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

PARLIAMENT HOUSE: SECURITY

The PRESIDENT (9.31 a.m.)—I wish to make a brief statement to advise senators of security arrangements in Parliament House during the visits of President Bush and President Hu on 23 and 24 October 2003.

In response to advice from relevant agencies, the Speaker and I have agreed to a range of additional security measures to be implemented at Parliament House, prior to and during the visits.

The major changes are that some access roads leading to Parliament House will not be available to vehicles from midnight on 22 October; Parliament Drive, which surrounds the building, will be closed to non-passholders from early in the morning until 1 p.m. on 23 October; the forecourt public car park will be closed from midnight on 22 October; and members of the general public will not be able to enter Parliament House on 23 October until after President Bush has departed the building, which is expected to be around 1 p.m., when there will be a return to normal arrangements.

Arrangements are being put in place to allow senators’ and members’ self-drive vehicles, Comcars, diplomatic guests and guests who are being dropped off to attend the President’s address to the parliament, to enter Parliament Drive after 9 a.m. on 23 October. Passholder access to Parliament Drive will be restricted from 9 a.m.

Members of staff who cannot find parking at Parliament House in either the Senate or House of Representatives car parks before 9 a.m. on 23 October, and guests to the President’s address who are driving themselves, will be advised to park on the Melbourne Avenue median strip at the southern end of Parliament House, and a shuttle bus will be available to drop them off at either the Senate or House of Representatives entrances. As mentioned, I expect a return to normal arrangements at around 1 p.m.

As part of the package of additional security measures, the existing temporary white barriers at the front of the building are to be moved 30 metres towards Old Parliament House. This will result in a slight variation to the existing authorised assembly area. The reason for that variation is to provide additional security for the visit, whilst at the same time preserving an authorised assembly area for lawful demonstration. This arrangement will also apply for the visit by President Hu on Friday, 24 October.

The existing guidelines for the conduct of protests in the parliamentary precincts, as approved by successive Presiding Officers, will apply for the visits by President Bush and President Hu.

In relation to the visit and address by President Hu on Friday, 24 October, it is not proposed to close Parliament House to the public for any period of time on that day. However, as is the case with the address by President Bush, access to the House of Representatives galleries for the address by President Hu will be by invitation only.

An information circular will be distributed to all building occupants today advising in greater detail all of the additional security arrangements that will be put in place for the visits.

Senator BARTLETT (Queensland—Leader of the Australian Democrats) (9.34 a.m.)—by leave—I move:

That the Senate take note of the statement.

Senator BARTLETT—I know that we have a lot of business before us today to deal
with in a short period of time, so I will be brief. I certainly do not want to sound churlish about this. I recognise that, with leaders of nations such as China and the US, we do need significant security measures. It is unfortunate that the area for the public to make their views known, the usual authorised assembly area, is to be moved further away from Parliament House. That undoubtedly has been done on security advice but it is unfortunate symbolism in terms of not just this particular visit but the approach of the Australian parliament of being seen to be one that accepts people being able to express views, whether in relation to the Chinese President or to the US President.

It is also unfortunate that a lot of school visits planned for Thursday, 23 October are now being forced to cancel despite having been planned for a long period of time. Again, that is an unfortunate side effect of what is happening in this place on that day. It is worth noting that the arrangements for President Bush, in terms of closing of the entire Parliament House, do not apply at all to the Chinese President and that Parliament House is not going to be closed to the public for any period of time on Friday, 24 October. Again, I presume that is done on security advice but it does send an unfortunate signal about the people’s parliament being closed down when the US President is here and being opened up again when the Chinese President is here. That is an unfortunate signal. I hope that both the US and Chinese presidents are made aware of some of the concerns and views of Australian people across the political spectrum. Whilst it is unfortunate that the assembly area has been moved further away, down towards Old Parliament House, I am sure that people will still gather there to ensure their views are known.

Senator BROWN (Tasmania) (9.37 a.m.)—I find it quite outrageous, Mr President, that you announced to this chamber what the security arrangements are without having had the grace to put those arrangements to the chamber for debate. There has been a get-together between you and the Presiding Officer of the House of Representatives and you have come to an arrangement—an arrangement that is unacceptable to the Greens and unacceptable to many Australians—without reference to the elected representatives who are, after all, the people who run this place. You do that on our behalf; it is not the other way around. You ought to have put these arrangements to the Senate and the Speaker ought to have put them to the House of Representatives so that a proper debate could take place.

The Greens do not accept that access to Parliament House should be denied to the people of Australia for any event. Let me begin with the concern about security for the visiting President Bush and President Hu. In the last 24 months security has been beefed up extraordinarily in this parliament. That has been done to protect Australian members of parliament, including the Prime Minister and opposition leader. Those arrangements which are there to protect Prime Minister Howard, Opposition Leader Crean and all other members of this parliament are adequate to protect foreign parliamentarians, elected or unelected, including heads of state. But the arrangements that you have announced go way beyond that. They involve removing the public from their rightful place in the galleries, and they involve removing the public from their parliament altogether and they involve removing the public from the precinct of this parliament.

This is the centre of democracy in this nation. This is the elected parliament of the people of Australia and this belongs to the people of Australia. How dare you close it down and put up a ‘trespassers will be prosecuted’ sign outside our parliament to the people of Australia because President Bush’s
secret service, in consultation with the authorities here, have told you to do that? How dare you? This is the Australian people’s parliament, this is our nation’s centre of democracy and it is not to be closed down because President Bush or President Hu and their secret service agents come along and tell you that is the case.

I foreshadow, Mr President, that this afternoon I will be seeking from you an absolute guarantee that there will be no guns brought into this precinct—either into the precinct of parliament or into the parliament itself—under these arrangements. We do not have them here; we should not have them here. That would be the ultimate insult. Let me tell you: you have erred here. This place is being turned into a shadow or a replica of what they have in Beijing.

Senator Brandis—What a lot of codswallop!

Senator BROWN—It is not a lot of codswallop. There is total security—the people are outside. I have been there. Have you? The parliamentarians are effectively muzzled from taking part in the arrangements and politely clap everything the president of the day does. That is a dictatorship; this is a democracy. It is quite outrageous that the Australian people are being treated in this high-handed way.

Senator Bartlett mentioned the schoolchildren who had trips arranged here. Mr President, would you not have been more sensible, would you not have been more honouring of the Australian people, rather than the dictate of the American and Chinese secret service, if you had given the gallery to those schoolchildren on this special occasion? It would be something for them to remember and something for them to take part in—instead of this pernicious erosion of what this House is and what this parliament is by closing down the galleries effectively to the people of Australia who do not have the right connections. It is absolutely wrong. It is outrageous that the Presiding Officers of this place should be so obsequious to the faceless people of other countries who come in and dictate what shall or shall not be the arrangements when visitors come to this place. I am an Australian; this is the Australian Senate. We are the representatives of the Australian people and what you are pronouncing from your chair here today is not Australian—it is from the American secret service and Beijing.

Mr President, this is not Beijing, this is not Baghdad, this is not Dallas. This is Canberra. You should have shown more respect for the sentiments of the Australian people rather than simply bowing at the knees to the dictates of the secret services of other countries. We have a great affection for the American people and for the Chinese people—including, separately, the Tibetan people. We have a need to be able to share with those people the wish that everybody on this planet had democratic rights and privileges. At the very time when we could display that, they are being eroded because we have not upheld them in this circumstance. Sir, you should have put this to the Senate for debate. We object mightily to that not having happened. You have done the wrong thing. The authorities have done the wrong thing.

The Prime Minister might accept the invitation from the President of the United States to be sheriff, but that is the wrong way for Australia to go, too. How can we have the President of the United States telling us to be sheriff in our neighbourhood—in other words, gun-toting overlords of our neighbourhood—when we want to be good neighbours instead? I do not accept that from President Bush at all. This is Australia. We want to get on with our neighbours. I will not accept any such sentiment from President Hu either. As we moved in this chamber just last
week, let us have a debate with these visiting gentlemen. We would make it courteous, matter-of-fact and direct. They might learn something from what we Australians have to give to the rest of the world. We are not just recipients; we are co-respondents.

We love this country and we love our democratic system. We do not want it being invaded, curtailed or cut back by the way other people run theirs. We would rather have them see the true light of the freedom and democracy which President Bush speaks about so much. So, rather than telling us what we might do and how we might present ourselves in our corner of the world, he should come here and learn how he might present himself to the rest of the world better by seeing people as equal and by spending some of the largesse of the United States on helping those people who do not have anything in this world rather than on armaments and unilateral decisions as to how to run the world. We prefer—and I have said this often here before—as part of the United Nations to run this world as a democracy. The form that you have presented to this Senate today is a retreat from democratic reasonableness at the dictates of somewhere else.

I am not saying, ‘Let’s not have good security,’ but let it be appropriate to Australia and to Canberra. I reiterate: the security arrangements here are appropriate for our Prime Minister, so they are appropriate for the President of the United States and for the President of China. I object to this serious curtailment of the rights of the Australian people. If it takes the Greens to stand up here and defend the rights and the interests of the Australian people—

Government senators interjecting—

Senator BROWN—You may laugh, but that is what we are doing—you can give it away, but we are not going to. It is their right to be in their parliament on any occasion and to be given preference. These are their chambers. They are not to be closed down at the dictates of somebody else from somewhere else under some other circumstances. Mr President, you could at least have told us how you came to these arrangements. You could have told us the points of view given to you by the American secret service and the Chinese secret service through other officers—because we know you have had discussions. We know that those discussions have taken place. Whatever the arrangement, the outcome is wrong. It is not an Australian outcome and it ought to have been.

The PRESIDENT—I make the point that I have to leave the chair in a very short time for a dedication of the memorial to the victims of the Bali bombings. I would like to make a couple of quick points before that, if I may.

Senator FAULKNER (New South Wales—Leader of the Opposition in the Senate) (9.48 a.m.)—I appreciate that, Mr President. Because you have said that, I will make sure that my remarks are curtailed and I indicate to the chamber that I will perhaps speak on the motion for a shorter period of time than otherwise would be the case. Mr President, I do think that there has been a failure of process here. I respectfully suggest that the approach you have taken previously in relation to enhanced security measures in Parliament House—that is, to consult the Senate Appropriations and Staffing Committee at every juncture—was a proper course of action in those circumstances and, I believe, would have been a proper course of action in this circumstance.

It seems to me that a reasonable person would understand that there have been enhanced security measures in the past—as has certainly been the case when, as a senator in this parliament, I have been present for the visits of previous American presidents. What
is different in relation to this particular visit is that, after the events of September 11 and subsequent events in Bali, changes have been made to security arrangements here in Parliament House. You, in your role as Senate President, have consulted on those matters and ensured that the Senate Appropriations and Staffing Committee has had an opportunity to examine all the proposals that you and the Speaker have had in mind.

The members of that committee have been very diligent in our work, because we have been able to change and modify some of those proposals. We have been able to make suggestions—many of which, as you know, Mr President, you have taken on board—and have as a result made alterations to some of the plans. My view is that on this occasion the same process should have been adopted. These sorts of proposals should have gone to a meeting of the Senate Appropriations and Staffing Committee to give the opportunity for feedback from senators in a committee that has representatives from around the chamber—government senators, opposition senators and senators who sit on the cross-benches are represented on that committee.

I do always acknowledge that we have a duty of care here beyond just visiting dignitaries, and I know that you are aware of that too, Mr President. We have a duty of care not only to other people who work in this building but also to people who visit this building, whether they are coming to look at the way this parliament works, or does not work, or whether they are coming to demonstrate and express views about visitors to the parliament or events occurring within the parliament. We have a duty of care not just to distinguished overseas visitors but to a range of others who work in and visit this parliament.

I know that enhanced security measures are a reality when a head of state of another country visits Canberra and visits this parliament. I also know that, when changes are being proposed such as the ones that the President of the Senate has announced this morning, the proper course of action is to consult with members of parliament—and in this instance, as far as the Senate is concerned, consult with senators and use the mechanisms that are available to the President of the Senate, which in the first instance is the Senate Appropriations and Staffing Committee. That is what has occurred in the past. I think that should have occurred on this occasion and that is a serious weakness in the processes that have been adopted. I suggest to Mr President that, in future, when any changes are proposed to security arrangements around the building, he consult with others.

The security arrangements were of themselves controversial, and I think that we need to understand this. The erection of those barricades and a range of other things that have taken place were not without controversy in the first instance. I hope that we have achieved a reasonable balance in difficult circumstances, though I know there are concerns around the building that the outcome was not as it should be. I think most people who work in the building—that is, parliamentarians and non-parliamentarians—are pretty used to the additional security procedures. I think everyone understands why they have been put in place. There are concerns about how uneasy some of them are on the eye and the like and how they have affected access. They have affected everyone to some extent.

The need for these measures I think is accepted by most, but they were controversial when they were put in place. It seems to me that, if they are to be changed, you adopt the same mechanisms that were in place when we worked all those issues through at some
length. As I said, in relation to the Senate, that is to consult and seek the views of the Senate Appropriations and Staffing Committee. That means that there is a capacity for that committee to report to the chamber on these important issues. That did not occur; I think it should have occurred. If nothing else, it would have been a courtesy. I think that committee has shown a capacity to effectively undertake the sort of work and responsibilities it is charged with.

When it was established, it was not intended that that committee would spend a great deal of its time dealing with matters relating to security issues at Parliament House. It logically fell to that committee because of its broad representation and, hopefully, because it is able to bring some experienced senators with a capacity to advise the President of the Senate on these matters. It has made a significant difference to the security arrangements in this building. It should have been consulted on this occasion. I can only hope that the security arrangements that the President announced will not disrupt those who work in Parliament House in an unreasonable way in the circumstances.

Of course, there will be a particular focus on the barricades. The erection, positioning, and colour of the barricades have been ongoing issues. As senators would be aware, there have been changes made, particularly in relation to the impact on vehicular access to the parliament. Again, if major changes of this nature are proposed, I think that at a minimum it is a courtesy and certainly good sense to consult on these sorts of issues. I do not say this on behalf of the opposition—I have not consulted any of my colleagues. I say this as someone who has participated in a range of discussions and committee meetings about these enhanced security measures at Parliament House. My own view is that that is a mechanism that has worked well and has meant improvements have been made to some of the original suggestions from the Presiding Officers and agencies who advised them. I think that it should have happened on this occasion. That is the approach I would have taken if I were the President.

Senator NETTLE (New South Wales) (9.58 a.m.)—I will not address the issue of what occurs in this chamber nor what occurs in the public gallery, as Senator Brown has adequately canvassed that on behalf of the Greens. The issue I do wish to go to is the right of Australians to gather, to protest and to demonstrate outside of our Australian parliament on occasions such as those that will occur next week. I refer to questions that were asked of the Speaker in the House of Representatives yesterday by the member for Fremantle. In her question to the Speaker she said:

You would be aware that a group of Australian citizens are organising a rally and that they were originally told they could not gather at the authorised assembly area, where other rallies and demonstrations are held, and use a PA system or construct a stage because that would contaminate what was described as a ‘sterile area’.

In a following question to the Speaker she said that, in discussions she had had with the security controller for the parliament:

... he seemed to be unaware, particularly of the restriction on the right to use the PA system.

The response from the Speaker of the House of Representatives did not adequately address this concern raised by the member for Fremantle. Using this opportunity now, I ask you, Acting Deputy President Chapman, to confirm for the Senate that protesters who are involved in actions outside of this parliament will be able to use a PA system as a part of their demonstrations. I am not aware whether you, as Acting Deputy President Chapman, are able to provide us with an answer immediately or whether we require the President of the Senate to get back to the Senate before the close of business today—the last oppor-
tunity before we deal with these issues next week—and clarifying what are the rights of Australian protesters out the front of our Parliament House on occasions such as those that will occur next week.

If there is a proposal to stop these protesters being able to use a PA system at their demonstrations, we see it as an effective muzzling of the right to demonstrate and the right to put forward alternative perspectives to the President of the United States and to President Hu from China. A debate has already occurred in this chamber about the muzzling of the opportunity for elected parliamentarians to engage in debate and put alternative perspectives to these two world leaders. Let us now hear from the President of the Senate about whether there is an intention to also effectively muzzle the rights of protesters outside of this building to voice their opposition to a range of different actions by both of these presidents of these two countries who are coming to us next week. So I ask you either for a ruling now or to come back to the Senate today before the close of business on whether protesters will be able to use their PA systems.

The ACTING DEPUTY PRESIDENT (Senator Chapman)—Senator Nettle, I will refer the matter you have raised to the President and leave it for him to respond at an appropriate time.

Senator BOSWELL (Queensland—Leader of the National Party of Australia in the Senate) (10.02 a.m.)—I would like to say a few words on this motion, because I think it has been all one way at present. Since September 11 we have had to live in a different world. I do not particularly like the security that is placed around this parliament, but I accept that it is a necessity. I would like to see all those barriers removed and have the place returned to the way it was originally designed, but the world moves on and events take place which affect the way we do things.

I do not know that this security is all one way. We have invited the leaders of these two very powerful nations to our country and we have given them the opportunity to come to the seat of government, which is a high honour. That does not only open up certain risks to them but also open up certain risks to members and senators and all the people who work in this place. So I want to make the point that not only are we reducing the risks to the two leaders by this decision but we are also reducing the risks to all the people who work here, and I think that should be taken into consideration. We are not just offering reduced opportunities for attack on the two leaders of the two big nations but also to the people who work here. I wanted to make that point to Senator Brown, who seems to think that this is a personal attack on the parliament. I think he should widen his vision a bit and look to see who is affected by this protection—and all of us are affected.

Question agreed to.

PETITIONS

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

Trade: Live Animal Exports

We the undersigned protest in the strongest possible terms against the liveexport of Australian animals.

During transportation the animals are subjected to inhumane conditions resulting in unacceptably high death rates and suffering. Upon arrival, they suffer extreme cruelty and barbarism prior to and during slaughter—practices that are illegal in Australia.

We call upon the Senate to immediately, and without delay, ban the live export of Australian livestock.

by Senator Bartlett (from 560 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 295 citizens).

Immigration: Asylum Seekers
We the undersigned Australians respectfully request the President of the Senate and the Senate as a whole, as an Act of Grace from the Parliament to the people of Australia, to support all asylum seekers and refugees in Australia’s care. They are people who have committed no crime and deserve our compassion and help.

We ask that on the symbolic date of Easter 2003, an Act of Grace by the Parliament of Australia take place to:
1. Grant permanent residence to all refugees currently on Temporary Protection Visas who have been law abiding.
2. Authorise the immediate release into the community of all asylum seekers who are not a health, identity or security concern.

by Senator Bartlett (from 7,801 citizens).

Trade: Live Animal Exports
To the Honourable President and Members of the Senate in the Parliament assembled.
This petition of the undersigned citizens of Australia draws to the attention of the Senate the stress and extreme suffering caused to cattle, sheep and goats during their assembly, land transportation and loading in Australia, shipment overseas, and then unloading and local transportation, feedlotting, handling, and finally slaughter without stunning in importing countries.

Further, we ask the Senate to note that heat stress, disease, injury, inadequate facilities, inadequate supervision and care, and incidents such as on board fires, ventilation breakdowns, storms and rejection of shipments contribute to high death rates each year, e.g. 73,700 sheep and 2,238 cattle died on board export ships in 2002. Many thousands more suffer cruel practices prior to scheduled slaughter.

We the undersigned therefore call upon the Senate to establish an inquiry into all aspects of live animal exports from Australia, with particular reference to animal welfare, to be conducted by the Senate’s References Committee on Rural and Regional Affairs and Transport.

by Senator Brown (from 60 citizens).

Petitions received.

BUSINESS
Rearrangement
Senator MINCHIN (South Australia—Minister for Finance and Administration) (10.05 a.m.)—I move:
That the order of general business for consideration today be as follows:
(a) general business notice of motion no. 657 standing in the name of Senator Conroy, relating to the draft Corporate Law Economic Reform Program (Audit Reform and Corporate Disclosure) Bill 2003; and
(b) consideration of government documents.

Question agreed to.

NOTICES
Presentation
Senator TCHEN (Victoria) (10.06 a.m.)—I give notice that 15 sitting days after today I shall move:
That the Civil Aviation Amendment Regulations 2003 (No. 6), as contained in the Statutory Rules 2003 No. 232 and made under the Civil Aviation Act 1988, be disallowed.

I seek leave to incorporate in Hansard a short summary of the committee’s concerns with these regulations.

Leave granted.
The document read as follows—

Civil Aviation Amendment Regulations 2003 (No.6), as contained in the Statutory Rules 2003 No.232

These regulations provide for the appointment of Designated Aviation Medical Examiners and Designated Aviation Ophthalmologists and related matters.

Clause 67.125 imposes an obligation on a DAME or a DAO to inform CASA within 5 working days where the holder of a medical certificate informs the DAME or DAO of a medical condition that is safety-relevant. It is not clear whether a failure to report within the 5 working day period, or to report at all, is an offence. The Committee has written to the Minister seeking advice on this matter.

Postponement

Senator BARTLETT (Queensland—Leader of the Australian Democrats) (10.06 a.m.)—by leave—I move:

That general business notice of motion no. 658 standing in his name for today, relating to the hours of meeting and routine of business for 23 October and 24 October 2003, be postponed till a later hour.

Question agreed to.

Postponement

Senator IAN CAMPBELL (Western Australia—Manager of Government Business in the Senate) (10.07 a.m.)—I move:

That general business notice of motion no. 658 standing in his name for today, relating to the hours of meeting and routine of business for 23 October and 24 October 2003, be postponed till a later hour.

Question agreed to.

BUSINESS

Rearrangement

Senator EGGLESTON (Western Australia) (10.08 a.m.)—At the request of the Chair of the Economics Legislation Committee, Senator Brandis, I move:

That business of the Senate order of the day no. 3, relating to the presentation of the report of the committee on the provisions of the Energy Grants (Cleaner Fuels) Scheme Bill 2003 and a related bill, be postponed to a later hour.

Question agreed to.

NOTICES

Postponement

Items of business were postponed as follows:

General business notice of motion no. 646 standing in the name of Senator Allison for today, relating to a resolution of the National Party’s Federal Conference on the ethanol industry, postponed till 27 October 2003.

General business notice of motion no. 664 standing in the name of Senator Harris for today, relating to the MV Cormo Express, postponed till 27 October 2003.

COMMITTEES

Legal and Constitutional References Committee Reference

Senator BOLKUS (South Australia) (10.08 a.m.)—I move:

That the following matters be referred to the Legal and Constitutional References Committee for inquiry and report by 1 September 2004:

(a) the extent of the Australian diaspora;

(b) the variety of factors driving more Australians to live overseas;

(c) the costs, benefits and opportunities presented by the phenomenon;

(d) the needs and concerns of overseas Australians;

(e) the measures taken by other comparable countries to respond to the needs of their expatriates; and

(f) ways in which Australia could better use its expatriates to promote our economic, social and cultural interests.

Question agreed to.
IMMIGRATION: SIEVX

Senator BARTLETT (Queensland—Leader of the Australian Democrats) (10.08 a.m.)—I move:

That the Senate—

(a) notes that:

(i) on 19 October 2001, a boat known as the SIEV X, bound for Australia and carrying 421 passengers and crew, sank with the tragic loss of 353 lives, including 146 children,

(ii) a number of those who lost their lives had close family members in Australia who are on temporary protection visas, which prevents them from fully rebuilding their lives, and

(iii) the Commonwealth Government has not responded to the report of the Select Committee on a Certain Maritime Incident, which included an examination of the SIEV X sinking;

(b) asks the Minister for Immigration and Multicultural and Indigenous Affairs (Senator Vanstone) to grant those refugees in Australia, whether they are awaiting a decision of their review or are on temporary protection visas, who suffered a personal loss through the sinking of SIEV X, permanent visas on humanitarian grounds;

(c) calls on the Commonwealth Government to immediately establish a comprehensive, independent judicial inquiry into all aspects of the People Smuggling Disruption Program operated by the Commonwealth Government and agencies from 2000 to date, including Suspected Illegal Entry Vessels, and in particular the boat known as SIEV X; and

(d) expresses its regret and sympathy at the tragic loss of so many innocent lives.

Question agreed to.

EDUCATION: HIGHER EDUCATION

Senator NETTLE (New South Wales) (10.09 a.m.)—I seek leave, before asking for formality, to amend general business notice of motion No. 660 standing in my name for today.

Leave granted.

Senator NETTLE—I amend paragraph (a) of the motion by inserting the word ‘most’ after the word ‘closed’ so that it now reads ‘has closed most universities nationwide’. I amend paragraph (d) of the motion by inserting the word ‘proposed’ between the words ‘the’ and ‘action’ so that it now reads ‘endorses the proposed action of the unions involved in this action’. I insert a new paragraph (g), which is identical to subparagraph (a)(iii) of Senator Crossin and Senator Stott Despoja’s general business notice of motion No. 661, which reads:

(g) notes that vice-chancellors across the country have expressed their lack of support and concern in relation to the Government’s requirement to link funding to industrial requirements; and

I insert a new paragraph (h), which reads:

(h) calls on the Government to:

(i) scrap the proposed higher education workplace relations requirements,

(ii) provide this funding to universities on the basis of quality and improved educational outcomes, and

(iii) allow universities to bargain constructively with unions and their members.

The ACTING DEPUTY PRESIDENT (Senator Chapman)—Is there any objection to this motion being taken as formal?

Senator HARRADINE (Tasmania) (10.11 a.m.)—by leave—I normally would not do this, but I am completely flummoxed. I cannot see anything that has been distributed in respect of an amendment to the motion. I am not able to vote on it.

Senator NETTLE (New South Wales) (10.11 a.m.)—by leave—I would like to express apologies to Senator Harradine. In the course of placing notices of motion on the
Notice Paper yesterday afternoon, Senator Crossin and Senator Stott Despoja combined to place a notice of motion in relation to the national strike action at universities today, and I on behalf of the Australian Greens placed a notice of motion on the same issue. In the course of the five minutes or so when we came into the chamber this morning, we sought to combine the two motions so that we could put forward a joint motion supporting the national strike in universities today in the names of me, Senator Crossin and Senator Stott Despoja. So we were not in a position in terms of the time frame to distribute an amendment to the chamber. We have had to simply use the opportunity to stand up and make the amendment on the floor of the chamber. I hope that addresses some of the concerns of Senator Harradine so that we can put a combined motion to the Senate.

The ACTING DEPUTY PRESIDENT (Senator Chapman)—I ask again: is there any objection to this motion being taken as formal? There being no objection, I call Senator Nettle.

Senator NETTLE—I, and also on behalf of Senator Crossin and Senator Stott Despoja, move the motion, as amended:

That the Senate—
(a) notes that strike action called by the National Tertiary Education Union, Community and Public Service Union, and other unions has closed most universities nationwide;
(b) recognises that this action comes as a direct result of the Government’s invasive and aggressive industrial relations agenda, clumsily forced on the sector as part of the Backing Australia’s Future package;
(c) notes that this agenda will have an impact not only on the working conditions of general staff and academics but also on the broader quality of higher education in Australia;
(d) endorses the proposed action of the unions involved in this action;
(e) supports the right of these unions to collectively bargain on behalf of their members;
(f) respects the ongoing right of these unions to take protected action when necessary;
(g) notes that vice-chancellors across the country have expressed their lack of support and concern in relation to the Government’s requirement to link funding to industrial requirements; and
(h) calls on the Government to:
(i) scrap the proposed higher education workplace relations requirements,
(ii) provide this funding to universities on the basis of quality and improved educational outcomes, and
(iii) allow universities to bargain constructively with unions and their members.

Question agreed to.

COMMITTEES
Rural and Regional Affairs and Transport Legislation Committee
Reference
Senator O’BRIEN (Tasmania) (10.13 a.m.)—I ask that business of the Senate notice of motion No. 3 standing in my name for today, proposing the reference to the Rural and Regional Affairs and Transport Legislation Committee matters regarding the management of quarantine risks associated with the return of the sheep stranded aboard the MV Cormo Express, be taken as formal.

The ACTING DEPUTY PRESIDENT (Senator Chapman)—Is there any objection to this motion being taken as formal?

Senator BROWN (Tasmania) (10.13 a.m.)—I seek leave to amend the motion.

Leave not granted.

Senator O’BRIEN (Tasmania) (10.13 a.m.)—I move:
That the management of the quarantine risks associated with the return of the sheep stranded aboard the MV Cormo Express and related matters be referred to the Rural and Regional Affairs and Transport Legislation Committee for inquiry and report by the last sitting day in November 2003.

Senator Ian Campbell—Does this motion propose a solution or is it just another political stunt? Have you got a policy there, Kerry?

The ACTING DEPUTY PRESIDENT (Senator Chapman)—This is a formal motion. There is no debate on a formal motion.

Senator BROWN (Tasmania) (10.14 a.m.)—by leave—I want it noted that the Greens would have amended this motion by adding after ‘and related matters’ the words ‘including whether the overseas trade in live animals should be stopped’. We believe that as this motion allows the committee to look into the matter until the end of November, which will be after the MV Cormo Express arrives back in Australia, the whole issue of live trade should be looked at by the committee under the terms of reference. I note that the ALP is not accepting that.

Senator CHERRY (Queensland) (10.14 a.m.)—by leave—I want to note for the record that the Democrats requested that the Labor Party amend this motion to include the regulation of the overseas trade in live animals, and that was declined. We are supporting this motion on the basis that it is worth looking at the quarantine issues, but we will be bringing back to the Senate at an appropriate time a request to look at the broader issue of the regulation of the live export trade. We would hope that at that stage the Labor Party would extend to us the same courtesy it is extending today in supporting that motion.

Senator O’BRIEN (Tasmania) (10.15 a.m.)—by leave—I recognise the concerns expressed by Senator Brown on behalf of the Australian Greens and by Senator Cherry on behalf of the Democrats, particularly about animal welfare in the live export industry. Labor share those concerns. That is why we have developed a comprehensive live export agenda following consultation with stakeholders, including live exporters, processors and animal welfare groups. Labor’s reform agenda demands significant change in every facet of the live export industry. This reference goes to an immediate and pressing matter of concern: the quarantine risk associated with the return of the 52,000 sheep stranded aboard the MV Cormo Express. The Cormo Express fiasco has already done terrible damage to Australia, and Labor want to ensure that the damage does not include a permanent hit on the integrity of our quarantine regime. On the matter of a later, wider inquiry, Labor will consider it at an appropriate time, but now is not that time. The departure of the MV Cormo Express from Kuwait is imminent, and now is the time for the Senate to address the immediate quarantine concerns with that return.

Question agreed to.

NOTICES
Withdrawal

Senator CROSSIN (Northern Territory) (10.17 a.m.)—I, and also on behalf of Senator Stott Despoja, withdraw notice of motion No. 661.

MILITARY DETENTION: AUSTRALIAN CITIZENS

Senator NETTLE (New South Wales) (10.17 a.m.)—I move:

That the Senate—

(a) recalls that:

(i) on 10 December 2002, the Senate called on the Australian Government as a matter of urgency to take whatever steps were required to return to Australia Mr David Hicks and Mr Mamdouh Habib, incarcerated at Camp
X-Ray in Guantánamo Bay, Cuba, to determine whether they should be freed or face trial, and

(ii) on 14 August 2003, the Senate called on the Australian Government to take immediate steps to secure the release from Camp X-Ray and return Mr Hicks and Mr Habib to Australia;

(b) notes that the Australian Government has failed to respond to these calls and that Mr Hicks and Mr Habib remain incarcerated; and

(c) calls on the Prime Minister (Mr Howard) to use the visit to Australia of United States President George W Bush in the week beginning 19 October 2003 to request the return to Australia of Mr Hicks and Mr Habib so that they can face trial or be freed.

Question put:
That the motion (Senator Nettle's) be agreed to.

The Senate divided. [10.22 a.m.]
(The Acting Deputy President—Senator H.G.P. Chapman)

AYES

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

NOES

Abetz, E. Barnett, G.
Bishop, T.M. Boswell, R.L.D.
Brandis, G.H. Buckland, G.
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. Ferris, J.M.
Forshaw, M.G. Hogg, J.J.
Humphries, G. Hutchins, S.P.

* denotes teller

Question negatived.

PARLIAMENTARY ZONE

Proposal for Works

Senator IAN CAMPBELL (Western Australia—Minister for Local Government, Territories and Roads) (10.26 a.m.)—At the request of Senator Abetz, I move:

That, in accordance with section 5 of the Parliament Act 1974, the Senate approves the proposal by the Joint House Department to restore the Forecourt scoria.

Question agreed to.

WORLD RURAL WOMEN'S DAY

Senator IAN CAMPBELL (Western Australia—Minister for Local Government, Territories and Roads) (10.26 a.m.)—At the request of Senator Troeth, I move:

That the Senate—

(a) recognises the annual World Rural Women's Day held on 15 October 2003; and

(b) notes that:

(i) the idea to hold a World Rural Women’s Day arose at a United Nations Conference for Women in Beijing in 1995, and that it has been held every year since 1996 to raise the profile of rural women, credit their crucial—yet largely unrecognised roles—and promote action in support,

(ii) the major role rural women play in food and fibre production, food security and the development of worldwide rural economies is often
overlooked: rural women—mainly farmers—represent more than a quarter of the total world population (at least 1.6 billion); women produce on average more than half of all the food that is grown; alarmingly women own only 2 per cent of the land, and receive only one per cent of all agricultural credit, and

(iii) consistent with the values of World Rural Women’s Day, the Australian Government is committed to creating developmental opportunities for rural women in this country; and with two industry leadership initiatives designed to foster the development of rural women—Industry Partnerships Corporate Governance for Rural Women and Rural Industries Research and Development Corporation’s Rural Women’s Award—recognises and supports the contribution women make to rural Australia.

Question agreed to.

SYDNEY OPERA HOUSE

Senator BROWN (Tasmania) (10.27 a.m.)—I move:

Recognising that the Sydney Opera House is having its 30th birthday, that there be laid on the table by the Minister representing the Minister for the Environment and Heritage, no later than 3 pm on 27 October 2003, any assessment made since 1996 in preparation for, or consideration of, a world heritage nomination for the Sydney Opera House.

Question agreed to.

