in the face of circumstances in which most people would forgive him for being bitter and despondent. It seems to me that he is not, and it seems to me that a very large number of people who have had direct experience of these events, either as survivors of the tragedy or as family members and loved ones of those who were killed, have similarly come through the experience without letting it destroy their lives. We hope that that has been the common experience in these circumstances.

Of course, 202 people did lose their lives on 12 October or subsequently as a result of the terrorist attack at the Kuta Beach nightclubs. Of those people, 88 were Australians, and the tragedy has left an indelible mark on the Australian psyche. This tragedy—and, I think, the words of Jason McCartney—remind us that, despite whatever riches we might miss out on in life, our mortality is our most prized possession.

The survivors and the loved ones of the victims obviously need to deal with this issue in their own particular way. Many of the survivors and loved ones of the victims will be travelling to Bali for the ceremony this Sunday at the Garuda Wisnu Kenacca Centre south of Bali. I understand that not many Balinese are expected to attend the commemoration, which is open to the public. This is not out of disrespect but because their predominately Hindu culture does not focus on anniversaries in the same way ours does.

A question that arises, I am sure, in the minds of many Australians out of this tragic incident is what kind of reaction the majority of Indonesians might have had to this incident. That is a matter that I think many of us pondered in the days and weeks subsequent to 12 October. We can gain much from a comment made by a Muslim elder who spent 12 hours at the bomb site dragging survivors from the ruins on that fateful night. His name is Haji Agis Priyanto, and he said:

I want to be here all day to pray for the victims, and the survivors, some of whom are now handicapped. I still pray for them all. I can feel my emotions already rising. I can still see clearly what happened that night, and in my ears I still have perfectly recorded the screaming of the victims asking me to help.

It is my view that that expression of humanity on the part of a person present on the occasion is representative of the view of an overwhelming majority of Indonesian people. I believe that Indonesia is a moderate Muslim nation, the values of whose people are incompatible with those of the fascists in JI and al-Qaeda. The Indonesian government has reflected that spirit by cooperating with the Australian government in ensuring that the people responsible for this outrage are caught, tried and properly sentenced. The Indonesian government has also cooperated very closely with intelligence agencies in fighting terrorism, which has obviously reached a new level as a result of this incident.

I think that we can take comfort from the many expressions of sympathy which Australia and Australians have received from the
Indonesian people. I think that nothing that occurred a year ago should in any way diminish the involvement of Australia with Indonesia or the work that many Australians are doing in Indonesia in a variety of constructive and charitable ways. Paradoxically, some good has come out of this atrocity. For example, Australian emergency medicine and burns treatment technology have made some enormous strides as a result of this outrage. Of course, we all wish that there were other ways of making such advances in the treatment of those who are critically ill.

October 12 2002 was a terrible day for Australia. Like Gallipoli in 1915, it was a tragedy which took the lives of Australians from across the nation and which, I think, in some degree changed our outlook on the world as a result. Memorials are being built around Australia to honour the dead. At the northern headland of Coogee Beach, a sculpture will be unveiled this Sunday as a permanent memorial to the 88 Australian victims. It will feature four-metre high bronze statues that arch over and interlock in a sign of unity. I understand that the location has been renamed Dolphins Point in honour of the Coogee rugby league club that lost six of its players in the blast. A Coogee Dolphins member, Eric de Haart, was quoted in the Sydney Morning Herald as saying that the monument symbolised the way Australians supported one another on that tragic night:

“The one thing that struck me, right from the very moment that the bomb went off ... wherever I looked, it seemed to be Australians that were digging in, going into the Sari Club and pulling people out,” he said.

“To me, that’s continued the last 12 months.”

Despite its sheer bastardry, the Bali atrocity has reaffirmed the character of the Australian nation and the Australian people. It united us in grief and in anger and it has fuelled our determination to defend the values that we hold dear. We now know that the Bali attack was, to some degree, an attack on the values of the Western world—values that include a commitment to freedom, pluralism and tolerance. To back away from those values in a quest for vengeance would be playing into the terrorists’ hands. I believe that the terrorists have not succeeded. Australian values of the kind that I have mentioned, and others, are stronger today, not weaker, as a result of this atrocity. The Australian character has been affirmed and not denied. That this is so, I think, is an appropriate tribute to those who lost their lives on 12 October 2002.

Senator WEBBER (Western Australia) (5.10 p.m.)—I too rise to join other contributions on this motion. Western Australians have always had a special connection with the people of Bali. It is only about a three-hour flight from Perth and it is a popular holiday destination for many families in the west. A large number of Western Australians were very sadly affected by the Bali bombing. The Kingsley Football Club, which is just five minutes away from my electorate office, was devastated by that bombing. Their reserves team had just won the premiership and, on 12 October 2002, 20 team members and friends flew to Bali to celebrate, as many Western Australians do. They ended up partying at the Sari Club that night. When the bomb went off, the boys from the Kingsley footy club showed the determination and mateship that makes Australia proud. Simon Quayle, the club’s coach, conferred with those players he could find and decided that they would not leave until they had found their mates. Seven of their mates were killed.

Phil Britten’s story is particularly inspiring. He had won the leagues ‘best and fairest’ award two years running and was asked to train with the WAFL’s Falcons team. He was also badly injured in the explosion. A piece of shrapnel hit him in the head and he suffered burns to 60 per cent of his body.
After helping several people, he managed to climb a wall at the back of the club and jumped six metres to the ground outside. By June this year, Phil had recovered enough to start playing footy again—a remarkable feat. However, in his third game back he suffered three broken ribs but he used that time off as a chance to return to Bali to witness Amrosi’s trial. The Kingsley reserves team finished this season on top of the ladder. They were knocked out in the second semi-final but not before showing real courage and determination. They showed that Western Australians were not stopped by the bombing; they were spurred on to even greater deeds.

WA’s response to the humanitarian crisis was immediate, as it was in other parts of Australia. The Red Cross received 3,000 calls in one day from people wishing to donate blood after the bombing. The burns unit at the Royal Perth Hospital, led ably by Dr Fiona Wood, was at the forefront of treatment of the Bali victims. The Salvation Army was inundated with donations, including everything from wheelchairs and walking sticks to bed linen, toilet paper and even water. When discussing these tragic events, it is often difficult to single out just a few individuals that assisted, but a couple have been brought to my attention. One is a nurse who was actually working at Royal Darwin Hospital on the night of the Bali bombing and who has lots of family and friends working in the health system in Western Australia. After the first night of receiving evacuees from Bali, she emailed home to her family and friends and said:

Thanks to all those people who sent me little messages! The coverage up here in Darwin has been of pretty poor standard—journos must be on holidays or something. Anyway, thought I’d throw a few stats at you—everyone loves stats. The contents of this email may be distressing to some people. If you don’t want to know the results, cover your ears and close your eyes.

Worst world disaster since WW2, worse in terms of access to medical treatment, worse than SEP 11 and the Oklahoma Bombing. Out of 63 admissions to Darwin, 17 came to ICU. I have never seen so many beds and monitors crammed into one little 7 bed ICU unit. Empty—the unit looked pretty cool. Full—like nothing I’ve ever seen. BC working night shift on the Sunday night—1st plane expected to arrive at 2am—we had no idea what we were getting, but prepared for the worst. Prepared pretty well, I guess. We got three admissions in 10 minutes—one needing full resus, 2 critical—all needing intubating, central lines, arterial lines, bucket loads of fluids, the most overwhelming doses of anti biotics I’ve ever seen, a heap of morphine, along with other things.

These people were totally disfigured with no face, their sex unrecognisable, no ears, hair singed and blood stained, skin falling off them like roast chicken, lying in blood drenched sheets, a sickening stench of burning flesh, shrapnel in backs, eyes, legs, blood in buckets. One guy had a torniquet round his leg that had been amputated.

The second plane arrived at 6.30am and we had 14 admissions. All burns. All bad, but not too bad. But out of those 14 admissions 11 had to be intubated and put on a breathing machine. I can’t describe how it was up there that night—the thing that made it so bad for us was the fact that these people had no name. Disaster male #1. Disaster female #6. It was very hard to let go of one boy—we assume he was fairly young, he had 65% burns, needed 50 units of blood. Darwin supplies, at that time, standing at 100 units. What do you do and how do you make that decision? He is the only one we’ve lost so far.

Our team of doctors and nurses up there that night was unreal—the best and bravest came out in everyone. I felt quite proud to be a part of that team, because I know we did all we could with limited space and stretched resources. Since that night, it has been still very crazy, most of the people with critical burns have been transferred to Burns units all around the nation. We get random phonecalls from desperate relatives wanting to find their loved ones. How do you feel when you can’t help these grief stricken people? The medics from the RAAF are amazing, they don’t fanny around, they get people where they are supposed
The outcome for these burns victims is poor. They got to us 24hrs post the explosion and didn’t receive enough fluid in the first critical few hours. It is likely that they will die from sepsis.

Sorry about all the jargon. It feels good to write down and tell you mob what it was like. I feel so sorry for those people who were in that nightclub, what an ordeal. Catch ya later. Back at work to night, night shift.

That is just one example of the contributions that people have made.

As has been outlined before, a number of tributes are taking place this weekend. In my home state of Western Australia an initiative of the state government announced recently was a $15,000 nursing fellowship to commemorate the anniversary of the Bali bombings. The first recipients of the Bali Nursing Fellowship announced on 3 October this year are Barry Morley and his wife, Kate Simpson, who were also at the scene of the Bali tragedy. Barry and Kate, just like the nurse whose letter I read earlier, are heroes of the highest order. Their decision to supervise the retrieval of 55 victims injured in the bomb blasts and their evacuation of them to the safety of their nearby hotel, saved the lives of many. They showed enormous courage, skill and initiative in the face of extreme danger and trauma and without their help many more lives would have been lost.

After supervising the evacuation, Barry and Kate triaged the 55 injured victims without the aid of conventional emergency equipment or medical supplies. They also supervised a team of volunteers who provided care and comfort to the injured until ambulances arrived—some many hours later. Barry also assisted in the retrieval of bodies from the bomb site. Barry and Kate were the only two health professionals at ground zero of the Bali bombings. Both, fortunately, are trained in critical care. In my view, you simply could not hope for two nurses better qualified to bring order and care to a major disaster like this. And that is what the Bali Nursing Fellowship is meant to commend.

I have also been very pleased to learn that the Edith Cowan University in Western Australia has announced plans to offer Bali and Jakarta scholarships to commemorate the Bali bombings—another step that will ensure that Australian and Indonesian ties remain close. ECU has 158 Indonesian students studying at its various Perth campuses and a further 171 studying ECU courses in Jakarta. It will offer a $62,000 scholarship to cover three years of tuition and one year of on-campus accommodation for an Edith Cowan degree. It will also offer $11,000 to cover one year of tuition in Jakarta for the honours year of a Bachelor of Business Administration degree offered by ECU through a local university, including six weeks study on an ECU campus in Perth. The scholarships will be open to Balinese residents or the immediate family of an Indonesian person killed in the Bali bombings or this year’s bombing of the Marriott Hotel in Jakarta. As I have said before, Western Australians have always had strong links with Indonesia. It is important that this close relationship be maintained.

Senator Lundy (Australian Capital Territory) (5.21 p.m.)—I rise to speak on this condolence motion to say a few words about the role of sporting clubs throughout this tragedy. It is appropriate on this commemoration of the anniversary of the Bali bombings that we recognise the incredibly important role that sporting clubs have played in helping the victims through an extremely difficult time. One of the things that struck me following the tragedy was the way in which these clubs gathered round those families who had lost someone and around their friends and colleagues who had been injured in the tragedy, and provided a sense of what it is to belong to a sporting club and of the camaraderie that exists. I would like to honour and acknowledge those clubs.
I have to say that it is not just through sporting clubs but all of the ways in which people organise themselves in their own communities that offer that support. I would like to honour and acknowledge all of those clubs for the way they supported and provided ongoing help, comfort, company and acknowledgement of their lost loved ones through commemoratives trophies, awards, scholarships, fellowships and so forth. It really shows the spirit of how communities organise themselves. In the sporting world, whether you are doing it for fun or for competition, it really is a celebration of human life. Many of those sporting clubs were affected by this tragedy because they were in Bali celebrating their own wins or losses and the tribulations of their seasons. I think it is very pertinent to realise that, when people organise themselves in that way and choose their friends and family through their sporting clubs, it does provide support that cannot be replicated in any other way. I still feel for the continuing pain of everyone affected by the Bali bombings and I know that everybody in this place feels exactly the same way. I join with all of my colleagues in offering our condolences to those people who are still suffering and in memory of those who lost their lives in the tragedy.

The ACTING DEPUTY PRESIDENT (Senator Marshall)—I invite honourable senators to stand in silence in memory of those who died and in sympathy with their loved ones and friends whom we join in mourning.

Question agreed to, honourable senators standing in their places.

COMMITTEES

Reports: Government Responses

Senator ABETZ (Tasmania—Special Minister of State) (5.25 p.m.)—I present two government responses to committee reports is listed on today’s Order of Business. In accordance with the usual practice, I seek leave to incorporate the documents in Hansard.

Leave granted.

The documents read as follows—

Government Response to the Senate Foreign Affairs, Defence And Trade References Committee Report on Materiel Acquisition And Management In Defence

Introduction
The Government welcomes the report prepared by the Senate Foreign Affairs, Defence and Trade References Committee on Materiel Acquisition and Management in Defence.

It is pleasing to note that the Committee has acknowledged the positive progress that has been made to date in relation to material acquisition and management in Defence.

The report also indicates that further improvements can be made within Defence to improve procurement and Defence industry outcomes. This is consistent with the Government’s previously expressed view, that while the management of major Defence acquisitions has improved significantly since the establishment of the Defence Materiel Organisation, there is still a way to go. It is also consistent with the Government’s decision last year to commission the Defence Procurement Review, which will report on the key challenges associated with the management of Defence projects, how these are currently being addressed, and any potential improvements that can be made.

The following section addresses the specific recommendations contained in the Committee’s report. Comments on the benchmarks against which the Committee has proposed ongoing review of the Defence Materiel Organisation follow the specific recommendations.

Recommendations
Recommendation 1.

The Committee recommends that in the years 2004 and 2006 the Defence Materiel Organisation seeks advice on the perceived effectiveness of System Program Offices from the Defence Industry Advisory Council, the Australian Industry Group Defence Council and the Australian Industry and Defence Network. That advice should be
complied into a short report, submitted prior to the 2004 and 2006 Budget Estimates to the Senate Foreign Affairs, Defence and Trade References and Legislation Committees, and to the Defence Subcommittee of the Joint Committee on Foreign Affairs, Defence and Trade.

**Government Response**

Agree.

Defence will seek views from non-government and industry sectors and will make these results available to the committees.

**Recommendation 2.**

The Committee recommends that special training and professional development be undertaken jointly by capability and acquisition staff to ensure that all staff have a clear understanding of, and unequivocal commitment to, and the skills and knowledge to fully implement the practices specified in the *Capability Systems Life Cycle Management Manual 2002*.

**Government Response**

Agree in principle.

Ensuring that staff have an understanding of the Capability Life Cycle Management Manual 2002 requires an appreciation of the processes, policies, tools and training that underpin the capability systems life cycle.

As of May 2003, all Capability Systems and DMO staff have had access to an on-line IT system that provides process and reference information at a one-stop shop. Priority has been given to core processes constituting the capability management life cycle.

**Recommendation 3.**

The Committee recommends that:

(a) AusIndustry undertake a specific promotional initiative to encourage and assist Small to Medium Enterprises (SMEs) to properly register their R&D activities with AusIndustry; and

(b) The DSTO develop a special program to nurture partnerships between the DSTO, the CSIRO and SMEs with respect to research and development in areas of mutual interest, and to expand existing mechanisms by which SMEs can seek R&D and technology advice.

**Government Response**

Agree in principle.

(a) This recommendation is addressed to AusIndustry which has advised that this is consistent with the marketing initiatives it already undertakes. The Department of Industry, Tourism and Resources has advised that, as a result of strong marketing, 1,200 additional firms registered with AusIndustry between February 2002 and February 2003. The vast majority of these firms were SMEs, and the figure represents an increase of more than 50 per cent. AusIndustry has also reduced the size of the registration form from 13 to seven pages.

(b) The Defence Science and Technology Organisation already operates a number of initiatives in this area and further development will be encouraged.

**Recommendation 4.**

The Committee recommends that during Budget Estimates the DMO table before the Senate Foreign Affairs, Defence and Trade Legislation Committee an audited summary of the feedback provided by industry to the DMO via the 360 degree scorecard process.

**Government Response**

Agree.

The Department will respond to the Senate Committee as requested.

**Recommendation 5.**

The Committee recommends that:

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

- DMO’s espoused corporate values and standards and staff compliance with these;
- management and staff values, behaviours and competencies measured against the capability requirement;
- employee attitudes, morale, beliefs and motivation;
Government Response

Defence accepts the need to deal with complaints expeditiously and constructively. The DMO will publish its complaint handling and dispute resolution procedures on its website in order to make them publicly available.

The Inspector General also has an independent role in complaint handling and resolution.

Recommendaion 7.
The Committee recommends that the Defence Industry Advisory Council commission the development of an efficient formal mechanism for the promotion and handling of unsolicited proposals from SMEs. That mechanism should be applied at the level of the System Program Offices and be coordinated by the DMO’s Industry Division. Receipt of unsolicited proposals should be promptly acknowledged, and a time frame specified within which follow-up should occur.

Government Response

Agree in principle.

Guidelines for the recently announced Defence Unsolicited Innovation Proposals Scheme will be released at the Defence + Industry Conference being held on the 24-26 June 2003. Industry was consulted in the development of this scheme.

Recommendation 8.
The Committee recommends that:

(a) in the latter half of 2003, the Defence Materiel Organisation convene a major seminar involving relevant Defence and industry representatives to assess the effectiveness of the 1998 Team Australia policy and to shape recommendations accordingly; and

(b) the proceedings of the seminar be tabled in the parliament along with a response from the Minister for Defence to the recommendations emerging from the seminar.

Government Response

Agree in principle.

Defence has encouraged a ‘Team Australia’ approach to the Joint Strike Fighter project and more recently the United States littoral ships project. Development of the concept and its application in practice will be the subject of debate at the
Defence + Industry Conference being held on the 24-26 June 2003.

**Recommendation 9.**
The Committee recommends that:

(a) in the event that a project milestone is missed or that a supplier flags a delay in the provision of a contracted deliverable, then the project manager shall instigate a written report on the matter to the USDM, with copies to the Project Governance Board and the relevant Service Capability Management Board; and

(b) should agreement between project manager and contractor about how to remedy the matter not be arrived at within 15 days of such a report being submitted, a case manager from Industry Division shall be commissioned to negotiate a remedy. The case manager shall report to the USDM within 15 working days. In the event that a remedy has not been negotiated, the matter shall be referred to the Project Governance Board for a determination as to how to proceed. The USDM shall then make a final decision taking into account the advice of the Project Governance Board.

**Government Response**
Disagree.

Vigorous action is needed when milestones are missed or likely to be missed but the Government does not support the detail of this recommendation for a number of reasons.

Firstly, the highly prescriptive approach does not reflect the reality of project management and the need to tailor solutions to the particular problem. Secondly, Industry Division staff are not necessarily the most experienced in resolution of project management issues. Thirdly, the time frames proposed are unrealistic, particularly where the reasons for the delay are complex. Finally, the recommendations do not take account of the need to protect Defence’s legal position.

DMO has released Project Management Methodology (version 2), which provides more practical project management guidance to project managers on risk management, exception reporting and dealing with contract delays or disputes. This Project Management Methodology guide provides a clear delineation of roles and responsibilities between a project and Project Governance Boards. The introduction of the Project Management Methodology (version 2) may deliver the outcome desired by the Committee.

**Recommendation 10.**
The Committee recommends that the Senate request the Auditor General to:

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

(b) to model the report on that ordered by the British House of Commons and produced by the UK Comptroller and Auditor General; and

(c) 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.

**Government Response**
This is a matter for the Senate. The Government notes that there is already substantial scrutiny of the Defence acquisition program by the Auditor General.

**Recommendation 11.**
The Committee recommends that, in the event of Defence entering a long term partnership with a particular supplier, the DMO should remain in regular contact with the unsuccessful bidders. The DMO should report progress with the partnership, update potential suppliers on any changes to capability requirements emerging during the course of the partnership, and keep them abreast of strategic developments. The DMO should assist potential suppliers to be in a competitive position if and when an existing partnership expires and renewal is sought.

**Government Response**
Disagree.

Progress of the partnership would largely be commercial-in-confidence and significant changes in capability requirements are already publicised through the updated Defence Capability Plans or specific announcements in relation to the variation.
Assisting potential suppliers to be competitive is not practical as DMO would only be able to provide non-confidential information about requirements, not the incumbent’s performance.

The proposal would also divert scarce, experienced resources from higher priorities.

Recommendation 12.

The Committee recommends that:

(a) once a contract has been awarded for a Defence project valued at over A$100,000, the details of the winning bid should be published, with the provision that information about specific matters which bear the necessary quality of confidentiality may be withheld from publication where detriment to either the contractor or Defence would ensue. Prior to publication of the details, Defence should seek a formal opinion from ANAO as to whether that publication meets the appropriate standards of transparency; and

(b) Defence should publish, with the contract details, a brief statement setting out its reasons for selecting the winning bid.

Government Response

Disagree.

Defence gazettes all contracts over $2,000 and already publishes summary detail of contracts valued over $100,000, in accordance with the Senate Order. Defence responds to parliamentary committees on the release of specific contracts, in camera if necessary where there are confidentiality aspects.

Publishing of further detail would add to costs, given the size of contracts and the inclusion of sensitive data. It could reduce the quality of bids if it was to set benchmarks for individual pricing data.

Recommendation 13.

The Committee recommends that the Senate, under Standing Order 164, order the production, upon its completion, of the report by Director of Trials (DTRIALS) of the Review of Test and Evaluation in Defence, and that the Senate refer the document to the Senate Foreign Affairs, Defence and Trade References Committee for examination and report.

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<thead>
<tr>
<th>Performance Benchmark</th>
<th>Comments</th>
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<tbody>
<tr>
<td>Adherence to the requirements of the Capability Systems Life Cycle Management Manual 2002.</td>
<td>The intent of this benchmark is supported. DMO will use the manual as a steering point for continued development of its own policies and procedures, and shall work with Capability Systems staff to ensure that these requirements are consistent.</td>
</tr>
<tr>
<td>Adherence to the Goals and Values set out in the Defence Materiel Guide 2002.</td>
<td>The intent of this benchmark is supported, however it would be difficult to provide meaningful data for benchmarking</td>
</tr>
<tr>
<td>Achievement of the objectives and performance indicators contained in the DMO Balanced Scorecard.</td>
<td>Supported.</td>
</tr>
<tr>
<td>Full compliance with the Business Rules specified in the DMO’s Corporate Governance Framework.</td>
<td>While compliance is clearly the objective, this benchmark would be exceptionally difficult to measure and impose a significant increase in workload across the organisation.</td>
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<td>Implementation, by the end of 2004, of the Defence Business Model for in-service support, including a Customer-Supplier Agreement between Output Exec...</td>
<td>The intent of this benchmark is supported. DMO is progressively implementing a Defence Customer-Supplier model in accordance with Defence policy. However it should be recognised that this will be an evolving</td>
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<td>Performance Benchmark</td>
<td>Comments</td>
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<td>Achievements and Enabling Exe cutives, and Service Level Agreements between the SPOs and the Force Element Groups.</td>
<td>process as parties work together to continuously improve performance measures. A correction should be made to this benchmark, as Service Level Agreements may not be made between just Systems Project Offices and Force Element Groups.</td>
</tr>
<tr>
<td>Achievement, demonstrated by the results of the annual Defence Staff Survey, of the DMO’s goal to ‘create a climate where people are valued for doing their best.’</td>
<td>Supported. Staff attitude survey data can be provided to the Committee.</td>
</tr>
<tr>
<td>Timely provision by DMO to the Senate Committee, on an annual basis, of an audited summary of the industry feedback on the effectiveness of the Systems Project Offices.</td>
<td>Not supported. This benchmark is disconnected with the first recommendation made in the report, which seeks information on Systems Project Offices in 2004 and 2006. It would be preferable if the recommendation, rather than the benchmark was accepted.</td>
</tr>
<tr>
<td>Full compliance with the Defence Procurement Policy Manual and the requirements of the Financial Management and Accountability Act 1997.</td>
<td>DMO agrees with this benchmark as the policy and guidance is already in place to achieve it. However, measurement of this benchmark will be difficult.</td>
</tr>
<tr>
<td>Achievement by 2005 of tendering costs as a percentage of contract value being at a level equivalent to commercial industry standards.</td>
<td>Not supported. DMO does not agree with this performance benchmark due to the practicality of collecting the data and the utility of comparison with a commercial benchmark.</td>
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<td>Between 2003-05, the Air 87 Armed Reconnaissance Helicopter project, the Airborne Early Warning and Control Aircraft project, and the replacement Patrol Boats project shall meet all scheduled milestones.</td>
<td>Not supported. It is unreasonable to expect that every milestone will be achieved. The suggested approach is that non-achievement of scheduled milestones will only be acceptable where sound analysis demonstrates that the associated risks are manageable and project level critical dates are not compromised.</td>
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<tr>
<td>Tracking and managing of enterprise risk in accordance with the DMO Risk Management Plan.</td>
<td>Supported. DMO is currently establishing processes and structures to support systematic and coordinated risk management in accordance with the DMO Risk Management Plan.</td>
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<tr>
<td>Successful implementation, by the end of financial year 2003-04, of policy and guidelines for achieving world’s best practice in the acquisition and maintenance of software intensive systems, with particular references to independent verification and validation and the management of safety critical systems.</td>
<td>Successful implementation, by the end of financial year 2003-04, of policy and guidelines for achieving world’s best practice in the acquisition and maintenance of software intensive systems, with particular references to independent verification and validation and the management of safety critical systems.</td>
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<td>Establishment of a formal and transparent complaint handling mechanisms using a case management approach for implementation from the beginning of 2004.</td>
<td>Not supported. The government will only consider the use of case managers when the complaints are of a serious nature involving conflict of interests, fraud or criminal activity. DMO is prepared to document its dispute resolution processes.</td>
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<tr>
<td>For each project, acceptance of materiel capability to be on the basis of fulfilment of the requirements of the Operational Concept Document and the Test Concept Document.</td>
<td>The intent of this benchmark is supported. DMO accepts the intent of this benchmark. Policy, training and guidance are already in place to facilitate achievement of this benchmark. It should be noted that projects approved before the implementation of the Capability System Life Cycle Management model were done so on the basis of a business case and contain different forms of documentation.</td>
</tr>
<tr>
<td>Public accountability and associated processes prevent the DMO from meeting commercial industry standards and the nature of Defence projects generally exceeds the complexity and risk observed in the private sector.</td>
<td>The intent of this benchmark is supported. Policy and guidance for Independent Verification and Validation will be in place by the end of 2003-04. Safety related systems policy and guidance is in place, but is currently undergoing revision and updated and will be implemented prior to the end of 2003-04. Best practice in acquisition and maintenance of software systems requires ongoing implementation, piloting, evaluation and revising revised guidance. In addition to implementing policy and guidelines, the necessary tools and training are required to evolve with software standards, lessons learnt and revised policy.</td>
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<td>Not supported. Australian industry involvement will vary each year due to the Defence Capability Plan.</td>
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<tr>
<td>Performance Benchmark</td>
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<td>projects, in accordance with the Australian Industry Involvement Manual 2001.</td>
<td>This is a resourcing issue rather than a benchmark and is being addressed from a whole of Defence perspective. For DMO to establish a separate DMO database is cost prohibitive.</td>
</tr>
<tr>
<td>Establishment, by the end of financial year 2003-04, of a database of all Professional Service Providers engaged by Defence which will include details of the location and project upon which the PSP is engaged, the length of time for which the PSP has been involved in the project, and the anticipated duration of the PSP’s engagement.</td>
<td>Supported. Such integration is unlikely to be achieved through a single system.</td>
</tr>
<tr>
<td>Implementation, by the end of 2004, of a fully functioning inventory and asset management system (SDSS) with common software and common processes across all three ADF services.</td>
<td>Supported. The intent of this benchmark is supported. The critical number of staff completing the course will depend on staff availability and funding, considering that the indicated costing of this benchmark is $800,000 per annum.</td>
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<tr>
<td>By the end of 2005, full integration of SDSS with Defence’s financial management system.</td>
<td>Supported in principle but will be dependent on staff availability and funding.</td>
</tr>
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<td>In each of 2004 and 2005, at least twenty DMO staff will have completed the Masters degree level Project Manager Development Course.</td>
<td>The intent of this benchmark is supported. The Defence Capability Committee members responses on the report are due by the end of May 2003.</td>
</tr>
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<td>In each 2004 and 2005 at least three DMO staff will have participated in an industry exchange/work experience program of no less than 6 months duration.</td>
<td>Supported. Twenty-nine per cent of the existing systems have been accredited and accreditation of the remaining systems is an ongoing activity. The priority is on ensuring that high quality processes are in place, documented and applied, rather than achievement of an accreditation.</td>
</tr>
<tr>
<td>By September 2003, the endorsement by the Defence Capability Committee of the report by DTRIALS addressing Defence’s Test and Evaluation policy.</td>
<td>The Defence and Industry Advisory Council will have met at least twice per year in 2003, 2004 and 2005.</td>
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**GOVERNMENT RESPONSE:**

The Minister for Defence should consider issuing an Australian campaign medal to those Australian Defence Force personnel who have served on operations in support of the International Coalition Against Terrorism (paragraph 8.13).

**Government Response:**

Not Agreed. Following the release of the Committee’s report, the Interdepartmental Committee on Honours and Awards to Defence Force Personnel considered the issue and is of the view that special circumstances do not exist to warrant recommending a change to existing policy.

Government policy is normally that only one Australian military service medal is awarded to recognise a single type of service. In the case of the deployment of Australian Defence Force personnel to operations in support of the International Coalition Against Terrorism, the Government has agreed to issue the Australian Active Service Medal with clasp “ICAT”. At a future time, should a foreign award be offered for ser-
vice to the International Coalition Against Terrorism, the Government will favourably consider supporting the proposal under the provisions of the Guidelines Concerning the Acceptance and Wearing of Foreign Honours and Awards by Australians.