HUMAN RIGHTS: CHINA

Senator STOTT DESPOJA (South Australia) (10.27 a.m.)—I move:

That the Senate—

(a) notes that:

(i) the People’s Republic of China has forbidden Falun Gong practitioners from practising their beliefs and has systematically attempted to eradicate Falun Gong by persecuting its practitioners,

(ii) the persecution of Falun Gong practitioners within China includes torture and murder, and that women are targeted with various forms of sexual violence, including rape, sexual assault and forced abortion, and

(iii) the People’s Republic of China has taken measures to conceal these atrocities, such as the immediate cremation of victims, the blocking of autopsies, and the false labelling of deaths as from suicide or natural causes;

(b) calls on the People’s Republic of China to immediately cease its persecution of Falun Gong practitioners, release all Falun Gong practitioners who are currently in detention, and allow Falun Gong practitioners to pursue their personal beliefs;

(c) welcomes the re-establishment of dialogue between the People’s Republic of China and representatives of the Dalai Lama in September 2002 and its progress since that time;

(d) encourages the People’s Republic of China to increase the level of contact with the Dalai Lama and to proceed with a substantive dialogue on the political status of Tibet;

(e) expresses its deep concern at reports that Tibetan monk Nyima Drapka, who had been imprisoned by the People’s Republic of China since 2002, recently died after being brutally beaten for refusing to recant his separatist beliefs;

(f) calls on the People’s Republic of China to:

(i) immediately release all prisoners being held in relation to non-violent protest activities, such as calling for an independent Tibet,

(ii) make public the whereabouts of Tenzin Delek Rinpoche and others detained and imprisoned in relation to his case, the charges against them, any evidence
supporting the charges, and their
medical conditions, and
(iii) repeal all laws and regulations which
permit it to interfere in religious affairs
and which infringe the right to freedom
of religion;
(g) urges the People’s Republic of China to
agree to an immediate visit, without
conditions, by the United Nations Special
Rapporteur on Religion, who has not
visited China since 1994;
(h) notes that the People’s Republic of China
continues to restrict the right to freedom
of association for workers; and
(i) calls on it to repeal all laws and
regulations which prohibit workers from
organising collectively, and to ratify
International Labour Organisation
Conventions 87 and 98, which protect the
freedom of association and the right to
bargain collectively.
Senator IAN CAMPBELL (Western
Australia—Manager of Government Busi-
ness in the Senate) (10.28 a.m.)—by leave—
We have a problem because there are 1½
minutes to go until the Senate is suspended.
We have two options: the first is for the sena-
tors who are voting aye to this to record their
votes; the second is to delay a division until
after question time. I think recording the
votes would achieve the same result in the
Hansard but if you want to have a division
we would give leave to defer the vote until
after question time.
Senator HARRADINE (Tasmania)
(10.28 a.m.)—by leave—Can I suggest that
it be noted that the opposition and the gov-
ernment voted against the proposal? Won’t
that be sufficient?
Senator STOTT DESPOJA (South Aus-
tralia) (10.29 a.m.)—by leave—I am happy
to not have a division provided the Democ-
rats’ support for this motion—and, I believe,
the Greens’ support and Senator Harradine’s
support for this motion—is recorded, if that
is agreeable to the Senate.
Senator Faulkner interjecting—
The ACTING DEPUTY PRESIDENT
(Senator Chapman)—We are just recording
the votes rather than having a division, Sena-
tor Faulkner.
Senator Faulkner—Can I first seek leave
to make a statement?
Senator Ian Campbell—We will adjourn
the debate until after question time.
Senator Faulkner—I am happier for
something like that to occur because it is an
important issue. If we can return to it I would
be happy with that. I would like to say a few
words about it.
Sitting suspended from 10.30 a.m. to
2.00 p.m.
The PRESIDENT—For the information
of senators, I will make a short statement on
the times of the joint meetings to be held
next Thursday and Friday and related matters
at the conclusion of question time.
QUESTIONS WITHOUT NOTICE
Iraq
Senator HOGG (2.00 p.m.)—My ques-
tion is to Senator Hill, the Minister repre-
senting the Prime Minister and the Minister
for Foreign Affairs. Can the minister confirm
the Prime Minister’s statement of 3 Septem-
ber that people should ‘hold their judgment’
as to the whereabouts of WMD in Iraq and
that they should wait until the interim report
by the Iraq survey group is delivered? I also
refer the minister to the statement of the
Minister for Foreign Affairs on 1 September,
in which he said:
So all those who have wished to weigh in to this
debate and make all kinds of accusations will be
able to make their own judgments on the basis of
an interim report.
When the interim report was produced by the
Iraq survey group, the Prime Minister then
said that we should wait until the full report was produced. Minister, what is the government’s response to the Iraq survey group’s findings? When will it be legitimate for the government to make a formal assessment of Iraq’s WMD capability, or will you simply change the goalposts again?

Senator HILL—The Iraq survey group’s interim report does not and was never expected to provide a final, definitive analysis at this time of Iraq’s WMD activities. Investigating sites, huge numbers of documents and other information collected by the ISG and tracing and interviewing Iraqi scientists and officials will take more time. The ISG also faces considerable obstacles, including the destruction of evidence as part of a targeted deception campaign.

But having said that, the ISG did find many material breaches of UN sanctions, including: evidence of dozens of continuing, undeclared Iraqi WMD related research and development activities, many pursued separately, so easily denied but reconstituted quickly when UN sanctions eased; deep involvement by Iraqi intelligence services in an undeclared network of laboratories suitable for chemical and biological weapons research; evidence of an extensive, targeted campaign to conceal, disperse or destroy evidence of these WMD related programs both before, during and after Operation Iraqi Freedom; indications that Saddam was firmly committed to acquiring nuclear weapons capabilities; and evidence that Iraq was committed to developing proscribed missiles and other WMD-capable delivery systems, including new evidence of programs never declared to, or discovered by, the United Nations.

This was an interim report, as it was intended to be. Obviously, as has been said, more work is necessary before a definitive and final conclusion can be reached. That work is ongoing and, after it has been completed, I expect that we will have a better picture.

Senator HOGG—Mr President, I ask a supplementary question. Does the minister stand by the statement of the Prime Minister of 7 August 2002 when he said, ‘Iraq does have weapons of mass destruction’? Does he also stand by the statement of the Prime Minister on 9 September 2002 that Iraq ‘does ... possess chemical and biological weapons’? Does the minister continue to hold the view on behalf of the government that stockpiles of chemical and biological weapons will be found in Iraq?

Senator HILL—Of course Iraq had weapons of mass destruction. Saddam Hussein used weapons of mass destruction on his own people and on his neighbours. The whole international community, including even the Australian Labor Party, was confident that Saddam Hussein not only had weapons of mass destruction but still had weapons at the time of the invasion. The question was whether other processes should be pursued before taking the sort of proactive action that was actually taken. There was no dispute about that. That was the basis of all of the United Nations Security Council resolutions. What this report indicates is that the Iraq survey group has not yet found those weapons.

Trade: Vehicle Exports

Senator FERGUSON (2.05 p.m.)—My question is to Senator Minchin, the Minister representing the Minister for Industry, Tourism and Resources. Will the minister inform the Senate how the Howard government’s strong support for industry is helping to boost car exports and driving record levels of growth in the Australian automotive industry?

Senator MINCHIN—I thank Senator Ferguson for his question and acknowledge
his very keen interest in this issue as a senator for South Australia. On a day that is tinged with some sadness, I am pleased to be able to report on some pretty good news for our automotive industry. I think it is well known that, since coming to office, we have done a lot to invest in the Australian car industry—and we have done that with the support of the opposition, which I welcome. We have had a very big ACIS package, which has just been renewed for a further 10 years, to support this great Australian industry. I think it is now widely understood throughout the industry and throughout the union movement that the future for this great industry does lie in its export success.

So today, on behalf of the government, I do want to congratulate the Holden company, which will export its first shipment of Australian made Pontiac GTOs to the United States next week. It is the first shipment of a planned 18,000 Pontiacs to be sent every year, which of course will generate millions of dollars in export income and will support thousands of jobs here in Australia. It is a great tribute to Holden and its workforce that they won this contract to supply no less than a Pontiac—the Australian Monaro—to the United States. It will, of course, be made at the Elizabeth plant in Senator Ferguson’s and my state of South Australia. I visited the plant a few weeks ago to see the Pontiacs being built. I actually went out to Elizabeth to see this great product being made.

This is a great deal for South Australia, as is the announcement made by Senator Hill and me about the Australian Submarine Corporation winning a 25-year $3.5 billion contract for the through-life support of the Collins class submarines. So there is a tremendous amount happening for South Australian industry, which we welcome. I also note that yesterday Holden added Thailand to its ever-growing list of export destinations for its Australian made cars, which now includes Malaysia, South Africa, the Middle East, the United States and Brazil. I do want to congratulate the retiring Chairman of Holden, Peter Hanenberger, for what he has achieved for this great Australian company in his years as its head and as a former head of the Federal Chamber of Automotive Industries. I am sure all the Senate will wish him well in his retirement.

Next week’s Holden shipment I think is a reminder of the way in which Australian car companies have transformed themselves into internationally competitive manufacturers, as a result of a gradual phase-down in the tariff level—started by the former Labor government—combined with the very powerful support of the ACIS scheme. Indeed, since 1996, when we came into office, Australian automotive industry exports have actually tripled, to the value of $5 billion—exceeding the value in exports of such traditional products as wheat, wool and beef.

Of course the prospect of free trade agreements with Thailand and the United States, which are warmly welcomed by the Australian car industry, will provide new opportunities for increased exports to those two key markets. On the domestic front the Australian industry is performing extremely well, with car sales estimated as of today by the Federal Chamber of Automotive Industries to reach a record 900,000 units in calendar year 2003—a 40 per cent increase since we came to office. This represents fantastic news for the Australian industry and its workers. We congratulate Holden on this great export deal to the United States.

Trade: Live Animal Exports

Senator O’BRIEN (2.09 p.m.)—My question is to Senator Ian Macdonald, the Minister representing the Minister for Agriculture, Fisheries and Forestry. Can the minister confirm that last year the minister for agriculture was asked to endorse a plan to
agist large numbers of Australian cattle in the Solomon Islands as a means to protect Australia's core breeding herd during the worst drought in 100 years? Can the minister confirm that in a letter to the project sponsor the minister for agriculture rejected the proposal on quarantine grounds because it involved the export of Australian cattle and their subsequent re-entry to the Australian mainland? Why, when the minister rejected that plan on quarantine grounds 12 months ago, does he now plan to embrace the return of the sheep aboard the MV Cormo Express—sheep that have spent months in a region of the world rife with foot-and-mouth disease and other exotic animal diseases?

Government senators interjecting—

The PRESIDENT—Order! Senators on my right! When senators have stopped having conversations across the chamber perhaps we can get an answer to that question.

Senator IAN MACDONALD—I am distressed that again Senator O'Brien tries to make political petty points out of what is really a very difficult national issue.

Senator Faulkner—Holding the government accountable.

Senator IAN MACDONALD—Senator Faulkner says they are holding the government to account. The government is being very accountable in every conceivable issue that has arisen in relation to this unfortunate incident. In spite of calls by me and others, we still have not heard what the Australian Labor Party might propose in these very difficult and complex procedures. I again invite Senator O'Brien, if he has an idea of any sort, to feed it into the system and let it be considered. I would be very surprised if there was any new idea from Senator O'Brien or the Labor Party, and I would be even more surprised if there was any suggestion—really, from anyone—that has not already been considered by the government. I have to pay a great deal of credit to Mr Truss, his advisers and the people in the Department of Agriculture, Fisheries and Forestry, the foreign ministry and the other relevant government departments, who have dealt with this particular issue, I think in an exemplary manner.

The government's preferred position from day one has been that these sheep be off-loaded at a port in the Middle East or somewhere else where they could be used, could provide food and could provide sustenance for a country. In fact, as a result of question time yesterday, I had an approach from a Ghanaian representative who indicated some interest in this. We have had that sort of approach from many individuals and commercial enterprises in relation to the acquisition of the sheep. But it does require the country to permit the landing of the sheep over the wharf. That remains the government’s prime consideration, our prime option. That is what we want to do if it is at all possible.

If it is not possible then the Australian government have to deal with this matter responsibly, in conjunction with the industry and with relevant stakeholders, and get a solution that does ensure that Australia’s world-class quarantine systems remain in place and remain with the reputation that they currently have. The sorts of issues that Senator O'Brien raises certainly raise doubts in some people’s minds as to the integrity and the strictness with which our quarantine regulations will be enforced. We are committed to doing that, and we have indicated that in the event that the sheep do have to return to Australia they will return under the most stringent quarantine conditions that could ever be imagined.

Senator O’Brien asked me a question about the Solomons. In answering specifically his question, he asked whether I was aware of that. Regrettably, I am not aware of
that. As you know, I am not the minister for agriculture. I represent—proudly, I might say—Mr Truss in this chamber, so I am not aware of that particular incident. But I will give the Senate an undertaking to make some inquiries and see if I can provide an answer to Senator O’Brien on that particular issue.

Senator O’BRIEN—Mr President, I ask a supplementary question. Given that the minister does not have the material before him in relation to the parallel situation of the proposed export and return of cattle to the Solomon Islands, I look forward to a response on that.

Senator Ferguson—it’s not parallel at all.

Senator O’BRIEN—Whilst he is obtaining it, can the minister obtain an answer to this: can he confirm that the project sponsor of the Solomon Islands scheme was told in a letter from the minister’s office dated 14 October 2002:

... among the many issues the Government would need to consider and address are the quarantine implications of exporting and re-importing cattle from the Solomons ... accordingly the Commonwealth Government would not wish to support your proposal.

Isn’t export and reimport the likely fate of the unfortunate sheep stranded aboard the MV Cormo Express? Has Australia’s quarantine policy been completely overturned?

Senator IAN MACDONALD—Certainly it has not been completely overturned, to address that particular part of Senator O’Brien’s question. I indicated that I do not know about the Solomons, but I do understand that Senator Ferguson has some idea of that. He says, by way of interjection, that it is not at all a parallel situation. It is quite a different situation, and I would accept Senator Ferguson’s comments rather than yours, with due respect, Senator O’Brien. I will emphasise again that this is not something we would ever want to do. We have made that very clear from day one. But what is the alternative? I am still waiting, after 74 days, for one simple suggestion—or any sort of suggestion, simple or otherwise—from the Australian Labor Party. I think Mr Crean has shown a remarkable lack of leadership, as usual, in having his troops continue to denigrate Australia’s national interests.

Economy: Performance

Senator BARNETT (2.16 p.m.)—My question is to the Minister for Revenue and Assistant Treasurer, Senator the Hon. Helen Coonan. Will the minister inform the Senate of the strength of the Australian economy and how the continued responsible economic management of the Howard government will sustain this growth for the benefit of all Australian families?

Senator COONAN—Thank you, Senator Barnett, for the question and for your ongoing interest in the economic fundamentals. Economic growth in Australia has been very strong, as we all know, since the coalition came to government in 1996. Over this time, economic growth and the increase in gross domestic product has averaged 3.5 per cent per annum. Importantly, Australia has maintained this strong growth through what can only be described as a very difficult period. In 1997-98, as we all recall, there was the Asian financial crisis, which impacted heavily on many of our Asian trading partners. More recently we have seen a synchronised downturn in many of the world’s major economies. The United States, France, Germany, Italy, Japan and many South-East Asian economies have been in recession. We have faced the most extensive drought in Australia’s history for the last year, the effects of which are only just beginning to dissipate. We have also had the impact of SARS and increasing global security concerns,
which have particularly impacted on the tourism industry.

It is a testament to the resilience, the flexibility and the strength of the Australian economy that we have maintained such strong economic growth through this difficult period. As a result of strong economic growth, more than 1.2 million new jobs have been created since this government came to office, and the unemployment rate has fallen to a 13-year low of 5.8 per cent. Growth in household consumption has been an important contributor to economic growth in Australia. Household consumption grew by a solid 3.6 per cent in the year to June this year. Data released this week by Westpac and the Melbourne Institute showed that consumer sentiment is around 18 per cent above its long run average. ABS Treasury figures indicate that as at the end of June 2003 Australian private sector wealth stood at a staggering $4,325 billion, which is a 14.7 per cent increase over the past year.

Consumers are so optimistic because the coalition has delivered jobs, growth in wages, low interest rates and reductions in personal income tax rates. Real wages have increased by 12.2 per cent, and mortgage interest rates have fallen to a 30-year low of 6.55 per cent. Consumers are more optimistic under a coalition government because they know that the coalition can be trusted with the economic management of this country. Business confidence also remains at an all-time high, with NAB’s August monthly business survey reporting that business conditions are at their strongest level since the December quarter in 1994. NAB said:

Whichever way you look at the National’s Business Survey results for August, the core findings are of underlying domestic strength and, in recent months, an accelerating growth momentum.

Internationally, Australia’s improved financial position is reinforced by the restoration of our AAA credit rating, which was lost by the Labor Party in 1986. Australia is the only advanced economy in the world that has been able to run a budget surplus, deliver tax cuts and increase spending on essential services in very difficult economic times. I know that the Australian Labor Party might not think much of these achievements, but the Australian people do. The coalition will continue to deliver responsible economic management policies for the benefit of Australian business and for all Australian families.

Trade: Live Animal Exports

Senator MACKAY (2.21 p.m.)—My question is to Senator Ian Macdonald, the Minister representing the Minister for Agriculture, Fisheries and Forestry. Can the minister confirm that the estimated likely cost of the MV Cormo Express fiasco will exceed $16 million? Specifically, what has this fiasco cost Australian taxpayers so far, including costs associated with the buyback of the sheep and the measures already undertaken to assess the quarantine risk associated with their return? What will the return of the sheep to Australia, including secret quarantine measures to deal with serious disease risk, cost Australian taxpayers?

Senator IAN MACDONALD—I can confirm what is obvious to any observer—and should be even to the Australian Labor Party senators—and that is that this exercise will be very expensive in monetary terms. As I said, that is very obvious. I cannot confirm whether the figure is $16 million or any other figure; I do not have that information. My information suggests to me that that figure cannot yet be determined. It is an ongoing exercise, it will be expensive and the figures will be totalled up at some time. As with everything else that has occurred with this unfortunate incident, we will be open and accountable about the costs. I can say to
the honourable senator from Tasmania that the costs of not handling this correctly would be enormous to Australia. That is why it is so important that this issue be handled sensitively as Mr Truss has done—not in secret, but very openly and sensitively. If we followed some of the rantings, if I might say that, of some of the senators opposite, we could have a very difficult situation and one that is very expensive in terms of Australia's long-term national interest and our export capability. This is an issue we must handle correctly.

I have to say that suggestions from the opposition that these sheep are not healthy, when our chief vet and international vets have certified that these sheep are healthy—and, I might add that the sheep have seemed surprisingly healthy to those people who have inspected them—do not do Australia's reputation any good. These are, after all, Australian sheep which have come from all around Australia but mainly from Western Australia. They are healthy. The trade is very good. Since this particular ship had difficulties in Saudi Arabia there have been, I think, four subsequent shipments to the Middle East that have gone over with great success.

We still have no idea why this happened. What occurred in Saudi Arabia at the time is a mystery to everyone. But there have been subsequent shipments that have gone off without a hitch. This is a very valuable industry to Australia: the live animal trade is worth over $1 billion and it accounts for something like 9,000 direct jobs in rural and regional Australia. So it is extremely important and the cost to Australia, if this is not handled correctly and sensitively, could be enormous. That is why we have gone to these very great lengths to make sure that this particular issue is handled correctly. We are expending enormous effort in trying to find a destination for these sheep but we have to have a plan so that, if that cannot occur, they will come back to Australia. We have to make sure that we have in place an arrangement, in conjunction with the Western Australian government, that leaves no room whatsoever for doubt that Australia's very high world-class quarantine standards will remain totally and strictly in force.

Senator MACKAY—Mr President, I ask a supplementary question. Surely the government must have some idea of the cost after 74 days of this fiasco. Is it anywhere near the $16 million mark thus far? Can the minister at least reveal how much the mismanagement of this fiasco will cost Australian exporters who trade on Australia's clean and green export reputation? Why won't the government come clean with the Australian people and release its secret import risk assessment?

Senator IAN MACDONALD—Again, I do not have the exact figures. Everyone knows that we bought the ship back from the exporter. It had nothing to do with the Australian government. Some guy came in, bought Australian sheep and took them overseas on an overseas ship to an overseas destination. It was nothing to do with us but we have a responsible and mature approach to these things and we accepted that it did need government intervention. Now we have bought the ship back at about the price he paid, which I believe was around $4 million to $5 million.

Senator Ferris—It was $4.5 million.

Senator IAN MACDONALD—It was $4.5 million. Thank you, Senator Ferris. The ship is chartered to the exporter—at no cost, that I am aware of, to the Australian government—but there will be costs for feed, the vet and relating to the quarantine arrangements when they come back. That will be very expensive and I make no apology for that or try to hide it. We acknowledge that that will happen and we will tell you when
we have those figures. We ask at this time that we get some support from the Australian Labor Party. Understand the very difficulty that is being faced. It is a situation which needs national support, and we would hope that the Labor Party might provide that at some time. *(Time expired)*

**Education: Funding**

*Senator STOTT DESPOJA (2.27 p.m.)—*My question is to the Minister representing the Minister for Education, Science and Training. Is the minister aware of an announcement today by the Australian National University that it will sign a three-year enterprise agreement with the National Tertiary Education Union—an agreement which will contain none of the government’s hardline industrial relations measures that are linked to the Commonwealth grants scheme funding of $404 million? Can the minister confirm for the chamber that this means that the Australian National University will miss out on its share of Commonwealth grants scheme funding? Does the minister accept that linking university funding to industrial relations reforms rather than educational reforms is not acceptable to the higher education sector or to the wider community?

*Senator VANSTONE—*I thank the senator for the question. The answer to the first question is no. The answer to the second question is I am not sure. I should add in relation to the second question that Senator Stott Despoja describes the requirement of industrial relations reform as being hardline. There are other people in the community—and I am sure you will understand they do not always agree with you—who believe that industrial relations reform in universities is important, not because of some iconic desire for industrial relations reform but because it will produce better outcomes in universities and better teaching which will benefit universities and students. You may not agree with that, Senator, but there are other people who do and they happen to have been chosen by the Australian community to form the government of the day. As to the remainder of your question, I will ask advice from the minister and if he has anything further to add I will provide you with that subsequent material.

*Senator STOTT DESPOJA—*Mr President, I ask a supplementary question. I thank the minister for saying that she will chase that up. While she is doing that, she may know the answer to this question. Given that the changes proposed in the higher education proposals actually empower the minister to appoint six out of the proposed 15 members of the ANU Council, does she consider this level of government interference in university autonomy to be inappropriate? Once again, I ask the minister to consider whether or not the ANU is entitled to that funding. Given that the proposed reforms have yet to be debated, let alone passed, isn’t that a retrospective measure that should not relate to the ANU, a university that has rejected, not what I would describe as but what they describe as, ’the government’s narrow ideological agenda’?

*Senator VANSTONE—*Senator, in relation to your question about the ANU Council, I do not know if the number is six; it may well be. The council obviously does have a very important role in running a university. It is an interesting notion you have, Senator, that universities are somehow out there and have no relationship to the government, which funds universities, I might remind you, to the tune of billions of dollars a year. I might also remind you that parents and students expect the government to have a significant interest in whether that money is well spent and whether education priorities are delivered to students in an appropriate way. So I do not accept your proposition and the government does not accept your propo-
sition that, somehow, the government having a say in universities is government interference. As to the Australian National University describing some government policy or another as being narrow, we live in a free society where universities, individuals, clubs and societies can express whatever views they choose, and thank God we do. (Time expired)

Family Services: Child Care

Senator JACINTA COLLINS (2.31 p.m.)—My question is to Senator Patterson, the Minister for Family and Community Services and the Minister representing the Minister for Children and Youth Affairs. Now that the government has finally allowed the release of the child-care support broadband redevelopment report, which clearly recommends stripping operational support for family day care to new targeted priorities, will the minister guarantee that there will be no funding cuts to family day care?

Senator PATTERSON—Senator Jacinta Collins asked a very similar question only a couple of weeks ago, but she has given me the opportunity to remind those on the other side what the government has done for child care. It is an important part of the government’s vision for families. Senator Collins rolls her eyeballs because she does not want to hear that the government has done so much for families in the area of child care and in balancing work and family commitments. The government has spent and continues to spend more on child care than any Labor government ever did—around $8 billion over four years to 2005-06. The child-care benefit is accessible to more families than ever and has significantly improved the affordability of child care, especially for low-income families, and it was boosted by indexation of three per cent on 7 July 2003. Child-care costs for 45 per cent of children are now less than $20 per week, after child-care benefit subsidies for low-income families of around 70 per cent of the average cost of full-time care. Child-care costs have increased far less than general prices since June 2000.

Senator Collins has been exercised by the broadband redevelopment issue. The government recognise that family day care is highly valued as a child-care choice for many families. Family day care has enjoyed long and substantial support from the government and, as I said, we have committed a record $8 billion over the next four years to child care. Of that, $190 million each year directly supports services through the child-care support broadband. The broadband redevelopment is examining all aspects of child-care broadband funding to determine how support to child-care services can be approved. I will say this very clearly: it is not about funding cuts; it is about determining how support to child-care services can be improved. It will determine how to support child-care services and ensure the best use of available resources to meet the needs of children and families.

The process has provided an opportunity for participation from all parts of the children’s services field—families and stakeholders in all the states and territories—and the sector has responded very positively and constructively to the consultation opportunities. The departmental task force is now examining the results of the consultation process and will provide advice and recommendations for consideration by Minister Anthony. It would be in the best interests of all families if Senator Jacinta Collins and her colleagues refrained from running around using typical scare tactics about the cutting of funding.

Senator JACINTA COLLINS—Mr President, I ask a supplementary question. As I indicated in my question, now that this re-
In the report has been released, we do know that it recommends stripping operational support for family day care. There is no way the government can move from that now. Whether the government accepts that, it is not something that should take six months to consider. But, Minister, as the report states, this process has been described by the sector as ‘robbing Peter to pay Paul’. When will the government act on the chronic shortages of child-care places and, as the report recommends, stop capping approved places? When will the government adequately fund growth in child care and increase the level of support, which is now $400 per place less than it was under Labor in 1996? Again I ask: will the minister guarantee that there will be no funding cuts to family day care?

Senator PATTERSON—I will remind Senator Jacinta Collins of what I said in answer to her first question. Child-care benefit has made child care more accessible and more affordable than ever before or ever under Labor. The number of child-care places has increased from 306,000 to over 500,000 since we came to office. Family assistance legislation contains priority of access guidelines so that children who most need child care have priority access to available child-care places. We are concerned not just about the number of child-care places—which we have increased—but also about locating them where they are needed, which was not a priority under the Labor government. We have increased the number of places, we have increased the funding and we have increased accessibility.

HONORABLE SENATORS—Hear, hear!

QUESTIONS WITHOUT NOTICE

Taxation: Mass Marketed Schemes

Senator MURPHY (2.37 p.m.)—My question is to the Minister for Revenue and Assistant Treasurer, Senator Coonan, and relates to test case funding for the mass marketed schemes the ATO determined were in breach of tax law. In April 2001, the ATO announced that it would fund both sides of court cases to determine who was right in the disputed areas of these schemes. Can the minister inform the Senate how many taxpayer funding applications the ATO has received and how many of these applications have been funded? Can the minister also inform the Senate of the reasons the ATO has used for rejecting funding applications?

Senator COONAN—I thank Senator Murphy for the question. By way of answering the question, I want to make a few preliminary comments about how the test case funding works and how the test case panel approaches its task. The tax office runs a test case litigation program designed to provide financial assistance to taxpayers involved in litigation where the outcome is likely to resolve taxation issues that are important to the general administration of the tax system and where clarification of the issues would be in the public interest. I should stress that the program is not about funding every individual case in which a taxpayer seeks to test the commissioner’s view of the law; instead, it is designed to clarify issues and to apply generally.

The program was established following a 1993 Joint Committee of Public Accounts report, and the aim is to develop legal precedent—that is, a legal decision that will serve as a general rule for future similar cases. A test case litigation panel has been set up to

Distinguished Visitors

The PRESIDENT—Order! I would like to draw the attention of honourable senators to the presence in the chamber of a delegation of our friends from the parliament of Papua New Guinea. On behalf of honourable senators, I have pleasure in welcoming you to the Senate. I hope your visit is both enjoyable and informative.

QUESTIONS WITHOUT NOTICE

Taxation: Mass Marketed Schemes

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consider applications for funding and to recommend whether or not funding is appropriate, and that, of course, is relevant to the way in which refusals are also made. The panel consists of senior ATO officers and members of accounting and legal professions, and provides community input. Representatives from both professions provide independent reviews of the merits of cases and of the significance of issues to the community, so criteria for funding in the first place are whether or not the issue will clarify tax law in a manner beneficial to the community and whether the issue is in the public interest. Generally, the panel has recommended against funding cases involving tax schemes. In the case of mass marketed schemes, however, a key subject of the litigation was the application of the general anti-avoidance provisions, which is why it came into the criteria.

The commissioner has advised me that, while the ATO does not generally support these schemes, it did fund participants involved in Budplan. A key reason the commissioner decided to fund that was that the litigation of these schemes was taking longer than expected. The decision to fund the case recognised that the benefits from clarifying the law were in the public interest, as the case was considered to be representative and would assist in clarifying the principles to be applied to the more than 100 other mass marketed schemes involving over 48,000 taxpayers and more than 60,000 investments. The Budplan scheme was considered by the ATO to be representative of other—

Senator Murphy—I will get to the point of order, Senator Campbell, if you mind your place.

The PRESIDENT—Order! I’m the chair; you’re not.

Senator Murphy—My point of order is that the minister has indicated that the test case funding for the mass marketed tax schemes was decided back in 1993, when in fact it was not. It was decided in 2001 and was announced by Assistant Commissioner Michael O’Neill.

The PRESIDENT—Senator, what is the point of order?

Senator Murphy—The point or order, Mr President, is that the minister at least ought to have the facts right in this particular matter.

The PRESIDENT—There is no point of order.

Senator COONAN—I think Senator Murphy must have misheard me, because I said it was set up as a result of the recommendation of the committee in 1993. I did not say that was when it was commenced. In any event, what I was endeavouring to do by way of comprehensively answering Senator Murphy’s question was to point out that the Budplan scheme was chosen as a representative case because it had the greatest number of investors of any scheme, and the decision to fund this case followed the key recommendations, once again, of the Senate Economics Committee report into mass marketed schemes, which I know Senator Murphy took a great interest in, and recognised that the community would benefit from clarifying the operation of the law in relation to these types of schemes.

In Budplan, the court found that the deductions in relation to participation in mass market schemes were not allowable under the general deduction provisions of the tax
law and, even if they had been, the general anti-avoidance provisions would apply to disallow them—that is, the legal principles in this test case established a precedent for those other taxpayers. The aim of the test case litigation program is, of course, not to provide legal finality but to develop legal precedent. (Time expired)

**Senator MURPHY**—Mr President, I ask a supplementary question. The minister says that the ATO funded the Budplan case because it was representative of all schemes, something the ATO has also claimed. I quote from a June 2002 letter from the commissioner to a tax scheme participant:
The outcome of both the Budplan and Vincent cases confirms that finance arrangements typically used in mass marketed schemes in an attempt to artificially create tax deductions, do not succeed.

However, by April 2003, following a full bench decision against the ATO, the story changed, and I quote:

In addition, it is the Tax Office view that the decision in the Vincent case only applies to investors in Active Cattle Management and even then, each case will be decided on its own facts.

Minister, isn’t the ATO being dishonest with taxpayers? Surely the tax office cannot have it both ways. Either the schemes are all the same or they are not. And, if they are not, why isn’t the tax office funding those cases, for which they gave a commitment in April 2001, as was announced by Assistant Commissioner Michael O’Neill?

**Senator COONAN**—Thank you for the supplementary question, Senator Murphy. What I in fact said was that the Budplan scheme was considered by the ATO to be representative of other mass market schemes, as it involved the greatest number of investors of any scheme. That is, in fact, what I said. As Senator Murphy would know, the whole issue to do with mass market schemes does involve very technical legal and audit questions. The current status of the five mass market investment scheme cases that have been considered by the Federal Court is that four have been appealed to the full Federal Court—in two cases, the court has confirmed the commissioner’s view that the deductions are not allowable, one decision is pending, and the other case has not yet been heard—and in the fifth case, Budplan, it was confirmed that the deduction was not allowable and there was no appeal.

**Immigration: Asylum Seekers**

**Senator FAULKNER** (2.45 p.m.)—My question is directed to Senator Vanstone, the Minister for Immigration and Multicultural and Indigenous Affairs. Can the minister advise who is authorised to sign a deportation order when a failed asylum seeker is to be returned to another country? What role does the minister play and what role does the detention centre manager play in formulating and signing off a deportation order? Is the minister aware of an incident in July 2003—and I acknowledge that this was prior to Senator Vanstone becoming the minister—when an air ticket to Kuwait was purchased for a stateless Bedoon man when he had no visa for Kuwait and in the knowledge he would alight in Syria and be unable to complete his journey to Kuwait?

**Senator VANSTONE**—I thank the senator for the question. Senator, I am not aware of the incident to which you refer—

**Senator Nettle**—Everyone else is!

**Senator VANSTONE**—I hear an interjection from the chamber that ‘everyone else is’. Good. Everyone might be aware of what they have read in the paper or heard on the radio or whatever but I have not seen specific advice that comes to mind in relation to that matter, and even if I had, I would not answer you now off the cuff without having a direct brief in front of me. However, I will...
make inquiries about that specific incident and I will also get advice for you on the specific roles that the minister and—if he has one—the detention centre manager may have in the case of people being deported.

Senator FAULKNER—Mr President, I ask a supplementary question. Can the minister advise whether the manager of Port Hedland detention centre has responsibility for the holding, preparing or handling of a Port Hedland detainee’s travel documents? Is the minister able to advise—if not, could she check—whether departmental officers are responsible for advising Middle Eastern deportees at Port Hedland of their options for obtaining travel documents?

Senator VANSTONE—Senator, I will get you quite specific advice in relation to what the manager at Port Hedland is able to do in those circumstances, and whether it is as of right through the legislation or by a delegation. As to departmental officers, I will also get you written advice in that respect. There will be circumstances of course where people, when leaving Australia voluntarily or otherwise, will want to be given some information, but as for the specific breadth of that departmental information I will get a brief for you on that.

Rural and Regional Australia: Youth Initiatives

Senator EGGLESTON (2.48 p.m.)—My question is to the Minister for Fisheries, Forestry and Conservation, Senator Ian Macdonald. Will the minister inform the Senate of the Howard government’s continuing support for young leaders in rural and regional communities? Is the minister aware of any alternative approaches?

Senator IAN MACDONALD—After the sadness of the Bali memorial service held just before question time, which reminded us all of the senseless and tragic waste of so many young Australian lives and the lives of so many young people from other countries, it has been—at least for me, Mr President—inspiring to meet just before question time with a group of young people from country Australia who are in Canberra at the moment doing a four-day course as part of one of the Howard government’s support programs for young people from country Australia. These very able, very committed, very dedicated and very visionary young people are determined not to let terrorism and criminal acts deter Australia from the destiny they see for our country.

I am asked about how the Howard government is helping young people in rural and regional Australia. We do have many programs. For instance, there is the National Youth Roundtable, which particularly benefits people from rural and regional areas. We have the seafood industry development program for young people involved in the seafood industry. That is supported by the Fisheries Research and Development Corporation, an Australian government instrumental-ity. There is the Croc festival, which helps Indigenous young people to become part of mainstream art and culture areas—while having a good time as well. Any of you who have attended a Croc festival would know what I mean. We also help sponsor one of the better ABC programs, a magnificent program called Heywire, which the Australian government supports. The National Indigenous Youth Leadership Group is another particular initiative where we try to help people from remote parts of Australia.

From my department there is the Young Australian Rural Network, which provides a forum for young people from all over rural Australia to have their say on important policy issues of the day. The government has committed over $2 million to that program for young people through its Young People in Rural Industries program. This Young People in Rural Industries program exists to
increase the profile and status of young women and men working in the agriculture, fisheries, forestry and natural resource management areas and in food processing industries.

Today, as I mentioned, I had the great joy of having a quick bite with these young people and hearing about their vision for Australia and about some of the plans they have for country Australia as part of the development of our nation. I want to mention one of the projects of one of the groups at this workshop, and that is 'the Australian table', which is all about value adding and branding Australia’s products to create strong regional communities. This is an initiative of these young people, and it is one that I think can really help Australia in the future. It shows that our young people are thinking about the future of our country. As part of the Young People in Rural Industries program, the government also provides study awards. We provide for the young people’s improved corporate governance event. We provide export market development training courses for young people from country Australia. We also sent some of them overseas as international observers, and we have young people’s rural network grants, which enable them to further their studies and increase and build upon their skills. I am sure that we are all very proud, as Australians, to see the work that these young people are doing and to know that this parliament and the Howard government are certainly supporting them.

(Time expired)

Immigration: Asylum Seekers

Senator FAULKNER (2.53 p.m.)—My question is again directed to Senator Vanstone, the Minister for Immigration, Multicultural and Indigenous Affairs. What type of agreement, understanding or arrangement exists between Australia and Syria in relation to the voluntary or involuntary return of failed asylum seekers to Syria? Does the arrangement include the return of non-Syrian nationals to Syria? Does the arrangement contain any financial component or incentives for Syria to accept failed asylum seekers from Australia? Can the minister advise how many failed asylum seekers have been returned to Syria under this government? What are their nationalities?

Senator VANSTONE—I had a brief on this the other day in relation to a question asked of me by the Australian Greens, but I do not have that with me today. However, I should be able to get you the advice on that matter pretty quickly, in particular the numbers. As I recall, they did not accord with the proposition put by the Greens senator in relation to that matter. The numbers were relatively small. There are people who voluntarily go back there. But I think it is best if I get you a specific brief on the issue.

Senator FAULKNER—Mr President, I ask a supplementary question. I thank the minister in advance for providing that information. I ask the minister the nub of this question: could the minister please explain to the Senate why Australia sends non-Syrian nationals to Syria? That is the issue, Minister, which I would like you to address. An additional issue that is important and that you could perhaps also address in your answer is whether non-Syrian nationals returned to Syria have the full rights of citizens.

Senator VANSTONE—Senator, I have found the brief that I was referring to. I will make the point that the department is not dumping people anywhere, which I think was the allegation made by the Greens recently. If people have no further right to remain in Australia, of course DIMIA is obliged to assist them to travel to a country where they hold a valid visa for entry, thereby meeting the obligations of the Mi-
Third-country nationals who travelled to Syria did so voluntarily, independently obtaining visas permitting entry into Syria, which is, again, inconsistent with the proposition put by the Greens. The government does have a well-developed system for refugee status determination, including appeal processes, which ensures that each asylum seeker’s case is considered objectively and on its merits. Protection is given to those who need it.

Senator Faulkner—The issue is why non-Syrian nationals are being sent to Syria.

Senator VANSTONE—The advice I have on Syria is that third-country nationals who travelled to Syria did so voluntarily. If you have further information that would encourage me to go behind that, I am happy for you to raise it with me privately, and I will do so.

(Time expired)

Parliament House: Security

Senator BROWN (2.56 p.m.)—Mr President, as foreshadowed, my question without notice is to you. Can you assure the Senate that nobody, foreign personnel included, will be allowed into the parliament or the parliamentary precinct next week bearing arms—guns or otherwise?

The PRESIDENT—I do not think you were here when I indicated earlier that I will be making a statement at the end of question time about questions that were raised this morning in my absence. That matter will be covered then.

Senator BROWN—Mr President, I ask a supplementary question. It is quite direct and I would like it to be answered by you now. Mr President. Will you give a categorical assurance that no foreign personnel will be allowed into this parliament or its precincts bearing guns in the coming week?

The PRESIDENT—I will give you a detailed answer at the end of question time.

Trade: Policy

Senator MARK BISHOP (2.57 p.m.)—My question is to the Minister for Justice and Customs, Senator Ellison. I refer the minister to his answer to a question without notice on 19 August this year, when he said the government would shortly be providing a response to the committee report on the anti-dumping bill. Where is that response? Will the government amend the bill to remove the discrimination against China and other similar trading partners, as recommended by the minority report of the Senate committee?

Senator ELLISON—I can say that the government has considered the committee report that Senator Bishop refers to. As a result we have proposed some amendments which we will be bringing before the parliament in the very near future.

Senator MARK BISHOP—Mr President, I ask a supplementary question. Given the strength of the Chinese position in opposing this bill, and given that the government has taken no action as yet to amend it, what position will be expressed on this issue to the President of China next week?

Senator ELLISON—There are discussions which are ongoing with Chinese officials in relation to trade between China and this country. I do not think it is appropriate that we breach the confidence of those discussions. They cover a range of issues that touch on the one that Senator Bishop has mentioned.

Indigenous Affairs

Senator HUMPHRIES (2.59 p.m.)—My question is to the Minister for Immigration and Multicultural and Indigenous Affairs, Senator Vanstone. Will the minister inform the Senate how the government’s commitment to improving the wellbeing of Indigenous Australians is delivering positive results?
Senator VANSTONE—Efforts are not always judged simply by money alone, but it is relevant that record amounts of money and effort are now being spent trying to solve the problems faced by disadvantaged Indigenous Australians. There is a rise from $2.1 billion in real terms in 1995-96 to $2.7 billion in 2003-04 targeting key areas of employment, education, health and housing. That is almost a 30 per cent increase and, of course, not all areas of government are able to say that they have had a 30 per cent increase in real terms. The investment is delivering results that make a real difference to people’s lives and opportunities.

In education, there is a commitment to increasing the literacy and numeracy of Indigenous Australians because it is clearly understood by everybody that those who can read and write have the best chance of going on to complete high school and tertiary education. Evidence shows that there have been significant improvements. I do not mean to say that everything is fixed but it is worth at least acknowledging what has been achieved, if only to give reward and encouragement to those who, on the ground, have been involved in making this contribution and to ensure that we continue in the same enthusiastic way.

Some of the examples that I would like to raise briefly include a fall in the proportion of Indigenous adults who left school before their 15th birthday from 44.2 per cent to 33.4 per cent. That is a significant achievement. A higher proportion is staying on at school after their 15th birthday and there is all that flows from that with the greater opportunities that those children would have. The proportion of Indigenous children who stayed at school through to year 12 increased by 30 per cent. Nearly 60,000 Indigenous people registered for postsecondary vocational education training in 2002. Nearly 60,000 Indigenous people registered for that training which is nearly double, or nearly a 100 per cent increase on the figure in 1996. We also saw the number of Indigenous students enrolled in bachelor or higher degree courses increase by almost 25 per cent. Between July 1999 and August 2003, under the government’s Indigenous employment policy, over 18,500 Indigenous job seekers gained access to accredited training and employment through structured training and employment projects. Over 8,500 found jobs through wage assistance. While things have been getting better, I am certainly not saying that all has been achieved.

I was pleased to attend a dinner last night, where awards were given to young Indigenous Australians and to their employers and managers as part of a Department of Employment and Workplace Relations project overseen primarily by the former Minister for Employment and Workplace Relations, Tony Abbott. He was present and so, I am pleased to say, was former senator Bob McMullan, to celebrate the achievements of not only the companies that have been prepared to get in there and offer real opportunities in the private sector in order to share the wealth generation in Australia with first Australians but also the individual managers who have played a significant role in that—the people on the ground doing the work—and of course the Indigenous trainees. I would specifically like to mention the winner of the Neville Bonner award, a young man from Woolworths, who has given up his time to help train people to run the local stores, which now means that there is more fresh fruit, more choice, a much better, more efficient system and more training for people in local communities.

Senator Hill—Mr President, I ask that further questions be placed on the Notice Paper.
ADDRESSES BY THE PRESIDENT OF THE UNITED STATES OF AMERICA AND THE PRESIDENT OF THE PEOPLE’S REPUBLIC OF CHINA

The PRESIDENT (3.03 p.m.)—As I indicated at the start of question time, I wish to make a statement regarding arrangements for next week. On Thursday next week, as senators know, the President of the United States of America will address the Senate and the House of Representatives, according to resolutions passed by each house previously. The bells will be rung at 11.10 a.m., and senators are asked to take their places in the House of Representatives as quickly as possible. It is very important that all senators are in their places by 11.15 a.m. for the start of proceedings.

On Friday, the President of the People’s Republic of China will address the Senate and the House of Representatives, according to resolutions passed by each house. On Friday, the bells will be rung at 9.55 a.m. Senators are again asked to take their places in the House of Representatives as quickly as possible. The proceedings will commence at 10 a.m.

The proceedings for the address on each day are expected to take around 35 minutes. Each senator will have a designated seat, in party and independent groupings. A circular with specific details was delivered this morning to the office of each senator and member.

I thank senators in advance for their cooperation to ensure that the tight timings on each day are adhered to.

PARLIAMENT HOUSE: SECURITY

The PRESIDENT (3.04 p.m.)—This morning, following my statement about temporary security arrangements at Parliament House next Thursday and Friday, I had to leave the chair to participate in the memorial unveiling for the victims of the Bali tragedy. In my absence, three particular questions were asked of me, and one was asked again by Senator Brown a moment ago. In regard to the carriage of firearms in Parliament House, I can assure the Senate that established procedures have existed for many years on this matter and that they have not been departed from by the Presiding Officers in regard to the forthcoming visits. I hope the Senate will understand that I will not expand on that.

Senator Bartlett asked about school visits. I can advise that 996 school children have booked for Parliamentary Education Office programs next Thursday, and every one of them will be accommodated at Old Parliament House. The Parliamentary Education Office has not been advised of any cancellations, but if schools cancel, that is a matter for them, because the programs will still be offered.

A further question was asked about PA systems in the authorised protest area. I understand that a request has been made to the security authorities at Parliament House for a peaceful protest in front of Parliament House next Thursday morning, within the designated protest area, and that permission has been granted. I also understand that the organisers of the protest have requested a public address system. The relevant part of the Presiding Officers guidelines relating to the conduct of demonstrations within the parliamentary precincts reads:

Use of amplification equipment shall not be permitted during ceremonial occasions or at any other time or place which may disrupt the business of the Parliament. Noise levels, whether inside or outside the precincts, must not be offensive, harmful or unreasonably interfere with the activities of other people.

The visit of an overseas head of state to Parliament House is clearly a ceremonial occasion, and so it is not permissible for amplification systems to be used at the time requested. This is not a departure from normal
practice, and is consistent with the established guidelines.

Senator BROWN (Tasmania) (3.07 p.m.)—I seek leave to make a short response to your statement.

Leave not granted.

Senator Faulkner—Mr President, I raise a point of order. The normal procedure in this place is that, if you make a statement, Mr President, a senator seeks leave to move a motion to take note of the statement.

Senator Vanstone—He sought leave.

Senator Faulkner—I am aware of that and I am aware that the government did not grant Senator Brown leave, as is the government’s entitlement. I make the point that, as has always been the case, and consistent with convention in this place, if Senator Brown were to seek leave to move a motion that the Senate take note of your statement, Mr President, as far as the opposition is concerned it would grant leave.

Suspension of Standing Orders

Senator BROWN (Tasmania) (3.08 p.m.)—Pursuant to contingent notice, I move:

That so much of the standing orders be suspended as would prevent Senator Brown moving a motion relating to the conduct of the business of this Senate, namely a motion to respond to the President’s statement.

I have moved for the suspension of standing orders because the matter warrants a response. I asked you, Mr President, firstly, a specific question during question time which required a yes or no answer and then an elaboration. In your response after question time you refused to give that answer. It is very important to establish here, in a parliament which is free of guns as far as parliamentary security personnel are concerned, that that is not going to be overturned next week.

This is the parliament of Australia. This parliament has very strict security measures which protect the security of members of parliament, including prime ministers of this nation, and it is entirely adequate to protect the security of visiting heads of state as well. I am aware that there have been negotiations with the secret security agents from the United States and China about security matters in this parliament. Has the government given permission for foreign agents who are armed to be brought into the parliament? If so, that is repugnant. It is not acceptable. This is a sovereign nation. This is Australia. We have the wherewithal to protect anybody coming to our parliament and we will do so. If a decision has been made to do other than that, then the President should say so.

We have already established that the President and the Speaker, and no doubt the government, are determining security arrangements in here. Let me remind you, Mr President, of the way things go. You are the servant of this Senate. The Senate is the servant of the people. It is not the other way around. We have to be able to debate this issue on behalf of the people. That has not been allowed on this occasion. If we are going to have people coming in here with guns, acting as sheriffs in this parliament, then let us debate it. Your failure to answer says that the answer to that is, ‘Yes, that is what is going to happen.’

Let me tell you, Mr President, that anybody bringing a gun into this place should be stopped at the door, whether they are Chinese, American or from any other country. We do not need gun-toting people sherrifing over us in this Australian parliament. It is not acceptable. It is bad enough that you have made a decision with the government to exclude people from this parliament. You outlined an alternative arrangement for children who have been waiting for months to come here. They should be in these galleries next week.
week. You should have turned that planning of theirs into something special. Instead of that they are being denied the opportunity to come here and they are being sent to the Old Parliament House down the hill. It is wrong—this obsequiousness, this knee trembling. We can protect those personnel who come to this parliament. We can treat them with dinkum dignity while not being obsequious. We can hold a conversation with anybody in the world on equal terms. But this subservience is not Australian. The Prime Minister has been talking today about the courage and the specialness of the Australian personality. It is not showing here and the Prime Minister is not showing it here.

Finally, I say this: you should never allow this to happen again. It is your responsibility on occasions like this to go to the Senate to get advice and to have a debate about this. You have failed that responsibility on this occasion. This is not a parliament to be run by the executive. This is a parliament of the people of Australia. You have forgotten that, and you should not have. If we were debating this, if the opportunity were given as it should have been to this Senate, I can assure you that the Greens would not be permitting people from outside this country with guns in here. We would be permitting people to have protests under the normal circumstances outside parliament and we would have the schoolchildren in the galleries. We are not frightened like the members opposite. We have a better opinion of Australians and a more eye-to-eye opinion of other people, including leaders not elected in a democratic fashion from elsewhere around the world.

Senator BOSWELL (Queensland—Leader of the National Party of Australia in the Senate) (3.14 p.m.)—I would like to take note of that motion.

Senator Robert Ray interjecting—

The PRESIDENT—No, I am sorry. Senator Brown moved a motion to suspend standing orders. It is a procedural motion and I have to put it.

Senator Robert Ray interjecting—

Senator BOSWELL—If I need any help, I will not be asking you.

The PRESIDENT—Senator Boswell, you can speak to the motion.

Senator BOSWELL—I have listened to Senator Brown. He makes some obvious remarks about democracy but what he fails to understand is that democracy is the will of the majority. While you are sitting there with one person behind you, you do not have a majority in this place. You can get up and talk but you do not have a majority.

Senator Brown interjecting—

Senator BOSWELL—You can test it. You do not have a majority in this place—you are out there with one person. You know very well that all this is for is to get your name in the paper. You know you can do it. You are the best exploiter of these sorts of stunts of anyone in parliament. You know that the other parties cannot respond and you continually drag this place through a pantomime to try to get your name in the paper. It is quite obvious to everyone here; they know it is a stunt. The press know it is a stunt, and I hope they treat it with the contempt it deserves.

Senator BARTLETT (Queensland—Leader of the Australian Democrats) (3.16 p.m.)—Mr President, the motion before the chamber concerns whether to suspend standing orders to take note of your statement after question time. I think that your statement is worth taking note of, and the debate we are having now is the mechanism for doing that. There are a few aspects to deal with. As I said this morning, I am disappointed that the public is basically excluded from the en-
tire Parliament House during the visit of the US President. Obviously it would be impractical for the public to be in the gallery whilst the President is speaking, given the demand. Even on the occasional days for House of Representatives question time there is too much demand from people wanting to get in and not everyone can get in. I do not know why—it is the last thing I would want to do myself. But the fact is that not everybody will be able to get in. It is unfortunate that the public is going to be excluded from the entire Parliament House; it is unfortunate symbolically. I find it interesting that it is for the US President that everybody is kept out and for the Chinese President that everything proceeds as normal—except that I presume people will not be able to get into the chamber to hear his address because of security and lack of room.

I am pleased to hear that the school visits are occurring down the road at Old Parliament House. I still think it is unfortunate that arrangements cannot be made for them to happen here. In relation to the protests outside, one of the core things in the President’s statement—and I do think it needs to be noted, because aspects of Senator Brown’s comments may have made it seem otherwise—is that, whether you are talking about firearms or about amplification equipment, what is being ruled here is not specific, special treatment just for the President of the US. It is using established guidelines, whether in relation to firearms or in relation to amplifications. Whilst I might not agree with those guidelines, I think the point has to be made that they are established guidelines. If we want to change those guidelines, that is how we should be going about it. I am supportive of the people who wish to voice their views outside Parliament House on Thursday—and I hope on Friday because, frankly, whatever complaints I have about the US President I would put the Chinese President a lot higher up the list in terms of human rights abuses. The Democrats will certainly be supporting those people who are making their views known.

Whilst I support the intent of Senator Brown, I want the focus to be on the real issues. I actually find this suggestion that we are somehow giving special treatment and allowing people from outside this country to tell us what to do a bit offensive. I do not think we are doing that. Not surprisingly, we have procedures in place whereby, if we have people in the place who we have authorised to carry firearms for security reasons, we do not make a song and dance about it. If you want complete openness and transparency, you may as well just provide a map telling everybody where they are going to be standing so that people who might want to do dangerous things can avoid them.

Obviously we have a responsibility when we invite someone into Parliament House to ensure their safety, but we also need to ensure the safety of everybody around them. Frankly, I would prefer to ensure that we have adequate security. I do not think it is enough just to say, ‘We can protect people and it will all be fine.’ I do not know whether the Greens have a security force that they are able to provide for the time being that can guarantee our safety, but I think we have to recognise that we are about protecting Australians as well. I can bet you London to a brick that we have had people in this house before with firearms when security has been high enough. Obviously that is not going to be admitted, and it is not going to be admitted on this occasion either; although again I would bet London to a brick that it is going to occur.

Whilst it is not the intent of Senator Brown’s comments, I find quite offensive the suggestion that they are all people from the US and we cannot protect ourselves. I think
it distracts from the real issue, which is the policies of the US President—that is what this is about. This is a decision of the Presiding Officers; it is not a decision of the government. It is according to existing practices. We need to keep our eye on the ball here on what the real public debate should be about, rather than getting sidetracked about procedures that have been in place for a long time. Whilst we do not agree with them all, they are there to ensure the protection and safety not just of whoever happens to be visiting but also, equally importantly, of the many Australian people who will be in the building—not least on Friday when, thankfully, the building will be open to all Australians.

Question negatived.

ANSWERS TO QUESTIONS ON NOTICE

Question No. 1637

Senator JACINTA COLLINS (Victoria) (3.21 p.m.)—Pursuant to standing order 74(5), I ask the Minister for Justice and Customs, Senator Ellison, for an explanation as to why an answer has not been provided to my question on notice No. 1637, dated 17 July 2003, regarding the sinking of SIEV X.

Senator FERRIS (South Australia) (3.21 p.m.)—On behalf of the Minister for Justice and Customs, Senator Ellison, I seek leave to table the response to the question raised by Senator Collins. I apologise that a previous appointment has meant that Minister Ellison is not able to be here.

The PRESIDENT—Is leave granted?

Senator Robert Ray—No. I understand that Senator Ellison has a good excuse. It should have been given by Senator Vanstone, as duty minister; it is not a job for the whip in this case. That is no criticism of Senator Ferris; it is a frontbencher’s duty to act on behalf of another minister.

The PRESIDENT—I understand that answers to questions should be incorporated rather than tabled; so perhaps the minister at the table could incorporate the answer, which would solve both problems.

Senator VANSTONE (South Australia—Minister for Immigration and Multicultural and Indigenous Affairs and Minister Assisting the Prime Minister for Reconciliation) (3.22 p.m.)—I seek leave to incorporate an answer from the Minister for Justice and Customs to a question asked by Senator Collins on notice on 17 July.

Leave granted.

The answer read as follows—

MINISTER FOR JUSTICE AND CUSTOMS

Senator Collins asked the Minister for Justice and Customs, upon notice, on 17 July 2003:

With reference to the Australian Federal Police (AFP) response to Senator Collins’ question on notice 58, from the additional estimates hearings of the Legal and Constitutional Legislation Committee in November 2002, in which it was indicated by the AFP that assistance was sought of the Royal Australian Navy (RAN) personnel at Post to calculate where the vessel [SIEV X] may have foundered:

(1) What was the outcome of the RAN’s investigations into calculating where the SIEV X sank.

(2) (a) What was the information that the RAN obtained about the company believed to have owned SIEV X; and (b) can the AFP name that company.

(3) Was the North Jakarta Harbourmaster’s report of the SIEV X survivor rescue coordinates, dated 24 October 2001 (10241530 G), taken into account when the RAN made attempts to calculate where the SIEV foundered; if not, why not.

(4) Did the AFP or any other Australian agency, whilst investigating where the SIEV X had foundered, ever interview the Harbourmaster.
at the Sunda Kelapa Port, North Jakarta; if so, what was the outcome of this interview; if not, why not.

(5) If the Harbourmaster’s coordinates have not been fully investigated by the AFP, how then can the AFP claim ‘all avenues of enquiry have been exhausted’ with regard to calculating where SIEV X foundered.

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

(1) This is a matter for response by the Minister for Defence.

(2) This is a matter for response by the Minister for Defence.

(3) This is a matter for response by the Minister for Defence.

(4) The AFP has not interviewed the Harbourmaster at the Sunda Kelapa Port, North Jakarta. The AFP is not able to advise whether Indonesian Nation Police have interviewed the Harbourmaster.

On 22 October 2001, the AFP liaison officer based in Jakarta became aware that a vessel known subsequently as SIEV X had foundered with a large loss of life. At the time of the incident the extent of loss of life was estimated at 353. The location of the incident was unknown.

On the 22 October 2001 the AFP liaison officer spoke to one of the SIEV X survivors via telephone and acquired an overview of what had occurred in respect to the founding of the SIEV X.

On 23 October 2001, the AFP liaison officer with the assistance of other Australian agencies at post in Jakarta produced a cable which outlined the current situation in respect to the SIEV X, including an estimate of where the boat foundered. At that time all avenues of enquiry available to the AFP at post were exhausted in determining the location of where the SIEV X foundered, as investigations in Indonesia are the responsibility of the Indonesian National Police.

On 23 October 2001, Indonesian National Police (INP) advised the AFP liaison officer that the INP were conducting an investigation into the sinking of the SIEV X. The AFP has maintained an ongoing investigation into the people smuggling aspect of the SIEV X disaster. The AFP People Smuggling Strike Team as a result of its investigations has identified a number of organisers concerning the SIEV X enterprise. The AFP has sought extradition of two principal organisers, these being, Abu Quassey and Khaled Daoed.

On 24 April 2003 Abu Quassey was deported from Indonesia to Egypt. Through the assistance of the Attorney General’s Department and the Department of Foreign Affairs the AFP has sought to extradite Abu Quassey from Egypt. To date the Egyptian authorities have not responded to this request. The AFP has also offered assistance to Egyptian Authorities who it is understood are prosecuting Abu Quassey for offences relating to the death of passengers on board SIEV X and People Smuggling related offences. Whilst it is inappropriate to go into the detail of this assistance, I am advised that the AFP investigation has obtained evidence relevant to the prosecution of Abu Quassey and others in relation to these aspects of the SIEV X disaster.

As this process is ongoing and negotiations to provide this information to Egyptian Authorities are underway it would be inappropriate to make further comment.

As a result of AFP PSST inquiries Khaled Daoed has also been identified in relation to the SIEV X matter. His extradition is currently being sought from Sweden. As such it would be inappropriate to comment further on this matter.

The AFP investigation into the SIEV X disaster has been extensive and is ongoing. Witnesses have been identified, located and interviewed in a number of countries and statements have been taken with the assistance of foreign police services.

Organisers of the SIEV X matter have been identified with a view to prosecution, be that by the AFP through extradition or in
cooperation with the jurisdiction in which they are located.

The AFP PSST continues to work co-operatively with the INP, who rightfully have jurisdiction in Indonesia, to seek out witnesses relevant to all SIEV X investigations. The timing and decision on when such interviews takes place, lays appropriately with the investigators be they the INP or the PSST. This matter is ongoing and is achieving tangible results. It involves sensitive international relationships and inquiries and assistance from foreign police. As these investigations are ongoing it is inappropriate to make further comment.

The AFP Jakarta Post has confirmed that the INP has made contact with the Harbour Administrator (a separate entity to the Harbour Master). The INP is still attempting to locate the Harbour Master but have not yet located him.

The AFP is not privy to information which either corroborates or discounts the coordinates allegedly reported by the Harbourmaster. The INP advised the AFP on 23 October 2001, that the INP were conducting an investigation into the sinking of the SIEV X. Whether the INP has interviewed the Harbourmaster is a matter for the INP.

On 23 October 2001, the AFP members used information obtained from the INP and other sources, together with knowledge based on experience with previous people smuggling activities, to develop estimates of the characteristics of the SIEV X vessel. AFP members then sought the assistance of Royal Australian Navy (RAN) personnel at the Australian Embassy in Jakarta to calculate where the vessel may have foundered. I believe information regarding RAN assistance has been provided to Senator Collins by the Minister for Defence in his answer to the question taken on notice on 17 July 2003.

Based on the information available at the time, all avenues of inquiry had been fully exhausted with regards to calculating where SIEV X foundered.

The AFP investigation into the people smuggling syndicate behind SIEV X is ongoing. It is not appropriate for the detail of these inquiries be provided as this is an ongoing operation.

I am advised that the INP has, and continues to assist the AFP People Smuggling Strike Team. Any decision to interview Indonesian Citizens rightfully lays with the Indonesian National Police. The AFP People Smuggling Strike Team will continue to work cooperatively with the INP in relation to this investigation in order to identify and interview potential witnesses.

Senator JACINTA COLLINS (Victoria)

(3.22 p.m.)—I move to take note of the answer. I think it is fairly obvious to all present that I am not aware of the adequacy of the response from the Minister for Justice and Customs at this stage.

The PRESIDENT—Senator, I think you need leave to do that. I understand from the Clerk of the Senate that previous conventions have been that, if an answer is provided, that is the end of it. Previous rulings—not mine—have ruled that way: if an answer is provided, that is the end of it. In any event, you will need leave.

Senator JACINTA COLLINS—I seek leave to take note of the answer. When the minister indicated that he was going to table his response, which I have still not seen, I indicated that I was desirous of making a couple of points on this issue. For Senator Vanstone’s benefit, he was not unhappy with that matter.

The PRESIDENT—Leave is not granted at this point in time. If you are not satisfied once you have read the answer, you may come back and seek leave again to make a statement.
QUESTIONS WITHOUT NOTICE: ADDITIONAL ANSWERS

Environment: Natural Heritage Trust

Senator HILL (South Australia—Minister for Defence) (3.24 p.m.)—I have some further information in response to a question asked of me yesterday by Senator Bartlett concerning Natural Heritage Trust funds. The Minister for the Environment and Heritage has provided the following additional information. It is correct that Natural Heritage Trust funds are provided to the Department of the Environment and Heritage for the purposes of administering the trust. These funds also include payments for the conduct and attendance of meetings by the Threatened Species Advisory Committee. This is consistent with the Natural Heritage Trust of Australia Act 1997 and the goal of the Natural Heritage Trust, which is to stimulate activities in the national interest to achieve the conservation, sustainable use and repair of Australia’s natural environment.

The commitment to spend $350 million of the Natural Heritage Trust directly on measures to improve water quality is over the five-year life of the trust. To date, more than $20 million of the Natural Heritage Trust has been identified as being spent in accordance with this commitment. Much of the regional component of the trust is currently establishing the arrangements for regional plans and community engagement. Substantial acceleration in expenditure to meet the commitment will occur in the near future. The key working guideline being used by departments to provide advice to the government is the contribution of an activity to an improved water quality output in accordance with the National Water Quality Management Strategy, whether it is an on-ground project or the development of management planning and monitoring arrangements to improve water quality.

Trade: Live Animal Exports

Senator HILL (South Australia—Minister for Defence) (3.25 p.m.)—I have further information provided by the Minister for Trade, Mr Vaile, in response to a question from Senator Marshall regarding the MV Cormo Express. The advice I have been given is that the Australian government has been transparent about providing advice to our trading partners in response to any requests made about the status of the sheep on board the MV Cormo Express. In particular, overseas markets for Australian meat and livestock were reassured that the sheep on board the MV Cormo Express were in good health in late September. This was in response to an incorrect report that circulated in Asia at the time that the shipment had been rejected in Saudi Arabia because of an outbreak of an exotic disease on board the ship.

Throughout, the government has been working closely with Meat and Livestock Australia, which has been monitoring the reaction of our export markets and providing additional information as necessary. The government’s strong preference is to find a country willing to accept the sheep, and every effort is being made to achieve this outcome. The return of the sheep to Australia will only occur as the last resort in circumstances where there are no other acceptable outcomes. Should this be necessary, the return of the animals will occur under a strict biosecurity and quarantine regime to fully and properly manage the risks of any exotic animal and plant disease incursions. A comprehensive science-based risk evaluation is being finalised as a contingency to manage these risks. This is being prepared in consultation with Australian experts and, importantly, will also be subjected to independent expert scrutiny through the OIE. Australia’s chief veterinary officer has already met with the OIE to set procedures in place for OIE...
scrutiny of the plans to occur. The government will of course continue to communicate with our overseas trading partners to ensure that our enviable animal and plant disease-free status is preserved and understood.

NOTICES
Presentation

Senator Sherry to move on the next day of sitting:

(1) That the draft regulations relating to the Taxation Laws Amendment (Superannuation Contributions Splitting) Bill 2003, the Superannuation Industry (Supervision) Amendment Regulations 2003 (draft), the Income Tax Amendment Regulations 2003 (draft) and the Retirement Savings Accounts Amendment Regulations 2003 (draft) be referred to the Economics Legislation Committee for inquiry and report concurrently with the committee’s inquiry on the Taxation Laws Amendment (Superannuation Contributions Splitting) Bill 2003.

(2) That the time for presentation of the committee’s report on the Taxation Laws Amendment (Superannuation Contributions Splitting) Bill 2003 and the associated regulations be extended to the first sitting day in February 2004.

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

Return to Order

Senator NETTLE (New South Wales) (3.28 p.m.)—I seek leave to take note of a government response given yesterday to an order for the production of documents that was passed by the Senate on 9 October. I can give more detail about what the issue was about. It was for documents relating to the proposed US-Australia free trade agreement and the regulation of labelling of genetically modified foods.

Senator IAN CAMPBELL (Western Australia—Manager of Government Business in the Senate) (3.29 p.m.)—by leave—I will make a short statement about the program for this afternoon. I thank honourable senators for that—I know that leave is a precious thing at the moment. Senator Nettle inquired during question time about how we are going to handle the balance of the afternoon. The balance of the afternoon is ostensibly time for private senators’ business or business of the Senate. We have negotiated and agreed amongst everybody—and I think it was in Senator Nettle’s interest—that we go back to the unfinished program that was interrupted at 10.30 this morning when we adjourned for the Bali commemoration ceremony.

We have a number of items before us. We have to finish what I colloquially call ‘housekeeping’, which is the formal motions, which I know Senator Nettle has got an interest in. We also need to deal with an important motion of Senator Bartlett’s in relation to a proposal for the Senate to sit next Thursday and Friday to do government business. We also need to have a matter of public importance debate and also a general business debate, and we have to do it all in the next few short hours. So I would respectfully suggest to Senator Nettle that, in amongst all of that, if we actually want to get to those general business notices of motion, it might be better to defer this debate, because you simply will not have time to do everything else. Although it is a very important issue, it does not seem to be one that could not wait until we return Monday week.

Senator NETTLE (New South Wales) (3.30 p.m.)—I seek leave to take note of the statement that Senator Abetz gave yesterday in response to the Senate’s order for the production of documents and to make a short statement of about three minutes.
Leave granted.

Senator NETTLE—I move:

That the Senate take note of the documents.

The motion that was passed by the Senate on 9 October called on the Minister representing the Minister for Health and Ageing and also the Minister representing the Minister for Trade to lay on the table documents relating to the proposed US-Australia free trade agreement and the regulation of labelling of genetically modified foods. To date, an answer has been received—and I will get onto the quality of the answer—by the Minister representing the Minister for Health and Ageing. To date, no answer has been received by the Minister representing the Minister for Trade.

The Minister representing the Minister for Health and Ageing presented a number of documents that related to correspondence Commonwealth government departments have had with the public in relation to their concerns on this issue. The detail of the order for the production of documents passed by the Senate asked specifically for documents relating to correspondence between government departments, between state and Commonwealth departments and between Australia and the United States. The order was not confined to these forms of correspondence, yet none of these forms of correspondence have been provided. I think there are significant questions that need to be asked about some additional comments about what documents would not be provided to the Senate. The response given yesterday in the parliament stated:

With respect to a number of other documents relevant to the order, I inform the Senate that the government considers that it would not be in the public interest to disclose those on the grounds that it could damage international relations.

This is not dissimilar to a response which was given to an earlier Senate order for the production of documents in relation to the US-Australia free trade agreement and the Pharmaceutical Benefits Scheme. We have not had any adequate response from the government as to why it is not in the public interest for our Pharmaceutical Benefits Scheme and, in this instance, our GE labelling laws, to be protected, since clearly they are in the public interest. Just last weekend in the West Australian newspaper, the results of a poll carried out by the Australian Consumers Association showed that 84 per cent of Australians were worried about eating GE products and 94 per cent of Australians wanted comprehensive labelling of GM foods. So it is clear that it is a matter of concern to the public, and yet the government believe that it is not of such concern to the public that they need to table such documents in the Senate.

We clearly cannot assume that there is no internal communication, since the GE producers in the United States have made it quite clear that they perceive GE labelling as a barrier to trade and that Australia, through Minister Vaile, have joined with the United States in an action against the European Union against their GE labelling laws in the WTO disputes mechanism. Quite clearly we need to be concerned about the government’s position, and yet they are not prepared to put documents on the table. In the United States, the negotiations for a free trade agreement need to be passed by Congress—

The DEPUTY PRESIDENT—Senator Nettle, your three minutes is up. You assured the Senate that it would take three minutes, and we took you on your word. Thank you, Senator Nettle.

Question agreed to.
ANSWERS TO QUESTIONS ON NOTICE

Question No. 1637

Senator JACINTA COLLINS (Victoria) (3.34 p.m.)—by leave—I move:

That the Senate take note of the answer provided by the Minister for Immigration and Multicultural and Indigenous Affairs (Senator Vanstone) to question on notice no. 1637 relating to the vessel now identified as SIEV X.

In relation to the answers to these questions on the Senate Notice Paper that are some 30 days outstanding, I would like to note that these answers and the answers provided previously by Senator Hill in relation to questions to the Department of Defence, do not go to an adequate response to the critical issue about the SIEVX that remains a matter of public concern. The issue is the failure to demonstrate an adequate response to the vessel’s foundering and the concern that, from government agencies, this is more about protecting the Prime Minister’s claim that the ship sank in Indonesian territory and was, as a consequence, not a responsibility for the Australian government, when several other indicators seem to indicate that it was actually in international waters and it should have been more to our concern.