RECOMMENDATION 2:
The Minister for Defence should:
• expedite the awarding of the Australian Service Medal to those Australian Defence Force personnel deployed as part of OPERATION SLIPPER who have already returned from their deployment; and
• ensure that, in future, the Australian Active Service Medal is awarded immediately upon completion of a tour of duty (paragraph 8.14).

Government Response:
Agreed. Defence has made, and is making, every effort to expedite the processing of medals for personnel deployed with the International Coalition Against Terrorism. Defence will make every effort to ensure medals are issued by the dates requested by the Component Commands, as already occurs and indeed occurred for deployments to East Timor. The dates are normally set prior to the end of a tour of duty. The processing period is approximately 14 weeks, but is often achieved in a shorter time. This period ensures that only entitled personnel receive medals following exhaustive assessment by Defence and subsequent approval of all awards by the Governor-General.

DOCUMENTS
Health: Bans on Smoking
The ACTING DEPUTY PRESIDENT (Senator Marshall)—I present a response from the Chief Minister of the Australian Capital Territory, Mr Stanhope, to a resolution of the Senate of 11 September 2003 concerning bans on smoking.

NATIONAL DRUG RESEARCH STRATEGY
HEALTH: VACCINATION PROGRAM
Returns to Order
Senator ABETZ (Tasmania—Special Minister of State) (5.26 p.m.)—by leave—This statement is made on behalf of the Hon. Tony Abbott, Minister for Health and Ageing. The order arises from two motions moved by Senator Allison as agreed by the Senate on 8 October 2003 and it relates to a number of matters. With regard to the advice provided by the Australian Technical Advisory Group on Immunisation in August 2002, as outlined in question on notice No. 1750(3) relating to the options for vaccination programs ahead of the ATAGI recommendations. I wish to inform the Senate that the ATAGI finalised its recommendations in the document Australian Immunisation Handbook, 8th edition. This handbook was approved by the National Health and Medical Research Council on 18 September this year. I will now table this handbook.

With regard to submissions received by the National Health and Medical Research Council as part of its public consultation on the draft 8th Australian Immunisation Handbook, I wish to inform the Senate that, as a general rule, submissions received as part of a public consultation process are treated by the NHMRC as confidential. The Department of Health and Ageing will discuss with the NHMRC a process to consult with the authors of the submissions to seek their agreement to tabling these documents. With regard to the request for all documents relating to government funding, its requirements of and the subsequent performance of the National Consortium for Education in Primary Medical Care Alternative Pathway Program since its inception, which should include any review documents, I wish to inform the Senate that this request potentially
concerns large numbers of documents. Is it possible for the senator to be more specific?

With regard to the latest reports admitted by the MBS Attendance Item Restructure Working Group, I table that report. Finally, with regard to the most recent draft National Drug Research Strategy, as prepared by the National Drugs Research Committee, I wish to inform the Senate that the draft National Drug Research Strategy is a working document. Of the parties involved, only the Commonwealth has cleared the document. The Department of Health and Ageing will contact the other parties to see if they are prepared to clear the document.

COMMITTEES

Rural and Regional Affairs and Transport Legislation Committee

Report

Senator EGGLISTON (Western Australia) (5.29 p.m.)—On behalf of the Chair of the Rural and Regional Affairs and Transport Legislation Committee, Senator Heffernan, I present the report of the committee on the provisions of the Aviation Transport Security Bill 2003 and related bill, together with the Hansard record of proceedings and documents presented to the committee.

Ordered that the report be printed.

MINISTERIAL STATEMENTS

Constitutional Reform: Senate Powers

Debate resumed from 8 October, on motion by Senator Hill:

That the Senate take note of the statement and document.

Senator LUDWIG (Queensland) (5.30 p.m.)—Turning to the ministerial statement that the Prime Minister made yesterday dealing with Senate reform, when thinking about proposed changes affecting the Senate that politicians and others have raised, it is worth bearing in mind the current raft of bills facing rejection, including the government’s unfair workplace relations bills which seek to give employees reduced rights in workplace issues. There are other bills of that ilk that are currently in the pile. In June this year the Prime Minister put forward a raft of proposals to assist the government in overriding the Senate’s rejection of government bills. Mr Howard was quoted during the closing address to the Liberal Party national convention as saying:

Tragically for Australia the Australian Senate is recent years, so far from being a state’s house or a house of review has become a house of obstruction.

This particular statement belongs in the same category as other untruths purported by this Howard government since coming into power in 1996. The proposal suggests the need to eliminate the idea of a double dissolution followed by an election for all members of both chambers before a joint sitting could be convened to vote on a bill that the Senate had found to be flawed or one which the Senate had refused to pass according to what was acceptable to the government. This is on the face of it a complete turnaround by someone who, when he was in opposition, argued that our Senate was—and I quote:

... one of the most democratically elected chambers in the world—a body which at present more faithfully represents the popular will of the total Australian people at the last election than does the House of Representatives ...

That was from the Commonwealth parliamentary debates of not that long ago—8 October 1987. We have had a dramatic turnaround by Mr Howard since that period. You also have to put that in context. There were Senate reform proposals floated between 1985 and 1988, and it was not an issue that he had not turned his mind to. They were clearly there during that period. There was a constitutional committee and debates occurring during that period.

CHAMBER
During the period of Mr John Howard’s prime ministership, 1,269 bills have been passed by the Senate. Only 25 bills have been negatived—seven twice—and 11 have been laid aside by the government—four twice. This is not a bad ratio of bills passed considering the coalition received only 42.69 per cent of the primary vote in the last election. The truth is that both sides of politics have taken advantage of the Senate’s power to amend or negative government bills. But, sadly, only the Liberals have blocked supply.

The Howard government attempted to clarify its stance on undermining the powers of the Senate by claims of electoral mandate. It seems that that catchcry is used far too often to justify any course of action that is desired by an executive government. An overwhelming push by the government is the claim that it has the responsibility and the right to have the parliament enact legislative proposals that it campaigned on during the election process. We know that is a broad brush because not all issues are canvassed during campaigns. This house and the House of Representatives does deal with emergent issues and new issues that arise post campaigns. If governments were only to deal with the broad sweep of electoral promises or in some instances their core promises then it would be a bereft house of legislation.

The Prime Minister’s ever-changing views, however, could be highlighted after the 1998 election when he said:

I have a very simple view about the political process in this country. And that view is that elections are opportunities for opposing political forces to lay their plans in detail before the Australian people and when the Australian people have made a decision it is the obligation of the victor in that political contest to implement the plans laid before the Australian people. There is nothing complicated about it.

What Mr Howard did not include in that statement was the decision by the Australian people to leave the Senate, more commonly known as the house of review, under non-government control. That is to say, the majority of Australian people elected the Howard government but did not trust them enough to put the review process within their hands. The Prime Minister did not include comments like those he made in 1987. I will repeat them for those who may have missed them last time. He said that the Australian Senate was:

... one of the most democratically elected chambers in the world ...

The Howard government has floated a range of ideas, some of which are in the ‘you must be joking’ basket. Government proposals, although not directly endorsed, include abolishing equal representation of the states, a proposal that seems to fly in the face of what is entrenched in the Constitution. Of course, these matters have now coalesced into the document that we now have before us. But it is worthwhile mentioning that this was not the only proposal that the Howard government had flagged in the lead-up to this ministerial statement. There were a number of proposals that were in that basket of goods that could have been brought forward. So it should come as no surprise to this government that there are issues that we would like addressed as well.

Then there is the idea of reducing the number of minor parties or senators, or eliminating them altogether by imposing a minimum percentage of first preferences. I raise these issues not as matters that are before us today but to remind the government that these are their ideas that they brought forward but saw as not fit to put on the table. It is not actually surprising that they did not put them on the table; they are in many senses in the ‘too hard’ basket or the ‘mad’ basket.
The government suggested other matters but, in truth, the government suggested that minor parties are using their balance of power for political opportunism, which ultimately reduces any common purpose to the lowest denominator. Again, the Australian people chose to have a Senate which was not in the government's hands. The public expects its Senate to be a check and balance on the political process. Political opportunism—I am not going to run away from a statement like that—is not unheard of but it is the government that must seek support from the minor parties or the opposition to ensure its bills pass.

Reform of Senate procedures to make a smoother and more accountable upper house in this parliament is a positive thing but this attempt by the Howard government is something which we have said we will look at more closely. We would expect that it is not in the realm of being a political stunt; we would expect that it is a serious attempt to look at these issues more broadly. What we have is a 100-year tradition in Australia with polls and election results that show the Australian voters prefer to have two houses with separate mandates, if the government wants to rely on mandates as its mantra.

In the last election, the Australian people showed their distrust of the government when they elected a nongovernment controlled upper house. Australians expect each house to do what it was elected to do. The checks and reviews used in the Senate form the basis of a sound and equitable decision-making process in relation to proposed bills, which become, in most cases, laws. We have processes already in place to ensure that all legislation deemed controversial has the capacity to be reviewed by Senate legislation committees, we have general processes, including the regulations and ordinances committee, to view delegated legislation and we have the scrutiny of bills committee to look at the bills which come before this parliament. This is a part of the process specifically designed to ensure sticking points within legislation can be examined beforehand and held up to the light to examine whether there are issues that require amendment or further discussion. The government is unable, in part, to accept this process.

How can the Senate be accused of blocking legislation when the coalition government fails to present bills for debate that it has listed on its own program? This week alone, several bills were pulled from the legislative program and, at the end of the year, my colleagues opposite will—as they often have in the last couple of years—shout from the rafters that the Senate has not performed its duty in passing enough bills. The point, of course, is that this place can only pass those bills put before it. The government sometimes—I will give it the benefit of the doubt—comes up with a wish list of bills that it wants passed, there is insufficient time for that to occur, the government knows that and builds that into its program. The government understands that process and you can wonder whether or not it is simply a tactic to put a little bit of pressure where it might help in the passage of other bills which it deems more urgent in the legislative program.

To argue that there is such a thing as Senate obstructionism is to ramp up the issue, which I referred to earlier, as to whether or not this is a serious attempt by the Howard government to look at reform or whether it is a political stunt. If they go down the road of obstructionism and the grey area that is associated with that, it can only be to one end; it cannot be a serious attempt to look at Senate reform.

In cases such as the passage of the goods and services tax, the government did a deal with the Australian Democrats to ensure the
bill would pass, yet it cries foul when other bills fail to pass muster. Perhaps it has not been able to get the Democrats on side; perhaps it has not been able to persuade the opposition of the merits of that particular piece of legislation in toto—it might have been able to persuade the opposition in part but then it might have failed to accept real amendments to the bill which have been put forward and which would make it far better. It seems that the government has one view when in opposition and quite another when in government and it seems, in some parts, quite another depending on the particular bill that is before it.

The government’s intention to reform the deadlock provisions of the Constitution in section 57 and proposals for a referendum to give the government the power to push blocked legislation through the Senate without going to a double dissolution is a matter—and the chamber understands that process—that has been examined before by a number of committees. There were two substantive reviews, which I referred to earlier: the 1959 review and the 1985 review, which substantially covered this issue of Senate reform.

The Australian Senate has evolved into a unique body clearly a product of the early federalist model. But the Constitution of Australia made the position of the Senate as clear as the founding fathers could make it. Section 53 and section 57 are closely tied together. The end of section 53 states:

Except as provided in this section, the Senate shall have equal power with the House of Representatives in respect of all proposed laws.

What this appears to say is that the Senate has full power to pass or reject any bill, including a money bill. However, it is plain that the laws appropriating revenue or money or imposing taxation must originate in the House of Representatives and the Senate may suggest amendments although not amend.

Of course, what was perhaps at first not clear to delegates to the convention debates back in the 1890s was that differences in fact could arise between the two houses of parliament and that a deadlock may occur. Section 57 was provided as a means of resolving deadlocks by resort to a simultaneous dissolution of both houses. It is a long section and not particularly clear, although subsequent cases have since clarified its operation. In short, the section provides that if the Senate, with an interval of three months, twice rejects a proposed law or fails to pass it, or passes it with amendments which the House of Representatives does not accept, then both houses of parliament can be dissolved by the Governor-General on advice from the Prime Minister. If the disagreement continues a joint session is called by the Governor-General and, if it is passed by an absolute majority of the total number of both houses, it becomes law.

It is clear that sections 53 and 57 came from the convention debates of the 1890s as a compromise. But then, the Senate’s practices, the House of Representatives’ practices and perhaps life tell us that there are compromises that have to be worked with. Six double dissolutions have in fact followed. Interestingly, the third double dissolution in 1974 resulted in the first and only joint sitting convened under section 57. It was, of course, followed by the fourth double dissolution in 1975—and I do not know whether the five minutes remaining will allow me to do justice to the 1975 issue—

Senator Abetz—Don’t try.

Senator LUDWIG—so I will not dwell on that. I might find time during an adjournment debate, perhaps, to deal with the duplicity of the coalition government during
that period. I might, if time permits, deal with it later—and certainly, if Senator Abetz is in the chamber, I will take the opportunity.

In reality section 57 has been used by an opposition to gain government. That is what it was used for. There flowed from that a number of court cases. Two opposition senators challenged the validity of the double dissolution in the High Court in Cormack v. Cope. There were also another two cases: Victoria v. Commonwealth and Petroleum and Mineral Authority Act 1973 and Western Australia v. Commonwealth, which was colloquially referred to as the ‘Territory senator’s case’. They did clarify the position of section 57 to the extent that by 1988 a constitutional commission appointed by the government in 1985 to review the Constitution reported that, as a result of those three cases, at least the following points were settled: (1) the section operates distributively, thus the government can stockpile bills; (2) there is no time limit within which a double dissolution must occur following the second rejection of a bill by the Senate; (3) the three-month interval runs from the Senate’s rejection of or failure to pass the bill; and (4) section 57 is justiciable in relation to whether an occasion has arisen in which a joint sitting is valid.

It is worth noting that the six double dissolutions show that a formal mechanism was necessary to resolve interhouse conflicts. For Labor, constitutional reform is a long-held conviction—reform not solely about the moment or advantaging the government in power. To disappoint Senator Abetz, I do encourage Senate reform, but I encourage debate about Senate reform even more to ensure that any model that is thrown up is held up to the light and scrutinised for the best possible outcomes. For Mr John Howard, however, constitutional reform appears to be—and I hope to be persuaded that I am wrong in this—only desirable when the Liberals are in government. Regardless of the Liberals’ double standards and opportunism, Labor does welcome the fact that Mr Howard wants to look anew at constitutional reform. His exclusive focus on Senate powers, though, may be transparent or he may be able to convince us that it is a wider avenue that he will trod.

Senator Abetz—‘Tread’—get it right.

Senator LUDWIG—‘Tread’, I should say.

Senator Abetz—Sack your speech writer!

Senator LUDWIG—I departed, unfortunately. At the Liberal Party National Conference in June he announced his intention to prepare and issue for public debate a discussion paper on the proposal on the settlement of deadlocks originally recommended in the 1959 report of the parliament’s Joint Committee on Constitutional Review. The report did propose a new constitutional provision allowing for a joint sitting of the two houses to pass disagreed legislation after a period of three months has elapsed. However, it also recommended the current double dissolution provisions be maintained substantially unaltered; that the Governor-General have the power to terminate a joint sitting, regardless of whether or not the disputed bill had been voted on; and that, if a general election occurred less than 12 months after a deadlock occurred, a joint sitting could be held after the general election. All of these the Prime Minister failed to mention.