There were two elements of this answer that I wish to highlight in relation to the AFP. The first is that it asserts in point (5):

Based on the information available at the time, all avenues of inquiry had been fully exhausted with regards to calculating where SIEV X foundered.

But it seems to contradict itself earlier in point (5), where it says:

The AFP is not privy to information which either corroborates or discounts the coordinates allegedly reported by the Harbourmaster.

And even earlier in point (5), it says:

The AFP Jakarta Post has confirmed that the INP has made contact with the Harbour Administrator (a separate entity to the Harbour Master). The INP is still attempting to locate the Harbour Master but have not yet located him.

This is simply not good enough. More than 350 lives were lost when this vessel foundered, and for there to be detailed coordinates in relation to the vessel that saved the remaining people from this vessel and for them to never have been attempted to have been corroborated—and for us to be told now so far from the time of the sinking that nobody has sought to contact the harbour master to corroborate or discount those coordinates—is outrageous.

What makes it more outrageous with respect to the Australian agencies is that we were told by Defence, during hearings of the inquiry into a certain maritime incident, that these coordinates could be discounted. Now we discover, from further information from Defence and from the AFP that they have, to quote the answer today, no basis to either corroborate or discount those coordinates. But then it indicates neglect. No-one has sought that corroboration other than to say, ‘IMP might be looking into it, but they have never found him and that’s none of our business.’ It is simply not good enough.

I note the Greens motion yesterday and the Democrats motion today, again in relation to the SIEVX. This issue will not go away. With respect to the answers that have been provided by the AFP and the Department of Defence, we will keep raising questions through Senate estimates about why we never sought to understand what had happened to these souls. It is outrageous that in this climate we do know the full details of all of the poor souls who suffered in Bali but in relation to this tragedy we still cannot get a list of those who drowned. There are some reasonable explanations for some issues...
there, but that is another example of neglect and lack of respect for people in relation to how this was managed. I will seek to make further comments on these issues at another time.

Question agreed to.

QUESTIONS WITHOUT NOTICE:

TAKE NOTE OF ANSWERS

Family Services: Child Care

Senator JACINTA COLLINS (Victoria) (3.39 p.m.)—I move:

That the Senate take note of the answer given by the Minister for Family and Community Services (Senator Patterson) to a question without notice asked by Senator Collins today relating to funding for child care.

On another serious note, next week is Children’s Week. Reflecting that at a national, state and local level there is quite a broad variety of activities in order to focus on Australia’s children and how well we look after their wellbeing, it was very disappointing that the answer given by Senator Patterson today demonstrates that we can only see ongoing uncertainty for this sector. As I outlined in my question, today the minister finally made available the final report of the broadband consultations in relation to childcare support and redevelopment. Whilst Minister Anthony—and today Senator Patterson—has accused the opposition of being pre-emptive, the sector of being pre-emptive and the opposition of scaremongering, we now clearly can say that this report commissioned by the government does recommend abolishing the operational subsidy for family day care providers. It is now clear in writing. There has been talk in the sector for a long time that drafts were referring to this but, no, the minister was saying that we were being pre-emptive and we were scaremongering. But it is now released; it is out there. And now we await the government’s response.

What do we know about the government’s response? The government told the family day care providers recently that they can wait until Christmas. So we know that the government is looking at responding now immediately before Christmas. The cynic in me says, ‘At Christmas, when it is quiet, when families are focusing on Christmas activities, they are going to get a Christmas present from the government.’ Let us hope that that Christmas present from the government is not going to compromise family day care services. Certainly in this report there are many concerns about simply following the recommendations that are made. But there are some aspects of the report that also leave you with concerns about the process itself.

For instance, the consultant Community Link have advised that further work is required to model the impact of their recommendations, which they say is a matter for the Commonwealth department and beyond the brief of Community Link. The problem is that the original tender had an optional proposal that that modelling actually occur as part of the consultancy. It seems obvious that Community Link decided not to do that modelling, and have now decided to say, ‘We’re going to recommend this path and we’re pretty confident it’s the path that the government wanted.’ But at the same time they are going to say, ‘Well, actually, we need to take a step back and model it a bit more carefully and see what the consequences might be.’ In terms of process, this is simply not good enough for the sector.

Let me describe what is happening in the sector at the moment. Some of the agencies operating services have had their contracts extended until December. Now extensions have occurred until June next year. But nobody knows what framework they are going to be operating under next year. This uncertainty is fuelling and contributing to the chronic shortage of child-care places, be-
cause if there is no certainty then nobody is going to establish the new services and the new places that are desperately needed. In fact, it gets worse because in this climate of uncertainty we have several local councils—many of whom invest significant amounts in the family day care services that they sponsor—saying, ‘If the operational subsidy goes, so do we.’

What happened to the Treasurer’s commitment to maintaining social capital? What happens when processes that have been bungled, that have taken much longer than they should have and that have been mismanaged affect the community sector to the extent that those parties that are making significant contributions now say, ‘We will go.’ I am aware of some services who want to discontinue family day care but cannot find alternative sponsors. And they are not going to find alternative sponsors between now and Christmas or between now and June—if ever. This is also in the context, as I indicated in my question, where child-care places are capped by this government. (Time expired)

Senator CROSSIN (Northern Territory)
(3.44 p.m.)—I rise to take note of the answer from Senator Patterson and, like my colleague Jacinta Collins, I want to express my grave concern about what is happening to child care under this government. We know that there is a chronic shortage of child-care places in this country, and that has particularly been the case since this government came to office in 1996. This government has withdrawn from any national planning role for long day care places. It is even harder to get the numbers to meet the demand, particularly in long day care places. These are numbers that this government does not keep and does not make any attempt to try to get a handle on. The government has placed a cap on family day care and outside school hours care, when figures around the country have shown us that demand has increased. In fact, in family day care, there is a national unmet demand of more than 2,500 places. In New South Wales the number is 663 and in Queensland it is a staggering 1,201.

In outside school hours care, even though this government would seek to blame the states for the crisis, it is not in fact their fault. The government’s cap on funded places in outside school hours care has contributed to the shortage of 28,000 places in that sector. In the Northern Territory, for example, that has given us a shortage of nearly 350 places. In the Northern Territory there are 30 places in demand for before school hours care, 160 places for after school hours care and 160 places for vacation care. That is only in the Darwin CBD, in the northern suburbs and in Palmerston. But in places like New South Wales, there is a demand for outside school hours care of nearly 11,749 places. There are over 28,000 places nationally needed for outside school hours care.

Let us have a look specifically at what has happened with family day care, or what the government is probably intending will happen. We know that if the government decides to take up the recommendations in the report on child-care support redevelopment—a review of the broadband activities under child care—which has finally been released by this government, family day care providers would be set to lose $54 million in operational subsidy. That is money that would affect more than 126,000 children in this country and more than 60,000 Australian families who use these crucial services.

It was interesting today to note, though, that the minister in her response said that family day care is highly valued. That we can agree on. But the report was not about funding cuts; it was about improved services. The minister failed to rule out that funding may not be rearranged within the sector—within the broadband categories—and that
family day care providers and services will not have money taken off them so that the money can be reallocated to other sectors within that category. It might not be about funding cuts, but the minister failed to rule out that it might be about reallocating that funding, which, in effect, would lead to a funding cut for family day care. Back in November 2002 the government announced a review of the way in which the $184 million is allocated to children’s services across Australia. Almost one-third of the money is to support auspice bodies, the largest being local government, which actually sponsors family day care services in Australia.

This government will only guarantee funding for these child-care support services for six months, and that is, of course, subject to the outcome of this review. We now say to this government: you have undertaken this review, the report has been released, you now need to look at it and clearly make your recommendations for this sector. You need to be able to stand in this place and say to us categorically that family day care will not experience a funding cut and that family day care will not have to look at decreasing its services. This government ought to ensure that the provision of child care in this country keeps up with the pattern of paid work participation and that family day care is protected.

(Time expired)

Senator MARSHALL (Victoria) (3.49 p.m.)—I also rise to take note of the answers by Senator Patterson to the questions asked by Senator Jacinta Collins in relation to family day care. The minister was asked twice, very clearly and very simply, whether or not she was in a position to guarantee that there would be no cuts to family day care. Twice she avoided answering that question. She went through a Yes, Minister response—she went everywhere but back to that very point. That goes to the issue at the heart of this debate today: whether there is going to be adequate funding to get this industry out of the crisis that it is in. I know the minister will say, ‘I don’t like you to use the word “crisis”; it is alarming.’ But this is the same minister who, as the Minister for Health and Ageing, time after time avoided recognising that there was a crisis in the health portfolio.

I have to hand it to you, Minister—you got up there very stoically, defending the position and time after time denying the reality. What happened as soon as you were replaced in that ministry? What did the new minister do? He admitted that there was a crisis in the health portfolio. We are hearing today, again, from this minister that there is no crisis in the funding of family day care. The reality is that it is there. Who can confirm that it is there? The Prime Minister himself can. I refer the Senate to an opinion piece penned by the Prime Minister himself in the Australian of Monday, 6 October 2003. He stated:

Access to quality, affordable childcare is essential for parents trying to balance work and family responsibilities. It is not only important to working parents. Many parents who are caring for children at home intend to return to paid work in the future and want to know that they will have choices about childcare arrangements.

I and the Labor Party could not agree with that more. He goes on in the opinion piece that he penned:

The childcare system is not perfect. In some local areas and in some service types, shortages do exist.

In a classic understatement from the Prime Minister, he is recognising the problem that the minister is failing to recognise. That is a concern to me.

We have a Prime Minister who accepts that there are serious problems in the childcare sector yet we have a Minister for Children and Youth Affairs in the other place with a final report relating to the broadband review, undertaken by the Department of
Family and Community Services into the issue of how better to direct $184 million in child-care funding, and there has been no economic modelling on the options. Then we have the Minister for Family and Community Services in this place fumbling and bumbling her way through, shirking any responsibility on this issue and avoiding tackling it or giving any substantial answers to questions regarding it. She has clearly avoided answering the direct questions on whether or not they will guarantee the continued funding.

Working families in this country are being absolutely duded by this Howard government and its supposedly working family friendly policies. They are an absolute sham. The broadband review itself has found a shortage of over 28,000 outside school-hour care places and 2,500 family day care places. It is obvious to me and to everybody that urgent action is needed to address these issues.

Senator Ian Campbell—Do you have a policy?

Senator MARSHALL—Yes. You always fail to recognise that you are in government and you have an obligation to govern on behalf of Australians. Every time there is a crisis and every time a difficult position is put to you, all you want to do is talk about what might have happened under a previous government or the government before that, or about what someone else might have done. But you never, ever want to take responsibility for what is going on right now. You never want to take responsibility for your actions over the last 7½ years. You just want to side-step that and avoid it. It is a disgrace. People will work out that you are the government and you have a responsibility to deliver in this area. Time after time you have failed the test.

We can see how you failed it, because three opposition speakers have spoken in a row. You have not even got up to defend your position at this point in time. That is an absolutely disgraceful abandonment in the battlefield in that respect.

Senator Ferris—Mr Deputy President, I rise on a point of order. I draw to your attention that the government surrendered its speakers this afternoon to assist the business of the Senate and to enable the opposition to move some of the motions that they want to move this afternoon. You have a general business notice of motion, Deputy President, and you have a matter of public importance motion before the chamber. The government surrendered the right to two speakers in taking note to enable the business of the opposition to proceed.

The DEPUTY PRESIDENT—There is no point of order, Senator Ferris. You know that. I am chairing the chamber; I am not responsible for the management of the chamber. That is in the hands of the whips and the managers of government business and opposition business.

Senator MARSHALL—I thank Senator Ferris for using the word ‘surrender’ a number of times because that is exactly what the government have done on this issue. They have certainly surrendered the ground. (Time expired)

Senator Ferris—Mr Deputy President, I rise on a point of order. I used the word ‘surrender’ in relation to our speakers and not in relation to the content of Senator Marshall’s comments.

The DEPUTY PRESIDENT—Again, there is no point of order.

Question agreed to.

Taxation: Mass Marketed Schemes

Senator MURPHY (Tasmania) (3.56 p.m.)—I move:
That the Senate take note of the answer given by the Minister for Revenue and Assistant Treasurer (Senator Coonan) to a question without notice asked by Senator Murphy today relating to mass-marketed tax effective schemes.

In her answer, the Minister for Revenue and Assistant Treasurer, Senator Coonan, said that the tax office had established a test case committee way back in 1993. That is true—they did—and she said that was the process which was used to determine which cases would be considered for test case funding in respect of the mass marketed tax effective schemes. That is not quite accurate. As the person who chaired a committee inquiry into the mass marketed tax effective schemes, it is my recollection that the tax office gave a commitment, which was also reported in the West Australian newspaper on Friday, 20 April, that they would fund test cases and indeed fund the applications of taxpayers if they believed there was a test case to be had. The announcement at that time, on behalf of Michael O’Neill, the Assistant Tax Commissioner, said:

... there could be hundreds of test cases to be tried. “There is no doubt we are talking about a multi-million-dollar exercise,” Mr O’Neill told The West Australian. “But we believe one of the most effective ways to put an end to schemes of this type is to secure strong judicial decisions reinforcing the strength of the law, including anti-avoidance provisions.”

There have been some six cases before the courts and the tax office have funded only one. The reason they have funded only one is that the tax office took a view, initially, that all of these schemes were the same. Indeed, when they appeared before the Senate committee they told the committee that all of these schemes were essentially the same. The financial arrangements were the same and therefore they were funding a Budplan test case that was representative of all of the taxpayers involved in all of the schemes. Indeed, right up to 5 June 2002, the tax commissioner was still writing to scheme participants following the Vincent case, which is a case in Western Australia, saying this:

The outcome of both the Budplan and Vincent cases confirms that finance arrangements typically used in mass marketed schemes, in an attempt to artificially create tax deductions, do not succeed.

But, of course, as I said during my supplementary question, by 8 April 2003 the tax office’s view had changed. In a letter to a legal firm representing a scheme participant, they said:

… in addition, it is the tax office view that the decision in the Vincent case—this is after they had lost the Vincent case before the full bench of the Federal Court—only applies to investors in active cattle management, and even then each case will be decided on its own facts. That means each participant in the scheme has their own set of individual facts.

I say to the tax office and to the minister: how can that be so, given the evidence of the tax office before a Senate committee that these were all the same—that their process and their view represented all of the taxpayers involved in the mass marketed schemes? The tax office cannot have it both ways. They have an obligation under the Taxpayers’ Charter to treat all taxpayers equitably. Over and above that, they have a responsibility to be honest with taxpayers. They are not being honest with taxpayers, and I suggest to the minister that she get the tax office in and say that they had better give some correct advice. A lot of their statements about these things are on the public record in transcript, and the tax office have to be held accountable for the circumstances in which they are putting taxpayers involved in these schemes at the moment.

Question agreed to.
**BUSINESS**

**Rearrangement**

The **DEPUTY PRESIDENT**—Is leave granted for discovery of formal business to be concluded and for items 12 to 15 on the Senate *Order of Business* to be dealt with before the matter of public importance?

Leave granted.

**ENVIRONMENT: SEPON MINE**

Senator *NETTLE* (New South Wales) (4.02 p.m.)—I move:

That there be laid on the table by the Minister representing the Minister for Trade (Senator Hill), no later than 30 October 2003, documents detailing the results of the independent environmental and social audit of the Sepon Mine project in Laos, conducted by Graham A Brown and Associates and provided to the Export Finance Insurance Corporation, the providers of political risk insurance for this project.

Question agreed to.

**ENVIRONMENT: LAKE COWAL**

Senator *NETTLE* (New South Wales) (4.02 p.m.)—I move:

That the Senate—

(a) notes that Lake Cowal is:

(i) listed on the Australian Register of the National Estate and Environment Australia’s Directory of Important Wetlands, and is a National Trust landscape conservation area, and

(ii) home to 170 species of waterbirds as well as many migratory bird species that are protected under the China-Australia Migratory Birds Agreement and the Japan-Australia Migratory Birds Agreement;

(b) calls on the Government to:

(i) recognise that the Lake Cowal/Willbertroy wetland contains values worthy of its listing under the Ramsar Convention on Wetlands of International Importance, and

(ii) work with the New South Wales State Government to achieve Ramsar listing of the site; and

(c) calls on the Minister for the Environment and Heritage (Dr Kemp), if Ramsar listing is achieved, to reconsider the decision that the proposed construction and rehabilitation of an open pit goldmine and associated infrastructure at Lake Cowal does not require ministerial approval under the Environment Protection and Biodiversity Conservation Act 1999.

Question negatived.

**COMMITTEES**

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

**Reference**

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

(1) That the Senate notes the Government’s release of the draft Building and Construction Industry Improvement Bill 2003, the recommendations and findings from the Cole Royal Commission into the building and construction industry in Australia, and other relevant and related matters pertinent to equity, effectiveness, efficiency and productivity in the building and construction industry.

(2) That the following matters be referred to the Employment, Workplace Relations and Education References Committee for inquiry and report by the second sitting week of 2004:

(a) the provisions of the draft Building and Construction Industry Improvement Bill 2003 or any version thereof that the Government might subsequently introduce into Parliament;

(b) whether the draft bill or any subsequent bill is consistent with Australia’s obligations under international labour law;

(c) the findings and recommendations of the Cole Royal Commission into the
Building and Construction Commission, including an assessment of:

(i) whether the building and construction industry is so unique that it requires industry-specific legislation, processes and procedures,

(ii) the Government’s response to the Cole Royal Commission, particularly with respect to occupational health and safety and the National Industry Building Code of Practice, and

(iii) other relevant and related matters, including measures that would address:

(A) the use of sham corporate structures to avoid legal obligations,

(B) underpayment or non-payment of workers’ entitlements, including superannuation,

(C) security of payments issues, particularly for subcontractors,

(D) evasion or underpayment of workers’ compensation premiums, and

(E) the evasion or underpayment of taxation;

(d) regulatory needs in workplace relations in Australia, including:

(i) whether there is regulatory failure and is therefore a need for a new regulatory body, either industry-specific such as the proposed Australian Building and Construction Commissioner, or covering all industries,

(ii) whether the function of any regulator could be added as a division to the Australian Industrial Relations Commission (AIRC), or should be a separate independent regulator along the lines of the Australian Competition and Consumer Commission or Australian Securities and Investments Commission, and

(iii) whether workplace relations regulatory needs should be supported by additional AIRC conciliation and arbitration powers;

(e) the potential consequences and influence of political donations from registered organisations, corporations and individuals within the building and construction industry;

(f) mechanisms to address any organised or individual lawlessness or criminality in the building and construction industry, including any need for public disclosure (whistleblowing) provisions and enhanced criminal conspiracy provisions; and

(g) employment-related matters in the building and construction industry, including:

(i) skill shortages and the adequacy of support for the apprenticeship system,

(ii) the relevance, if any, of differences between wages and conditions of awards, individual agreements and enterprise bargaining agreements and their impact on labour practices, bargaining and labour relations in the industry, and

(iii) the nature of independent contractors and labour hire in the industry and whether the definition of employee in workplace relations legislation is adequate to address reported illegal labour practices.

Question agreed to.

BUSINESS

Rearrangement

Senator BARTLETT (Queensland—Leader of the Australian Democrats) (4.04 p.m.)—by leave—I move:

That general business notice of motion no. 659, standing in my name for today relating to the
days of meeting for 2003, be postponed till the next day of sitting.

Question agreed to.

**HUMAN RIGHTS: CHINA**

Senator FAULKNER (New South Wales—Leader of the Opposition in the Senate) (4.04 p.m.)—by leave—I was planning to make a more comprehensive statement a little earlier today about this. I think that a number of senators in the chamber, including me, were surprised at the way the procedures worked in relation to this particular general business notice of motion. I wonder whether it might be a sensible way for us to deal with this if we were to recommit it and start the procedures again for discovery of formal business in relation to general business notice of motion No. 641, which would require leave of the Senate. I think it would also require Senator Stott Despoja’s cooperation, but I think it is fair to say, on the basis of an informal discussion I have had with Senator Stott Despoja, that she was as surprised as I was in the way things developed in relation to the motion.

Senator STOTT DESPOJA (South Australia) (4.06 p.m.)—I was happily surprised, though, Senator Faulkner. I seek leave for general business notice of motion No. 641, standing in my name for today and relating to the People’s Republic of China and Falun Gong practitioners, to be taken as formal.

Leave not granted.

**Suspension of Standing Orders**

Senator STOTT DESPOJA (South Australia) (4.07 p.m.)—Pursuant to contingent notice, I move:

That so much of the standing orders be suspended as would prevent Senator Bartlett moving a motion relating to the conduct of the business of the Senate, namely a motion to give precedence to the reconsideration of general business notice of motion no. 641.

Bearing in mind that this motion was inadvertently voted on earlier today, I did understand that the Labor Party wanted to make a short statement. The Democrats understand that this motion has the support of a number of senators, including Senator Brian Harradine, the Greens senators and, of course, the Australian Democrats. That is because this motion is an important motion, and I argue that standing orders should be suspended because it is an urgent one. We have a time constraint within which we should deal with this motion. The motion raises specific concerns regarding human rights in China. It has been moved specifically at this time by the Australian Democrats in the lead-up to President Hu’s visit next week. The President’s visit next week presents the Senate with what I think is an exceptional opportunity to raise these issues and, indeed, challenge the Chinese government on its human rights record. If we do not have a vote on this motion, I do not think we are going to have an opportunity to do so before the President’s visit.

I do not think for a moment that there is a senator in this place who does not have concerns about the human rights record of China. I think we are all agreed on that. I was hoping we could all be agreed on my expression of that concern in the motion before us today. This motion gives us an opportunity to encourage the Chinese government to address some of these outstanding human rights issues. It is not only the Democrats who believe that this motion is urgent and should be moved; there are many Australians who have implored us to use the President’s visit to Australia as a way of highlighting these issues.

In recent weeks I—and, I am sure, other senators in this place—have met with the Dalai Lama representative in Australia and with a number of Falun Gong practitioners. They are very anxious to see that we all seize
this opportunity afforded by the President’s visit. We have all had emails, faxes, letters and phone calls to our offices here and to our electorate offices asking us to highlight these issues. The Democrats have responded to this concern. Some of those people—some of these Australians—have relatives in China who are being persecuted on the basis of their beliefs. These are our fellow Australians who fear for the safety of their mothers, fathers, sisters, brothers, partners et cetera. This motion in part is a result of those many representations that have been made to me and others, and it is partly on behalf of those people that I ask for this suspension of standing orders today and for the motion to be taken as a formal motion.

Even last night—and I am sure my office was not alone—my office received desperate phone calls inquiring as to whether or not this would be dealt with today and, more importantly, asking if it would be supported by a majority of the Senate today. Some people were concerned that the Labor Party was not going to support this motion. Obviously, we will hear shortly in the context of this debate the reasons why. Those people have vowed to continue to work hard to ensure that all members of parliament understand the vital importance of this motion and related motions we have been dealing with on this issue. I suspect many of you have been contacted.

Any objection raised to this motion being taken as a formal motion indicates that there is only qualified support if not outright objection to this motion. I look forward to finding out exactly why that is. The Democrats accept that it is a comprehensive and, in some respects, strongly worded motion. We acknowledge that, but we would point out that the strongest paragraphs in this motion of mine are actually modelled on a resolution passed by the United States congress. I find it a little bizarre that, for example, yesterday the opposition was prepared to support a motion that expressed concern over human rights issues in the USA but today, from what I can see, it is not prepared to support a motion expressing similar concerns in relation to China—particularly when the US itself has been a vocal critic of some of those practices in China. Nevertheless, let us bring on the motion, let us have the debate and let us vote accordingly. However, if the Senate do not take this opportunity to take this motion formally at this time, I think we will have missed a historic opportunity. (Time expired)

Senator BROWN (Tasmania) (4.12 p.m.)—The Greens totally support this very strong but nevertheless appropriate motion from Senator Stott Despoja. It goes to matters that many Australians—including practitioners of Falun Gong in Australia and the Tibetan community in this country, who have an enormous support base amongst Australians at large—are concerned about, including working rights, cultural rights, the rights of disabled people, the rights of women and the rights of prisoners. This motion goes to exactly the sorts of things we should be debating and discussing with President Hu when he comes to this country. We absolutely strongly support, in the fullest sense, the debate of this motion. I congratulate Senator Stott Despoja on bringing it forward and expect that, whatever the outcome, it will be forwarded to the Chinese embassy and President Hu for a response.

Senator FAULKNER (New South Wales—Leader of the Opposition in the Senate) (4.13 p.m.)—I thank the Senate and Senator Stott Despoja, particularly, for allowing us to have this—albeit brief—opportunity to address this very important issue. I can say to the Senate that the opposition support upholding human rights interna-
tionally, as every senator in this place knows. We call on governments around the world to uphold international declarations and covenants covering human rights, and our call to China is no different.

Labor have a very long and proud history with China. It was Gough Whitlam who established diplomatic ties with the People’s Republic of China 30 years ago. We have also had a very longstanding history of not shying away from expressing our differences with the Chinese government over human rights in their country. We have never shied away from that and we never will shy away from it. While the opposition acknowledge the strides that have been made by the Chinese government in recent years in improving the social conditions of the people who live in China, we remain concerned about reports which indicate that human rights abuses continue to occur in China—including forced labour and the execution of prisoners.

So, yes, there are problems and, yes, there are concerns, but the opposition do not want to support this motion in the form that is before the chamber. In our view this motion is too broad to consider seriously without a fully-fledged and proper debate. Had the motion been drafted to reflect support for broad human rights principles and support for international covenants—such as upholding the Universal Declaration of Human Rights, to which China is a signatory—then, of course, it would have been considered positively. But that is not the way that the motion was drafted.

The Labor Party are committed to further developing a very strong and multifaceted relationship with China. After 30 years of diplomatic relations with Beijing, we have a very broad based relationship with China. It has extensive commercial ties, extensive cultural ties and extensive people to people ties. Many thousands of Australians have deep links with China—family ties, educational ties and business ties. It is a very broadly based and successful relationship. We believe that that relationship will grow—it will deepen and broaden—over the years. But, in the context of our relationship, we do have to continue to speak up on human rights issues. We should stand up for the values that we hold dear. We should express our views in a clear and forthright but mature way.

When the Leader of the Opposition, Mr Crean, visited China last year he raised the issue of human rights, including human rights in Tibet. After his visit to China, Mr Crean indicated that his discussions with the Chinese Premier were frank, in particular over the issue of Tibet. Mr Crean said:

... the Chinese indicated the strength of their conviction that they were committed to improvements in Tibet. For my part, and I indicated the importance of the issue and the concerns that are raised with us and our ability to in turn raise those with the Chinese ...

So, as Mr Crean has said, we must build a relationship with the Chinese which recognises their political system as it is and recognises the progress that has been made there. But, importantly, it should also accommodate our raising of concerns—including our raising of concerns about human rights—with the Chinese government. I remind the Senate that at the last election we said that a Labor government would make the advancement of human rights a core foreign policy objective. We have said that human rights have been pushed to the margins of Australian foreign relations. We have said that a Labor government would actively pursue wider regional dialogue and cooperation concerning problems of sustainable economic and social development, and environmental protection, with the aim of enhancing human security throughout our region.
I have said on a number of occasions in this chamber that, as is so often the way, motions on foreign policy matters are a blunt instrument that cannot easily express the nuances that are necessarily part of effective international diplomacy. There are elements of the motion to which we are, of course, naturally sympathetic but there are other elements of the motion that do not accurately convey our position on these matters. That is why we have not given leave for this motion to be declared formal. (Time expired)

Senator LEES (South Australia) (4.19 p.m.)—I would like to speak on the same matter. I was not intending to speak on this, but I found it quite fascinating listening to Senator Faulkner—

Senator Faulkner—I am often fascinating.

Senator LEES—Yes, I was quite fascinated on this occasion because I suspect that what you would actually like to do is to add some more to this motion.

Senator Faulkner—that is the point. That is why we need a full debate and the capacity to debate it.

Senator LEES—Absolutely. I would like to suggest that if we did pass this today then we could move on, and Senator Stott Despoja would probably be only too happy to talk about that. I made a few notes of things to include in my speech, such as the fact that the Labor Party have raised concerns on this issue and the wider regional dialogue involved. I am sure that all of these issues could be covered in an additional motion.

Senator Faulkner—I suggest that Senator Stott Despoja go and work it out with Mr Rudd.

Senator LEES—Senator Stott Despoja may well wish to move a further motion, but I am amazed that Senator Faulkner can actually find fault with the motion before us today. To begin with, Senator Stott Despoja’s motion notes that the People’s Republic of China has forbidden Falun Gong practitioners from practising. It goes on with a whole series of paragraphs, none of which, certainly based on the material that has come across my desk—and I suspect I get the same emails, faxes and letters that are sent to others—can be questioned. Senator Stott Despoja then calls on the People’s Republic of China to immediately cease its persecution of Falun Gong practitioners, and a number of parts of this motion relate to that.

I do not understand what the technical problems in this motion are that would lead Senator Faulkner to suggest that it is not worth supporting today. We see that part (f) of the motion calls on the People’s Republic of China to immediately release all prisoners being held in relation to non-violent protest activities, such as calling for an independent Tibet. Again, I have great trouble with those who seem to feel that this motion is not worthy of support. I wish to place on the record here this afternoon that I will be supporting this motion. Hopefully at least some members of the Labor Party would see it as a step in the right direction and may indeed sit down with the Democrats at a later time and negotiate a more detailed motion.

Senator MURPHY (Tasmania) (4.21 p.m.)—I share Senator Faulkner’s view on this particular motion. I find it interesting that it is being moved at this particular time. Here we are at 4.20 p.m. on Thursday debating a matter that does contain some very serious issues. I agree with Senator Stott Despoja that there are very serious issues within the motion but, as Senator Faulkner put, we have to be mature about this. We have to ensure that through our process we pursue these things in a way that will get some outcomes. In understanding the processes with respect to the government in China, it seems to me that this is being moved at a time that
is not necessarily going to be helpful to the Falun Gong practitioners and that it is more aimed at the visit of the Chinese President, for a purpose that from my point of view will not serve to get an outcome which everyone would like to see.

Senator Stott Despoja—The practitioners requested it.

Senator MURPHY—If the practitioners requested it, that is probably all the more reason not to move it at this point in time. It is specifically aimed at the visit of the President, and I do not think that is a helpful thing to do. I think everybody has cause for concern with regards to human rights issues. I note that Senator Stott Despoja said some of the words contained within this motion were passed by the US Congress. I find it interesting that Senator Stott Despoja wants to use a reference to the US Congress in supporting a proposition. I am not sure she would want to support all the propositions that have arisen from the US Congress. There is one closer to heart, in respect of another President’s visit, on the war on Iraq. I am not sure the Democrats would be endorsing the US Congress’s position on that.

I have concerns about human rights issues wherever they exist, but it is also a matter of dealing with these issues through a process that gets the desired outcome. That is what this parliament has to be careful about. As I said, I agree with Senator Faulkner that to allow a full and proper debate about these issues and for amendments to be moved we should do this at another time.

Senator Stott Despoja interjecting—

Senator MURPHY—Senator Stott Despoja, the notice was given on 13 October. I would be more than happy to participate in a debate on these matters at a different time rather than just aiming at a particular visit of the President of China. I will not be supporting the motion at this time.

Question negatived.

BUSINESS

Days and Hours of Meeting

Senator BARTLETT (Queensland—Leader of the Australian Democrats) (4.25 p.m.)—I seek leave to amend general business notice of motion No. 658, in the terms which have been circulated in the chamber, before seeking to have the motion taken as a formal motion.

Leave granted.

Senator BARTLETT—I ask that the motion, as amended, be taken as formal.

The DEPUTY PRESIDENT—Is there any objection to the motion, as amended, being taken as formal?

Senator Lees—Yes.

The DEPUTY PRESIDENT—There is an objection.

Suspension of Standing Orders

Senator BARTLETT (Queensland—Leader of the Australian Democrats) (4.26 p.m.)—Pursuant to contingent notice, I move:

That so much of the standing orders be suspended as would prevent Senator Bartlett moving a motion relating to the conduct of the business of this Senate, namely a motion to give precedence to general business notice of motion no. 658.

This motion was first moved last week, in effect, when we first considered the issue of the Senate sitting for the address by President Bush and President Hu Jintao. At that stage the Democrats moved an amendment in my name seeking to ensure that, were the Senate to sit on Thursday and Friday of next week to hear from the US and Chinese presidents, the Senate would also perform business outside of that. The basic principle, which was broadly supported around the chamber at the time, was that as the parliament is being formally recalled for the visits of President Bush and President Hu Jintao it
will be appropriate to also deal with government business.

The argument was put at the time by Senator Faulkner and others that at that stage we were not aware of what all the official functions will be, so we could not deal with all the timing. Today is the last day we can do this, which is why it is urgent and we have had to suspend standing orders. We now know what all the official functions will be. There will not be many of them at all. It looks like both presidents are going to be in here speaking to us and pretty much going straight away. I will quote Senator Faulkner from last week:

... 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 Faulkner—That was very sage.

Senator Bartlett—That is what this motion seeks to do. Now that we do know what official functions will be held, we have that opportunity. I should also back up perhaps the even sager words of the member for Werriwa, who moved a very similar motion to this in the lower house. When the motion was moved in the House of Representatives for the presidents to address the parliament, Mr Latham moved that the House of Representatives should sit on both the Thursday and the Friday to consider government business. He said:

On 23 and 24 October, MPs will receive a full day’s pay, and I believe they should do a full day’s work. This parliament should work for the full day on 23 October and then the full day on 24 October.

That is the purpose of the amendment Mr Latham put before the House of Representatives; that is the purpose of the motion which the Democrats are moving here today. As Mr Latham said, we are going to be spending up to $2 million of taxpayers’ money and, if we are going to spend that money—as we now are—to have the meetings with the two presidents, we should ensure the taxpayer gets full value for the money which has been allocated. The Australian people deserve a full day of democracy in the House of Representatives. Unfortunately, they are not going to get a full day of democracy in the House of Representatives, but I am sure Mr Latham’s Labor colleagues will agree that we at least deserve a full day of democracy in the Senate—two full days of democracy in the Senate.

The Deputy President—Order! It being 4.30 p.m., I will proceed to general business pursuant to order of the Senate. However, there are business of the Senate items for the presentation of committee reports, which take precedence over general business, so they will be called on first.

Committees

Regulations and Ordinances Committee Report

Senator Mcgauran (Victoria) (4.30 p.m.)—At the request of Senator Tchen, I present the report of the Senate Standing Committee on Regulations and Ordinances on the provisions of the Legislative Instruments Bill 2003 and the Legislative Instruments (Transitional Provisions and Consequential Amendments) Bill 2003, together with the Hansard record of proceedings and submissions received by the committee.

Ordered that the report be printed.

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

Leave granted.

Senator Mcgauran—I move:

That the Senate take note of the report.

On behalf of Senator Tchen, I seek leave to continue my remarks later.