We need to understand the effect of Mr Howard’s June proposal, taking as an example the ASIO bill. What we now have before us is a ministerial statement which does highlight two proposals. It is an issue about which we have said that a broader approach is necessary. If the government is serious about constitutional reform and about Senate reform, I do not think the deadlock provisions alone should be addressed in isolation.
Other important issues like the removal of power to block supply and fixed four-year terms for both houses must also be addressed. They should form part of the overall discussion. The removal of the power of the Senate to block, defer or reject supply is integral to any reform of Senate powers. In addition, one of the models also proposed by the Joint Committee on Constitutional Review in 1959 was revisited by Mr Howard early last month: he called it the Lavarch model, which looks very similar to, if not the same as, the original proposal. Of course, this floated the idea of a constitutional alteration to allow for a joint sitting. But, of course, that was not in isolation either.

**Senator NETTLE (New South Wales)**

(5.50 p.m.)—The Prime Minister yesterday launched an attack on Australia’s democracy. Our parliamentary democracy has evolved and strengthened since its birth over 100 years ago. Our democracy and our parliament are built on the principle that checks and balances are provided to protect us from the abuse of power by an executive government. The strongest brake on the abuse of power by a government is the Senate. Any attack on the Senate is an attack on the greatest strength of Australia’s democracy.

The Prime Minister wants the public to believe that his proposal is moderate and reasonable and is not an attack on the Senate. This is simply not the case; in fact, the opposite is true. The Prime Minister’s proposal is a head-on attack on the powers of the Senate. It will not improve the workings of this chamber or strengthen our democratic institution—the parliament. The Prime Minister’s proposal will instead make the Senate irrelevant. It will turn the Senate into a toothless forum for discussion, and the Senate will have no more power other than to shout into the wind of government decree. It will be powerless to halt the march of prime ministers and their arrogance.

The reason why the government cannot get all of its most controversial legislation through the parliament is that it does not have majority support. Let me repeat that central fact: this government does not have the support of the majority of Australians. The morning after every election, most Australians wake up to the news that the party which they voted against has come to power. Only 43 per cent of the Australian voters in the last election chose for their primary vote—their first choice—the coalition. Yet the Prime Minister wants 100 per cent of the power. Mr Forty-Three Per Cent wants 100 per cent of the power. This is a minority government making a grab for absolute power.

The Howard government have only ever received the support of 47 per cent of the Australian population. That was in their first election. The coalition dropped as low as 37.7 per cent of the vote in the Senate in 1998. But the coalition believe that they are the only people who should have a say on what becomes the law of the day in this country. We see governments constantly ignoring the voices of dissent in the House of Representatives. The government are now seeking to be able to ignore the different and the dissenting voices that are in this chamber, in the Senate.

This is not what our founding fathers and mothers had in mind. The Prime Minister writes in his document that proportional representation ensures a legitimate voice in the parliament for a cross-section of interests. The founding fathers and mothers of our Constitution would agree with the Prime Minister about the importance of proportional representation. Electoral reform since this democracy’s birth has a long and proud history of recognising the value of proportional representation. Catherine Helen Spence, who was the most significant founding mother of our Constitution and who features on the $5 note, was a vocal advocate
for proportional representation. She had a pamphlet which came out in 1861 that spoke on this issue, called *A Plea for Pure Democracy*. In the 1891 constitutional convention, proportional representation was raised and discussed as a favourable option. In the 1898 constitutional convention a decision could not be reached on the voting method to be used. So the first vote for the parliament in this country combined a single member electorate vote in the mainland states with proportional representation in Tasmania. Proportional representation was then, of course, introduced to be the electoral system for the Senate by the Chifley government in 1948.

The Australian Greens believe that there is need for electoral reform. We believe that electoral reform should be pursued to bring greater democracy to our parliament and to give greater power to the voting population of Australia. Our Constitution deliberately leaves open the option of expanding proportional representation in the House of Representatives. It allows it to occur by a simple act of parliament rather than requiring a referendum. The Greens believe that the single most important reform for achieving a more pure democracy in this country is to introduce proportional representation into the House of Representatives. Proportional representation exists in Australia in the ACT Legislative Assembly, in Tasmania and in most local councils in my home state of New South Wales. It has been adopted throughout continental Europe, in the European parliament, and in Ireland, Scotland, Wales and New Zealand. Recently the Blair Labour government committed to consideration of proportional representation for the House of Commons in the United Kingdom. Where we have seen proportional representation being introduced as an electoral system here and overseas, we have seen a greater proportion of women being elected to our parliaments. This is what the Prime Minister means when writing in the document tabled yesterday that proportional representation allows a diversity of voices to be represented in our parliaments.

The Australian Greens released a paper last week that outlines four options for bringing greater democracy into our parliament by bringing proportional representation into the House of Representatives. I seek leave now to table both the Greens paper on proportional representation in the House of Representatives and also the Greens paper released yesterday critiquing the Prime Minister’s proposal, which was circulated to whips earlier today.

Leave granted.

**Senator NETTLE**—The options that the Greens have canvassed for reform include making each state an electorate and electing MPs for each state through proportional representation in these states. The paper also puts forward a proposal about introducing the Hare-Clark system, like we see in Tasmania and in the ACT—splitting the country into a number of electorates and electing a handful of members in each of those electorates. It also suggests the MMP system, the mixed members proportional system, used in New Zealand and in Germany, that combines single member electorates with state-wide proportional representation.

The Prime Minister’s proposal does not focus on the value of proportional representation. Proportional representation is about giving power to Australian voters, but the Prime Minister’s proposal is about giving power to the Prime Minister. The Prime Minister’s proposal is a direct attack on the Australian people who support the role that the Senate plays in scrutinising legislation, in improving government proposals for laws that affect all Australians and in providing a check on executive power. Australian voters vote differently in the Senate to how they
vote in the House of Representatives. They do that because they recognise the check and the balance that the Senate provides on the executive government of the day. They want the executive government’s power to be balanced, to be moderated, by a Senate of a different political composition. At every election in recent times we have seen more and more people vote for political parties that are not the two major parties. Yet the direction of the Prime Minister’s reforms is taking away the power of that increasing number of voters who are putting non-major parties into the Australian Senate. The Australian Greens have a word of warning for the Australian Labor Party in this debate.

Debate interrupted.

DOCUMENTS

Convention on the Rights of the Child: Reports

Debate resumed from 8 October, on motion by Senator Ludwig:

Senator LUDWIG (Queensland) (6.01 p.m.)—I have an interest in this area. We talk about protecting children’s rights and our obligations under the Convention on the Rights of the Child but is this government really doing anything worth while to protect children at risk within our community? The Minister for Children and Youth Affairs, the Hon. Larry Anthony, has announced a range of initiatives specifically designed to assist children at risk. In fact on two occasions—in two different media releases—he announced the same initiative. He said:

The Prime Minister recently announced funding of $10 million for the first practical steps to be taken through the National Agenda for Early Childhood. Funding will go towards early childhood intervention and prevention programs focusing on early child and maternal health, early learning and care, and supporting child friendly communities.

I would like to know—perhaps Senator Abetz will be able to assist in this instance—whether this includes our Indigenous communities, or was the Prime Minister just generalising when he said ‘a national agenda’?

What is the federal government doing in the area of Indigenous children’s health? From figures released by the Australian Institute of Health and Welfare it would seem, frankly, that it is not doing much. Recent figures show that Indigenous death rates greatly exceed the corresponding Australian death rates at all ages despite underidentification of Indigenous people in death registrations. This was a matter that I went to yesterday and dealt with under table 7 of this report which highlighted the differing treatments with respect to our Indigenous people and our children.

While figures show favourable trends for mainstream Australian children, those same figures are not quite so glowing in relation to Indigenous children’s life expectancies. The life expectancy after birth is still much lower for Indigenous people. Indigenous people account for only 2.2 per cent of the Australian population. Less than one-third of the Indigenous population lives in capital cities with easy access to mainstream health services. The infant mortality rate of Indigenous children is more than three times higher than for the rest of the population. Some people might suggest that this is a crisis.

What is the government doing to address this rate? Let us have a look. The government has released reports showing child abuse and neglect are more likely to occur within the family and that mental illness, drug and alcohol problems and low income are the major risk factors, yet nothing is being done to address this in remote rural communities. The Commonwealth continually fobs program responsibilities onto the state governments. One should applaud the
state governments for their initiatives to bring better services to communities. But what exactly is the Commonwealth doing for Indigenous communities on a national scale, with a national agenda and with a national focus? The Minister for Children and Youth Affairs has not announced a single positive initiative designed to protect and assist Indigenous children. In fact, I have looked closely at his ministerial web page over the past 18 months and the only reference to Indigenous children was in a report called Child Protection Australia 2001-2002 First National Results which shows an increase of substantiated cases of child abuse or neglect. It may not be his area but if the Minister for Children and Youth Affairs is going to put out national agendas for children then he should include Indigenous children as part of that and he should deal more substantively with it. In that report there was a reference to Indigenous children. It states:

The situation for indigenous children continues to be particularly bad. At 30 June 2002, the rate of indigenous children on care and protection orders was nearly six times the rate of other Australian children. The rate of substantiations for indigenous children in Victoria and Western Australia was nearly eight times that for other children.

This is atrocious. But it is not the figure that is atrocious; it is the lack of action by this government on a national scale which is atrocious. Yet instead of doing anything about it the government, in its second and third combined report under the Convention on the Rights of the Child, claimed:

The Australian Government is providing significant support and assistance to families. We are of the firm belief that the best way to tackle child abuse is through prevention and early intervention strategies.

The report further claims that the Australian government continues to address the needs of Indigenous children. It is clearly not doing enough. The minister announced the National Agenda for Early Childhood to provide directions for a whole-of-government approach to investment in early childhood. As I said, the office needs to do more.

International Labour Organisation

Debate resumed from 8 October, on motion by Senator Wong:

That the Senate take note of the document.

Senator WONG (South Australia) (6.07 p.m.)—I rise to continue my remarks in relation to this document, which is the government’s proposed action in relation to the Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour. My primary issue with this is that it has taken such a long time for this government to take appropriate action in respect of this treaty. The treaty is an ILO convention which was ratified in June 1999. It deals with issues that I do not think anyone in this parliament would disagree are extremely important, and issues that one would have thought would not even be an issue for Australia to ensure we had proper legislation to prohibit.

The convention seeks to eliminate the worst forms of child labour, including slavery, trafficking, involvement in prostitution and pornography, and a range of other hazardous and exploitative activities. One would have thought, from any analysis, that these are principles which all parties in this parliament would agree to. Nevertheless the government seems to have taken the attitude in respect of this ILO convention that it has in relation to many International Labour Organisation conventions; that is, to go very slowly towards ratification—or, in respect of other conventions, to not ratify them at all. The concern I have is that not only has it taken us some time to come to this point but, as this document demonstrates, it will take us some time to engage in the proper consultation and, if necessary, any legislative action.
before we can even ratify it. The government has dragged its feet in relation to this convention, and we are in the embarrassing situation of being the only Western industrialised nation to not yet have ratified this convention. For example, the United States ratified it in December 1999 and the United Kingdom in March 2000. Here we are in late 2003 and we are only now commencing the work necessary to lead to ratification.

I also make the point that previous ministers in this area have been characterised by their delay in acting in relation to the convention. This document states that the then Minister for Employment, Workplace Relations and Small Business wrote to the state and territory ministers only on 16 May 2001 requesting that they agree to ratification of the convention and take appropriate action. I would like to note for the Senate’s interest that that happened only after a question on notice as to what action had been taken was asked by the then shadow minister on behalf of the Labor Party. That question was asked in February 2001. An answer was supplied to the House of Representatives on 23 May saying that the minister had, in fact, written to state and territory ministers—he failed to mention that he had only written one week before.

I make the point again: we are the only Western industrialised country that has not ratified the convention. It has been ratified by 144 of the 177 ILO member states. This is an unprecedented level of ratification amongst ILO countries and is indicative of the level of global support that this convention has. I look forward to the government actually taking action in relation to this convention. As I said at the outset, it deals with the worst forms of child labour and exploitation. In particular it refers to slavery; prostitution and illicit activities, including the trafficking of drugs. Action in respect of this convention is well overdue.

Consideration

The following orders of the day relating to government documents were considered:

- Australian Bureau of Statistics—Report for 2002-03. Motion of Senator Crossin to take note of document agreed to.
- Australian Postal Corporation (Australia Post)—Report for 2002-03. Motion of Senator Mackay to take note of document agreed to.
- Department of Transport and Regional Services—Report for 2002-03. Motion of Senator Crossin to take note of document agreed to.

General business orders of the day nos. 1 to 4 and 10 relating to government documents were called on but no motion was moved.

The ACTING DEPUTY PRESIDENT (Senator Chapman)—The time allowed for the consideration of government documents has now expired.

COMMITTEES

Consideration

The following orders of the day relating to committee reports and government responses were considered:

- Finance and Public Administration References Committee—Report—Recruitment and training in the Australian Public Service. Motion of the chair of the committee (Senator Forshaw) to take note of report agreed to.
- Foreign Affairs, Defence and Trade Legislation Committee—Report—Aspects of the Veterans’ Entitlements Act 1986 and the Military Compensation Scheme. Motion of the chair of the committee (Senator Sandy Macdonald) to take note of report agreed to.

ADJOURNMENT

The ACTING DEPUTY PRESIDENT (Senator Chapman)—Order! There being no further consideration of committee re-
ports, government responses and Auditor-General’s reports, I propose the question:

That the Senate do now adjourn.

**Indigenous Affairs: Bennelong Society Conference**

Senator FERRIS (South Australia) (6.13 p.m.)—Tonight I want to reflect on the very successful Bennelong Society conference which was held at the end of August here in Canberra. I have had the privilege of serving as President of the Bennelong Society for the past 12 months, since the former Indigenous affairs minister Senator Dr John Herron took up his position as Australian Ambassador to Ireland. The Bennelong Society was formed in 2000 to promote debate and analysis of Aboriginal policy in Australia and to inquire into the causes of some of the problems facing Aboriginal people. Indigenous policy debate in Australia is currently going through a very important period, with renewed focus on both Aboriginal self-governance and the need to address both the poor conditions that exist in some Aboriginal communities and the likelihood of a successful outcome for any policy changes that could be made.

Most Australians are aware of the internal upheavals ATSIC has been through in the last 12 months. The federal government’s important review of ATSIC will soon be released with proposals for reform of that body. Following a landmark meeting in July between the Prime Minister and Indigenous leaders to discuss the issue of violence and abuse in Indigenous communities—drug and alcohol abuse and, in particular, the tragic consequences of the abuse of women and children—the Prime Minister made a personal pledge to work with state governments to improve conditions for Indigenous people. This government is committed to addressing the problems of passive welfare, violence, and alcohol and sexual abuse that are challenges in remote communities where Indigenous people live.

This year’s Bennelong Society conference, with the title An Indigenous future? Challenges and Opportunities, was a timely opportunity to debate and discuss various policy issues. Speakers at the conference came from across the country to present a range of papers on the future of the Aboriginal and Torres Strait Islander Commission, land rights, native title and the challenges faced in remote Indigenous communities. The Hon. Philip Ruddock, the former minister for indigenous affairs, opened the conference with his speech on the future of ATSIC as he saw it. The Hon. John Hanna, one of the three-member ATSIC review panel, set out the perspective he brought to the review of ATSIC, having travelled around the country to numerous Indigenous communities.

The conditions in remote Indigenous communities have been seen by the Bennelong Society as the single most challenging issue facing Indigenous Australia for quite some time. Chris Marshall, who has 30 years of experience working in remote Aboriginal communities, and former minister for Aborigines in the McMahon Liberal government, the Hon. Peter Howson—a long-time contributor to the Indigenous policy debate—both addressed delegates on the problems that exist in remote Aboriginal communities and the possible solutions to these problems.

Chris Marshall argued that a middle ground must be sought between assimilation and separate development. Mr Marshall argued that there is no need to promote assimilation. Even in the most remote communities there is rapid cultural change, and therefore there is a need to support remote Indigenous townships so that the casualty rate of this rapid process of cultural change can be minimised. He argued that remote communi-
ties are not a lost cause—there are still a lot of positive things happening in these communities. However, he made the case that the key variable for improvement in remote communities is the ability of the generally non-Indigenous adviser or administrator to facilitate participatory management, community development and community cohesion. There is no doubt that skilled intervention is required. Communities can no longer continue as passive recipients of services. They must be active participants in the planning and implementation of development.

Peter Howson, Vice-President of the Bennelong Society, also outlined to the conference how policies of the last 30 years have failed Aboriginal Australians. Mr Howson argued that the very serious problems that now exist in remote communities had their origin in the policies of the separation of Aboriginal people and the withdrawal of Indigenous advisers from these communities since the early 1970s. Policies that provide and maintain infrastructure in remote communities, in combination with the extensive provision of welfare, have created and sustained what he called ghetto like communities based on welfare dependency. He argued that this must be addressed as a matter of urgency.

Former Labor government minister Dr Gary Johns reinforced this message. He called on Aboriginal people to become independent of government, a result that can be achieved only through education. Governments cannot preserve Aboriginal culture and difference. Indeed, he pointed to the policies of separation of land, separation of culture and separation of communities that were promoted by many academics. He argued that this policy had failed. It had failed many Aboriginal people. He said that Aboriginal people must look beyond remote communities to secure their future.

The conference began with a dinner on the evening of Friday, 29 August, at which we were able to honour two of the Ngarrindjeri, so-called dissident, women who exposed the fiction of secret women’s business in the early 1990s that resulted in a ban on the construction of a bridge to Hindmarsh Island. Dulcie and Dorothy Wilson were presented with Bennelong medals by the Hon. Ian McLachlan AO, the former defence minister and former federal member for the seat of Barker, which included Hindmarsh Island at the time of the controversy. I take this opportunity to pay tribute once again to the courage these women showed in standing up to great cultural pressures and revealing the truth in relation to secret women’s business.

Other issues discussed at the conference included native title and land rights. In the lunchtime address, Mr George Savell, former Chief Executive Officer of the Association of Mining and Exploration Companies, reflected on his 20 years of involvement in Australia’s mining and agricultural industries and on the mining industry’s experience of native title and land rights. While expressing a great deal of dissatisfaction with the past operation of the Native Title Act and with what he described as its unworkable processes, Mr Savell did articulate a much more optimistic view for the future operation of the act and its effect on the mining industry. 


In conclusion, I would like to take this opportunity to thank all those contributors to the conference, especially those who trav-
elled great distances to come to Canberra to make this year’s conference the great success that it was. All papers given at the conference are available on the Bennelong Society’s web site, which can be found at www.bennelong.com.au. I urge all Australians interested in Indigenous policy debate to visit the Bennelong Society web site.

Building and Construction Industry: Royal Commission

Senator MACKAY (Tasmania) (6.21 p.m.)—I would like to speak tonight about the Cole royal commission, a royal commission that most people recognise as a cynically timed political exercise. As Mr Craig Emerson reminded those in the House just the other day, in early 2001 things were not going too well for the Howard government. Petrol prices were skyrocketing; the never, ever GST was proving an administrative nightmare for the Liberal Party’s prime constituents, small business; their own Liberal Party president described them as ‘mean and tricky’; and Peter Reith’s son had been phoning home a bit too often.

So what did they do? They did their usual: they created a diversion. How could they create a diversion, bearing in mind that Tampa was not yet on the horizon? Easy: have a go at the unions—bash the unions a bit. Who better for the job than the Prime Minister’s anointed one, the then Minister for Employment and Workplace Relations, Mr Tony Abbott. There is no doubt about it, Minister Abbott hated unions—that is, until he became the Minister for Health and Ageing. Now, he appears to be somewhat captured by the strongest union in the country. He has been conciliatory about the use of industrial action by the doctors, seemingly just wanting to know how high he should jump. I wonder whether the doctors held a secret ballot before they made the decision to take their action—action I support, by the way, the same as I support any worker’s right to collectively organise to ensure decent working conditions.

But, getting back to the subject, the government needed a diversion so they set up a royal commission. They set up a royal commission supposedly into the building industry. But the royal commission was never really into the building industry; it was into the building unions, particularly the Construction, Forestry, Mining and Energy Union, the CFMEU. But the government had to tread a bit carefully. After all, it could not risk another royal commission, like the last time a coalition government tried to have a go at the union movement via a royal commission. Oops! That one accidentally exposed those famous bottom of the harbour schemes, implicating several prominent Liberals along the way.

They could not risk another one like that, so they made very sure they got the terms of reference right this time. They skewed the terms of reference and they skewed the inquiry process. The commission further helped out by adopting processes and procedures guaranteed to disadvantage unions and present them in the worst public light possible. For example, the right to cross-examine witnesses was strictly limited by the commission. Counsel representing unions were restricted to seeking to contradict damaging evidence in circumstances where a union witness had been able to directly contradict the commission’s witness. The usual opportunity to question a witness to elicit favourable evidence was simply not available. To make matters even more difficult, the commission had to be provided with a list of references for the contradictory evidence and the cross-examiner was strictly limited to dealing only with these references.

This caused a particular problem, even where evidence was able to be successfully
refuted, because what it meant was that there was a timelag between the negative evidence and the rebuttal. So we saw sensational and damaging anti-union headlines but little follow-up a few days later—when the media’s interest had dissipated—when that sensational evidence was rebutted or the witness discredited. The other really glaring procedural problem with the commission was the amount of time it allocated to examining evidence that could be seen as adverse to the union movement as opposed to evidence adverse to employers. Surprise, surprise—the overwhelming majority of time was spent trying to get the unions. In fact, 81 per cent of the public hearing time was spent attacking just one union.

Whilst I am on the subject of time, I will also talk a little about cost. This political stunt—the royal commission—cost the Australian taxpayer $60 million. My sums have been done on the back of an envelope, I must admit, but I work it out to about $50,000 per hour of sitting. That is a lot of money in anybody’s book. The commission visited my home state of Tasmania, holding hearings in Hobart in March 2002. These hearings were held from 4 to 14 March, plus a preliminary hearing was held the previous October. By my reckoning, the Tasmanian leg alone must have cost over $2 million, which is an awful lot of money to spend on a politically inspired witch-hunt.

While I am talking about the cost, I cannot help but be surprised—as were a lot of people, I might add—that the commission saw fit to spend such a long time in Tasmania. We were all surprised. Ten days is a long time to spend in Tasmania on an issue which had absolutely no result—even though Tasmania is such a wonderful place. After all, they spent only two days in South Australia and, as the commission heard on their first day, Tasmania does not have much of an industry these days in this respect. I do not know how long they spent in Queensland—probably less than 10 days. A lot of people have wondered why so long was spent by the commission ‘fishing’—and I use that term advisedly—in Tasmania. It has been suggested that part of the reason for the length of stay was that the trout fishing in Tasmania is very good. In fact, March is a most beautiful time of year to visit Tasmania, especially if you are interested in fishing—fly fishing in particular. So, potentially, we had a fishing expedition for fishing. But that is only anecdotal; I am not quite sure about that.

Another suggestion put forward was that maybe they were after the biggest fish of all. After all, the Labor Premier of Tasmania, Jim Bacon, is a proud ex-state secretary of the BLF—voted in yet again overwhelmingly in my home state of Tasmania—and an ex-secretary of the Trades Hall Council in Tasmania. In fact, the Deputy Premier is also an ex-secretary of the Trades Hall Council in Tasmania. The then leader of the Liberal Party in Tasmania, Sue Napier—who, I note, we may shortly be seeing in the Senate chamber if Senator Abetz cannot shore up his numbers in the near future—put out a press release in July 2001, calling on Jim Bacon to fully cooperate with the royal commission. The excitement of the state Liberals in Tasmania was almost palpable. Sue Napier, the then leader of the Liberal Party, went on to ‘welcome the Royal Commission to Tasmania where business figures of the calibre of Rudi Sypkes have added their weight to the concerns of the Housing Industry Association’. I do not know Rudi Sypkes personally, but I do remember seeing him on the evening news with Peter Reith, who was opening his new building for him. Perhaps that gives some indication of Mr Sypkes’s philosophy on these sorts of issues.

So, what did we get for all the money and time spent in Tasmania—all the disruption to the work of those called to give evidence?
What did the royal commission find after 10 days in Tasmania? It found nothing. In fact, I have browsed through the transcripts of the Hobart hearings—I must say I have not read them word for word, as they amount to several hundred pages—but the only thing I could find of note was the evidence given about occupational health and safety breaches by employers.

So what does the commissioner have to say about that in his report? And what did the then minister propose to do about it? Only last month in the House, Minister Abbott said that he would address issues such as occupational health and safety later. In an industry where there is, on average, one fatality per week, what we get is a piece of legislation designed to destroy workers’ rights. We get a piece of legislation that will impose a maximum of two weeks on any strikes. This is an industry where most disputes last for a day or two, not two weeks. This is just nonsense propaganda. Time limits are needed on employer lockouts, just like the recent one in Geelong which lasted for 20 weeks and which was eventually shut down by the employer, with the loss of 100 jobs. Where was Mr Abbott then with his legislation?

So what we have is 10 days in Tasmania on a fishing expedition—and do I use that term advisedly. According to my back of the envelope calculations, that visit cost taxpayers $2 million. And what do we have to show for that? We have a series of alleged breaches by employers in relation to occupational health and safety. We have nothing about the unions. And what is Mr Tony Abbott prepared to do about it? Nothing, other than to jump to the tune of the doctors and ask: how high?

Health: Mental Illness

Senator TIERNEY (New South Wales) (6.31 p.m.)—Earlier this year I felt compelled to address the Senate about the chronic lack of attention that mentally ill people are receiving in our state of New South Wales. Tonight I rise again to draw to the attention of the Senate matters that arose out of a recent New South Wales mental health report and a subsequent article in the Bulletin magazine. The article, titled ‘A Dying Shame’, appeared in the Bulletin on 7 October this year and gives a name and a face to the thousands of mentally ill people who are failed by the New South Wales mental health system every year.

The article in the Bulletin introduces us to Ben Chapman from the Central Coast of New South Wales who became a victim of the flawed mental health system in our state. The article says:

Ben Chapman was 19, a tall, good-looking man who worked part-time in a supermarket and was scoring top marks in his TAFE course ...The only clouds on his parents’ horizons were that he had lately become introverted, brooding and played rap music so loud that it disturbed the neighbours. Then in the early hours of the second Monday in December 2002, Ben took the family car and tried to drive over a cliff. When that failed, he drove headlong into the side of a house. Still alive, and charged with all the energy a psychotic episode produces, he fled into nearby bushland.

According to the article, Ben’s family, friends and police searched for hours for him, and Ben was admitted to Mandala, the psychiatric unit at Gosford Hospital on the New South Wales Central Coast. The article goes on:

Less than 48 hours later, he was discharged—by a doctor with ‘only’ four months’ experience in the job, according to the coroner, although a more senior doctor assented to this discharge. Ben was lucky to stay that long: his mother and Ben were told on his second night he would have to give up his bed and be sent home if a more pressing case presented. His father brought him home the next day. Ben waited until the family was asleep that evening, then walked out of the house to a nearby
railway bridge and threw himself in front of a train.

The article said that Coroner Michael Moran-
han stated:
Staff were over-anxious to discharge Ben due to the perennial shortage of beds at Mandala and this was one of the many cases which highlight gov-
ernment neglect—
that is, in New South Wales—
in the area of mental health facilities.

Ben’s mother states:
They should have kept him two or three weeks until they were sure he was all right. I know he would have come good.

The article stated that half of mental health suicides occur within 48 hours of discharge. It goes on:
... it has been known for at least a decade that the suicide rate in the immediate period after discharge is 100 times the rate for the general popu-
lation; for patients with depression it is up to 500 times.

A 1995 research paper published by NSW Health itself listed among the reasons for this ‘the fact that the patient might not be fully recovered’.

An article in today’s Newcastle Herald inter-
viewed the Director of Hunter Mental Health, Vaughan Carr, who yesterday ad-
dressed a mental health seminar in the Hunter. Professor Carr raised the point that the general out of sight, out of mind attitude that states have towards the mental health system is causing Australia to fall far behind the other developed nations. He said:
We have 4.1 psychiatric beds per 10,000 people in Australia in comparison with Britain which has in the order of six to eight beds per 10,000, which is a little more realistic.

That is virtually double Australia’s rate. He further said:
Canada, New Zealand and the UK are spending between 10 and 12 percent of their health budgets on mental health.

This contrasts with Australia’s state mental health systems, where funding is tied up in hospitals and only a small amount is avail-
able for mental health. When Australia has three million mentally ill people in need of treatment, and only 80,000 beds to accom-
modate them, it is obvious that state based mental care is failing in this country.

Why have state governments like that in New South Wales allowed mental health ser-


ervices to erode to this level? It seems that mentally ill people, who really are forgotten by the state health systems, are left to suc-
cumb in the darkness of clouds that appear above them. Without treatment, the clouds descend and, for many, there is no way out of the fog. We need more than hospital based mental health care to adequately treat those who need it.

Professor Carr said that mental health has such a stigma attached to it that it attracts only indifference and ignorance from the wider community, obviously including the health system. Without community support to treat relapses and prevent readmissions, the desperately mentally ill will continue the cycle in and out of psychiatric wards that are underresourced to care for them adequately. When a person is admitted to hospital to re-
ceive treatment for a mental illness, by all rights, they should receive adequate treat-
ment for the illness and only be discharged from supervised care when they are deemed fit. Very sadly, this is not the reality in the New South Wales mental health system. There are too many casualties of the system and there have been far too many failures since the major reforms in mental health over the last 20 years.

New South Wales Health will not reveal the latest figures of death within that critical 48-hour period after being released from mental care. They have, however, put to-
gether a committee to come up with recom-
mendations to cut the death toll amongst pa-
tients of the mental health system. However,
this committee meets behind a wall of the
strictest secrecy. Almost half of the commit-
tee members are employed or funded by
New South Wales Health. The committee
meets at the New South Wales Health head
office and committee members have signed a
confidentiality agreement and face up to six
months in jail if they speak to anyone about
the committee’s business. How can a com-
mittee that is structured in this way and func-
tions under such secrecy possibly be in the
community’s best interests? What is needed
is a clear and transparent process of inquiry
to shed some light on the flaws in the New
South Wales mental health system. This is
the only way that we can move forward and
cut the unnecessary death toll amongst those
who seek help for their illness.