Leave granted; debate adjourned.
Environment, Communications, Information Technology and the Arts References Committee Report

Senator CHERRY (Queensland) (4.31 p.m.)—I present the report of the Environment, Communications, Information Technology and the Arts References Committee entitled Libraries in the online environment, together with the Hansard record of proceedings and documents presented to the committee.

Ordered that the report be printed.

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

Leave granted.

Senator CHERRY—I move:

That the Senate take note of the report.

I seek leave to continue my remarks later.

Leave granted; debate adjourned.

Finance and Public Administration References Committee Report

Senator FORSHAW (New South Wales) (4.32 p.m.)—I present the report of the Senate Finance and Public Administration References Committee on staff employed under the Members of Parliament (Staff) Act 1984, together with the Hansard record of proceedings and documents presented to the committee.

Ordered that the report be printed.

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

Leave granted.

Senator FORSHAW—I move:

That the Senate take note of the report.

The purpose of this inquiry was to review aspects of the staffing provided to members of parliament, with a particular focus on issues of governance and accountability of ministerial staff. Members of parliament need staff. We need staff to assist us in dealing with our constituencies, to advise us on policy issues and to help us manage our parliamentary responsibilities. Ministers need trusted advisers to act as sounding boards for ideas and to help manage the administrative and political dimensions of their portfolios. Having such personal staff is intended to ensure that all these roles are adequately and professionally performed and to help ensure that the Public Service does not become politicised. For the last 20 years, these staff have been employed under the Members of Parliament (Staff) Act and are known as MOPS staff. The number of MOPS staff working in parliament and in members’ electorates has grown over the last few decades. The number of staff working for ministers has greatly expanded, and it has been the growth of this category—often referred to as ‘ministerial advisers’—that has caused public concern.

The focus of this report on ministerial staff reflects the fact that the committee’s inquiry had its genesis in the ‘children overboard’ inquiry, which concluded that the time had come for a serious, formal re-evaluation of how ministerial staff might properly render accountability to the parliament and, thereby, to the public. It also reflects the fact that much of the evidence and submissions to the inquiry focused on ministerial staff. I want to stress that this inquiry has not attempted to revisit the issues raised in the certain maritime incident saga; rather, it has focused on how the problems of responsibility and accountability identified in that case may be avoided in the future.

Members and senators must take appropriate responsibility for the actions of their staff. There must also be adequate accountability for the actions of ministerial staff. There is thus a difference between accountability, which is being required to give an account, and responsibility, which is attract-
ing any credit or blame. A substantial part of
the evidence presented to the committee re-
lated to the issue of whether ministerial staff
should, and in what circumstances, be ex-
pected to appear before parliamentary com-
mittees. This issue was, of course, a major
area of dispute in the ‘children overboard’ or
CMI inquiry.

Ministers are responsible for their staff.
However, the committee has concluded that
government accountability would be im-
proved if ministerial staff were to appear
before, and answer questions from, parlia-
mentary committees in some circumstances.
The committee recommends that govern-
ments make ministerial staff available to ap-
pear before parliamentary committees in the
following situations, namely, where: a minis-
ter has renounced, or distanced himself or
herself from, a staff member’s action; a min-
ister has refused to appear to answer ques-
tions regarding the conduct of a member of
their staff; critical or important information
or instructions have emanated from a minis-
ter’s office but not from the minister; critical
or important information or instructions have
been received by a minister’s office but not
communicated to the minister; or a govern-
ment program is administered to a significant
extent by government MOPS staff. The
committee also recommends that guidelines
be developed by the government in consulta-
tion with the parliament, based on the gov-
ernment guidelines for official witnesses, to
provide a framework to guide the appearance
of ministerial staff.

I turn now to the regulation, management
and oversight of MOPS staff. Currently, the
MOP(S) Act does not distinguish between
the staff of government, opposition or minor
party office holders. The Senate Finance and
Public Administration References Committee
accepts the view expressed by most wit-
tnesses that a clear distinction should be
drawn between ministerial staff and other
MOPS staff. It believes the distinctive role of
ministerial staff should be reflected in a re-
organisation of the MOP(S) Act. The act
should have separate parts governing gov-
ernment staff, non-government office holder
staff and electorate staff. Compared to other
parts of the public sector, there is little in-
formation available about MOPS staffing.
The committee believes this should be recti-
fied through the preparation of an annual
report on staffing under the MOP(S) Act.

The Senate Select Committee on a Certain
Maritime Incident recommended that a code
of conduct be implemented for ministerial
staff. Recommendation 11 of that commit-
tee’s report specifically recommended that
the Australian Public Service Commissioner
convene a working group of officials of the
Department of the Prime Minister and Cabi-
net and senior parliamentary officers of both
houses of parliament to develop a code of
conduct for ministerial advisers. The gov-
ernment has still not responded to this very
important recommendation or to any of the
other recommendations made by the report
of the Select Committee on a Certain Mari-
time Incident in October last year. The com-
mittee finds the government’s failure to re-
spond to those very important recommenda-
tions to be totally unacceptable. Indeed, the
government’s failure to respond to that
committee’s report and recommendations
after 12 months have elapsed stands in
marked contrast to the speed with which
government ministers and the Prime Minister
sought to promote the false allegations of
children being thrown overboard.

The committee also recommends that the
Prime Minister promulgate a code of conduct
for ministerial staff. Further, a statement of
values that would apply to all MOPS em-
ployees should be included in the act. Once
the government has responded to the rec-
ommendations in this report and the report of
the CMI committee, a process should be set
in train to look at implementing a code of conduct for non-ministerial MOPS staff. The committee also considered arguments for and against embedding a code in legislation. The advantages of a legislated code are that it would ensure maximum transparency and that enforcement of the code would be given the force of law. It would also ensure a role for parliament in setting standards. The disadvantages, however, are significant. The central aim of a code of conduct for ministerial staff is to ensure that ministers take responsibility for the actions of their staff. Embedding the code within the MOP(S) Act might undermine this goal.

The committee concludes that the most appropriate solution is to have parliament amend the MOP(S) Act to require that the Prime Minister promulgate a code, whilst leaving the policing of the code as a matter for the Prime Minister and the employing ministers. This approach will preserve traditions of ministerial responsibility. A position of ethics adviser should also be created to provide education and advice for ministerial staff to help them adhere to the code. A code of conduct for ministerial staff needs to cover similar issues to the code governing public servants. It should also specifically address the roles that ministerial staff can and cannot perform and how they should relate to the public service and to party organisations. The report includes a draft code of conduct modelled on the code currently applicable to employees in the public service.

Effective relationships between ministers’ offices and the public service require trust and professionalism and must be based on frank and fearless advice from the APS. Frank and fearless advice requires that departmental secretaries be confident in dealings with their ministers. Currently, departmental secretaries are appointed on contracts for periods of up to five years and can be dismissed at any time. Although they must be given reasons for their dismissal, there are no significant restrictions on what those reasons may be. The committee accepts the need for flexibility in staffing arrangements. It believes the right balance must be found between that flexibility and the need to ensure that senior public servants feel their position is secure enough to underpin the offering of frank and fearless advice. Secretaries to departments and agency heads should have greater security than is presently the case. The current provision in the Public Service Act specifying a maximum contract length of five years should be removed. I seek leave to incorporate the remainder of my speech.

Leave granted.

The speech read as follows—

The Committee is concerned that there appears to be growing ambiguity about what constitutes official communication and advice between agencies and ministers. An important factor causing this ambiguity has been the proliferation of communication media.

The Committee accepts that the time is past when all communication can be expected to be between the minister or the minister’s chief of staff and the head of an agency. Ministers’ offices need and want more open communication channels than that. Nevertheless, the Committee considers that as this proliferation of lines of communication continues, it needs to be matched by an increase in awareness of the need for those communications to be clear and properly documented.

The Committee is concerned that, while some departmental secretaries think that public servants and ministerial staff understand their respective roles, little is being done to ensure that this is the case. The Committee is particularly disappointed that, despite writing to all government departments seeking input to this Inquiry, none other than the two agencies with MOPS-related administrative responsibilities responded. The Committee recommends that all departments provide written guidance to staff regarding relations with
minister’s offices, and that all senior staff receive adequate training in this area.

The Committee hopes that this report will help end the ongoing conflict between government and the Senate regarding ministerial staffing, and that the reforms described by the Committee will help restore public confidence in an area of the public sector that has been described as an accountability vacuum. I commend the report to the Senate and urge Senators, and all with an interest in good public administration, to read it.

Senator FORSHAW—I wish to thank the staff of the committee secretariat, including Alistair Sands and Di Warhurst. I also want to thank particularly Dr Ian Holland from the Parliamentary Library who was seconded to the committee for the inquiry. Ian’s expertise in this area was of great assistance to the committee. I commend the report to the Senate. I commend it also to the ministers and members of the other place, and I urge the government to consider these recommendations and respond in a positive manner. If they cannot respond in a positive manner, I urge them to respond nevertheless, and also to respond to the CMI report handed down 12 months ago. I seek leave to continue my remarks.

Leave granted.

Senator MURRAY (Western Australia) (4.42 p.m.)—I rise to address the same matter as a member of the committee. I want to thank the chair, the deputy chair and the staff for what is a fundamental and vital accountability report from the nearest thing we have to an accountability committee—that is, the Senate Finance and Public Administration References Committee. In particular, I want to thank the Parliamentary Library officer seconded to the committee for some excellent work in this report.

The Australian Democrats have provided supplementary remarks to the report, so titled because they are not dissenting remarks. We do support all the conclusions of the main report. We are strong supporters of reforms that enhance the accountability of government to the parliament and thus to the Australian people. This is an important report, the recommendations of which, if accepted, will advance the functioning of our federal democracy and help keep the executive in check. Nevertheless, without diminishing the importance of the report or derogating from our support for the report and its recommendations, it does have a number of weaknesses. Those weaknesses are that the report continues to leave it to the Prime Minister to promulgate the code of conduct, instead of having a statutory code. Every prime minister of every persuasion will inevitably fail in that circumstance. We have no enforcement mechanism for the code of conduct that is proposed, just an ethics adviser. We do not insist that ministers from each house be accountable to the other house and we unduly limit the circumstances in which ministerial staff should give evidence before parliamentary committees. Although the committee says its listed circumstances are not to be limiting, they may come to be regarded as the only circumstances.

In our view, given those weaknesses, there are at least two further steps that must be taken if the accountability of government is to be preserved and enhanced and the role of the Senate as a house of accountability is to be secured and advanced. The first step is to reform the convention on parliamentary scrutiny of ministers. Our view is that there has to be a proper implementation of the doctrine of the separation of powers. That doctrine requires a clear divide between the legislature and the executive, together with absolute accountability of the latter to the former. Currently ministers are not fully accountable to the parliament, as they should be. This defies the logic and the law of their circumstance. The legal persona of a member of the executive—of a minister—is separate from
the legal persona of a member or a senator. The Democrats have no difficulty with the long-established view that members of one house should not be held accountable in another house but believe that ministers in the Senate, as members of the executive, should be accountable to House committees in their executive capacity and ministers in the House should similarly be accountable to Senate committees.

Australia should reform the practice we have inherited from Britain whereby ministers from one house of the parliament cannot be compelled to appear and answer the questions of the other house. Ministers have two clearly separate roles: they are an elected representative in their personal capacity, and they are an instrument of executive government with portfolio responsibilities in a ministerial capacity. The fact that the former should be disciplined only by the chamber to which they are elected must in no way compromise the fact that they must be answerable as a minister to both chambers of the parliament. In the end, in the theory and the practice of democracy, the parliament representing the people is the supreme body to which all are accountable.

The second area is the office of an ethics commissioner. The Australian Democrats believe that parliament should adopt a code of conduct for all ministers and members of parliament. There are five fundamental requirements for any code of conduct for parliamentarians and ministers. It should be one they approve and one they assist in designing. A complaints system is essential. An investigative process by an independent body is essential. That body should be able to make recommendations and findings, and the code must be enforceable and penalties apply.

We have outlined our proposals previously in our Charter of Political Honesty Bill 2000, which was reported on by the Senate Finance and Public Administration Legislation Committee. The report of that committee is well worth examining. For some time now, the Democrats have argued that the solution lies not in protecting ministerial staff from scrutiny but in ensuring that their ministers are also subject to scrutiny. Once a code of conduct is in place that every minister and parliamentarian can abide by, there should be no problem in having an independent investigator examine alleged breaches of that code. That would take a great deal of the pressure off the Prime Minister of the day. So, while the recommendations in this report are a valuable step forward along the road for accountability, the Democrats believe that parliament must act to set ethical standards for all of its members, including its ministers. That is a task which has been embraced by other parliaments, and there is no reason why we should not do so. Only then, with a transparent code of conduct and impartial investigation of breaches, could the public have confidence that elected representatives are maintaining the high ethical standards expected of all ministers and of all members and senators. My thanks again to the chair; I thought he did an excellent job.

Senator BRANDIS (Queensland) (4.48 p.m.)—I sat as a member of this committee during its hearings, and I want to make three points in relation to the committee’s report. Firstly, the government senators dissent entirely from the recommendations made in the report, which have been outlined by Senator Forshaw. I caution the Senate against adopting a code of practice or a code of conduct which will diminish rather than reinforce the principle of ministerial responsibility. The very notion of having ministerial staff subject to public scrutiny and subject to public cross-examination as to the process whereby advice was given to ministers is dangerous and inimical to the notion of ministerial re-
sponsibility. The person who must answer for the decision of a minister is the minister himself and, if something is done in the name of a minister of which the minister is unaware, then the minister himself must take political responsibility for the fact that he was unaware of that matter. He must take political responsibility for the way in which his office operates. Although, in the familiar language of transparency, it has been contended that to subject ministerial staff or political staff to a form of public scrutiny will shake away the cobwebs and throw the spotlight on the operations of government, I caution honourable senators that it may very well have the opposite effect by removing from the shoulders of ministers themselves the burden of responsibility for that which is done in their name, whether they are aware of it or whether they are unaware of it. For that reason primarily—and I invite honourable senators to consider the reasons set out in the government senators report—we dissent from the principal recommendations.

I want to say two other things. During the course of the hearings, many loose allegations were made about the politicisation of the Australian Public Service. In chapter 7, I think it is, of the committee’s report, there is a discussion of that topic. Senator Kim Carr raised this matter with the head of the Department of the Prime Minister and Cabinet, Dr Shergold, who, I interpolate, was an awesome impressively impressive witness. I want to read into the Hansard record the response of Dr Shergold to this suggestion of politicisation of the Australian Public Service. On page 14 of the Hansard of 2 September, he said:

I remember, when I was an economic historian, reading a very good book on hooliganism over the last century. What became clear was that each generation believes the behaviour of the present young generation is much worse than it was in the past. I would have to say that there is a tendency, perhaps even amongst ex-secretaries like Stuart Harris and Richard Woolcott, to believe that things are not as good in terms of the frankness and fearlessness of policy advice as they used to be in the old days. The one advantage I suppose I have over them is that I am in the service now. On the basis of that and of experience with three governments, I can say that I see no change whatever.

The notions that ministers do not wish to hear policy advice or that public servants are cowed into not providing robust policy advice are, as I said on a radio station recently, balderdash and poppycock. It is complete and utter nonsense. I have never worked to a Prime Minister or a minister who did not want to receive robust policy advice. It may be that, at the end, that policy advice was rejected, but they wanted to hear it. There is no evidence whatever that I can see that barriers are being put up to stop ministers or their advisers receiving strong advice from public servants. I see no evidence whatever that public servants are intimidated.

So that was the evidence of the head of PM&C, who has served with distinction ministers and now a Prime Minister on both sides of politics. The third matter I want to touch on is a little oblique to the main topic of the report, and that is because Senator Carr introduced a line of questioning of Dr Shergold which was rather oblique to the reference to the committee. It is a cautionary tale about the perils of making reckless and false allegations. Senator Carr raised an allegation most embarrassing to the individual concerned, Dr Tom Karmel, a very distinguished educationalist. He said that Dr Karmel had not been reappointed to a position, that he had been politically got at. In fairness to Dr Karmel, Dr Shergold’s response to Senator Carr ought also to be put on the record. He said:

Let me put on the record that the selection process was a normal public service selection process—that is to say that I was not on the selection panel, but a representative of the Public Service Commission was. Mr Karmel applied for that job. He got that job, Senator. He won the position.
Unfortunately, he was offered a better job at the same time and, in spite of my entreaties to stay with the department, he decided to take the other job. We now have it in the public arena and in newspaper stories that an officer was removed from that position, whereas in fact it is precisely the opposite: the officer in question won the promotion and decided not to take it.

Dr Tom Karmel was very upset at that false attribution having been made recklessly and shamefully by Senator Carr. It is not only my view that Senator Carr made a complete fool of himself that day. I want to read the comments of Verona Burgess in the Canberra Times of 3 September 2003, dealing with that part of the evidence. She said:

Peter Shergold cut, sliced and diced his way yesterday through federal Opposition claims that he had doctored politically sensitive research on higher education while he was Secretary of the Department of Education, Science and Training.

The Secretary of the Department of the Prime Minister and Cabinet made mincemeat out of the claim that a former senior public servant, Tom Karmel, had been ‘hounded out’ of his job at Education.

And he showed just how tough he is, as he wrong-footed his political taunter, Opposition research and public service spokesman Senator Kim Carr.

The inquiry into the Members of Parliament (Staff) Act took a slight detour from its main thrust when Senator Carr began to follow up on allegations he and other Opposition parliamentarians had recently made about the doctoring of a research report and the alleged ‘hounding out’ of Dr Karmel.

Dr Shergold was waiting with his verbal sword ready.

His delighted response, ‘I’m so glad you asked that, Senator,’ should have been enough of a warning that it was time for the Opposition to move on—but it was too late.

With a glint of steel in his eyes he cut and thrust his way through the ensuing questions.

No, he had not doctored the research nor asked anyone else to doctor it.

And no, Dr Karmel had not lost his job—on the contrary he had been offered the reconstituted position but had turned it down.

Anyone who had imagined Dr Shergold’s theatrical appearance as Peter Pan in last year’s Education Department pantomime meant he was a lightweight, should have remembered the ease with which Peter Pan disposed of Captain Hook.

What remains now is for the Opposition to stomach it—and correct the record.

And, to the best of my knowledge, Senator Carr, who has played fast and loose with the truth, who has played fast and loose with the reputation of a distinguished Australian, Dr Tom Karmel, in order to make a cheap point, has been exposed for making utterly false allegations. The record was corrected at Dr Karmel’s own request. Senator Carr made an utter fool of himself and yet, to the best of my knowledge, to this day Senator Carr has not had the decency either to apologise to Dr Karmel or to Dr Shergold, a most distinguished public servant, or to retract his utterly false allegations.

The DEPUTY PRESIDENT—Senator Brandis, would you please seek leave to continue your remarks so that the report is kept on the paper?

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

Leave granted; debate adjourned.

Regulations and Ordinances Committee Report

Senator TCHEN (Victoria) (4.57 p.m.)—Earlier this afternoon the Deputy Government Whip, Senator McGauran, presented on my behalf the 111th report of the Regulations and Ordinances Committee. I thank the senator for his assistance; however, unfortunately, he did not realise that the committee had prepared a tabling statement for me to present on behalf of the committee. I seek leave to incorporate the tabling statement and also to make a short statement.
Leave granted.

_The statement read as follows_—

Mr President I present the 111th Report of the Regulations and Ordinances Committee. This is a report on a particular matter referred by the Senate—the provisions of the Legislative Instruments Bill 2003.

The Legislative Instruments Bill proposes to introduce a comprehensive scheme to regulate the making, electronic registration, Parliamentary scrutiny and periodic repeal (or ‘sunsetting’) of all legislative instruments (other than those that are specifically excluded). The bill represents the fourth attempt in 9 years to introduce such a scheme.

Mr President, the bill sets out an idea that everyone supports—in principle. At the moment, delegated legislation is (as one of the witnesses to the inquiry described it) a “legislative jungle” with much of it being badly drafted and inaccessible to the general public. The bill should solve many of these problems and the Committee endorses the bill’s broad approach. But the Committee’s report makes a number of suggestions for improving the bill, and for reviewing its operation in 3 years time.

The Committee considers that many of the unknowns in the new legislative scheme will be contained in the regulations made under the bill. These regulations have not been drafted yet and the report recommends that they should stand referred to the Committee in the same general terms as the bill.

The bill sets out a number of exemptions from the new legislative scheme. It gives the Attorney-General a power to certify that some instruments are not legislative in character. The Attorney-General’s certificate is reviewable by a court. Where a court decides that the Attorney’s view is wrong, the Attorney can issue another certificate which may confirm his original opinion. The Committee recommends that this certificate should also be reviewable by a court.

One of the exemptions in the bill is for instruments which are part of a national scheme of legislation, or a scheme that arises out of an intergovernmental agreement. The Committee recommends that where a national scheme bill authorises the making of legislative instruments, then the Explanatory Memorandum for that bill should state whether those instruments are or are not disallowable. It will then be up to the Parliament to decide whether they should be disallowable.

The bill allows instruments to be added to the list of exempt instruments by regulation rather than by primary legislation. While Henry VIII clauses such as this are not ideal, the Committee came to the conclusion that the Parliament retained an ultimate power to disallow these instruments and so made no recommendation about the desirability of these clauses.

The 1996 version of the bill contained a very prescriptive and mandatory process which required agencies to consult before they made any legislative instrument. This bill adopts a much looser approach. Rule makers have a discretion as to whether consultation is necessary. While it might be argued that such a consultation process leads to more limited accountability, the Committee was reassured that the current Regulatory Impact Statement process would continue. This also provides for consultation. At this stage in the development of the bill, the Committee felt that the consultation process should be given an opportunity to work, and should be reviewed when the Act was reviewed after 3 years.

The centrepiece of the bill is the creation of an electronic register of legislative instruments. This will be an authoritative statement of the law. The Committee heard evidence about the errors that can creep into electronic databases. The bill provides that errors on the register can be rectified, and that people’s rights will not be affected where they rely on an error. However, to give some substance to this protection, the Committee recommended that, where the register is rectified, people should be told what has been changed and when that change took place.

The Committee also recommended that a general obligation be imposed on the Secretary of the Attorney-General’s Department to ensure that the register is truly accessible to everyone.

The bill provides for parliamentary scrutiny of legislative instruments. It contains some archaic references to the seconding of motions, which does not reflect current Senate practice, and the
The Committee has recommended an amendment to remedy this.

The bill also provides a procedure for a disallowance notice to be deferred for 6 months to give a Minister a chance to amend an instrument. The procedure as set out in the bill has a number of problems. These include the very short time within which to move another disallowance motion if the Minister doesn’t fulfil the undertaking given to the Senate, and also the status of the first disallowance motion that was deferred but not disposed of. The Committee considered that the deferral procedure in the bill created more problems than benefits and recommended that it be omitted.

Given that legislative instruments are going to be registered electronically, it seemed that there might a corresponding proposal that they be lodged with the Parliament for tabling electronically. The Clerks of both Houses opposed this and the Committee recommends that it not proceed.

The bill permits the disallowance of “a legislative instrument or a provision of a legislative instrument”. There was some discussion about the meaning of a ‘provision’ and particularly whether it would enable the Senate to disallow an item in a list or a table. The Committee recommends that the government should give consideration to amending this definition to make clear that it does permit disallowance at that level.

The bill will have an undoubted impact on the work of the Committee. It will lead to an increase in the number of instruments it examines. It will mean that instruments will have to be accompanied by adequate explanatory material. And it may draw the Committee into looking at the adequacy of the consultation undertaken on certain instruments. These are all things that we will have to monitor.

Finally, the report looked at three other issues. The first of these is what happens where an instrument is retrospective and prejudicially affects a person. Under existing law, the instrument ceases to operate. Under the bill, it is of no effect, but only in respect of the period before it is registered. The Committee recommends that the Register should tell people, and the Attorney-General should tell the Parliament, where an instrument has ceased to have effect for a specified period.

The second issue is the process used to register ‘old’ instruments (called ‘backcapturing’). The Committee was concerned that some ‘old’ instruments might end up being repealed because the relevant Department or agency decides not to register them. Therefore, the Committee recommended that department and agencies should provide the Parliament with a list of all instruments that they would not be registering and that the Attorney-General regularly report on how ‘backcapturing’ was proceeding.

The final issue concerned the availability of non-statutory material that was incorporated in a legislative instrument. The Department told the Committee that most of this would be published. The Committee recommended that it be given a chance to work and reviewed when the Act was reviewed in 3 years time.

The Committee’s report has considered (and sought to improve) an ambitious piece of legislation that, if passed, should improve the process of making and scrutinising all delegated legislation. We hope that we can get out of the ‘legislative jungle’ and start seeing the forest and the trees.

Senator TCHEN—This particular report is on the Legislative Instruments Bill 2003. The bill proposes to introduce a comprehensive scheme to regulate the making, electronic registration, parliamentary scrutiny and periodic repeal of all legislative instruments. It represents nine years effort to introduce such a scheme. The committee is delighted that we now finally have this on the table.

During the inquiry, the committee was assisted by a number of witnesses, both academic and lay people, and I acknowledge their support. I would also like to say that the report itself incorporates some brief comments from Senator Bartlett on behalf of the Australian Democrats which, at first sight, might seem to be a dissenting report. However, I draw the attention of the Senate to the fact that Senator Bartlett has agreed with most of the committee’s recommendations. He was only raising some issues which he...
believed could have been made more forcefully, whereas the consensus view of the committee was that, when the act comes in, it should be allowed to run its course for a short period to see whether it achieves its aims, and particularly the provision of the three-year period be allowed to run its course. I commend the report to the Senate.

IMMIGRATION: DETENTION CENTRES

Return to Order

Senator COONAN (New South Wales—Minister for Revenue and Assistant Treasurer) (5.00 p.m.)—I seek leave to make a short statement on behalf of Senator Vanstone, the Minister for Immigration and Multicultural and Indigenous Affairs, in response to a Senate order to produce documents. (Quorum formed)

Leave granted.

Senator COONAN—I thank the Senate for giving me leave. The order I am responding to on behalf of Senator Vanstone arises from a motion moved by Senator Allison and it relates to the management of detention centres. There are two parts to Senator Allison’s notice of motion. Part (a) relates to the production of default notices issued to Australasian Correctional Management Pty Ltd under the government’s general agreement contract to manage detention centres, and I will address, on behalf of Senator Vanstone, that part. Senator Vanstone says in response:

- I am concerned at this Senate motion which seeks to circumvent the exemption provisions in the Freedom of Information Act to restrict access to this material for legitimate reasons.
- I acknowledge the requirement and importance for accountability in Government operations but am advised that there are also legitimate security concerns in the material which go to the good order and security of detention centres—which is why I do not propose to release the material publicly.
- In the light of the concerns of the Senate however, I will provide a confidential briefing to interested Senators.

In respect of part (b) of Senator Allison’s motion, which relates to the production of the Knowledge Enterprises report on major incidents at detention centres in June 2000, Senator Vanstone says:

- I reiterate my concerns that the Senate motion seeks to go beyond the exemption provisions in the Freedom of Information Act to restrict access to this material for legitimate reasons.
- I do acknowledge the requirement for accountability in Government operations, however I am advised that there are legitimate security concerns in this material which go to the good order and security of detention centres, which is why I do not propose to make the full report publicly available.
- I am, however, willing to table the FOI response provided to the applicant in relation to the Knowledge Enterprises report.
- In addition, I draw Senators’ attention to responses to a question on notice from the Senate Legal and Constitutional Legislation Committee provided by the Department in estimates hearings in May 2001 in relation to these matters.
  - This response provides the findings of the Knowledge Enterprises report concerning the incident at Woomera in August 2000 and the findings concerning the subsequent management of the incident. This is readily available to Senators.
I do not propose, however, to table additional detail from the report as I am advised that to do so would compromise the good order and security of the detention centres.

I am prepared to arrange a confidential briefing on the content of the report to interested Senators should they seek it.

Senator BARTLETT (Queensland—Leader of the Australian Democrats) (5.07 p.m.)—by leave—I move:

That the Senate take note of the statement.

I realise that we are chewing up time and there are lots of things people want to talk about, so I will be brief. I understand that Senator Sherry wants to make a comment or two as well. This return to order motion was moved by Senator Allison, so I thought it appropriate to speak on behalf of the Democrats. I hear what the Minister for Revenue and Assistant Treasurer says, but without labouring the point—and this point has been made many times before—the issues of national security, of law and order and the good running of detention centres et cetera are starting to be used a little too often to maintain credibility. Obviously, without seeing it—and I note the offer of a confidential briefing; I thank the minister for that and I suspect we will be seeking to take that offer up—it is an area where there has been a lot of public concern about secrecy. One of the problems and one of the reasons why concerns have been expressed for a long period about the contracting-out of security arrangements or the operation of immigration detention centres is that we are involving a private provider in the operations of Commonwealth detention facilities and then we run into this commercial-in-confidence problem. One of the reasons why we would prefer it to be run and controlled by the government is so that it would be more accountable.

Having said that, I know that when it was run by the government there were problems as well. There is no guarantee that there will not be any problems. But it is another area, suffice to say, where a return to order has not been fully complied with. I will study the statement more closely. On first hearing, I did not feel convinced that the rationale or the reasons stacked up. We will read the statement more closely and we will consider the confidential briefing offer. At the heart of a broader concern of the Australian community is the operation of all our detention centres, the practices by Australasian Correctional Management in particular in a whole range of areas and the difficulty in getting clear information about what happens. As all of us would know, there are any number of allegations about what has happened and about the conduct of various people. I am not in any way suggesting that they are all correct or true, but it is difficult to verify them one way or another in a climate of such secrecy. I would suggest that it is in the government’s interest to try to break away from that climate as well. I could make a broader statement about our detention regime and the innate problems in that, but I think we will have plenty of opportunity to debate that in this place, so I will finish my remarks there.

Senator SHERRY (Tasmania) (5.10 p.m.)—This is the second occasion this week that I have had to speak in response to a ministerial response to a Senate resolution on a return to order. Earlier this week I had occasion to speak in response to Senator Coonan’s refusal to meet the resolution of the Senate on a return to order for documents from the Australian Government Actuary which relate to the costings of the future liabilities and, as a consequence, charges to be made with respect to medical indemnity insurance. Today we have been presented with yet another refusal, at least in part, by a minister—in this case the Minister for Immigration and Multicultural and Indigenous Affairs, Senator Vanstone—on behalf of the
government to meet a further return to order, on this occasion of documents relating to the operation of detention centres. Although I do acknowledge the notification that a confidential private briefing will be given and some documentation will be provided, the response does not meet the return to order resolution made by the Senate.

As I have said, this is the second occasion on which I have had to respond to a refusal to meet a reasonable request of the Senate. I do not know the latest figures. I think Senator Carr might have been referring to the number of occasions on which return to order resolutions of the Senate have been refused by this government, but this is yet another to add to that very long list and, as I understand it, a record number of refusals to meet return to order motions passed by the Senate. I think this very identifiable trend is very regrettable. It is an arrogant and contemptuous attitude that is being reflected by the government towards the Senate and its rightful place to scrutinise legislation and the operations of government and, to scrutinise in particular, the operations of the executive.

The return to order motion moved by Senator Allison, at least in part, was I think motivated by the material that was presented to the Senate estimates committee on the operations of detention centres in this country. This government has pursued very actively a process of subcontracting out the operations of our detention centres to the private sector. As Senator Bartlett rightly alluded to, both in the forum of Senate estimates on a number of occasions and from time to time publicly there have been serious issues raised about the effectiveness or otherwise of the day-to-day management by private contractors, in this case ACM—Australasian Correctional Management—and serious allegations have been made about the manner of the management and the operation of the detention centres by ACM.

It is not my intention to go over the allegations in any great detail, but they can broadly be classified into two categories. The first is allegations about the treatment of some detainees by some staff working for ACM, some of them of a very serious nature. The second is the overall efficiency from an economic sense—I am not talking here from a human supervision sense—of some of the contractual payments to ACM in return for services allegedly not provided in the form stipulated within the contractual agreement.

I acknowledge that it was Senator Allison who moved the return to order, with the support of the Labor Party, because we share these concerns. It is in the interests of ACM, and certainly in the interests of the detainees, where there are allegations of inappropriate treatment for an examination to be carried out of the appropriate documentation and the legal responsibilities of ACM. On a number of occasions at Senate estimates, Senator Allison, I and a number of others have pressed the department to release the details of these contractual arrangements. Unfortunately, that has not been forthcoming. So it is difficult for us, at least in respect of the performance of ACM, to test some of the allegations that are being made about the efficient running in an economic sense of the detention centres against the contractual obligations of ACM. There is significant expenditure of public money involved in the subcontracting and effectively the privatisation of the operations of these detention centres; it involves serious amounts of public money. I cannot recall the figures offhand, but it is in the tens of millions of dollars on an annual basis. In order for the Senate and the Labor opposition, and for that matter the Democrats and other interested senators, to be able to perform their duties and responsibilities in holding accountable the executive, and also in this case a subcontracted private company, it is necessary to have this information. I am
gravely concerned that it has not been presented to the Senate.

I am not sure that other senators would be aware of this, but on Nauru, an island where detainees have been placed, we had the extraordinary circumstance of the detainees taking over the detention centre and taking control of it and the department somewhat euphemistically referring to this as ‘a self-managed centre’. The contractor who was operating the centre was removed from the facility on Nauru. It is quite extraordinary that this occurred. Again, whatever the detail of the takeover of the detention centre on Nauru and who behaved properly or improperly, we had a detention centre being run by the detainees. They were actually supervising themselves, feeding themselves and running the services by themselves. If it had happened on the Australian mainland, I think it would have attracted a good deal more attention. That is just one of the issues we need to examine in the context of the documentation that has been requested from the minister and the executive.

I point out that Labor has considered this issue in the broad in its policy response in this area and Labor does not favour these subcontractual arrangements in relation to detention centres, subject of course to existing legal requirements. Labor in its policy response is not in favour of the subcontracting of responsibilities for the supervision, wellbeing and care of detainees. It is not an appropriate response. Aside from the issues of the wellbeing of the detainees, it raises issues of the cost effectiveness of that service provision, and Labor has been arguing that it would be best if we had direct government employment supervision of detainees in detention centres. But, as I say, that is without abrogating any existing contractual arrangements.

In conclusion, I say that, whilst confidential briefings are useful, this does not meet the quite reasonable request of the Senate that the documents be produced. It is very unfortunate that the executive has reinforced its very arrogant approach—almost a contemptuous approach—to the good operation of the Senate. I can recall, on reflection, the dim and long-past days when I sat on the other side of the chamber when we were subjected to requests of this nature. If we dared not to respond when we were in government, we were subjected to hours and hours of debate and demands about why we should respond to these returns to order. I can remember Senator Ian Campbell and Senator Hill particularly subjecting us to what would verge on a tirade of criticism of the then Labor government for refusing to produce return to order documents.

Senator Ian Campbell—Was this when you were parliamentary secretary?

Senator SHERRY—Yes. I can recall that very well. Of course, we have a very different position now.

Senator Ian Campbell—One of the shortest terms in this parliament’s history.

Senator SHERRY—Three years—not quite as lengthy as yours, Senator Campbell. I can recall that when the now government was sitting on this side of the chamber it was a matter of high principle that returns to order should be produced within a reasonable period of time.