Townsville Community Legal Service

Senator LUDWIG (Queensland) (6.38
p.m.)—During the last couple of weeks
when parliament was not sitting, I had the
good fortune to be invited to attend the an-
nual general meeting of the Townsville
community legal centre. I was only too
pleased to attend this meeting as I believe
that, as members of parliament, we should be
providing as much support and encourage-
ment to community legal centres as is possi-
ble. There can be little doubt that the com-
unity legal centres, their dedicated staff
and volunteers do play a vital role in provid-
ing access to justice for many disadvantaged
people in their communities.

Given the increasingly complex and litig-
ious nature of society, this is a role that is
becoming increasingly difficult to maintain.
However, I must say that I was particularly
pleased to attend this annual general meeting
of the Townsville community legal centre as
it marked the commencement of its 11th year
of service to the city of Townsville and the
surrounding area. Since its inception, the
Townsville Community Legal Service has
clearly striven to provide quality legal advice
and financial counselling to the many disad-
vantaged clients that have sought their assist-
ance.

The annual report presented at the meeting
covered the centre’s activities over the past
financial year. It demonstrated that the
Townsville community legal centre is being
faced with a continually escalating demand
for their services in areas such as family law,
personal injuries, consumer law, administra-
tive law and the new areas of migration law
as well. I must say though that one aspect of
the annual report of particular concern to me
was the increasing demand being placed on
their services by unrepresented litigants des-
perately seeking advice in areas such as fam-
ily law. While this is not the time to raise this
issue, I do put the government on notice.
They must have a closer look at their poli-
cies, funding levels, general attitude in re-
gard to providing access to justice for all
Australians and not just the privileged few.

On a happier note, I would like to con-
gratulate the newly elected Townsville com-

unity legal centre management committee
for 2003-04. I am sure that the President, Mr
Matthew Yates; Secretary, Jayne Finlay;
Treasurer, Elspeth Davidson; and general
members Hazel Illin, Uller Secher, Bill
Coyer, Cheryl Walker and Grant Riethmuller
will continue the fine tradition of community
service that has become the benchmark for
the Townsville community legal centre. I
would also like to take the opportunity to
personally congratulate and thank the outgo-
ing president, Mr Grant Riethmuller, for his
dedication to the Townsville community le-
gal centre and his efforts to provide quality
legal advice to disadvantaged members of
the Townsville community. In recognition of
his service, Mr Riethmuller was presented
with a 10-year achievement award at the end
of the annual general meeting for his outstanding service to the Townsville community legal centre. Mr Riethmuller is one of three to be presented with this award, the other two recipients being Mr Don Armit and Mr Peter Bevan. These members of the Townsville community legal centre are all senior legal practitioners who, over a 10-year period, have given their time and expertise to assist the wider community. It is very satisfying to see that people still do voluntarily give up much of their time to assist those who are less fortunate than themselves.

Indeed, the services of the Townsville community legal centre would be severely reduced if it were not for the number of volunteers and those who also provide pro bono work to them. The annual report indicated that in the last financial year volunteers provided in excess of 3,030 hours of work. This is equivalent to about 86 weeks of full-time hours, 1.8 full-time positions or, in dollar terms, about $151,500 in funding. Volunteers provided service to the Townsville community legal centre by providing administrative support, serving on the management committee, providing clinical legal studies and conducting a Thursday evening advice service. As stated in the annual report:

The contribution from volunteers and pro bono hours is almost equivalent to the level of Commonwealth funding received by the Townsville Community Legal Service.

The volunteers and pro bono workers of the Townsville community legal centre should be congratulated for their contribution to the provision of legal services to the community. However, these figures again show that the Howard government needs to take a good hard look at its policies and funding priorities. There can be no doubt that our legal aid system is under greater pressure than ever, and the community legal centres suffer. We have now reached the stage where Commonwealth contributions to legal aid are significantly less than contributions by the states and there has been a reversal of the funding partnership in some areas when you add in the pro bono and voluntary work. We have now reached a stage where the Commonwealth needs to examine the area more carefully. There is an opportunity in the next round for that model of legal aid funding to be re-examined but there is always the opportunity for this government to examine more closely the funding needs of community legal centres. Far be it from me to say that some of the programs that this government has funded have been a waste of money. One wonders whether the money spent on the Law Online or Law by Telecommunications projects was truly well spent and whether it could have been better directed to places such as the Townsville Community Legal Service.

But my point tonight was not to make a political issue in respect of this matter. My point was to take the Senate to those issues that the community legal centres face, those in Townsville particularly, and to congratulate those people for the hard work that they have done. The Senate has provided a reference to the Senate Legal and Constitutional References Committee to allow that committee to examine in greater detail the issues of legal aid funding, so I do not need to go to that tonight. We will have a greater opportunity to examine legal aid funding, and also the funding to community legal centres, over the ensuing months.

But you do have to compare it in some respects to that which is provided by outsourcing legal areas within the Commonwealth departments. As the shadow Attorney-General has said, it is double the amount provided for legal aid. It is an astonishing figure when you look at it: something in the order of $243 million is provided to external lawyers and less than half of that is provided to legal aid for the more disadvantaged. I
think the government has got this balance wrong and it needs to be addressed.

Government policies are placing more and more pressure on our legal aid system. These pressures on the legal aid system have in turn compounded the already significant pressures on our community legal services. This has come at a time when community legal services have had to cope with increased demand and cost pressures. We have seen the Howard government blowing millions of dollars on projects such as Law by Telecommunications and the Community Legal Services Information System—projects with serious flaws in design and implementation, flaws which, I might add, could have been rectified by listening more closely to the concerns of community legal services.

The government must develop a comprehensive national strategy to tackle access to justice issues across the legal system. The Labor Party did just that with its 1995 justice statement. Regrettably, what we are currently seeing from the present government is a piecemeal and incoherent policy that fails to acknowledge the growing exclusion of many Australians from our legal system. This is only serving to place further pressure on community legal centres and their hardworking volunteers. I look forward to continuing to work closely with community legal services on ways to secure their role in the frontline of providing Australians with access to justice. In closing, I would once again like to congratulate the newly elected members of the Townsville Community Legal Service Management Committee and commend the Townsville Community Legal Service for its continued service to the people of Townsville.

Indooroopilly Railway Station

**Senator SANTORO** (Queensland) (6.47 p.m.)—I have received many complaints about the neglect by the state government of the Indooroopilly Railway Station. I have been told that there is no access to the platforms for those in wheelchairs or for mothers with prams. The subway tunnel leading to the station is poorly constructed and often dangerous because of inadequate lighting and slippery floors. There is no safe drop-off point for passengers, so pedestrians are at risk when they leave their cars to enter the station and catch their trains. To make it even worse, the cycle bridge over the Brisbane River channels cyclists through the same area, causing even more problems for commuters and cyclists alike. There is no Park & Ride facility. The whole station complex boasts just 13 commuter car parks.

A further problem is that there is no proper feeder network of buses to transport rail commuters to the station, and also there is no coordination between rail and bus timetables. All in all, these are problems that have been crying out for attention over many years. The previous Queensland coalition government realised that there was a problem at Indooroopilly station, and in the 1995 state budget the then Liberal Treasurer allocated funding to find a solution—

**Opposition senator** —You did nothing about it!

**Senator SANTORO** —We did do something about it. Unfortunately, soon after this the ALP came to power in Queensland and this funding was scrapped. Since then the local state member has shown absolutely no interest in responding to the many local residents who have expressed concern about the condition of the Indooroopilly station, and in fact it was not until the state Liberal candidate, Allan Pidgeon, commenced a campaign five months ago that locals had an opportunity to express their views.

Allan Pidgeon door-knocked local residents and delivered 2,500 flyers seeking feedback about this issue. The response was
overwhelming. He received hundreds of letters, coupons, emails and phone calls demanding action. There were many comments like, ‘It cannot be soon enough,’ and ‘Like most residents in the area I am sick of not being able to find a park in my own street’, and, ‘It is practically impossible for us elderly to get to the platform.’

I looked in vain in the 2003 Queensland state budget documents for any evidence of a state government commitment to upgrade the Indooroopilly station. There was a statement that ‘about $8 million will also be spent on improving accessibility on the Citytrain network, with lifts being installed at Mitchelton, Corinda and Redbank stations’ but there was no mention of Indooroopilly. Interestingly, as part of his efforts to push the state government into taking action, Allan Pidgeon lodged a freedom of information request on 30 September seeking details about when Indooroopilly station would gain disability access. Just one week later, in state parliament this Tuesday, without any official announcement by Queensland Rail or the minister, the local member used the opportunity of a debate about liquor licensing laws to claim:

... it was announced late last week that it— the Indooroopilly station— will also benefit from significant funding to provide disability access to that railway station for the very first time.

Interestingly, no-one else seemed to be aware of this announcement. In fact a Queensland Rail engineer advised soon after the state member’s speech:

There is no ironclad guarantee that the Indooroopilly Station project will go ahead at this time, although it is most likely that it will. We only have funding for one more station—this could be Mitchelton or Redbank instead.

So I challenge the local state member to have the state transport minister confirm that the Indooroopilly station upgrade is in fact going ahead, and to tell us the timetable for its completion. Can he confirm that the Brisbane City Council has committed the necessary funding required for the project to be feasible? Can he release concept plans so that local residents can see what is planned? Until these things happen, the member’s claims will have no credibility at all and residents will know that he only took an interest in this issue after pressure from the local Liberal candidate, Allan Pidgeon, who has been working extremely hard to represent the residents of the Indooroopilly electorate.

It gives me no pleasure to raise issues such as this but I do so because, as senators will know, I have consistently sought to hold the Queensland state government to account for its failings, in particular for its habit of crying poor whenever it is asked to take action to address particular problems of concern to Queenslanders. The state government would like to hide the fact that, thanks to GST reimbursements, they have more funding than ever before to underwrite their state budget. I should point out as well that, thanks to the property boom, state revenues are also being boosted by huge increases in stamp duty—

Opposition senators interjecting—

Senator SANTORO—Yes, particularly in Indooroopilly. Despite these unprecedented windfalls, the Queensland government has managed the incredible feat of not only failing to find money to deal with many pressing and urgent community priorities but also running a budget deficit for three years in a row. Nowhere is the state government’s incompetence more evident than in the area of transport and traffic, and the problems are compounded in Brisbane by the total ineptitude of the Brisbane City Council. Residents are confronted daily with evidence of these
failings: traffic gridlock, inadequate public transport and poorly co-ordinated services. The latest set of complaints that I have received in relation to the seat of Indooroopilly and to the western suburbs—I know that in the other place the member for Ryan, Mr Johnson, raises these issues constantly—has prompted me to rise in this place this evening to again seek to make the Queensland government accountable for the many billions of dollars it receives from Canberra, from the Howard government, but uses so capriciously and inefficiently, particularly when it comes to the interests of the people in Indooroopilly.

Senate adjourned at 6.53 p.m.

DOCUMENTS
Tabling
The following documents were tabled by the Clerk:

Natural Resources Management (Financial Assistance) Act—Agreement to deliver the Natural Heritage Trust Extension between the Commonwealth of Australia and New South Wales, dated 14 August 2003.


QUESTIONS ON NOTICE

The following answers to questions were circulated:

Australian Defence Force: Disability Claims
(Question No. 1012)

Senator Mark Bishop asked the Minister representing the Minister for Veterans’ Affairs, upon notice, on 10 December 2002:

(1) In how many cases have claimants for compensation by personnel with East Timor service, pursuant to the Veterans’ Entitlements Act 1986, been referred to and examined by the Australian Defence Force (ADF) Medical Service.

(2) At what level of injury under the scale set out in the Guide for the Assessment of Rates of Pension, under the Veterans’ Entitlements Act 1986, would a serving member be considered unfit for duty.

(3) What penalty is provided to serving members who conceal an injury or make false statements about their fitness.

(4) Is evidence of disabilities claimed and accepted under the Veterans’ Entitlements Act 1986 considered as part of that assessment.

(5) Will the Minister ask the Inspector-General to conduct an investigation into alleged fraud by serving ADF personnel making claims under the Veterans’ Entitlements Act 1986 and representing themselves as fit for duty.

(6) What steps are being taken to remove the effect of the Privacy Act 1988 which prevents the Department of Veterans’ Affairs advising the Department of Defence of disability claims lodged and accepted from serving personnel.

(7) With reference to the answer given to question on notice no. 743 (Senate Hansard, 4 December 2002, p. 6796) on Gulf War compensation, how many personnel with accepted claims are still serving.

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

(1) None.

(2) The Department of Defence has advised that the Defence Health Service has its own internal policy standards for the assessment of the functional impact that a particular condition has on a member’s employability and deployability which differ from the Guide for Assessment of Rates of Pension criteria. These standards vary depending on a serving member’s occupation and expected duties, with the result that the same condition may have a varying impact on an individual’s fitness for duty.

Due to the varying employment opportunities within Defence, it is not practical or relevant to make a correlation between a Guide for Assessment of Rates of Pension assessment and a member’s fitness for duty.

(3) If it is established that a member conceals an injury and subsequently makes a false statement, with intent to deceive another person, relating to their fitness, and such statement is made so as to remain in the Defence Force or be deployed as part of the Defence Force for example, the member could be charged under Section 55 of the Defence Force Discipline Act 1982 - Falsifying Service Documents. If subsequently convicted of such an offence the maximum applicable penalty is imprisonment for two years.

If it is established that a member conceals an injury and is subsequently deployed and a claim is made that the injury resulted from an occurrence whilst the member was rendering operational ser-
vice, rather than before the deployment took place, the member could be charged under Section 56 of the Defence Force Discipline Act 1982 - False statement in relation to an application for a benefit. If subsequently convicted of such an offence the maximum applicable penalty is imprisonment for either 12 months or six months, depending on the nature of the false statement.

(4) The Department of Defence has advised that current Privacy Act 1988 requirements prevent the Defence Health Service from accessing medical assessments held by the Department of Veterans' Affairs without the member’s consent. In circumstances where the member has released this information to the Department of Defence, the contents may be considered in the formulation of an assessment regarding a member’s employability and deployability.

(5) Should Senator Bishop have evidence that ADF personnel have committed fraud, he should provide that evidence to my office so that I may refer the matter to the Inspector-General for his consideration and advice.

(6) None. Subject to certain restrictions, the Department of Veterans’ Affairs can, on request, lawfully pass ‘personal information’ about disability pension claims pertaining to nominated individuals under the Veterans’ Entitlements Act 1986 to the Department of Defence and comply with the requirements of the Privacy Act 1988 (the Act). It is the Department of Defence that is constrained by the Privacy Act in requiring the consent of the nominated individuals in obtaining that information.

(7) This information is not readily available. The provisions of the Privacy Act 1988 prohibit the Defence Health Service obtaining the information from DVA without the consent of the members involved. To collect and assemble such information from Defence personnel 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.

Commonwealth Scientific and Industrial Research Organisation: Research of Diseases
(Question No. 1627)

Senator O’Brien asked the Minister representing the Minister for Science, upon notice, on 14 July 2003:

Can the Minister confirm that the Commonwealth Scientific and Industrial Research Organisation is currently conducting, and has in the past 5 years conducted, research within Australian facilities on viable specimens of diseases which are communicable to Australia’s human population, native flora or fauna or Australia’s production herds or crops; if so, can the following information be provided: (a) a list of these diseases; (b) the start and end dates of projects involving each disease; (c) the stated goals of the research involving these diseases; (d) the status of research projects involving these diseases; and (e) the outcomes of any completed research projects involving these diseases.

Senator Vanstone—The Minister for Science has provided the following answer to the honourable senator’s question:

While I can confirm that CSIRO has conducted such research, I am not prepared to authorise the preparation of detailed answers to these questions, as this would necessitate a very significant and unwarranted diversion of CSIRO resources.

I have been advised that due to the broad scope of the questions and the complexity of definitions in this area, this would require a massive diversion of senior research staff resources, as only they would have the expertise necessary to supply a technically accurate and comprehensive response. CSIRO estimates that at least half of its 20 research divisions would need to examine their research projects in detail in order to provide an answer to these questions.

For example, CSIRO’s Plant Industry division alone has approximately 500 research projects underway in the current financial year, and has had a similar number in recent years. The division has advised that...
it would need to collate and examine all these research projects in detail to respond to these questions, and has estimated that it would take a senior scientist approximately two days to review each project. This would equate to 1000 working days, or approximately 4 person years, to review one year’s worth of projects for one division.

Similarly, the division of Livestock Industries has advised that it undertakes work on a comparable scale, and would be required to follow a similar process to collate the information required. CSIRO Livestock Industries also includes the Australian Animal Health Laboratory, which would itself have over 500 operational projects in any one year.

CSIRO researchers have also advised that significant work would be required to arrive at standard definitions of the terms of the question before the task of collating answers could begin.

Finally, much of the work mentioned in any answer would have been conducted in collaboration with other Government agencies or industry bodies. Public release of all of this information could create legal and commercial-in-confidence issues, and could adversely impact on CSIRO’s reputation amongst prospective partners and investors.

Defence: Military Occupational Rehabilitation Team
(Question No. 1698)

Senator Mark Bishop asked the Minister for Defence, upon notice, on 1 August 2003:

(1) What is the current annual cost of maintaining the 2 field hospital (MORT) program of rehabilitation.

(2) In the 2002-03 financial year: (a) how many Australia Defence Force (ADF) personnel treated at the MORT were successfully returned to service in the ADF; and (b) how many were discharged as medically unfit within classifications A, B and C.

(3) What plans exist for the replication of the MORT in other states.

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

(1) The estimated annual cost of maintaining the Military Occupational Rehabilitation Team (MORT) program is $475,000. This estimate comprises salary and wage costs for MORT staff and the cost of referral of a number of patients to an appropriate pain management clinic. It excludes depreciation of plant & equipment, rental of premises and consumables, and costs such as transport of patients to appointments and patient outings.

(2) (a) 239 ADF members were enrolled in the Return to Work Program (RTWP), with 102 personnel successfully returned to service in the ADF. That is, these personnel were brought back to a standard of health and fitness where they were capable of being deployed. (b) A new database for ‘members discharged’ was commenced in March 2003. Previous data is not available. From 1 March 2003 to 20 August 2003, 47 ADF members were discharged as medically unfit. Of these, Comsuper has confirmed that 9 were Comsuper Classification A, 26 were Comsuper Classification B and 7 were Comsuper Classification C.

(3) None. The Defence Health Service, following the finalisation of the new Military Rehabilitation and Compensation Act, will be introducing a Rehabilitation process across all areas that will be based on features of a number of practices now in place, including MORT, and the requirements of the new Act.

Attorney-General’s: Tenancy Privacy
(Question No. 1782)

Senator Ludwig asked the Minister representing the Attorney-General, upon notice, on 14 August 2003:
In relation to the working group to examine tenancy database privacy issues:

(1) How many people will the working group comprise.

(2) How will working group members be selected.

(3) From what area or state will working group members be selected.

(4) When will the selection process for the working group commence.

(5) Will the working group advertise its objectives and call for contributions; if so, through what medium of advertising will the working group call for contributions; if not, why not.

(6) Will housing groups or tenancy advocates be able to contribute to the discussion.

(7) Will the working group investigate claims against tenancy database operators made to respective state and territory residential tenancy tribunals; if not, why not.

(8) Will the working group hold public forums for contributions; if so, will these forums be held in each state and territory; if not, why not.

**Senator Ellison**—The Attorney-General has provided the following answer to the honourable senator’s question:

(1) to (4) The working group has already been established and comprises some 12 people. It is chaired by the Commonwealth and includes officers from each State and Territory, the Commonwealth Attorney-General’s Department, the Department of the Treasury, the Australian Consumer and Competition Commission and the Office of the Federal Privacy Commissioner.

(5) The working group intends to circulate a discussion paper and call for submissions. The discussion paper will be advertised in major newspapers and on relevant websites, and there will be a targeted mail-out to key stakeholders. Individual jurisdictions will also have the discretion to advertise the consultation process and undertake further targeted consultation in a manner deemed appropriate for their own circumstances.

(6) The working group will accept and consider all contributions.

(7) The working group will not investigate claims against tenancy database operators made to respective state and territory residential tenancy tribunals. The working group has no jurisdiction to do so and it would be inappropriate to interfere in an ongoing statutory process.

(8) The working group will assess the need for public forums for contributions following consideration of the written submissions it receives.

**Defence: Non-Disclosure Directions**

(Question No. 1809)

**Senator Chris Evans** asked the Minister for Defence, upon notice, on 21 August 2003:

(1) Is it the practice of the Government to direct family members who receive copies of reports on inquiries relating to the circumstances of the death of a serviceman or servicewoman not to disclose it to anyone other than a lawyer or medical practitioner.

(2) In what circumstances does the Government authorise copies of such reports referred to in paragraph (1) to be given to family members with such a non-disclosure direction.

(3) (a) Who decides whether such a non-disclosure direction is to be given in each instance; and (b) is this a decision made by the Minister.

(4) For each of the past 10 years, how many non-disclosure directions have been made to families who received a copy of an inquiry report into: (a) the death of their loved one; and (b) the mistreatment of their loved one, that has not led to suicide or death.
(5) Can the Minister confirm that Private Luke Amos, whose mistreatment at Singleton Army Base in 2000 was the subject of an inquiry, was given a copy of the inquiry report on the condition that he would not disclose it publicly.

(6) Can a copy be provided of the report of the inquiry into the treatment of Private Amos referred to in paragraph (4).

(7) Did the Minister Assisting the Minister for Defence direct the parents and siblings of Private Jeremy Williams not to disclose the Investigating Officer’s report and the Appointing Authority’s document relating to the death of Private Williams, except to a lawyer or medical practitioner.

(8) What was the legal basis and policy rationale for the direction given to Private Williams’ family.

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

(1) The Minister has an unfettered discretion under Defence (Inquiry) Regulations 1985, Regulation 78 and Sub-regulations 63 (3) and (4) to authorise the disclosure of Investigating Officer inquiry reports to particular persons and direct that the disclosure be subject to conditions. Investigating Officer inquiries are required, under Regulation 72 of the Defence (Inquiry) Regulations 1985, not to be conducted in public. The private nature of these inquiries facilitates their fact finding purpose and encourages persons appearing before an Investigating Officer to be open and frank. While some immunity is provided in the context of service tribunals, Defence members giving evidence before Investigating Officer inquiries are not protected in other proceedings (Regulation 74B). Investigating Officer inquiries are in effect internal working documents, rather than public reports. The non-public nature of Investigating Officer inquiries supports the non-disclosure of relevant reports or documentation. Privacy and security considerations are also taken into account when making Ministerial decisions on disclosure.

It is the practice of the Minister to impose conditions consistent with advice from the Defence Legal Service on the further disclosure of reports which are not disclosed to the public. These conditions may include a direction not to further disclose the report to any person or permit the disclosure to certain categories of persons, for example, legal or medical practitioners or immediate members of the family.

(2) The Minister determines on a case-by-case basis the conditions to be attached to the release to family members of Investigating Officer reports on inquiries relating to the circumstances of the death of a serviceman or servicewoman. The approach taken is that outlined in the response to part (1), and consistent with advice from the Defence Legal Service, which will usually contain some form of non-disclosure discretion.

(3) (a) The Minister, on legal advice from Defence. (b) Yes.

(4) The information required to answer the honourable senator’s question is not readily accessible or available. To obtain this information would expend an unreasonable use of resources.

(5) Yes. The authorisation was made under the direction that it “not be further disclosed by him other than to his immediate family, or a legal practitioner instructed by him and then only for the purpose of obtaining legal advice”.

(6) By virtue of the Ministerial authorisation to Private Amos, he may disclose the report to his immediate family and a legal practitioner instructed by him for the purpose of obtaining legal advice. Any other requests for disclosure of the report can be made to the Minister who will consider the requests and any applicable conditions to disclosure on a case-by-case basis.

(7) Yes.

(8) Refer to part (1).

Furthermore, the Minister Assisting the Minister for Defence authorised disclosure to the Williams’ family in response to a specific request for the release made by Charles and Jan Williams. Mr and
Mrs Williams only requested that the documents be released to themselves and Private Williams’ siblings. The Minister’s authorisation for disclosure went beyond the specific request of the Williams’ to allow further disclosure to assist the Williams family in obtaining legal or medical advice if desired.

**Attorney-General’s: Child Sexual Offences**

(Question No. 1812)

Senator Murray asked the Minister representing the Attorney-General, upon notice, on 21 August 2003:

Given the findings of the Australian Institute of Criminology Issue Paper Number 250 of May 2003, which included the following observations: (a) when asked if they would ever report on sexual abuse again following the experiences in the criminal justice system, only 44 per cent of children in Queensland, 33 per cent in New South Wales and 64 per cent in Western Australia indicated they would; and (b) in a case study of a cross examination in a Queensland committal, the crying child was repeatedly shouted at and asked more than 30 times to describe the length, width and colour of the penis of the accused:

(1) Does the Attorney-General intend to coordinate through the Council of Australian Governments far more sensitive and appropriate methods of enabling reported child sexual assault to be effectively pursued in state and Commonwealth courts and jurisdictions.

(2) Does the Attorney-General accept and recognise that the way in which child sexual assault is dealt with in Australian courts needs to be consistent, fair and ethical; if so, how does the Attorney-General intend to improve highly variable and sometimes grossly offensive and inappropriate treatment of children in these cases.

Senator Ellison—The Attorney-General has provided the following answer to the honourable senator’s question:

(1) No.

(2) Yes. State and Territory Governments are responsible for ensuring adequate protection for child complainants and child witnesses in prosecutions for child sexual offences under the State and Territory criminal laws. The Commonwealth has already demonstrated a strong leadership role in this area by enacting protections in Part IAD of the Crimes Act 1914 for child complainants and child witnesses in proceedings for Commonwealth sex offences to ensure that child witnesses are able to testify as freely and effectively as possible.

**Military Detention: Australian Citizens**

(Question No. 1828)

Senator Brown asked the Minister for Defence, upon notice, on 1 September 2003:

Given that the Minister was reported in the Sydney Morning Herald as stating, ‘that the Government had refused to release its advice on whether Mr Hicks’ detention was legal because it could damage Australia’s relations with the United States’: How can Australia’s relations with the United States be damaged if the Government’s advice was that David Hicks’ detention was lawful.

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

The newspaper report to which the honourable senator has referred appears to have been based on answers I gave to questions on the AM program on ABC Radio on 21 July 2003. The questions concerned the response by the Department of Foreign Affairs and Trade to a Freedom of Information request for disclosure of advice to the Government on whether Mr Hicks is being held illegally by the United States in Cuba.
The answers that I gave reflected my understanding that certain Freedom of Information requests had been declined on grounds provided for in the Freedom of Information Act. That is, documents were withheld on the grounds that disclosure could affect relations between governments, or that the documents relate to internal workings of government. I stressed the point that this is an ongoing matter, and that it would be extremely unusual to reveal the inner workings of an ongoing relationship and negotiation between governments whilst that is in fact occurring.

The Department of Foreign Affairs and Trade’s own statements of reasons for its decisions under the Freedom of Information Act 1982, are a matter for the Minister for Foreign Affairs.

**Defence: Point Cook Base**

*(Question No. 1837)*

Senator Chris Evans asked the Minister for Defence, upon notice, on 2 September 2003:

With reference to the proposed sale of Defence land at Point Cook in Victoria:

(1) How much land is proposed for sale.

(2) What was this land previously used for.

(3) How is the sale process to be managed.

(4) Who is managing the sale on behalf of the department.

(5) How much are the sale managers being paid, including all advertising costs.

(6) Has the sale itself been advertised; if so, when did this occur and can a copy of the advertisement be provided.

(7) What are the key dates in the sale process.

(8) To date, have any organisations expressed an interest in the site; if so, can the names of these organisations be provided.

(9) Have any organisations expressed an interest in a priority sale of the Point Cook site; if so, can the names of these organisations be provided.

(10) (a) Is it the department’s preference to conduct a priority sale or an open market sale; and (b) on what basis was such a decision made.

(11) Has the site been valued by either the Victorian Valuer-General or the Australian Valuation Office; if so: (a) on what dates did these valuations occur; and (b) what is the estimated value of the site.

(12) Is the department aware of any heritage or environmental significance attached to the site.

(13) Was this taken into account prior to the decision being taken to sell the land; if not, why not.

(14) On what basis was it decided to sell the site.

(15) (a) Who took the decision to sell the site; and (b) when was the decision taken.

(16) Are there any restrictions on the future use of the land in the sale documentation; if not, why not; if so, what is the nature of these restrictions.

(17) Could the land be used for residential and/or commercial development.

(18) Does the department consider that residential and/or commercial development would be an appropriate use of this site.

(19) Did the department have any discussions with either the local council or the State Government prior to the decision being taken to sell the land; if not, why not; if so, what was the nature of these discussions.

(20) Given the environmental and heritage significance of the site, did the department raise the possibility of gifting the land to the local council or the State Government for preservation as parkland; if not, why not.
Senator Hill—The answer to the honourable senator’s question is as follows:

(1) Approximately 344 hectares of land. The Government recently announced that the Commonwealth would retain the RAAF Museum and a RAAF Heritage precinct in Commonwealth ownership. Formal survey of these areas has not yet occurred therefore an accurate figure of actual land for sale is not available at this point in time.

(2) A former operational military training aerodrome.

(3) Through an open market tender. A Tender Evaluation Plan will be prepared and a Tender Evaluation Board established, consistent with Commonwealth Procurement Principles. A departmental project director will manage the process with support from specialist consultants.

(4) A Commonwealth officer who will engage the specialist marketing services from the private sector.

(5) (6), (7) The marketing agent has not yet been engaged, nor has the sale been advertised. Consequently key dates in any sales process have not been established.

(8) A number of organisations have expressed interest in the site including:

- Point Cook Operations Limited - requested a peppercorn lease of the site;
- the Catholic Church made reference to a desire to purchase the educational precinct at a public information day;
- a private sector business interest, who has requested confidentiality, sought sales details for a private purchase; and
- a number of aviation related inquiries have been passed to Defence through the Planning Manager.