Senator Ian Campbell—They were fairly rare beasts in those days.

Senator SHERRY—They were fairly rare beasts. But, as the secrecy of this executive and this government and their arrogance and contempt for the role of the Senate in Australia’s constitutional structure have grown, it has been necessary for us to pursue mechanisms like this to obtain the necessary information to put this government under the
scrutiny that it deserves. We have had nu-
merous examples of, at best, misleading in-
formation and policy given to the Australian
public on important policy matters.

I will have to take up the matter of the
confidential briefing with Senator Allison
and the Democrats—I do not know what
their attitude to it will be—and Ms Roxon in
the other place, our shadow minister on these
matters, to see whether a confidential brief-
ing will be of some value. On behalf of the
Labor Party, it is with deep regret and some
anger, particularly given my reflections on
the criticism we were subject to when we
were sitting on the other side of the chamber
and refused to meet requests on returns to
order—

Senator Ian Campbell—John Button
used to write back and say it was too expen-
sive for the Commonwealth and he refused
to respond.

Senator SHERRY—I think on many oc-
casions he was responding to requests from
Senator Bronwyn Bishop, again reflecting
back. For those who were not here when
Bronwyn Bishop was a senator, I think even
Senator Campbell would acknowledge that
some of the requests that ran into millions of
dollars worth of bureaucratic time that Sena-
tor Bishop used to pursue were just a touch
unreasonable on occasions. But that is his-
tory and that is another story. Labor will con-
tinue to press for the information that has
been sought under the return to order for the
reasons that I have outlined.

Senator VANSTONE (South Australia—
Minister for Immigration and Multicultural
and Indigenous Affairs and Minister Assist-
ing the Prime Minister for Reconciliation)
(5.25 p.m.)—I had not planned to speak in
response to this but, as I overheard Senator
Sherry—who is now leaving the chamber—I
felt compelled to make a couple of points.
He referred intermittently during his remarks
to partial compliance not being good enough.
That, of course, depends on whether the ex-
planation for partial compliance is good
enough. He was good enough at least to re-
fer, as Senator Bartlett did, to the offer of a
confidential briefing. I can assure you that I
have not made the decision to comply in this
way from any desire not to be accountable. I
hope the confidential briefings, to the extent
that they are taken up, satisfy the Democrats
and—to the extent that they are interested—
opposition members, in whatever it is they
want.

I am advised that a party made this applica-
tion under FOI and, under the standard
rules of FOI, was refused. I am also advised
that the party has not yet exhausted his or her
appeal rights in relation to FOI. Even with
the respect to which returns to order in the
Senate should be treated, I do not know that
there is anyone who would want them to be-
come a simple mechanism for the bypassing
of the standard rules under FOI. I do not as-
sert that Senator Allison has a relationship
with this journalist and that that is the case,
but it happens to be the case that, perhaps
separately, there is this application which has
not gone through all of its processes.

Senator Sherry referred to the secrecy he
alleges the executive of this government en-
gages in and the need, because of it, for
greater numbers of returns to order than there
were under the previous government.
Whether that is the reason for the greater
numbers is a matter for political debate. Oth-
ers on this side, of course, would say that the
value of a return to order—the importance
and compelling nature of it—is reduced by
their being used far more frequently than
they were in the past. I understand that there
is a necessary dynamic in this parliament and
in this chamber where people in opposition
will have different views to the government
about the degree to which material should be
released.
When then Senator Susan Ryan, in a discussion with me in one of the old bathrooms in Old Parliament House—we are not going to go any further into that detail—said to me, ‘You will be glad when you’re in government that you’ve spent some time in opposition’, I thought, ‘How could she possibly think that’s true?’ But that experience gave me insight and allowed me to understand, now that I am in government and looking at it from a different perspective, the nature of opposition demands and why they are made.

I wanted to make a couple of remarks about subcontracting. The suggestion was made by Senator Sherry that this is done as a means of reducing accountability to parliament. Frankly, that is something I do have to take issue with. I recall a number of debates when there was significant concern over spending on the Working Nation program and the accountability for those dollars—their effectiveness in terms of whether real jobs were really being achieved for the amount of money being spent. But I particularly remember that the tremendous Australian actor Bill Hunter was the front face of Working Nation. We were quite interested in how much Mr Hunter had been paid to do the Working Nation ads because it turned out that Mr Hunter, subsequent to getting the contract to do the ads, did the Labor Party ads at the subsequent election. The story was that he was so committed to the Labor Party that he did the ads for nothing. You can understand that there was a great interest in this man who was so committed to the Labor Party that he would do the ads for nothing. You have to ask how much Mr Hunter was paid to do the Working Nation ads, because that might be relevant to his strong commitment to the Labor Party.

Senator Ian Campbell—He was the only person who got a real job out of Working Nation!

Senator VANSTONE—He might have been. As I recall, a contract was given out to a firm to manage the publicity for Working Nation. But, even if you could get that contract, you could not get the contract for Mr Hunter, because that was a subcontract, and you would have to get the contractor to agree to give you the subcontract. So I think this is the pot calling the kettle black a little bit here. I have a longstanding interest in the use of terminology to avoid accountability and I understand about commercial-in-confidence being used in that way.

I recall former Attorney-General Michael Lavarch finally agreeing, after years of badgering by the now government but then opposition, that there was no reason QCs should not have their fees revealed to the Senate. A man or woman who makes this chair, this table, this carpet or these lights expects, if a question is asked about how much the chair, table or lights cost, to have the answer given. There was a long history under Labor—and, probably, under previous Liberal governments—where it was thought that QCs were somehow in a special position and should not have their fees revealed. I was happy to take up the cause there and I acknowledge the former Labor Attorney Michael Lavarch for having given in on that issue. What I mean by that is that there were occasions when, in opposition, we fought contracts that were, by design, constructed in a particular way to hide the payments. I have cited the contract for Bill Hunter to do the Working Nation programs. He subsequently, as I am advised, did the Labor ads for nothing, but I stand to be corrected if that is wrong. These were contracts set up and devised by the now opposition, who complain. But I think the general point has been made there.

Let me move on to the last point I particularly want to make about subcontracting in relation to detention centres. Detention cen-
tres are not prisons, but there is a similar aspect. This argument was frequently raised by former Labor Senator Barney Cooney about whether you would in fact get a better service if the private sector looked after general detention facilities, including prisons. He was not at all convinced that that would be the case. I often said to Senator Cooney: nominate for me the government that has a proud history in this area. If you wanted to pick just one area where I do not think a government in the world can be proud of its long history, it would be detention centres. We all know that prisons in the past were appalling and that governments have consistently tried to make them better. But, surely, you cannot say, ‘This is an area where governments have demonstrated that they do it very well. Therefore, governments should continue to do it.’ You just cannot say that.

Anyone who has been to a prison or any type of detention facility run by a government would understand that they do not have a proud record of running them well. When I say ‘running them well’ I mean treating the people who happen to be inside—for whatever evil deed they have committed, if it is a prison—as though they still have the right to be treated in a dignified way. I think that that is important to mention because the proposition being put by Senator Sherry and maybe, to a limited extent, by Senator Bartlett—I do not mean to misjudge him, if I am—is that somehow the private sector should not be involved here. The simple proposition that I want to put is that, while detention centres are not prisons, they are detention facilities—facilities where people are detained—and no government that I know of has a fabulous history in relation to this matter. Therefore, I would not exclude the private sector.

So, in summary, in relation to the return to order, I do understand the senators’ obligations and ministers’ obligations to the Senate. I did not feel, on the advice I had available, that I could release this material. But I did feel that it was appropriate to offer confidential briefings, which might meet the needs of those people who have a genuine interest in this area.

I am slightly miffed by, but I suppose I will survive, the cruel and heartless suggestions from the other side that this government is secretive. I must say that the treaty the previous Labor government negotiated with Indonesia and told nobody about until it was made comes to mind as a tremendously secret act of the executive: not only negotiating but also signing up to a treaty with a government that at the time was not—and, perhaps, even now is not—regarded in the same light as the current Indonesian government. Yet Mr Keating and his advisers went over and made that defence treaty with Indonesia without discussing it with the public at all—without giving them any say. This government has put in train a regime to ensure that, to a far greater extent, not only this parliament but also people in Australia generally in state parliaments do get the opportunity to comment. So I reject the tag of ‘an overly secretive executive’ and use that as an example to demonstrate the understanding this government has of the need to be accountable and to make executive processes accountable.

Lastly, of course, I turn to subcontracting. I make the point that the people who are complaining are the people who designed methods to avoid accountability to the parliament. They actually designed them. I use the One Nation example.

Senator Faulkner—That’s grossly unfair!

Senator Vanstone—I acknowledge Senator Faulkner’s interjection because he does not often say that things are grossly unfair and that he feels offended by my remarks. I do not say them to offend; I just
have a different perspective. I understand that he perhaps does not agree. The last point I made was in relation to those people who think that there is something particularly wrong with ACM because it is in the private sector and that somehow the government ought to do this. I know, Senator Bartlett, that you acknowledged that there may not, in fact, be a better job if the government—

Senator Faulkner—Mr Deputy President, I raise a point of order. I am reasonably tolerant, as everyone in the chamber is aware. There have been a lot of diversions in Senator Vanstone’s contribution, but she has not been addressing the chair. She in fact is not directing any remarks through the chair. I would ask you to—

Senator Ian Campbell—If you sat down, she’d be finished. You’re just wasting time.

Senator Faulkner—I am not wasting time. Mr Deputy President, the point of order is that I would ask you to ask Senator Vanstone to direct her remarks through the chair, not to individual senators.

The DEPUTY PRESIDENT—There is no point of order. Senator Vanstone, I would ask you to wrap up.

Senator VANSTONE—Mr Deputy President, it is late on Thursday and tempers might be frayed. I do not have any intention of continuing, albeit the clock indicates that I could. Senator Faulkner is offended that there have been occasions on which I have not addressed my remarks through you. The reason for that is simply that, because of the emotional force with which the arguments are put by Senator Sherry and Senator Bartlett, I have personally felt compelled to respond to them directly. If I intermittently forgot to do that through you, I am sorry. The last point I wanted to make in summary was that governments do not have a history of handling these things well, and I do not know that you can assume the private sector would be worse. In fact, you can hope they would be better.

Question agreed to.

PERSONAL EXPLANATIONS

Senator CARR (Victoria) (5.38 p.m.)—I seek leave to make a brief personal explanation as I claim to have been misrepresented.

Leave granted.

Senator CARR—I have been here for 10 years now. I do not make personal explanations very often; I cannot recall doing it before. However, this afternoon I was subject to an outrageous, cowardly, duplicitous and grubby assault on my reputation.

The DEPUTY PRESIDENT—Senator Carr, you might say it but it is certainly disorderly and I would ask you to withdraw those words.

Senator Faulkner—Mr Deputy President, on a point of order: I do not think that was disorderly. Senator Carr at this stage has not indicated that that was the attack that he has described in what I admit is colourful language. He has not named a senator or member of parliament of this house or the House of Representatives. I would respectfully suggest to you, in those circumstances, that it is premature to rule him out of order. If he were, for example, to link a senator’s name to such an attack, there may be a case. I think it was a pre-emptive strike, with respect, on your part. I would ask you to consider that.

The DEPUTY PRESIDENT—I take your words on board, Senator Faulkner. Senator Carr, I would ask you to continue but to be temperate in your remarks, particularly if they infer or impute something to another senator in this place.

Senator CARR—Thank you, Mr Deputy President. As you know, I am always temperate in my remarks. However, when there are issues that come to my personal integ-
rity—such as in the remarks made today by Senator Brandis—then I think I am entitled to express in the strongest possible terms my objections to them. Senator Brandis is good at coming in here, playing the poor man’s Perry Mason and explaining to people how he sees the world and his particularly nasty and vicious views of other people. I can take most of that without any of the slightest concern. He can make all sorts of allegations about me, which he has done on a regular basis.

But today he went a bit too far. Today he said that I had trashed the reputations of public servants and, in particular, of Dr Tom Karmel. Dr Tom Karmel is a person whom I have defended very strongly. I have caused this government some embarrassment in my defence of him, as I was able to explain that Dr Karmel has been treated very badly by this government because he had the temerity to produce some reports which were contrary to the government’s position with regard to higher education. He produced some evidence based reports which the government sought to suppress. I embarrassed the government by drawing attention to the fact that these reports had been suppressed.

We should understand that Senator Brandis is able to quote at length from colour newspaper pieces and that he likes to concentrate on personality politics. He tries to avoid the basic critical issues that concern the way in which this government have sought to suppress information and remove from the Public Service people they think are embarrassments. Dr Tom Karmel has an international reputation of the highest quality. Information was provided to this parliament by none other than the current Secretary to the Department of Education, Science and Training that the department undertook under its own authority to suppress and censor certain reports, that this information was provided by Dr Karmel—that is, it was provided in reports written by Dr Karmel and his team in the department of education—and that subsequently, towards the end of July last year, a number of reports were reetermined and reclassified by the department of education, whose secretary at the time was Dr Shergold. The documents were transferred from being ready for publication and public release to being available only as advice to the minister. The documents were determined for the minister’s eyes only by that very act.

We heard this afternoon that there was very little discussion of the report that was under consideration at the time. But that advice was used to launch an attack upon me about my role in that Senate inquiry and the actions I took concerning a number of matters. Those matters went to the politicisation of the Australian Public Service under this government, to the Prime Minister’s intervention in the ethanol question, to the diplomatic service and to the doctoring of reports within the department of education. Dr Karmel made his position very clear.

The ACTING DEPUTY PRESIDENT (Senator McLucas)—Senator Carr, I think you may be straying from your personal explanation, and I urge you to return to the point you are making.

Senator CARR—The point I make is this: Dr Karmel was provided with an offer of a job in the department of education. I have made this point before, despite the claims that were made this afternoon that I had not made further comment on this matter. I have already commented on this matter. Dr Karmel was provided with an additional opportunity in the department of education. It was an offer he could not accept. I am of the view that it was an offer he was not likely to accept. Despite the fact that his family circumstances were such and despite his lifelong commitment to the research within the
department of education—for which he has earned an international reputation—he took a job with the National Centre for Vocational Education Research in Adelaide. In taking that job, and he made this very clear in a public interview with the *Campus Review* on 25 February 2003, he said:

The big difference is that we, the NCVER, operate at arms length from ministers so that the job of collecting higher education statistics and working in the department is quite different from the NCVER.

He said that the national training and statistics committee provides clearance on some matters but that there is:

... never any question about having to get the go ahead from ministers for statistical research publications.

That is the core of the issue here: whether or not this government ensured that public servants were not allowed to do their job properly and whether or not the secretary of the education department, who took a keen personal interest in these matters through the Crossroads review process, made arrangements to see that reports that were designed and prepared for publication were suppressed by making them advice to the minister. That is the issue in dispute—and whether or not the officers concerned were subsequently publicly admonished by way of correspondence from the current secretary of the education department and in articles in newspapers, quoting departmental officers, which said that their reports had been suppressed because they were methodologically flawed.

Professor Bruce Chapman, another world-leading expert, gave evidence to another Senate committee just last Friday. He said that these reports were not methodologically flawed. Furthermore, the CPSU branch within the department of education also wrote to the management of that department and said:

We are disappointed with the department’s response to the higher education research controversy, which implies that the work of our colleagues was seriously flawed. We are strongly committed to the role of the Australian public service in providing frank and fearless research based advice to government. Our professionalism and the expectations of the Australian public demand nothing less.

That is the position I have been upholding. I am highly offended by any suggestion that I have in any way reduced the reputation of Dr Tom Karmel when all the evidence points in exactly the opposite direction. Furthermore, Senator Brandis knows that the normal convention if you are going to make one of these outrageous and offensive attacks on a senator is to at least advise them. He should have had the guts to tell me he was going to do it before he did it rather than sneak in here under cover and then sneak out again. His behaviour is disgraceful.

BUSINESS

Suspension of Standing Orders

Consideration resumed.

Senator BARTLETT (Queensland—Leader of the Australian Democrats) (5.47 p.m.)—I got halfway through speaking about general business notice of motion No. 658, as amended, earlier before I was cut off by order of the Senate. I foreshadow that, in the interests of greater harmony, I will amend my arguments before when speaking to my motion to suspend standing orders to enable this to be moved so I shall not speak further.

Senator IAN CAMPBELL (Western Australia—Manager of Government Busi-
ness in the Senate) (5.48 p.m.)—I would like to say that Senator Bartlett has, along with other leaders and whips who we have been discussing this with throughout the course of a fairly long day, showed a lot of goodwill in trying to facilitate a consensus on a sitting schedule for next week. Firstly, in relation to the suspension of standing orders, I indicate that the government will oppose it—for a couple of reasons. It being late on a Thursday afternoon, I know that a number of colleagues—on the quite legitimate basis that, almost without exception, there are no divisions usually after 12.45 p.m. on a Thursday—have in fact made their way to the airport and are heading home to their constituencies. I am aware of a number of senators—for example, Senator Lees, Senator Harris and Senator Harradine—who are not here. So any vote we take, even on the suspension of standing orders, would not reflect the democratically elected views of the Senate.

Senator Faulkner—How do you say that? Senator Lees, in fact, was elected as a Democrat senator.

Senator IAN CAMPBELL—Fair point. The government are opposed to the substantive motion as well. I know I should not go to the detail of that in any significant respect, but I think it is worth noting that the government have said that the sittings next week will effectively be ceremonial days—as was the case under the then Keating Labor government in 1992 when President Bush Sr visited. That was a special meeting; it was not a formal sitting of the parliament. The government have followed that protocol set by the Keating government. There was a visit in 1996 by President William Jefferson Clinton. That was scheduled on a normal sitting day so that was different to the original President George Bush Sr visit.

Because it was clear that a number of senators, and potentially a majority of senators, wanted to undertake government business while many senators were in the building next week, the government, in very good faith—and I think Senator Bartlett would respect this—looked at how we could make use of that time. Although the government’s formal position was that we did not want to have sittings, we did—as I think all senators would respect—put a lot of energy today into trying to find a consensus for using the time of the Senate.

It has been problematic because the government has been negotiating with the officers of the visiting heads of state to finalise the programs for these incredibly important official visits. Many of the details of their programs have only been finalised in the past 24 hours, and many have not been totally finalised. It has been impossible to look at how you might try to put some parliamentary sittings around those visits. It has been easier to do that today; however, in the meantime senators have made travel and other plans and meetings have been organised. After all that effort I can say quite honestly, hand on heart, that it has been impossible to create a consensus around those sitting hours. It is fair to say to Senator Bartlett that it would have been of some assistance to the government to have some extra time, maybe to make a start on the Telstra bill. You would not want to impose that on the Senate unless you had a consensus. You may get a majority to sit on Thursday, but the way you should run the Senate is by consensus; otherwise, it does not work effectively. We have genuinely tried to find that consensus. It has not emerged. For those reasons, I will be opposing the suspension of standing orders.

Senator FAULKNER (New South Wales—Leader of the Opposition in the Senate) (5.54 p.m.)—I find that contribution from the Manager of Government Business in the Senate quite extraordinary. For the Manager of Government Business to argue
that his approach to these matters is one of trying to develop a consensus is not a rea-
sonable or fair reflection of the way he has managed government business in the period 
that he has had responsibility for that impor-
tant task. Most fair-minded and objective 
senators would acknowledge that the reason 
this Senate has worked as well as it has is 
because of the fair-mindedness and the ca-
pacity of the opposition to ensure that extra 
sitting hours, days and weeks have been pro-
vided. The government’s incompetence and 
intransigence in its management of the pro-
gram are legendary. I find it quite hypocriti-
cal of the Manager of Government Business 
to make those sorts of statements.

Let me go to the substantive question be-
fore the chair. I want to do that so I can sit 
down before 6.00 p.m. because of the provi-
sions of standing order 57(3). I indicate first 
of all that the opposition will be supporting 
the suspension of standing orders that is pro-
posed by Senator Bartlett. We indicated in a 
debate at the end of the last sitting week that, 
given the uncertainties in relation to the vis-
its of President Bush and President Hu, there 
was a requirement for the Senate to try to 
establish, firstly, the timing of those ad-
dresses to the parliament and, secondly, what 
other functions would be taking place, in or 
outside this building, which would involve 
senators and members, so we could build an 
appropriate program around the joint sittings. 
The opposition believe the Senate should sit. 
My colleagues Mr Crean and Mr Latham 
argued very effectively and persuasively that 
this should also occur in the House of Repre-
sentatives.

I am very happy to support the suspension 
of standing orders motion that stands in 
Senator Bartlett’s name. I also want to indi-
cate to the Senate that, in broad measure, I 
support the substantive motion before the 
chair. I do take issue with one proposal in the 
substantive motion which is contained in 
paragraphs 1(b)(i) and 2(b)(i) and deals with 
notices of motion. I think it is a very sensible 
proposition for us to deal with government 
business only and be quite strict and clear on 
that approach to this particular sitting of the 
Senate. I indicate to the Senate when we get 
to dealing with the substantive motion that I 
will be proposing an amendment to ensure 
those particular subparagraphs be omitted.

The arguments for the Senate to sit are 
strong. Even though this did not find favour 
in the House of Representatives, senators 
need to be aware—and the Australian public 
need to be aware—that these parliamentary 
sittings do not happen without a great deal of 
expense. It costs a lot of money to assemble 
us all in Canberra for two days. If there is 
going to be that cost to the taxpayer, the tax-
payer is entitled to expect a little bit of out-
put from their parliamentary representatives, 
beyond just being present at a ceremonial 
sitting. That is the approach the opposition 
are taking. We are consistent in relation to 
those matters. The Labor Party will support 
the suspension of standing orders and we 
support, with the minor amendments I have 
outlined, the substantive proposal. I will say 
more about that when that debate is before 
the chair.

Senator MURPHY (Tasmania) (5.59 
p.m.)—This whole process has been some-
what of a debacle. I do not disagree with 
Senator Faulkner in respect of the Senate 
sitting; in fact, I would be happy if we sat all 
next week. I acknowledge that we have 
George W. and the Chinese President com-
ing, but I have to say it amazes me that 
somehow these arrangements cannot be or-
ganised at least a few days in advance, to 
allow us to have a proper debate and con-
sider what we are doing with our time. I just 
cannot see why it is so difficult for the Aus-
tralian government to organise a visit and, 
indeed, for the Americans to be able to tell
us, ‘The President will be available at this point in time’—

The ACTING DEPUTY PRESIDENT (Senator McLucas)—Order! It being 6 p.m., under the standing orders, the Senate should proceed to considering government documents.

Rearrangement

Senator LUDWIG (Queensland—Manager of Opposition Business in the Senate (6.00 p.m.)—by leave—It has been quite an interesting afternoon. I seek leave for the Senate to consider a proposal pursuant to standing order 75—which, I understand, has been submitted by Senator Hutchins—until not later than seven o’clock this evening. I will explain that. There was originally to be general business this afternoon which was going to be the matter of public importance. It would normally have kicked off in the early afternoon. We would have then proceeded to general business, which was scheduled for Thursday for no later than 4.30 p.m., which would have dealt with CLERP 9.

Unfortunately, we did not get to either of those two significant debates that the opposition wanted to have this afternoon. We have then sought the cooperation of the Senate to deal with standing order 75 in the time for consideration of committee reports, which is also a time in which the opposition takes the opportunity to deal with reports. Should standing order 75 expire prior to 7.00 p.m., we can go back to those reports. If not, they can be held over until the next time we are here, and then we can deal with those important government documents. I do ask the Senate to consider granting leave so that we can at least turn today to the important matter of public importance that Senator Hutchins has proposed.

Senator BARTLETT (Queensland—Leader of the Australian Democrats) (6.02 p.m.)—I seek leave to make a brief statement before I give leave or do not reject leave or something like that.

The ACTING DEPUTY PRESIDENT (Senator McLucas)—Leave is granted on the matter of seeking leave to speak.

Senator BARTLETT—I do not intend to refuse leave, because I think it is important to have the debate. I think most of the debates we have had today actually have not been that important, but the one that it is proposed to have now is important. I am happy to have it. I would just like to wrap up the debate that I had almost wrapped up twice before I give leave for the MPI. I seek leave to have two or three more minutes to finalise that.

The ACTING DEPUTY PRESIDENT—Senator Bartlett, you are seeking further leave to speak on another matter; is that correct?

Senator BARTLETT—I want to give leave to Senator Ludwig, but I want to actually finish making my point.

Senator Faulkner—Madam Acting Deputy President, I rise on a point of order. Senator Bartlett actually has leave and is on his feet. I think he is entitled, given that he has got leave—I think he hinted at this—to deal with the issue that Senator Ludwig raised. Senator Bartlett has leave; I do not think he needs, when he has got leave, to ask for leave again—

Senator Ian Campbell—Double leave.

Senator Faulkner—Double leave, yes. I do not think it is necessary. Unless I am missing something, Senator Bartlett, you have got leave and away you go.

The ACTING DEPUTY PRESIDENT—Senator Faulkner, I think you are correct.

Senator BARTLETT—Thank you. Now I realise that I have unlimited leave, I have a good three hours of speeches in my pocket that I shall now give! Due to a range of cir-
In the circumstances, there are a few points that I want to make in quick succession which I hope a few people take note of, because they are suggestions for the future. As somebody said to me earlier on—I think it was Senator Faulkner—‘The Senate today has been dysfunctional.’ Usually it is not dysfunctional, but today it has been a complete and utter debacle. I think the Senate’s complete operation from 9.30 this morning should be referred to the Procedure Committee as a case study of how not to have the Senate run. There are plenty of issues as part of that.

Obviously, by virtue of six o’clock kicking in and preventing divisions from taking place—unless one wanted to move to suspend the standing orders for that as well—I am not completely naive enough to suggest I did not realise that that was what was happening. I am sure there are not too many tears being shed on any side of this place at the prospect that perhaps they will not have to sit and do business next Thursday or Friday—

Senator Faulkner—Speak for yourself: our position is clear.

Senator BARTLETT—Your position is very clear indeed, and, as I said, I am sure there are not too many tears being shed—

Senator Faulkner—We don’t descend into tears, Senator.

Senator BARTLETT—indeed, you will not—at the fact that we will not be doing business next Thursday or Friday, other than sitting and listening to presidents. It is curious for Senator Ian Campbell to say he has been seeking to be cooperative all day and getting consensus on this—and then at the end of it all saying he is going to oppose it. Ideas of consensus and goodwill are always curious, but they are always ones that are worth remembering for the next time goodwill and cooperation are sought.

I think a couple of other things have come up, but the fact that we did not do any government business today at all because of the Bali ceremony—and I do not dispute the desirability of that at all—has meant that we are now another day down on the number of days that we have considered government business. We are now definitely at a record low of Senate sitting days for government business in a non-election year for about 30 years. I hope the government remember that next time they complain about the Senate holding up the program. Now another opportunity to have two more days of government business has been thrown out the window. It is worth remembering that a couple of weeks ago we removed another couple of days that would have had government business so that we could have estimates committees instead. At the start of the year, the Democrats were complaining about the lack of time that we had been given to consider government legislation—it being amongst the lowest ever. Since then, we have gone backwards probably four or five days. This opportunity, of course, occurs—

Senator Faulkner—But what about giving Senator Hutchins a go for his matter of public importance now?

Senator BARTLETT—I thought it was unlimited and open-ended.

Senator Faulkner—it is unlimited, but let’s hope you don’t make what has been a dysfunctional day even more dysfunctional by your dysfunctional speech.

Senator BARTLETT—That is a bit harsh.

Senator Faulkner—It’s a bit harsh, but it’s warranted.

Senator BARTLETT—I think it is not warranted—

The ACTING DEPUTY PRESIDENT—Order! Interjections are inappropriate.
Senator BARTLETT—If you want to suggest my speech is dysfunctional, I will have to speak longer to fix up the dysfunctionality, so it is probably best not to provoke me.

Senator Faulkner—All right, I won’t provoke you.

Senator BARTLETT—I know we try to work cooperatively and that we have pairs. That is all very good and it is part of ensuring that we can have the parliament running whilst enabling some of us to attend to other duties. I am not disputing that. But this idea that we cannot consider anything significant on Thursday afternoons because everybody has already gone home sends a pretty dangerous signal, I suggest. The public expects us to be here. Senator Ian Campbell suggested that it is not really fair to bring this on now because people have already gone home. If that is what people want, maybe we should make it a reality and go home at 3 o’clock, rather than have Thursday afternoons treated as a joke. Taxpayers pay us to be here and they expect us to deal with serious business.

It was suggested that somehow the process of the proposal to have extra government business has been a debacle. The proposal was first put up last week, of course, and was knocked back for reasons that had some substance. It was again given notice of yesterday. It was prevented from coming up this morning because people have already gone home. If that is what people want, maybe we should make it a reality and go home at 3 o’clock, rather than have Thursday afternoons treated as a joke. Taxpayers pay us to be here and they expect us to deal with serious business.

Senator IAN CAMPBELL—It is, and it is the truth. It is better that Senator Bartlett understands this—Senator Carr interjecting—Senator IAN CAMPBELL—I would like to continue, but Senator Carr is interjecting. For example, the health bill has been referred to a committee for 19 weeks—other bills for 11 weeks. Most of the bills will not come back until November. We will have an
urgent need for more hours towards the end of November, but we are not short of hours right now. That is because the Senate, in their wisdom, have decided to refer off to committees all of these important bills, which are to come back in the last fortnight. I respect that, but the reality is that you end up with a logjam at the end of the year. The Senate have decided to do that; not the government. The government has no urgent need for extra hours at the moment, but if the Senate want to debate these bills when they return, we will need an enormous amount of time to do so.

Senator Bartlett—So you actually do not want any of these 21 bills?

Senator IAN CAMPBELL—We need them all, Senator Bartlett. You obviously do not want to understand the way the Senate runs. Clearly you just want to make cheap political points. You want to score points against Meg Lees and I am wasting my breath trying to explain how it works because you may never wish to understand.

Leave granted.

MATTERS OF PUBLIC IMPORTANCE
Howard Government: Social Welfare Policy

The ACTING DEPUTY PRESIDENT (Senator McLucas)—The President has received a letter from Senator Hutchins proposing that a definite matter of public importance be submitted to the Senate for discussion, namely:

Dear Mr President

Pursuant to standing order 75, I propose that the following matter of public importance be submitted to the Senate for discussion:

The Government’s failure to alleviate the plight of the 2.4 million Australians who live in poverty, and the increasing divide between rich and poor.

Yours sincerely

Senator Steve Hutchins
Labor Senator for New South Wales

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

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

The ACTING DEPUTY PRESIDENT—

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

Senator HUTCHINS (New South Wales)

(6.14 p.m.)—Madam Acting Deputy President McLucas, you would be aware—I know a number of my colleagues on this side are aware—that we are coming towards the end of what has been designated by the charitable agencies as Anti-Poverty Week. Throughout this week, the likes of St Vincent de Paul, Uniting Care, Anglicare, Mission Australia, the Salvation Army and any number of other voluntary organisations have been trying to highlight to the Australian community, and indeed to decision makers, that there is a growing divide between rich and poor in this country. However, from my understanding, there has been no response whatsoever from the federal coalition government to any of the suggestions or inputs from these agencies about what they see as the growing divide between rich and poor in this country. It is a fact that between 1996 and 2001 the top 20 per cent of Australian incomes rose at a rate seven times greater than the bottom 20 per cent. That translates into dollars this way: the top 20 per cent received a $109 per week increase and the bottom 20 per cent received a $3 a week increase.

As you would know, Madam Acting Deputy President, members of the Community Affairs References Committee—you and I, along with others—travelled throughout the
country on an inquiry into poverty and financial hardship. We know exactly what is happening out there. I want to highlight to the Senate a few of the things that are occurring. I know when our coalition speakers get up they will say that an economic miracle has descended upon this country and that everyone in this country is a recipient of that miracle, but Lutheran Community Care, in South Australia, told our committee about two old women who cannot afford to have a set of glasses each and share one set of glasses.

The Salvation Army, in Tasmania, told us about pensioners who go to bed at teatime because they cannot afford the electricity bill. Mission Australia told us that in the last two years there has been a 12 per cent increase in their services to people. The Mathew Talbot Hostel in Sydney, run by St Vincent de Paul, said that in 1998 they helped out 23,000 people, and in 2002 they helped out 43,000 people. The Uniting Church in Canley Vale, in Sydney, said that last year they fed 15,425 people, which was a marked increase on the number of people they fed the year before. The Salvation Army, in Ballarat, said that there has been a significant increase in the number of clients that they are looking after. Financial counselors in Lismore said that in the year 2002 they helped out 106 people, and in the year 2003—that is, January to June—they helped out 230 people, a 30 per cent increase. Lifeline, in Northern Rivers near Lismore, said that the requests for material aid have increased by 140 per cent over the past few years. Anglicare, in Wollongong, said that they have had a 20 per cent increase in the number of people seeking assistance from them, and that the number has been steadily growing since 1999. WACOSS, in Perth, said that in the last four years there has been a 240 per cent increase in the number of people seeking assistance from them.

We went to Townsville to the St Vincent de Paul conference—there are a number of conferences—with 88 volunteers. They said that in the year 2001-02 they received 3,542 requests for assistance and in 2002-03 they received 6,332 requests for assistance. How is this economic miracle—which those on the coalition side will tell us about shortly—percolating down to the 20 per cent? Clearly, it is not.

I go now to homelessness. Every one of those agencies that I told you about earlier—St Vincent de Paul, Anglicare, Uniting Care, the Salvation Army and Mission Australia—said that homelessness in this country is growing. They also said that the profile of people who ask them for assistance is changing, and it has changed in the last seven years. Women and children are now seeking assistance from them, not burnt out men or drunks or whatever other caricature you may think of. They are women, children and young men—people who have become desperate and homeless. This is what is happening in John Howard’s Australia.

Another thing that is happening to these 2.4 million people that we will not hear about from the coalition speakers is the number of breakfast programs that are being conducted each day in this country. We are not a Third World country. The lady who runs the Uniting Church operation in Canley Vale said, ‘It’s disgusting that we’ve got a soup kitchen; we are not a Third World country.’ The Brotherhood of St Laurence, in Melbourne, conducts a breakfast program for children. St Vincent de Paul, in Newcastle, pays the Red Cross to conduct a breakfast program for children. Uniting Care does the same. St Vincent de Paul, in Lismore, does the same. So there is a pattern there. The only people who seem to be sharing in this economic miracle—this so-called great economic growth that we will be told about shortly—are the top 20 per cent. If you are
on the bottom, as far as this government is concerned you will stay on the bottom. There is no incentive for the government to get people out of the predicament they are in—none at all. The government has condemned them to the life that they are in. The government has not even said a flaming word this week about what is happening out there. Not the Prime Minister nor one of your ministers, that I can see, has said a word about it. The only parties that have said something are my party and a number of the other minor parties. I ask you: when are you going to help the homeless? When are you going to help the destitute? When are you going to help the dispossessed? (Time expired)

Senator HUMPHRIES (Australian Capital Territory) (6.22 p.m.)—Like Senator Hutchins, I have spent a lot of time travelling round Australia, undertaking public hearings with the Senate Community Affairs References Committee on the question of poverty. And, like him, I have been appalled to see that large numbers of Australians live in poverty.

Senator Carr—This is a discovery!