(9) Two organisations have requested priority sale consideration to date. Point Cook Operations Limited via a leasehold arrangement, and a second party who has requested confidentiality via a freehold sale.

(10) (a) and (b) The department will conduct the sale in accordance with the Commonwealth Property Disposals Policy as published by the Department of Finance and Administration.

(11) The Commonwealth has not yet valued the site for the purposes of sale. The Commonwealth is unaware if the Victorian Valuer-General has valued the site. No such request to access the site for the purpose of valuation has been identified.

(12) Yes. The site has significant heritage and environmental importance. These issues have been the subject of immense discussion and consultation with the community the State and Local planning authorities, including Heritage Victoria and the (Victorian) Department of Sustainability and the Environment, the Department of Heritage and the Environment and the Australian Heritage Commission.

(13) The decision to dispose of surplus Defence property is made on the basis of capability requirements and force disposition. The heritage and environmental aspects are issues to be taken into consideration during the consultation, advertising and marketing processes.

(14) and (15) The airfield portion of the site was declared surplus to Defence requirements following the Force Structure Review in 1991. Subsequently, in 1997 the Defence Reform Program identified the entire RAAF Base for disposal. Government approved the site for disposal in the context of the 03/04 Budget.

(16) The sale documentation has not yet been drafted or approved by Government. Future land uses will need to be considered and approved by the local planning authority, Wyndham City Council. The sale process will provide as a minimum:

- the continued operation of the RAAF Museum;
• protection for one runway linked to the RAAF Museum for the continued use of RAAF Museum aircraft; and
• protection of the significant heritage through Federal, State and local government legislation and planning controls.

(17) Future land uses would need to be approved by the Wyndham Council. The Point Cook Project Steering Committee, comprising representatives from State Government and Wyndham Council have, assisted in the development of a Strategic Land Use Plan to guide and inform potential purchasers with respect to possible future uses for the site. An abridged version of this plan was made available to the public in December 2002. The site contains existing married quarter residences that may be able to be re-used for residential purposes and some areas that may be utilised for commercial development with approval.

(18) The Commonwealth does not have a view on specific residential and/or commercial, nor uses more generally of the site outside of the maintenance and operation of the RAAF Museum and the RAAF Heritage precinct. Additionally, in the short term the operation of the RAAF College will continue until relocation to East Sale and Wagga is complete.

(19) No. The decision to sell the land was based on operational capability requirements. The State Government and the local council have been fully involved in the development of the Strategic Land Use Plan since May 2002, through the Point Cook Project Steering Committee. Refer to parts (14) and (15).

(20) No. The disposal of surplus Defence property is carried out in accordance with the Commonwealth Property Disposals Policy as published by the Department of Finance and Administration.

**Australian Defence Force: Aircraft Carrying Depleted Uranium**

(Question No. 1855)

Senator Bartlett asked the Minister for Defence, upon notice, on 3 September 2003:

With reference to the answer to question on notice no. 3621 (Senate Hansard, 7 August 2001, p. 25811) in which the Government confirmed that Australian F-111 and C-130J aircraft carry depleted uranium as counterbalance weight:

(1) Do these aircraft still carry depleted uranium (DU); if so, how much.

(2) Were the F-111 aircraft used in the ‘Riverfire’ display as part of the Brisbane ‘RiverFestival’ on the evening of 30 August 2003 carrying DU; if so, were guidelines on the hazards posed by DU exposed to fire issued to Queensland Emergency Services personnel.

(3) If DU is no longer used in Australian aircraft as ballast: (a) when did this use cease; (b) when was DU disposed of; (c) where was it disposed of; and (d) by whom.

(4) Were the manuals for the C-130J, as mentioned in the answer, amended.

(5) How many F-111s carrying DU have crashed; if any: (a) when did they crash; and (b) where.

(6) If aircraft carrying DU ballast did crash, what clean-up procedures were implemented.

(7) If DU ballast was lost as a result of an accident, what notices were issued to the public.

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

(1) Depleted Uranium (DU) is no longer used in the F-111. DU is still used to provide the mass balance in the C-130J elevator control surfaces, with 29 kg of DU per side.

(2) No.

(3) (a) DU replacement program on Pavetack Pods for the F-111 was completed in April 2003. A quantity of 1040 pounds of DU is currently stored, in accordance with the appropriate regula-
tions, at Royal Australian Air Force (RAAF) Base Amberley. Disposal of this DU is being organised by the Amberley Base Environmental Section.

(b) The initial disposal of 1840 pounds was carried out in September/October 2002.
(c) In the United States of America.
(d) By Philotechnics LTD.

(4) The manual is being totally revised and reformatted by the Air Force Ground Safety Agency and the C-130J information has been provided to them.

(5) One.
(a) 13 September 1993.
(b) 2 miles north west of Guyra, NSW.

(6) The pavetack ballast counterweight from the Guyra accident was recovered with only paint removal damage. As no DU was lost in the accident, no additional clean-up procedures were required.

(7) No DU material is known to have been lost in any F-111 accidents.

Education: Funding
(Question No. 1871)

Senator Allison asked the Minister representing the Minister for Education, Science and Training, upon notice, on 9 September 2003:

(1) How many and which new non-government schools received funding in 2003.
(2) How many students are there in each of these new schools.
(3) What will be the Commonwealth SES funding for these new schools in 2003.
(4) What will be the Commonwealth capital works funding for these new schools in 2003.
(5) How many and which non-government schools have closed so far in 2003.
(6) How many students were in each of these schools.

Senator Vanstone—The Minister for Education, Science and Training has provided the following answer to the honourable senator’s question:

(1) As of 22 September 2003, there have been a total of 14 new schools approved for Australian Government recurrent funding (2 in NSW, 7 in QLD, 2 in VIC and 3 in WA). A detailed list of the approved schools is at Attachment A.

(2) There are a total of 680.4 primary students and 297 secondary students in the schools approved for recurrent funding (see Attachment A).

(3) An estimated annual entitlement total of $3,402,643 will be paid to these new approved schools for Recurrent Funding and an estimated annual entitlement of $488,700 for Establishment Grants (see Attachment A).

(4) Of the 14 schools approved for funding, only 4 schools have received Commonwealth Capital works funding. A total of $2,169,552 has been paid to these 4 schools (see Attachment A).

(5) To date there has been only 1 school that has closed so far in 2003, Bentleigh Chabad Jewish Day School.

(6) Based on the Victorian State Census day, 28 February 2003, Bentleigh Chabad Jewish Day School had 31 students enrolled at the school.
### ATTACHMENT A

**NEW SCHOOLS APPROVED FOR COMMONWEALTH FUNDING** (as at 22.9.03)

<table>
<thead>
<tr>
<th>School Name</th>
<th>Location</th>
<th>State</th>
<th>Systemic Y/N</th>
<th>Funding Level % of AGSRC</th>
<th>Estimated Annual GRG Entitlement</th>
<th>Estimated Annual EST* Entitlement</th>
<th>Capital Funding $</th>
</tr>
</thead>
<tbody>
<tr>
<td>MacKilop Catholic College</td>
<td>WARNERVALE</td>
<td>NSW</td>
<td>Y - Catholic</td>
<td>56.2</td>
<td>$549,938</td>
<td></td>
<td>$537,388</td>
</tr>
<tr>
<td>St Peter’s Anglican College</td>
<td>BROULEE</td>
<td>NSW</td>
<td>N</td>
<td>53.7</td>
<td>$143,283</td>
<td>$21,500</td>
<td>$0</td>
</tr>
<tr>
<td>Cathedral College</td>
<td>WANGARATTA</td>
<td>VIC</td>
<td>Y - Ecumenial</td>
<td>52.5</td>
<td>$98,010</td>
<td>$16,500</td>
<td>$0</td>
</tr>
<tr>
<td>Yesodei Hatorah College</td>
<td>ELWOOD</td>
<td>VIC</td>
<td>N</td>
<td>31.2</td>
<td>$42,360</td>
<td>$12,000</td>
<td>$0</td>
</tr>
<tr>
<td>Mary MacKilop Catholic School</td>
<td>HIGHFIELDS</td>
<td>OLD</td>
<td>Y - Catholic</td>
<td>56.2</td>
<td>$194,616</td>
<td>$30,600</td>
<td>$500,000</td>
</tr>
<tr>
<td>Xavier Catholic College</td>
<td>ELI WATERS</td>
<td>OLD</td>
<td>Y - Catholic</td>
<td>56.2</td>
<td>$377,820</td>
<td>$45,000</td>
<td>$640,000</td>
</tr>
<tr>
<td>St Augustine’s College</td>
<td>SPRINGFIELD</td>
<td>OLD</td>
<td>Y - Catholic</td>
<td>56.2</td>
<td>$532,728</td>
<td>$78,000</td>
<td>$492,164</td>
</tr>
<tr>
<td>Mary McConnel School</td>
<td>FOREST LAKE</td>
<td>OLD</td>
<td>N - Special</td>
<td>70.0</td>
<td>$104,886</td>
<td>$11,000</td>
<td>$0</td>
</tr>
<tr>
<td>Noosa Christian College</td>
<td>COOROY</td>
<td>OLD</td>
<td>Y - SDA</td>
<td>61.2</td>
<td>$135,057</td>
<td>$19,500</td>
<td>$0</td>
</tr>
<tr>
<td>St Andrews Anglican College</td>
<td>PEREGIAN SPRINGS</td>
<td>OLD</td>
<td>Y - Anglican</td>
<td>53.7</td>
<td>$476,966</td>
<td>$78,500</td>
<td>$0</td>
</tr>
<tr>
<td>St James Lutheran College</td>
<td>PIALBA</td>
<td>OLD</td>
<td>Y - Lutheran</td>
<td>61.2</td>
<td>$218,861</td>
<td>$31,600</td>
<td>$0</td>
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</tbody>
</table>

### QUESTIONS ON NOTICE
<table>
<thead>
<tr>
<th>School Name</th>
<th>Location</th>
<th>State</th>
<th>Systemic Y/N</th>
<th>Funding Level % of AGSRC</th>
<th>Enrolments Prim</th>
<th>Enrolments Sec</th>
<th>Estimated Annual GRG' Entitlement</th>
<th>Estimated Annual EST*' Entitlement</th>
<th>Capital Funding $</th>
</tr>
</thead>
<tbody>
<tr>
<td>Georgiana Molloy Anglican</td>
<td>YALYALUP</td>
<td>WA</td>
<td>N</td>
<td>57.5</td>
<td>116</td>
<td>0</td>
<td>$377,348</td>
<td>$58,000</td>
<td>$0</td>
</tr>
<tr>
<td>Muslim Ladies College of Australia</td>
<td>QUEENS PARK</td>
<td>WA</td>
<td>N</td>
<td>58.7</td>
<td>23</td>
<td>13</td>
<td>$133,388</td>
<td>$18,000</td>
<td>$0</td>
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<tr>
<td>Child Side School</td>
<td>BOYANUP</td>
<td>WA</td>
<td>N</td>
<td>51.2</td>
<td>6</td>
<td>0</td>
<td>$17,382</td>
<td>$3,000</td>
<td>$0</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
<td></td>
<td>680.4</td>
<td>297</td>
<td></td>
<td>$3,402,643</td>
<td>$488,700</td>
<td>$2,169,552</td>
</tr>
</tbody>
</table>

Notes:

*GRG - General Recurrent Grants
**EST - Establishment Grants
Health and Ageing: Statistical Local Areas
(Question No. 1932)

Senator Allison asked the Minister for Health and Ageing, upon notice, on 9 September 2003:

Does the Government acknowledge that: (a) in 2001 the Australian Bureau of Statistics split the Lismore Statistical Local Area into two statistical local areas known as Part A and Part B; and (b) that the urban centre of Lismore was included in Part A and that the populations of Nimbin, Modanville, Dungeness, and Clunes townships were then included in Part B which, by definition, no longer has an urban population centre of more than 10,000; if so, why is it that the Lismore Statistical Local Area Part B has not been given Rural Remote and Metropolitan Area Classification 5 status.

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

(a) Yes. (b) The RRMA currently used (‘Rural, Remote and Metropolitan Area’s Classification, Department of Human Services and Health, 1994’), is based on the 1991 census population and Statistical Local Areas (SLA) boundaries. SLA boundaries can change on an annual basis. To ensure continuity and consistency, geographical classification such as RRMA are based on a specific version of SLA boundaries so that the classification of areas do not change each year as SLA boundaries change.

Health: Pharmaceutical Benefits Scheme
(Question No. 1953)

Senator Chris Evans asked the Minister for Health and Ageing, upon notice, on 10 September 2003:

Is the cost of the advertising campaign in relation to the Pharmaceutical Benefits Scheme (PBS), targeted to Aboriginal and Torres Strait Islander Australians, included in the $27 million program allocated for the PBS advertising campaign targeted to non-Indigenous Australians; if not, what are the additional costs or separate budget allocations for the Indigenous advertising campaign.

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

Yes.

Health: Commonwealth-State Health Agreements
(Question No. 1954)

Senator Chris Evans asked the Minister for Health and Ageing, upon notice, on 10 September 2003:

(1) What is the total cost, including production and placement, of advertising in relation to the Australian Health Care Agreements, placed by the Commonwealth in all newspapers on 21 August 2003.

(2) What is the total cost, including production and placement, of advertising in relation to the Australian Health Care Agreements, placed by the Commonwealth in all newspapers on 29 August 2003.

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

(1) The total cost, including production and placement, of the advertisements placed by the Australian Government on 21 August 2003, was $158,263.93. The advertisements were placed in the following 12 newspapers: Financial Review, The Australian, Sydney Morning Herald, The Daily Telegraph, The Age, Herald Sun, Courier Mail, Adelaide Advertiser, West Australian, Hobart Mercury, Northern Territory News and The Canberra Times.
(2) The total cost, including production and placement, of the advertisements placed by the Australian Government on 29 August 2003, was $41,615.66. The advertisements were placed in the following two newspapers: The Age and Herald Sun.

**Health and Ageing: Public Affairs Unit**

(*Question No. 1955*)

Senator Chris Evans asked the Minister for Health and Ageing, upon notice, on 10 September 2003:

(1) Why was the decision made to abolish one of the two director positions in the Public Affairs Unit, effective 1 July 2003.

(2) Who made this decision.

(3) Was the money used in financial years prior to 2003-04 to fund the second director position reallocated to another position within the Public Affairs Unit; if so, how has this saving been allocated.

(4) In relation to the additional budgetary allocation, referred to in part (2) (b) of the answer to question on notice no. 1601 (Senate Hansard, 8 September 2003, p. 14003), why did this amount increase from $1 251 000 in 2000-01 to $1 875 000 in 2001-02.

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

(1) A decision was made that one of the two director positions in the Public Affairs Unit would be reallocated within the Information and Communications Division to support emerging online communications activities for the Department.

(2) The decision was made by the Assistant Secretary, Communications Branch, in consultation with the First Assistant Secretary, Information and Communications Division.

(3) The position was reallocated to head a new section within the Communications Branch called Online Communications, not within the Public Affairs Unit.

(4) The increase from $1,251,000 in 2000-01 to $1,875,000 in 2001-02 was due to an increase in funding via re-allocation of funds from other areas of the department to provide appropriate staffing levels to meet the unit’s workload.