Senator HUMPHRIES—No, it is not a discovery, Senator Carr. I am very familiar with poverty. You probably quite often make the mistake of characterising members on this side of the chamber as silvertails, but that is not the case.

Senator Carr—You are inviting me to do that?

Senator HUMPHRIES—I invite you to come with me to the street in Sydney where my mother was born to decide whether that is a community born in privilege. I am appalled by poverty in Australia; I am truly appalled by it. As a member of that inquiry I saw evidence of real poverty in this lucky country of ours. It is distressing to see those illustrations of poverty in Australia today. I would describe poverty as being a blot on Australian values, particularly the value of egalitarianism, which is very important in the fabric of Australian society. Even if there are only a handful of Australians living in poverty—unfortunately, there are many more than a handful—we have a major challenge facing us as a community, and the Australian government in particular.

Having said that there is a real problem with poverty in Australia and that we must attack and eliminate this problem if possible, it is also fair to say that the inquiry of which Senator Hutchins and I have been a part has not been so successful in identifying the exact extent of poverty in Australia, or even any accurate indication of whether it is waxing or waning. It is true that there are a variety of indicators of the extent of poverty in Australia. Only last month, the Australian Council of Social Service brought forward a survey which they claimed showed that ‘a family of four needs a minimum income of $541 a week to live a healthy and decent life’. They contrasted this with the $519 which a family of four would receive on basic unemployment assistance and concluded that about $22 a week was missing from their income to reach that minimum basic standard.

That survey was based on replies elicited from a cross-section of Australian society who were asked to estimate ‘the smallest amount that a family of four needs each week to keep in health and to live decently’. The average amount that was concluded from that survey was $541. I think senators will see that there are problems with that kind of approach towards measuring poverty. People who are quite well off are being asked to indicate what they think a person who is not as well off as they are might need to survive. A recent study at the Social Policy Research Centre at the University of New South Wales said that this kind of approach leads to ‘implausibly high’ poverty estimates.
There are real concerns about whether some of the estimates being made about the extent of poverty in Australia can in fact be justified. Equally, there are a variety of views in the community, and we heard those views in the course of our inquiry, about exactly how you deal with that poverty, whether it is through simply increasing the level of income support that the Commonwealth provides or through some other ways that affect the structure of communities. It is very clear that, despite there being a problem with poverty in Australia, the evidence suggests very clearly—and no amount of shouting by Senator Hutchins is going to avoid this fact—that the plight of the poor in Australia has improved under the Howard coalition government. It has improved under whatever measure you care to use.

By far the most important foil to poverty in this country is the creation of a job. Give a person the chance to find meaningful employment and you give them the best opportunity they can receive to lift themselves and their families out of poverty. It is true that there are some Australians who are described as the working poor, people who, despite being employed, are still in genuine poverty. But the fact is that it is a gross exaggeration to say that there are 2.4 million Australians living in poverty today. That is a study which Mr Swan of the opposition has been using in recent days to indicate that Australians are living in poverty. But what his claims do not support is that real disposable incomes for the median household in Australia—I am not talking here about this top 20 per cent that Senator Hutchins referred to; I am not talking about the silvertails that he referred to—fell between 1990 and 1996, the last six years of the former Labor government, from $686 a week to $650 a week.

What does that say to us about what was going on in Australian society during the last years of Labor government? It says that poverty was getting worse. Under you lot, poverty was getting worse. You have the temerity to come into this place and lecture us about poverty when your own record is so appalling. Average incomes over that period of 1990 to 1996 fell from $766 to $747 across the board. That was what was happening to Australian families during the time you were in government.

Mr Swan and Mr Crean have been making claims about the extent of Australian poverty; and they have been citing evidence that Australia has one of the highest rates of poverty of any OECD country. They have not substantiated that claim, but most likely they are basing that information on a web site called the Luxembourg Income Study. If that is not the case, then those opposite can tell us what the source of that claim is. If indeed it is the Luxembourg Income Study web site they are basing that claim on, we need to take into account that that data is based on information collected in 1994. In other words, it is a snapshot of what was happening in Australian society in the last few years of Labor government in Australia. It is hardly a convincing case to come forward now after 7½ years in opposition and say, ‘Poverty is getting worse under the Howard government.’

The Labor Party goes on and on about income inequality and yet, according to the OECD, Australia has one of the most effective tax transfer systems in the world. Under this government, earnings and incomes at the bottom have been going up, in contrast to what happened under Labor when they were going down. Since March 1996 we have increased the real value of family support and family pensions in Australia for those people most in need of support. Pensions have increased by 10 per cent above inflation since 1996. That is what we have done about poverty in this country. That is what we have done to help those people in the community who depend upon the public purse to be able
to support themselves and their families—
increase pensions by 10 per cent above infla-
tion. We have given low-income working
families much more cash assistance than was
previously the case. For a couple with two
small children on the federal minimum wage,
that is an increase since 1996 of 62 per cent
after inflation.

As I said before, employment is the best
foil to poverty. The rate of teenage unem-
ployment during the time that Labor was in
office was one in 10; today that rate is one in
25. So, for the elderly in society, there has
been an increase in pensions of 10 per cent
above inflation and, for ordinary working
families, an increase—in the case I posed—
of 62 per cent after inflation. There has been
a fall in the unemployment of teenagers from
one in 10 under Labor to one in 25 today.
The minimum wage has risen by over eight
per cent; it fell by five per cent between 1992
and 1996. These are the indicators of what
the government are doing about poverty, and
we are proud of that record. (Time expired)

Senator GREIG (Western Australia)
(6.32 p.m.)—I also rise this evening to speak
to this matter of public importance relating to
poverty in Australia, having just come from a
meeting this afternoon with the CEO of An-
glicare Victoria, Dr Ray Cleary, which was
organised to discuss this very topic. I had a
similar meeting in my electorate office in
Perth in the last fortnight. And, as a member
of the Community Affairs References Com-
mittee’s inquiry into poverty and financial
hardship, I have heard countless examples
and stories of people’s experiences of mod-
ern Australian poverty. I tell you this because
what has been made abundantly clear
through these experiences, and what has
been stated over and over again, is that we
are facing nothing less than a very serious
situation in this country—one that, as a
wealthy nation, we cannot even begin to ex-
cuse and one for which we should feel a col-
lective sense of shame.

The figures are startling and bleak. Almost
2½ million Australians live below the pov-
terty line. Up to 800,000 children are growing
up in families where neither parent is work-
ing. More than one in 10 Australians live in
poverty. Study after study continues to con-
firm that those living in poverty are likely to
have significantly reduced health, are in-
creasingly less likely to go to the doctor,
have poorer nutrition and are more likely to
be overmedicated. Amongst the poorest of all
Australians, Indigenous people have the
worst health outcomes by far and experience
significantly reduced life expectancy when
compared with non-Indigenous Australians.
Lower income Australians experience lower
education outcomes, generally leaving edu-
cation at an earlier stage and attaining fewer
qualifications than higher paid Australians.
The consequence for many is that they are
much more likely to be either unemployed or
underemployed—that is, to be in precarious
and low-paid forms of casual, part-time, sea-
sonal and contract work with fewer and
fewer entitlements, rights and safeguards
protecting the durability and conditions of
their employment. The number of people
who are long-term unemployed and entirely
reliant on Centrelink payments—often
through no fault of their own, I might add—
continues to grow and, with it, we have wit-
nessed the growth of intergenerational un-
employment and poverty.

The reality of the extreme hardship faced
by these families and individuals amounts to
a national tragedy: families struggling to
meet food bills, let alone being able to afford
to send their children on a school excursion;
the elderly pensioner who freezes in winter
rather than risking unaffordable power bills;
and the person with a disability or mental
illness who is unable to afford their medica-
tion or their in-home support or a social out-
These are the types of common experiences that hundreds of thousands of Australians face every day, and this gap between the rich and poor and the haves and the have-nots continues to grow.

Drawing public attention to these issues continues to be a difficult exercise. The constancy of poverty and its lack of a ‘shiny saleability’ means that only very limited public space and attention is paid to it. The space that is devoted often lacks a broader contextual critique. It often scapegoats or focuses on the ways in which costs are created for the whole community: for example, property crime, robbery and violent assault, costs of welfare, drug and alcohol abuse, mental illness, depression, suicide, domestic violence, homelessness and long-term unemployment.

The government must accept responsibility for, on the one hand, allowing this disparity to continue to grow while, on the other hand, continuing to fuel community sentiment that seeks to blame the poor for their own predicament. The government has taken one step after another to tighten eligibility and remove supports from those who need them most, while at the same time requiring that a greater number of obligation hoops be jumped through. The track record reads like a litany of complete heartlessness, with measures that have resulted in withdrawn payments, breaches, debts, complicated income-reporting arrangements, and regular, lengthy and invasive reassessments. These measures have impacted upon some of the poorest in the community, including the long-term unemployed, people with disabilities, parents of children with disabilities, the mentally ill, single parents, students, the homeless, older Australians and working families—and all of this for payments that, in most instances, do not even meet the most basic costs of living.

As reported in September by Roy Morgan International, a family of four needs $541 per week to keep in health and to live decently, significantly more than the families of 800,000 children are receiving, with two-by-two families currently eligible for just $473 per week plus rent assistance, if they qualify. Why has the government pursued this agenda? At its base is the desire to cut costs at a time when unprecedented expenditure has occurred in other areas, such as the war in Iraq and to fund the Pacific solution. The government has simply argued that these cuts are necessary because we can no longer afford to sustain the current system. Even so, the government was able to announce tax cuts of a few dollars per week, although several polls indicated that the vast majority of Australians would much rather support trading-in the minister’s hamburger and coke windfall for increased social spending.

Nevertheless, the government has the audacity to then accuse the Senate, and we Democrats in particular, of being obstructionist for refusing to support these measures. We have been obstructionist, it is alleged, for arguing against pushing people with disabilities off the pension or restricting the pension education supplement, removing the Student Financial Supplement Scheme or forcing students and their families to pay more for their higher education or more to go to the doctor. How can the government respond to this so-called obstructionism? By announcing another larger than expected budget surplus. The truth is that, rather than preventing the government from prosecuting its agenda, we have brought some heart and social responsibility to it. Further, we have pressed the government to push ahead with those parts of its welfare reform agenda that would create a simpler, fairer and better targeted system. We have argued that the solving of the problem of poverty traps involves significant tax and welfare reform and we
have outlined options to raise as much as $5 billion as a contribution to funding them. These measures include means-testing the private health rebate, reform on negative gearing and fringe benefits tax concessions on company cars.

The Democrats will continue to push for broader reforms because we do not believe that entrenched issues of poverty that we are now experiencing in this country will be resolved through minor changes that merely tinker at the edges of the problem. We call again on the government to support the notion of a national poverty summit with targets for income, employment, health, education and community services and to work towards the immediate development of measurable targets that enjoy cross-party support and longevity, and against which all future safety net decisions are assessed. (Time expired)

Senator FORSHA W (New South Wales)
(6.39 p.m.)—I rise to speak on this matter of public importance about the terrible situation of poverty and financial hardship facing an increasing number of Australians and Australian families. To go back to discussions in this chamber in the last hour or two, I think it is very significant that we are here on Thursday evening discussing this most important issue, and I am pleased that this matter of public importance moved by you, Mr Acting Deputy President Hutchins, has been able to be debated here this evening.

I acknowledge that Senator Humphries in his remarks acknowledged that there is a problem of poverty, and I believe that he accepts that there is an increasing difficulty for many Australian families, particularly the working poor. Whilst we may debate some of the statistics and so on, I think Senator Humphries, through his involvement in the Senate Standing Committee on Community Affairs inquiry into poverty and financial hardship, has been one from the coalition side who has taken a responsible and, indeed, a caring attitude to this issue.

There have always been poor people, and no doubt there will always be poor people, who are in desperate circumstances. But there have also always been charitable organisations and governments which have sought to assist those people who have been unable to escape the poverty trap—organisations like St Vincent de Paul, the Uniting Church, the Smith Family, the Red Cross and so on. We all know them and I think all of us have had many years of contact with those organisations. I, indeed like all other members of parliament, know people who have worked as volunteers for those organisations. But what is startling today and what has come through the poverty inquiry that has really struck me is hearing evidence from those volunteer workers, those ordinary men and women who devote their spare time to helping those agencies, that the situation is far worse than it has ever been.

I remember particularly the hearings in Lismore and being struck by the evidence from people—decent, humble, caring people, not academics, not experts, not agencies, not people who may want to talk about definitions of poverty, and all of those issues are terribly important—who said to us, ‘It is just getting worse and worse all the time; we cannot cope anymore with the number of people and families who we have to provide assistance to.’ They told us that the demands placed upon them are now more complex and far greater than they ever were.

Senator Hutchins mentioned the situation of kids in this country who go to school without breakfast. This is one of the wealthiest countries in the world, with one of the best health systems and one of the best education systems. Why is this happening? Why are children going to school without any
food in their stomachs? Elderly people in Hobart are going to bed early because they cannot afford to pay the heating bill to keep themselves warm. This is what we were told—and those people were telling the truth. You could see it; you could hear it. They did not come along with fancy prepared submissions to argue some academic treatise. They told us real stories about how they were impacted by poverty and severe financial hardship, and how they constantly dealt with it.

Mention has been made of services that increasingly have to be provided by groups like St Vincent de Paul and others. They are no longer just the organisations that would help out a family in a sudden crisis or help the desperate alcoholic on the street or a person with a drug problem. They are constantly having to deal with families that are facing financial catastrophe. The committee was told in Lismore that the financial counselling service there has a six-week waiting list for people to see them to try and sort out their problems. Often these people’s only solution is to go into bankruptcy.

If you look at the figures that have been released today by the Reserve Bank, you can see that credit card debt in this country has now reached $24.8 billion. The government lectures and boasts about its record of low interest rates. Sure, interest rates are low in the housing market—but look at credit card debt. Families who cannot afford to pay their education expenses, their health expenses or all the other expenses that they are facing are increasingly going more and more into debt just to survive. This is happening today, and the problem is skyrocketing.

When you talk about housing, housing interest rates might be low, and that is okay if you have a decent family income and you have got yourself established and you have got your land and your loan, but try getting housing in Sydney if you cannot get on the first rung of the ladder. Try raising a deposit to buy a house. Try to even get decent rental accommodation at an affordable price. In many parts of Australia, particularly rural and regional areas, it does not exist anymore. We could talk about this issue for hours and hours, and I am sure we will get more opportunities as the months go on. But I think all of us on that committee have come away with an understanding that there is a really severe problem out there in Australia. It is a problem that should not exist today with the wealth and prosperity that this country enjoys. It is our job to do something about it.

Senator TCHEN (Victoria) (6.47 p.m.)—I rise tonight to speak on Senator Hutchins’s matter of public importance on poverty and the elimination of poverty. I am intrigued to find that Senator Hutchins is interested in the elimination of poverty because this is a subject on which it is recorded that someone made a demand about 2,000 years ago. I think the answer to that particular demand was salutary as well. Possibly Senator Hutchins was affected by his recent success in his preselection, getting the No. 1 position on the New South Wales ticket and knocking off someone who is rather more important in the opposition ranks that he is. Perhaps it has gone to his head and he is moving on to the next level of achievement.

Senator Carr—What number will you get in Victoria?

Senator TCHEN—Probably fourth! However, poverty is a real issue; it is not just an issue for someone to come into this house and make a lot of noise about. I think Senator Forshaw unfairly reflected on Senator Humphries in saying that his attitude was unusual. In fact, Senator Humphries’s care and concern and his knowledge about poverty issues are quite common amongst coalition members. Senator Forshaw was talking about the people we met and the volunteers
in the community—the decent, caring people who help people who are unfortunate. I am sorry that Senator Forshaw did not talk to these people in more depth. He would have found that most of those people are in fact coalition voters.

However, Senator Forshaw is quite right in saying that poverty is a real issue and we recognise it. The real issue is not that these people in the community cannot pay for essentials. The real question we need to ask is: what are these people paying for that does not leave them enough money to pay for essentials? As Senator Forshaw and Senator Hutchins said, Australia is a First World country. So why do we have this problem of the Third World countries?

The coalition believes that the best way of eliminating poverty is to make sure that everyone has a job. This government has set out to achieve this and has succeeded in providing employment opportunities for more Australians than ever before—certainly many more than during Labor’s 13 years. For the benefit of Senator Hutchins, who brought this matter of public importance to the chamber, can I remind him that in Sydney’s central western statistical region, the region in which his office is based, unemployment reached 20.7 per cent under the previous Labor government. According to the latest quarterly national labour force statistics update issued today, unemployment in his region is now at 5.8 per cent—about a third of what it used to be. For the benefit of Senator Forshaw, who just spoke on this matter, in the region where his office is located, the St George and Sutherland shire, unemployment in the Labor years was 8.8 per cent. Obviously Senator Forshaw lives in an area of much more affluent suburbs. By comparison, today’s figures show that unemployment in the St George and Sutherland shire has dropped to a low 3.3 per cent. Overall in New South Wales, where these two worthy senators come from, unemployment is roughly half the rate it was when it peaked under Labor at 10.8 per cent. So this government has achieved a great deal in making sure that people do have jobs. But let me acknowledge that poverty is a perennial problem and we can never get rid of it.

There are two kinds of poverty in the community: absolute poverty and relative poverty. I want to talk about one group of people in Australia who are living in absolute poverty, however you measure it—people who live in Third World conditions in this First World country. I speak of the Indigenous community. The wellbeing of Aboriginal people in Australia has improved in absolute terms under the Howard government in areas such as school retention and tertiary education. There is no doubt about that. We heard this afternoon from the Minister for Immigration and Multicultural and Indigenous Affairs, Senator Amanda Vanstone, that record amounts of money and effort are going into trying to solve the problem of Indigenous disadvantage—rising from $1.2 billion in real terms in 1995-96, the year before we took over, to a record of $2.72 billion in this year’s budget. We are targeting the key areas of employment, education, health and housing and are spending almost 30 per cent more than in 1996 in real terms.

This investment is delivering results that make a real difference to people’s lives and opportunities. In education, for example, the government is committed to increasing the literacy and numeracy of Indigenous Australians. It is well known that children who can read and write have the best chance of going on to complete high school and tertiary education and to secure employment. That is the area we are focusing on. Evidence shows that there has been a significant improvement in that area since 1996. The proportion of Indigenous adults who left school before their 15th birthday has fallen from 44.2 per cent to 33.4 per cent—a one-third decrease.
The proportion of Indigenous children who stay at school through to year 12 has increased by 30 per cent. Nearly 60,000 Indigenous people registered for post-secondary vocational education and training in 2002. That is a record. It is double the 1996 figures. We have also seen Indigenous students enrolling in bachelor or higher degree courses increase by nearly 25 per cent. These are real achievements.

In the employment area, between July 1999 and August 2003, under the government’s Indigenous employment policies, over 18,500 Indigenous job seekers gained access to accredited training and employment through structured training and employment projects. Over 8,500 have found jobs through wage assistance. Things are getting better, but this is not to say that everything is good and we can sit back and be complacent. The living standards for Indigenous Australians have certainly improved markedly under the Howard government, and we will continue to work on that.

Earlier I was talking about relative poverty. Senator Hutchins was talking about comparing the top 20 per cent and the bottom 20 per cent of incomes. But Senator Hutchins does not take into account the fact that the actual difference is much less than his raw figures show, because of our tax structure. People on incomes in the bottom 20 per cent rarely have to pay any tax, whereas, on the marginal tax rate that those in the top 20 per cent are paying, half their income goes in tax. So it is not a real measure.

However, I can understand why the Labor Party think they have a solution to resolving the poverty problem by just taking this top 20 per cent and bottom 20 per cent comparison. The Labor Party have a simple solution: if we increase the number of people who are on low incomes—which they achieved in their 13 years, with no real growth in wages—then obviously the difference between the higher incomes and the lower incomes will decrease. The gap will decrease because, if you make everyone poor, there will be no relative poverty. North Korea has achieved that. Is that the Labor Party’s policy—that we should have an economy and society like the North Koreans? (Time expired)

Senator MOORE (Queensland) (6.57 p.m.)—In the very short time I have I will go right to what we should be doing about this issue—that is, cooperating. Instead of arguing across the chamber about who is right, who is wrong, whose stats are right and whose stats are wrong, and talking about mind-boggling concepts such as moving the culture towards that of North Korea, we should be listening to the people who are working in this area, and most speakers have mentioned these people. What we have now, in Anti-Poverty Week in Australia, is an acknowledgement by the people who work in the community that there is poverty and that there can be achievements to overcome it in our society.

A wide and diverse group of church groups, as part of their action for this week in raising awareness and focus, have written to every government in the country—the federal government and all state and territory governments—telling us that it is about time that we did our job. They have said that there is poverty in our community and that, rather than arguing about what it is and what the stats are, we should be working cooperatively to address the issue. That should be the focus of our debate, rather than judgments about what causes poverty and whether it was worse in 1994 than it is now. When you talk to people who are suffering, you find that they do not really care whether it was worse in 1994 or 1954 or, in fact, whether it
is going to be any worse in 2004. They are busy trying to survive.

I think that governments can achieve some kind of solution. The idea of a national forum which brings people together to work through the issues and identify how there can be a whole-of-government response is one that has absolute value. However, I have to admit that, having heard the debate we have had and the rationale that has been put forward, my fear—which we have raised through the committee—that it is going to degenerate into a lot of hot air and argument has been raised again. Certainly, I hope that through this debate we will be able to acknowledge that there are people who are suffering disadvantage in our community.

We can take heart from the work that is being done, mainly by the volunteer organisations that Senator Greig and Senator Forshaw talked about and whom we have met—we know them. We can look at the statistics and at the argument and the definition that UnitingCare put up. Perhaps we can consider this definition:

Poverty exists. It’s more than just income deprivation; it’s about being vulnerable, excluded, different and feeling like you don’t matter. The aim must be to empower and support individuals, families, communities and governments from the ground up, as we work together to build a just and compassionate society where everyone has access to the social opportunities and basic goods required to live a decent life.

(Time expired)

Senator NETTLE (New South Wales) (7.00 p.m.)—I seek leave to incorporate my remarks on this matter of public importance.

Leave granted.

The document read as follows—

The Australian Greens congratulate the community groups and religious leaders who have organised the first national Anti-Poverty Week. Their efforts remind us of the continuing injustice that exists in this wealthy land.

The Greens support the call for governments to convene a national forum to develop strategies for poverty reduction. We believe it is possible to eradicate poverty, not only in Australia but everywhere in the world. All that is required is the political will.

The Greens moved a motion earlier this week supporting a national forum and calling on the Commonwealth Government to lift its official development assistance to the UN target of 0.7 per cent of Gross National Product. We were disappointed that Labor could not support our motion.

Australia’s overseas assistance contribution now sits at almost half the rate it was three decades ago—down from 0.48 per cent to 0.25 per cent. In constant 2002-03 prices, the monetary value of our assistance is a mere $400,000 million more than it was in 1971-72.

There are pressing needs overseas—to eliminate hunger and malnutrition; to provide access to safe drinking water; and to provide shelter. There is also much need in Australia.

Australia has recorded almost 12 years of economic growth and yet the proportion of our fellow citizens who live in poverty remains virtually unchanged from the time of the landmark Henderson poverty inquiry three decades ago.

Community groups estimate two million, four hundred thousand Australians live in poverty. That is more than one in every ten Australians.

There is debate about how we measure poverty and it is important to establish an agreed benchmark, but conservatives have used this matter as a diversionary tactic to turn the debate into one about numbers.

The fact of the matter is that members of our community are struggling every day to provide for their most basic needs of shelter and nutritious food.

They are excluded from the kind of life that many of us take for granted, and they are excluded from participating fully in the economic, social and cultural life of our nation. They are denied the right to live with dignity—a fundamental human
right—and they are denied the right to be full citizens.

The Greens are working for a socially responsible society where everyone contributes according to their ability and resources, and where the community ensures that no-one need do without the necessities of life.

We want a world that shares its resources equitably, within and between nations, and from one generation to the next. We will achieve such a world when citizens support these objectives, when they demand governments do likewise, and when governments commit to achieve them.

Economic growth, measured in conventional terms, has made no appreciable impact on poverty in this country. Left to the market, it never will. That is why governments must intervene to redistribute wealth and to fund basic services such as health, education, income support and public housing.

The most fundamental change required to eradicate poverty in Australia is tax reform. We need progressive taxation—not a regressive goods and services tax.

We need an end to the loopholes, tax concessions and rebates that go to those who do not need them. We need to find a way to reduce the tax levels on people moving from income support to paid work, particularly on low wages, whose marginal tax rates are as high as 80 per cent.

We don’t need more $4-a-week income tax cuts like the ones this year that squandered $2.4 billion worth of public funds. Surplus Commonwealth funds should go to assisting those most in need, not fiddling with the top tax bracket, and they should be invested in the social wage—those services that benefit all of us directly or indirectly, like education, health care, childcare, and public transport.

Instead, the government is trying to privatise health and education: pushing people into private health insurance, turning Medicare into a safety net, channelling more funds to private schools, and foisting a higher burden of debt on university students.

Joblessness is the major cause of poverty yet in 12 years of economic growth we have made almost no inroads into the unemployment rate.

While official unemployment has dropped slightly to 5.8 per cent we know that this measurement does not reflect reality. Close to one million Australians are discouraged job seekers. Almost half the workforce is employed part-time or as casuals, with few entitlements and little or no security.

The government wastes the parliament’s time introducing bill after bill aimed at making it more difficult for working people to maintain and improve their working conditions and pay while it does nothing to rein in obscene executive salaries and options, and continues to provide corporate tax breaks.

Those without paid work are vilified, and subjected to a punitive breaching regime that has deprived people of $1 billion since 1996, an approach that creates not one more job—which is the real issue.

We need a concerted effort to generate employment, to improve the security of work, and to fund the many socially useful and environmentally beneficial tasks that need doing.

And we need to provide adequate financial and other support for those who cannot work or who choose to make their contribution to society in other useful ways.

We can create a society where everyone’s needs are met; where everyone is able to participate fully in the political, economic, social and cultural life of the nation, but we need to change our priorities and make a firm commitment that we desire an Australia free of poverty.

The ACTING DEPUTY PRESIDENT (Senator Hutchins)—Order! The time for the discussion of the matter of public importance has expired.

COMMITTEES
Membership

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

Senator TROETH (Victoria—Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry) (7.01 p.m.)—by leave—I move:

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

Employment, Workplace Relations and Education References Committee—
Appointed—Substitute members:
Senators Collins and Cook to replace Senators Carr and Crossin for the committee’s inquiry into the exposure draft of the Building and Construction Industry Improvement Bill 2003

Legal and Constitutional Legislation and References Committee—
Appointed—Participating member:
Senator Bishop.

Question agreed to.

Reports: Government Responses

Senator TROETH (Victoria—Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry) (7.01 p.m.)—I present three government responses to committee reports as 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 Report of the Joint Standing Committee on Electoral Matters: The Integrity of the Electoral Roll
Review of ANAO Report No. 42 2001-02, Integrity of the Electoral Roll

Recommendation 1

The Committee recommends that the Australian Electoral Commission set a target for Electoral Roll accuracy, embracing accurate name, birth date and address and, commencing in 2002-03, use this target as a performance indicator in its Portfolio Budget Statements and report performance in its annual reports.

Response

Supported. The Australian Electoral Commission (AEC) is in the process of developing revised performance indicators. However, the AEC may not be in a position to report on the basis of the performance indicators until the necessary management information system is fully implemented, which is expected in the 2005-06 financial year.

Recommendation 2

The Committee recommends that the Australian Electoral Commission set a target for Electoral Roll validity and, commencing in 2002-03, use this target as a performance indicator in its Portfolio Budget Statements and report performance in its annual reports.

Response

Supported. The AEC is in the process of developing performance indicators. However, the AEC may not be in a position to report on the basis of the performance indicators until the necessary management information system is fully implemented in 2005-06.

Recommendation 3

The Committee recommends that the Australian Electoral Commission report to the Committee, on a 12-monthly basis, outlining the circumstances of cases where enrolment forms have not been accepted as valid immediately, but have been subject to verification.

Response

Supported. The AEC will report to the Joint Standing Committee on Electoral Matters on all cases where it is not satisfied of the veracity of the information provided by the applicant, and is required to take follow-up action.

Recommendation 4

The Committee recommends that the integrity of the Electoral Roll be tested by a total habitation review of a sample electoral division in a State which has not had an election in the 12 months preceding the habitation review.

Response

Supported.
Recommendation 5
The Committee recommends that, at the earliest opportunity in 2002-03, policies and procedures for Australian Electoral Commission staff, aimed at preventing and detecting electoral fraud, be incorporated in the proposed electoral fraud control plan.

Response
Supported. Work on this has commenced and it is anticipated that the electoral fraud control plan will be completed in 2003.

Recommendation 6
The Committee recommends that the Australian Electoral Commission provide the Committee with regular 12-monthly progress reports on its development and implementation of:
- national standards for updating the Electoral Roll; and
- a timetable for the implementation of a consistent national Continuous Roll Update program.

Response
Supported.

Recommendation 7
The Committee recommends that the Australian Electoral Commission’s Central Office conduct the negotiations with State and Territory agencies to ensure it has optimal access to relevant Continuous Roll Update data sources in all States and Territories.

Response
Supported. This matter will be taken up by the AEC with the Electoral Council of Australia (comprising the Chief Executive Officers of State / Territory Electoral Authorities together with the AEC). However, it should be noted that it may be difficult to obtain consistent access to relevant data sources across all States and Territories due to differing privacy legislation. Further, the demand power contained in section 92 of the Commonwealth Electoral Act 1918 has limited applicability to State, Territory and local government authorities. The AEC’s Central Office will continue to liaise with State and Territory Electoral Authorities.

Recommendation 8
The Committee recommends that the Australian Electoral Commission consider whether the Joint Roll Arrangements should be modernised to take into account recent changes in the Continuous Roll Update process.

Response
Supported. The AEC will consider whether the Joint Roll Arrangements should be modernised and will raise the issue with its Joint Roll Partners.

Recommendation 9
The Committee recommends that the Australian Electoral Commission conduct periodic, random spot checks of enrolment details at a sample of addresses as a means of testing whether the Continuous Roll Update process is working effectively in maximising accuracy of enrolment details.

Response
Supported. The AEC will consult with the Australian Bureau of Statistics in regards to developing an appropriate methodology.

Recommendation 10
The Committee recommends that, as a matter of priority, the Australian Electoral Commission implement more effective management information systems, with a view to ensuring it has the ability to:
- establish target levels for accuracy, completeness and validity of the Roll and assess whether targets have been met;
- determine the costs of, and timetable for, implementing the Australian National Audit Office’s recommendations;
- prevent and detect electoral fraud;
- determine the true cost of producing the Electoral Roll;
- ensure that the Electoral Roll is generally managed effectively; and
- provide greater transparency and accountability through better performance reporting.

Response
Supported. Work on developing the specifications for such a system has commenced. The AEC an-
ticipates a staged implementation with final implementation in the 2005-06 financial year.

**Recommendation 11**
The Committee recommends that the Australian Electoral Commission consider making its procedures manuals and related material available to its staff ‘on-line’, via the Commission’s Intranet, and making them available to the public where this is consistent with fraud control protocols.

**Response**
Supported. The AEC will make its procedure manuals available to staff on-line, and available to the public where this is consistent with fraud control protocols.

**Recommendation 12**
The Committee recommends that, as soon as practicable, the Australian Electoral Commission report to the Committee as to when the recommendations in the Audit Report will be implemented and, where appropriate, the funding needed to implement them. The implementation should be conducted expeditiously in order to enable a follow-up audit to be conducted well in advance of the next Federal Election.

**Response**
Supported.

**Recommendation 13**
The Committee recommends that the Australian National Audit Office conduct a follow-up audit to its Audit into the ‘Integrity of the Electoral Roll’, so that the Committee can review the Australian Electoral Commission’s progress in implementing the recommendations from the Audit Report, well in advance of the next Federal Election.

**Response**
Supported.

**Recommendation 14**
The Committee recommends that, with a view to recovering costs associated with the provision of the Electoral Roll data to Commonwealth agencies and departments listed in Schedule 2 of the Electoral and Referendum Regulations 1940, the Australian Electoral Commission:

- develop and implement a pricing regime to charge for use of Electoral Roll data; and
- review current pricing arrangements for the exchange of data with CRU data sources.

**Response**
Supported in principle. However, it should be noted that as provision of elector information to the Commonwealth Agencies and Authorities listed in Schedule 2 of the Electoral and Referendum Regulations 1940 (the Regulations) is determined by the Electoral Commissioner on the basis that the proposed use of the elector information falls within Information Privacy Principle 11 of the Privacy Act 1988, (for example, for law enforcement purposes or protection of the public revenue), the Government considers it is not in the public interest to apply full cost recovery in these instances. Furthermore, it is not appropriate to apply full cost recovery for such products in cases where the AEC receives valuable reciprocal information for roll maintenance purposes.

Although noting that intra-agency and intergovernmental charging are excluded from the Government’s Cost Recovery policy (of December 2002), the AEC has taken the Guidelines into account in implementing its pricing regime. As the provision of this information to most agencies listed in Schedule 2 of the Regulations occurs only on a six-monthly basis, increasing charges is unlikely to yield a significant benefit.

**Government Response to the Report of the Joint Standing Committee on Electoral Matters:**

*The 2001 Federal Election Report of the Inquiry into the conduct of the 2001 Federal Election, and matters related thereto*

**Recommendation 1**
The Committee recommends that all applicants for enrolment, re-enrolment or change of enrolment details be required to verify their name and address. Regulations should be made under the Commonwealth Electoral Act 1918 to require people applying to enrol to provide documentary evidence of their name and address:

- by showing or providing a photocopy of their driver’s licence or other document or documents accepted by the AEC in a particular
case (or, in the event that all States and Territories make driver’s licence records available to the AEC for data-matching purposes, by providing their driver’s licence number); or

- where such documents cannot be provided, by supplying written references given by any two persons on the electoral roll who can confirm the person’s identity and current residential address. These persons must have known the enrolee for at least one month.

The Committee endorses the amendment which has been made to the Commonwealth Electoral Act 1918 which requires that only a person who is enrolled to vote may witness an enrolment form. However, the Committee does not consider it necessary that the witness be within a specified class of people, given the other safeguards that would be introduced by its recommended scheme. Increased penalty provisions should be introduced for false declarations including:

- false enrolments;
- false claims by the witnesses; and
- false claims by enrolees including that they are unable to produce primary forms of identification.

Provisions introducing requirements for verification of identity on enrolment should be introduced with a sunset clause of three years. An independent investigation into the operation of such provisions should be conducted to enable an assessment of the benefits and disadvantages of the scheme, including such matters as whether the scheme improves the roll’s integrity, and whether concerns that identity requirements will increase disenfranchisement are justified.

Response

Supported in principle. The Government remains committed to maintaining and enhancing the integrity of the electoral roll.

Implementation of this recommendation needs to be progressed in consultation with the States and Territories. For elector convenience and extra rigour applicants should provide their driver’s licence number on the enrolment form. The necessary driver’s licence records in electronic form could be obtained by extending the Australian Electoral Commission’s (AEC) demand powers under section 92 of the Commonwealth Electoral Act 1918. Alternatively the data could be provided directly from willing States and Territories following appropriate legislative or other approval.

As indicated in the Committee’s comments concerning the extension of the AEC’s demand powers, appropriate consultation will be undertaken with the Privacy Commissioner as a matter of priority.

For people who do not have a driver’s licence, the Government will prescribe a list of acceptable identification documents, such as Australian birth certificates, marriage certificates, passports etc. in consultation with the AEC.

Only persons in a prescribed class should be permitted to provide written references supporting an application for enrolment by a person as a fall-back position for electors unable to furnish appropriate identification.

The Government does not support the application of a sunset clause to the new enrolment arrangements.

Recommendation 2

The Committee recommends that the Commonwealth Electoral Act 1918 be amended to provide that:

- a person whose name does not appear on the certified list of electors used on election day, who claims to have remained resident within the Division of last enrolment, shall only be issued with a provisional vote where they can validate, by producing proof of name and address, before the close of polls, that they have remained resident within the Division of last enrolment. In such cases the elector would be issued with a provisional vote for both the House of Representatives and the Senate. This would be subject to the existing requirement that the objection action that removed the elector from the roll was actioned after the last redistribution or previous federal election, whichever is later; and

- where a provisional vote is admitted from a person whose name could not be found on the certified list of electors used on election day, verification that the elector is at their claimed address shall take place by way of a
The Committee recommends that the existing seven-day period between the issue of writs and the close of rolls be retained.

Response
Not supported. The Commonwealth Electoral Act 1918 requires electors to update their enrolment as details change. An early close of rolls will ensure that the AEC has sufficient time to verify details provided by applicants for enrolment, which will preserve the integrity of the roll.

Recommendation 4
The Committee recommends that subsection 94A(2) of the Commonwealth Electoral Act 1918 be amended so that the current two-year cut-off point for application for Eligible Overseas Elector status be extended to three years.

Response
Supported.

Recommendation 5
The Committee recommends that subsection 94A(3) of the Commonwealth Electoral Act 1918 be amended so that expatriate Australians applying for Eligible Overseas Elector status are not required to state the reason why they left Australia.

Response
Supported.

Recommendation 6
The Committee recommends that the AEC provide comprehensive information on overseas voting entitlements and enrolment procedures to all electors who contact the AEC about moving overseas.

Response
Supported. The AEC will review its approach to providing information to persons who contact it about moving overseas and amend staff training accordingly. The AEC website already provides a substantial amount of information including frequently asked questions, and information about eligibility and forms for overseas electors.

As these people include travellers, who may be mobile and difficult to contact personally for some period of time, the AEC would propose to use its website as the key vehicle for providing information. The AEC is also working closely with the Department of Foreign Affairs and Trade to provide better service at the next federal election through the provision of ballot papers electronically to diplomatic posts.

Recommendation 7
The Committee recommends that in relation to homeless electors:

- that the itinerant elector provisions outlined in section 96 of the Commonwealth Electoral Act 1918 be amended so as to make clear their applicability to homeless persons;
- that the AEC continue its efforts to simplify the itinerant elector application form and ensure that its applicability to homeless persons is made more apparent; and
- that the AEC target homeless persons in its next public awareness campaign, informing them about itinerant elector enrolment.

Response
Supported in principle. The AEC is preparing a communication strategy directed at homeless voters for the next federal election. The 2001 Population Census engagement of homeless persons will be reviewed to ascertain whether there are any communication approaches from that experience which can be adopted by the AEC for the next federal election.

Recommendation 8
The Committee recommends that the AEC investigate the completeness of the electoral roll, with a view to further reducing the percentage of those Australians eligible to be on the roll, but not currently enrolled.
Response
Supported. The AEC is addressing the aspect of completeness of the electoral roll as part of the implementation of the recommendations of the ANAO report on the performance audit of the Integrity of the Electoral Roll.

Recommendation 9
The Committee recommends that the Commonwealth Electoral Act 1918 be amended to allow the name of each candidate elected to be included in an attachment to a writ, rather than printed or photocopied on the reverse side of the original writ.

Response
Supported.

Recommendation 10
The Committee recommends that the Commonwealth Electoral Act 1918 be amended so that incumbent independent Members and Senators who were elected as Independents need not provide 50 signatures at each election after their first or subsequent elections, but may be nominated by just one other person, who is enrolled in the relevant Division, State or Territory.

Response
Supported in principle. This amendment should be supported for Independent Members and Senators seeking their own nomination as an independent, but not as a candidate for a political party.

Recommendation 11
The Committee recommends that where a person has been generally known by a legally registered name for at least 12 months, enrolment and nomination as a candidate should not be refused by the AEC on the ‘fictitious’ and ‘frivolous’ grounds set out in section 98A of the Commonwealth Electoral Act 1918.

Response
Not supported. The intention of section 98A is to provide a deterrent to the use of ‘fictitious’ and ‘frivolous’ names. Its scope, therefore, should not be limited. However, the Government will look at ways to ensure the sound principle of this section can be enforced.

Recommendation 12
The Committee recommends that the AEC be required to provide detailed reasons for a decision, with reference to the Commonwealth Electoral Act 1918, to all parties involved in an application under section 129 of the Act, and that those reasons be published to assist the understanding of the application of the relevant provisions.

Response
Supported. The AEC will include this information as part of an enhanced Political Party Register on the website. The Government will pursue legislation to make stricter the requirements for Party names registration to prevent confusion.

Recommendation 13
The Committee recommends that the AEC:

- conduct market research on the impact of advertising using the concept of numbering the boxes 1 to 4; and
- make appropriate improvements to its advertising in light of the results of the research.

Response
Supported. In addition to the survey of informal ballot papers, the AEC conducts market research with a substantial sample of electors before, during and after each federal election to measure a range of electoral matters including formality issues. The AEC uses the results of this research to help guide its advertising approaches and will continue to adopt this approach. In its ongoing program of public awareness campaigns, the AEC will continue to educate voters on the numbering of ballot papers for the Senate and House of Representatives.

Recommendation 14
The Committee recommends that the guidelines governing the use of parliamentary entitlements by incumbent candidates and their staff during election campaigns be clarified, and that the Department of Finance and Administration establish a telephone hotline from the day of the issue of the writs to provide advice on the guidelines to incumbent candidates.

Response
Supported in principle. Guidance on the use of entitlements during election campaigns is already
available from the Department of Finance and Administration. Letters are sent by the Department to Senators and Members on the use of entitlements during election periods shortly after the issuing of the writs. The Department also provides a Help Desk Hot Line for Senators, Members and their staff on an ongoing basis. This hot line is also available for use during election campaigns.

Recommendation 15
The Committee recommends that postal votes cast on or before polling day, received by an AEO, ARO or another DRO other than the DRO for the elector’s home Division, after the close of poll, be included in the scrutiny if it is subsequently received by the home DRO within 13 days after the close of the poll.

Response
Supported.

Recommendation 16
The Committee recommends that the Commonwealth Electoral Act 1918 be amended to explicitly allow scrutineers to be present at pre-poll voting centres.

Response
Supported. Formalising the access of scrutineers will result in greater transparency in the pre-polling process.

Recommendation 17
The Committee recommends that the AEC report to it in detail on how mobile polling currently operates, exactly where it believes mobile polling should take place, how mobile polling should be administered, and who should be entitled to cast their vote at a mobile polling station.

Response
Supported.

Recommendation 18
The Committee recommends that at the next federal election, the AEC conduct a pilot scheme using computers at the ten polling booths which had the largest number of absentee votes at the 2001 federal election, in order to provide electronic or on-line access to the Certified List for the purpose of verifying the enrolment details of those voters seeking to make an absent vote.

Response
Supported in principle. The AEC should have the discretion to select the booths used for this research in order to provide the most practically and statistically relevant data. For example, the ten polling places which issued the largest number of absent votes at the 2001 federal election included some which were servicing one off events such as the Busselton—Margaret River wine festival.

Recommendation 19
The Committee recommends that the AEC review the evidence to this inquiry regarding polling booth administration, and take account of it in its future planning for election day administration and staff training.

Response
Supported.

Recommendation 20
The Committee recommends that the AEC do more in its planning stages to improve access to polling places. The Committee also recommends that more effort be made with respect to determining the number and location of entrances at each polling place.

Response
Supported. A process will be put in place to effectively manage these arrangements.

Recommendation 21
The Committee recommends that the Commonwealth Electoral Act 1918 be amended to allow for the adjournment or temporary suspension of polling where polling is incapable of being continued for physical and safety reasons.

Response
Supported in principle. This recommendation provides for a sensible process that would allow the Divisional Returning Officers to adjourn or temporarily suspend polling where polling is interrupted by a bomb threat, health hazard (eg white powder incidents or dangerous animals), fire, or the setting-off of fire alarms and/or sprinklers. Where there is an adjournment, each candidate must be notified immediately, and polling be reopened as soon as possible, or alternate arrangements made. The definition of circum-
stances in which polling is to be suspended will require careful clarification.

**Recommendation 22**

The Committee recommends that subject to advice from the AEC, section 340 of the Commonwealth Electoral Act 1918 be amended so as to prohibit the broadcast of political material which is clearly audible within the six metres surrounding a polling place on election day.

**Response**

Supported in principle. This recommendation will be subject to further investigation about whether it is possible to make a clear and enforceable amendment to the Act in this matter.

**Recommendation 23**

The Committee recommends that the AEC ensure DRO/AEO decisions regarding disputed campaign materials are communicated as quickly as possible to polling booth presiding officers. Presiding officers should be empowered to advise all relevant parties of the DRO/AEO decision regarding disputed materials, and to advise that any continued handing out of materials considered by the AEC to be in breach of the Commonwealth Electoral Act 1918 may be restrained via Federal Court injunction.

**Response**

Supported in principle.

**Recommendation 24**

The Committee recommends that the suggested technical amendments to the Commonwealth Electoral Act 1918 and the Referendum (Machinery Provisions) Act 1984 at Appendix F of this report, with the exception of amendment 18 (‘No State Referendum or Vote to be held on polling day’), be made.

**Response**

Supported in principle. The technical amendments will need to be thoroughly reviewed to ensure they are still relevant. This will be done in the process of finalising the legislative response to the report.

**Recommendation 25**

The Committee recommends that co-location of AEC Divisional Offices not proceed, and that the AEC be given funding to ensure a minimum of three full-time electoral staff (or equivalent) in each House of Representatives Division.

**Response**

Supported in principle. There should not be any further co-locations or amalgamations at this time. The Government is giving consideration to the need for legislation in this area.

**Recommendation 26**

The Committee recommends that the AEC provide all candidates with written advice of the date on which pre-polling will commence, seven days prior to that date.

**Response**

Supported in principle. The date for informing candidates should be the date of the declaration of nominations as this is the first date on which the names of the candidates are confirmed.

**Recommendation 27**

The Committee recommends that public access to the roll in AEC Divisional Offices be provided by a regularly updated electronic list of all names and addresses of electors enrolled for the relevant Division, with the provision of all other Divisions held in particular offices such as the State Head Office.

Hard copies of the roll should continue to be printed once in the life of a Parliament and be available for public inspection in AEC Divisional Offices.

**Response**

Supported.

**Recommendation 28**

The Committee recommends that an internet enquiry facility be provided whereby electors can verify their own electoral enrolment details, and as much of the detail of any elector’s enrolment as the enquirer is able to provide.

This facility should not replace public access to the full electoral roll in AEC offices as recommended in Recommendation 27.

**Response**

Supported. The internet enquiry facility should permit electors to verify their own enrolment details and check details of other enrolments. This facility would greatly reduce the large number of enrolment checks undertaken by the AEC in re-
response to elector inquiries, particularly after the announcement of an election.

**Recommendation 29**
The Committee recommends that the Commonwealth Electoral Act 1918 be amended so that the electoral roll is no longer available for sale in any format.

**Response**
Supported. With the introduction of electronic access to the roll through personal computers in Divisional Offices, Head Offices and Central Office, and the internet enquiry facility, there would be no legitimate electoral related reasons for making rolls available for sale. Withdrawal of the roll from sale will eliminate the last source of elector information that has the potential for non-electoral and commercial use. There will be no loss of entitlement to printed copies of the roll to Members of Parliament, political parties, and candidates as a result of this Recommendation. Where the roll is required by charitable institutions for activities such as family reunions, provision will be made for access to the roll by those organizations for prescribed purposes under the Electoral and Referendum Regulations 1940.

**Recommendation 30**
The Committee recommends that the certified lists provided to candidates during an election not contain the gender and date of birth details that will appear on the certified lists used by polling officials if the relevant legislation is passed by the Parliament.

**Response**
Noted. The legislative response to this matter will take account of the privacy implications associated with the provision of this information to candidates.

**Recommendation 31**
The Committee recommends that end-use restrictions and related penalties for wrongful disclosure or commercial use apply to all information relating to electors which is contained in the electoral roll, regardless of the medium of supply.

**Response**
Supported.

**Recommendation 32**
The Committee recommends that the Commonwealth Electoral Act 1918 be amended so that the penalty for accepting an anonymous donation above the limits nominated in the Act shall be an amount double the sum received through that anonymous donation.

**Response**
Not supported. There is nothing to suggest that the penalties currently in place are ineffective.

**Recommendation 33**
The Committee recommends that, at each federal election inquiry, the AEC report to the Committee on all cases of overseas donations made during the previous parliament.

**Response**
Not supported. These donations should be subject to the same treatment as other donations.

**Recommendation 34**
The Committee recommends that the AEC seek definitive advice on the constitutional validity of section 306B of the Commonwealth Electoral Act 1918 and if necessary, address the substantive issue in more appropriate legislation such as in insolvency law.

**Response**
Supported in principle. The Government will seek further legal advice on this matter.

**General**

**Closing dates for petitions to the Court of Disputed Returns:**
The Government will pursue the preferred option of the Office of General Counsel, (paragraphs 3.3 and 3.39 of the Report refer), to require that the forty day period for filing a petition to the Court of Disputed Returns be counted from the day of the return of the last writ.

**Access to information about voters who voted by registered political parties and Independent Members of Parliament:**
The Government will pursue an option to amend the Commonwealth Electoral Act 1918 to allow registered parties and Independent Members of Parliament to obtain the names and addresses and certain other information about voters who voted, along the lines of legislation passed in 2002 by
the Victorian Parliament (paragraph 6.90 of the Report refers).

Supplementary Remarks issued by Senator Andrew Bartlett and Senator Andrew Murray
The Government notes the Supplementary Remarks issued by Senator Andrew Bartlett and Senator Andrew Murray. The Supplementary Remarks addressed the topics of Political Governance, Political Donations and Constitutional Reform. These topics were not addressed in the Main Report. The Government makes no further comment on the Supplementary Remarks.

GOVERNMENT RESPONSE TO JOINT STANDING COMMITTEE ON FOREIGN AFFAIRS, DEFENCE AND TRADE DEFENCE SUB-COMMITTEE REPORT
REPORT OF THE 2003 NEW ZEALAND PARLIAMENTARY COMMITTEE EXCHANGE 6-11 APRIL 2003

RECOMMENDATION 1
The Australian Strategic Policy Institute and the Strategic and Defence Studies Centre at ANU should be encouraged to examine with their NZ counterparts opportunities for joint research projects. The Ministers for Defence and Foreign Affairs should consider whether any additional resources are needed for this activity. (Paragraph 4.36)

Government Response:
Agreed. This useful suggestion would contribute to strengthening bilateral cooperation on strategic and defence issues. The Department of Defence provides ASPI with most of its funding. It is a decision of the ASPI Council (on which representatives from the Departments of Defence and Foreign Affairs and Trade are ex officio members) to determine priorities for ASPI activities and approve its work program. Defence also contributes some funding support to SDSC, including for mutually agreed research priorities.

RECOMMENDATION 2
The Presiding Officers should give consideration to the proposal that some members of the Committee attend, as observers, General Conferences of the Council for Security Cooperation in the Asia Pacific (CSCAP). (Paragraph 4.37)

Government Response:
Noted: This is a matter for the Presiding Officers.

ENERGY GRANTS (CLEANER FUELS) SCHEME BILL 2003
ENERGY GRANTS (CLEANER FUELS) SCHEME (CONSEQUENTIAL AMENDMENTS) BILL 2003

Report of Economics Legislation Committee

Senator FERRIS (South Australia) (7.02 p.m.)—On behalf of the Chair of the Economics Legislation Committee, Senator Brandis, I present the report of the Economics Legislation Committee on the provisions of the Energy Grants (Cleaner Fuels) Scheme Bill 2003 and the Energy Grants (Cleaner Fuels) Scheme (Consequential Amendments) Bill 2003, together with the Hansard record of proceedings and documents presented to the committee.

Ordered that the report be printed.

COMMITTEES
Publications Committee Report

Senator FERRIS (South Australia) (7.02 p.m.)—On behalf of my colleague Senator Colbeck, I present the 12th report of the Standing Committee on Publications.

Ordered that the report be adopted.

Treaties Committee Report

Senator CROSSIN (Northern Territory) (7.03 p.m.)—On behalf of the Chair of the Joint Standing Committee on Treaties, I present the 55th report entitled Treaties tabled on 9 September 2003, together with the Hansard record of proceedings and minutes of proceedings. I move:

That the Senate take note of the report.
I seek leave to incorporate a tabling statement in Hansard.
Leave granted.

The statement read as follows—

Report 55—Treaties Tabled on 9 September 2003

- Two Agreements on Taxation—United Kingdom and Mexico
- Trade in Wine—European Union
- Regional Assistance Mission to Solomon Islands
- ILO Convention No. 155—Occupational Safety and Health
- Stockholm Convention on Persistent Organic Pollutants
- Rotterdam Convention on Notification of Hazardous Chemicals and Pesticides
- Whaling Convention—Amendments to Schedule

Report 55 contains the findings of the inquiry conducted by the Joint Standing Committee on Treaties into eight treaty actions tabled in the Parliament in September 2003, relating to the matters identified in the title of the report.

The Double Taxation Agreements with the UK and Mexico are the first treaties examined in this report. The Agreements are similar in terms and approach to several other agreements of their kind: they are designed to facilitate trade and investment, combat fiscal evasion, protect Australian tax revenues, and maintain Australia’s position in the international tax community. In the case of Mexico, a new Agreement has been signed, but in the case of the UK, a treaty has been in place since 1967. The Committee has accepted the view of the Department of the Treasury that, despite modification in 1980, the Treaty was still out of date with today’s taxation language and requirements and was in need of replacement.

The Committee, over time, has developed broad awareness and knowledge of the existence and importance of Australia’s network of taxation treaties, but in this report notes that despite every effort, officials from the Department of the Treasury are unable to clearly state or quantify benefits to Australia as a result of these treaties. More importantly, the Committee has commented on previous occasions on the tendency of Departments to introduce legislative measures which will give effect to the terms of the treaty prior to the conclusion of the Committee’s review. The Committee has recommended therefore, that more attention be given to the timing of treaties in their negotiation stages and their procedures for entry into force, such that the Parliament has had the opportunity to complete its review before the next steps are taken by Government to bring the treaty into force.

Having made those observations, the Committee recognises the importance of Australia’s contribution to the Regional Assistance Mission to the Solomon Islands and acknowledges the urgent need for the Agreement concerning the operations and status of the Police and Armed Forces and Other Personnel deployed to Solomon Islands to assist in the restoration of law and order and security to have entered into force on or before 24 July 2003, when the Regional Assistance Mission was deployed. The Agreement provides part of the necessary framework at international law for Australia and other Assisting Countries to deliver assistance to the Solomon Islands.

The International Labour Organisation Convention No. 155: Occupational Safety and Health, 1981, is designed to ensure that ratifying states formulate, implement and periodically review a coherent national policy on occupational safety and health in the work environment. Despite the time taken to coordinate all States and Territories’ advice that the terms of the Convention are able to be met, the Committee understands that the Convention is supported by the Commonwealth as well as State and Territory Governments, as well as representative organisations of employers and workers.

The Stockholm and Rotterdam Conventions form two of three conventions developed under the auspices of the United Nations Environment Program, forming an international framework to manage hazardous chemicals through their life cycles. Persistent Organic Pollutants, dealt with in the Stockholm Convention, are chemicals that are toxic, persist in the environment and animals, bioaccumulate through the food chain, and pose a risk of causing adverse effects to human health and the environment even at low concentrations.
The Rotterdam Convention concerns a notification procedure among Parties in the international trade of certain hazardous chemicals and pesticides in order to protect human health and the environment. The Committee recognises the importance of these two treaties considered in this report, together with the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, in maintaining a strong international approach to the management of dangerous chemicals.

In terms of the more routine treaty actions examined in the report, the amendments to the Agreement between Australia and the European Community on Trade in Wine, and the amendments to the Schedule of the International Whaling Convention, the Committee notes that these are straightforward actions to extend the terms of treaties that have been in place for some years and has made recommendations accordingly.

In conclusion, it is the view of the Committee that it is in the interest of Australia for all the treaties considered in Report 55 to be ratified where action had not occurred prior to the Committee’s review, and the Committee has made its recommendations accordingly.

I commend the report to the Senate.

I seek leave to continue my remarks later.

Leave granted; debate adjourned.

**Senators’ Interests Committee Documents**

**Senator DENMAN** (Tasmania) (7.04 p.m.)—On behalf of the Standing Committee on Senators’ Interests, I present a document incorporating resolutions, explanatory notes and information relating to senators’ interests.

**The ACTING DEPUTY PRESIDENT** (Senator McLucas)—Order! The time allotted for the consideration of general business has expired.
the time showed that two-thirds of Australians opposed the uranium mine.

To be at the point that we are now in the struggle to stop uranium mining at Jabiluka is testament to the fervent and continued opposition of the Mirrar traditional owners, the countless environmentalists, peace activists and others who banded together to fight this proposal. They demonstrated that the collective voices of committed and passionate individuals can ensure that community concerns triumph over powerful interests. Negotiations between the traditional owners and the mining company are proceeding towards ratification of an agreement to give the Mirrar people legal veto rights over any future development at Jabiluka. The Mirrar have been resolute in their opposition to mining. Last year Yvonne Margarula, the senior traditional owner of the Mirrar people, declared: We will continue to resist more mining on Mirrar country. We have no choice—this is our land and our life, we can never leave, we must protect it.

The Senate inquiry was my first inquiry since becoming a senator. Having spent so long campaigning against uranium mining, specifically at Jabiluka, the issues involved continue to hold a personal significance for me.

Visiting the in situ leachate mine in South Australia was a very different experience, with no open-cut sore on the landscape. But the wells across the minefield that pump dissolved uranium and other metals into the aquifers below are of little comfort to anyone concerned about the sustainability of our environment and natural water reservoirs. The committee’s report contains many important recommendations to improve environmental regulation of uranium mining, including that uranium mining at Honeymoon not proceed unless and until conclusive evidence can be presented to demonstrate that the relevant aquifer is isolated from the aquifer below it. The terms of reference of the inquiry were not broad enough to address the question of whether the industry that I consider the most dangerous and destructive industry that humans have devised has any place on our planet. The inquiry was initiated following leaks and spills that had occurred at uranium mines in Australia. The report found:

The frequency of leaks and spills is evidence that self-regulation by the mining companies has failed to prevent incidents which have the potential to cause significant environmental damage.

Just one day after the tabling of the report on Tuesday in the Senate, there was a spill at South Australia’s Olympic Dam uranium mine. At 7.30 p.m. yesterday, around 110,000 litres of radioactive liquid spilled at Olympic Dam. The South Australian environment minister, John Hill, was reported in the media today as saying that the liquid left over from the extraction process contained 29 parts per million of uranium. The EPA Chief Executive, Paul Vogel, was reported today saying that it would take some weeks before his agency’s investigation was complete and the cause of the spill would be known. He said details of the spill would also be included in the EPA audit of Western Mining Corporation, scheduled to occur next month. He said:

We are treating this as a serious incident, but the fact that it’s a radioactive spill I guess raises the concerns to another level from a community aspect. The worst case scenario in a significant spill would be that the ground would become contaminated and, in turn, the ground water would become contaminated. This did not happen in this instance. The environmental harm is negligible.

Yet this spill just one day after the tabling of the report in the Senate clearly indicates that this continues to be an industry for which self-regulation is not resolving these continual instances of leaks and spills.
In the Australian Greens additional comments to this report—which were also supported by Senator Allison—we sought to deal with the broader issues of the rights of traditional owners to control their land, especially with proposals to mine uranium on their land. Many of the comments received by the inquiry related to the Commonwealth Aboriginal Land Rights (Northern Territory) Act 1976 and its implementation. The act continues to be the focus of a range of Indigenous organisations looking for improvements to the role of Indigenous people in shaping and controlling the future of their communities and their land. The Australian Greens believe that we should be shutting down the nuclear industry in Australia and this committee report, the spill at Olympic Dam and recent developments relating to Jabiluka take us in this direction. Australian governments must heed this call and give Australians the nuclear-free future that we all deserve.

Senator CROSSIN (Northern Territory) (7.13 p.m.)—I also rise note to take note of the report of the Senate Environment, Communications, Information Technology and the Arts References Committee. Our terms of reference were to look at the way uranium mines in the Northern Territory, being Ranger and Jabiluka, and in South Australia, being Beverley and Honeymoon, are monitored and regulated and at whether or not the legislation and the regulations that control what happens are adequate. We as a committee took the time, went to those mines and had hearings in Darwin and Jabiru. We went down to Adelaide and out to both Beverley and Honeymoon. It was an extensive Senate inquiry and one into which everyone put a lot of effort.

There has been some suggestion in the media, particularly in the Northern Territory, that this inquiry was manipulated by those who would like to see no uranium mining happen in this country. This is an inquiry that was initiated by the Labor Party in response to the numerous leaks, spills and accidents that occurred in early 2001, to the extent that as a party we were not satisfied that the analysis, the explanations, the reports and particularly the follow-up in relation to those spills and leaks were adequate.

Through the course of the estimates process, it came to my attention that there were instances where the Office of the Supervising Scientist had asked and relied on the mining company ERA to provide it with advice on the adequacy or otherwise of the aftermath of the spills and where recommendations concerning the environmental regulations of Jabiluka could have been more stringently applied—that is, the environmental regulations controlling Jabiluka are not in any sort of legislated form. In reviewing some of the accidents that have occurred at Jabiluka, the independent body of the Office of the Supervising Scientist could have made the recommendation that those regulations become a legislative requirement. As a result of the gaps and holes in the way in which these mines were being regulated and monitored, the committee set about its task.

It is fair to say that in the course of our inquiry we found a lot more holes and a lot more gaps in what was happening in the mining of uranium, but not to the point where—and we were never going to suggest this—that uranium mining in this country should cease. In fact, the executive summary clearly says that. It says:

Uranium mining is contentious but the Committee was not asked to examine the validity of the industry's existence.

We did not do that. We simply looked at whether or not the current system of environmental regulation for these mines was effective or adequate. We found in some areas that it is not effective and certainly not
adequate. There were patterns of underperformance and noncompliance. There were gaps in knowledge. There was an absence of reliable data. More particularly, the operations and the environmental regulations of those mines look more at short-term considerations of the here and now rather than any potential and permanent damage to the environment in the long term. That, I think, is one of the significant flaws.

I notice that my colleague from the Northern Territory continues to say that there has never been any proof that the environment has been severely damaged. There has never been any evidence that it has been well maintained and well kept by these mines either. The fact of the matter is, time and time again, the environmental regulations controlling these mines are breached and nothing ever happens. There are no penalties and no prosecutions. The companies are never taken to task other than the OSS wandering out there, taking a look at what happened and writing another report with a couple of recommendations on it, which a couple of months later the federal government may or may not adopt. The whole compliance regime needs an overhaul. Certainly it was the view of the committee that there needed to be in place sanctions, penalties or some form of more stringent control to ensure that, if the environmental regulations were breached, something could be done about it.

We picked up the recommendations of the Northern Territory Department of Business, Industry and Resource Development, which just prior to our hearings in Darwin had conducted a review of their department. Even their own internal review—to their credit—had said that there needed to be the development of a comprehensive enforcement policy for Jabiluka, which the committee has accepted, recommended and adopted. The Northern Territory government department had also said that the mine management plans and authorisations for the mines needed to be better devised and that information strategies for government agencies designed to address public perceptions needed to be introduced. Even the Northern Territory government had done a review of what happens and had come up with some recommendations for improvements. So to simply say that this report is a whitewash—that there was a predetermined outcome at the beginning and that the industry is doing fine, needs 10 gold stars and a big tick—is not the case. There was evidence and departments, like the Northern Territory industry and resource development department, have identified that there are holes and gaps in the process.

We also identified that joint and separate responsibilities need to be spelt out clearly for the Commonwealth and the Northern Territory governments with respect to the monitoring of mines in the Northern Territory and for the committees that oversee what happens in the Northern Territory. The roles and responsibilities of committees—such as the Alligator Rivers Region Consultative Committee, the Alligator Rivers Region Technical Committee and the mine site technical committees—clearly need to be outlined and defined, and that is not the case. There is a lot of duplication and there are a lot of areas where some of these committees have no oversight or fail to coordinate what they are doing. As I have already mentioned, the environmental requirements attached to the mining lease and the land rights agreement for Jabiluka need to be updated and need to be enshrined in relevant Northern Territory legislation.

We also had a look at, and made some comments about, the relationship that these mining companies have with the traditional owners. Clearly one of the things that came out of this inquiry—which, I must say, is to
the credit of ERA and Rio Tinto—is that there have been improvements in this area to establish a better relationship with the traditional owners in respect of the two mines in the Northern Territory. We suggested there needed to be a culturally appropriate forum for the traditional owners and the Aboriginal people to be able to sit down with the mining company and get a clear understanding of what happens when there is a leak or a breach of the regulations. That information needs to be conveyed to them as easily as possible so that there is an understanding of what it all means.

I think there also needs to be, and the committee has picked this up, the capacity for the traditional owners to commission independent research because—although the Kakadu Regional Social Impact Study had been conducted and a committee had been set up, that committee has pretty much come to a standstill now—there is still much work to be done in relation to the social and environmental impacts of mining operations in the Northern Territory. Also, there needs to be improvements in the relationship with Indigenous people when it comes to the two mines in South Australia.

In closing, I do note that the mining company, in consultation with the Mirrar people, have agreed to backfill the stockpile at Jabiluka. I understand that process is well and truly on the way. That is a very positive sign of a mining company working with traditional people to respect their decision to not mine on their land unless they are ready to give approval. It has also been a very good example of where mining companies can sit around the table with Indigenous people and come to an agreement with a win-win outcome. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

Consideration

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

Foreign Affairs, Defence and Trade—Joint Standing Committee—Report—Review of the Defence annual report 2001-02. Motion of the chair of the committee (Senator Ferguson) to take note of report agreed to.


Foreign Affairs, Defence and Trade—Joint Standing Committee—Statement—Immigration detention centres and the treatment of detainees. Motion of the Leader of the Australian Democrats (Senator Bartlett) to take note of statement agreed to.

ASIO, ASIS and DSD—Joint Statutory Committee—Report—Private review of agency security arrangements. Motion of Senator Sandy Macdonald to take note of report agreed to.

National Capital and External Territories—Joint Standing Committee—Report—Not a town centre: The proposal for pay parking in the Parliamentary Zone. Motion of the chair of the committee (Senator Lightfoot) to take note of report called on. On the motion of Senator Crossin debate was adjourned till the next day of sitting.

Employment, Workplace Relations and Education References Committee—Report—Order for production of documents on university finances. Motion of Senator Carr to take note of report called on. On the motion of Senator Crossin debate was adjourned till the next day of sitting.

ADJOURNMENT

The ACTING DEPUTY PRESIDENT (Senator McLucas)—Order! There being no further consideration of committee and other documents, I propose the question:
That the Senate do now adjourn.

Family Services: Child Care

Senator FERRIS (South Australia) (7.24 p.m.)—I rise tonight to totally reject the claims that were made by the Australian Labor Party in this place today that the government is considering cuts to child care. The Australian government’s commitment to supporting child care remains at the record level of $8 billion for the next four years. We have spent 70 per cent more on child care over the last six years than Labor did in their last six years in office. Today Senator Collins asserted in question time that a consultant’s report commissioned by the government has recommended that operational subsidies be cut to family day care. Senator Collins said:

... now that this report has been released, we do know that it recommends stripping operational support for family day care. There is no way the government can move from that now.

I challenge Senator Collins to point to where in the consultant’s report the words ‘recommends stripping operational support for family day care’ are mentioned. They are not—not once. Senator Collins needs to explain herself to the Senate and to the 85,000 Australian families who are using family day care.

By way of background, in September 2002 the Minister for Children and Youth Affairs, Larry Anthony, announced that the Australian government was to look at the funding arrangements for child-care services and for support services other than child-care benefit. This funding allocation is known as the child-care support broadband and was around $180 million last financial year. A process of widespread consultation was undertaken to ensure that all stakeholders had the opportunity to put their views as to how this funding should be focused. While these processes can take some time, Minister Anthony made a commitment to take this approach because it was very important to this government that everyone be given the chance to have their say. More than 450 formal submissions were received and there were meetings held around Australia. The report from the consultants was released today.

Senator Crossin—How long have you had it? How long has the minister sat on the report?

Senator FERRIS—The Australian Labor Party had every opportunity to participate in this process but chose not to. Madam Acting Deputy President, I draw your attention to the remarks I am making, and suggest that Senator Crossin might learn something if she listens to them.

Senator Crossin interjecting—

Senator FERRIS—Predictably, the Labor Party have taken the easy road over the last 12 months. Even in the Senate today, instead of making a meaningful contribution they chose to try to scare Australian families who use family day care. This government has consistently said that this review is not about cutting costs, trimming budgets or spending less on child care.

Senator Crossin interjecting—

Senator FERRIS—Nothing was quarantined from consideration, no preconceived ideas were taken into the review and there is no hidden agenda. It is about providing greater support to the child-care sector as a whole to ensure the needs of families and children using child care are able to be met. Policy development and serious contributions to debate are all too hard for the opposition—other than a constant stream of interjections to try to reinforce negative comments made in the Senate that I have already pointed out were substantially misleading.

This government is committed to supporting the range of child-care choices it has
made available to Australian families, and Minister Anthony has reaffirmed that a number of times. Parents and carers should be reassured that, contrary to the claims made in this chamber by Senator Collins today, the family day care system is a valued care choice for families. This government has no intention of making decisions that are not in the best interests of children, their parents and the availability of quality child-care services. Child care is, and always has been, an important component of the government’s work-and-family policy development. The broadband review must also be considered in the context of other developments in this area. Family day care makes a great contribution to the lives of families and their children in Australia. There are 123,000 Australian children in family day care. The Australian government values and supports the work they do around the country.

Senator Marshall interjecting—

Senator FERRIS—Senator Marshall, who has just come into the chamber and clearly has not heard the first half of this speech, would do very well to listen to the remainder of my speech so that he too will not get up in this place and mislead the chamber as Senator Collins did earlier today in question time. I reaffirm that this government has no intention of abandoning family day care or taking any steps that will not be in the long-term interests of children and the availability of quality, accessible and affordable child care that is valued by parents and the rest of the community. Senator Collins should come into this chamber at the earliest opportunity and explain herself to the Senate and to the tens of thousands of Australian families who use family day care and whom she misled in this chamber today.

Health: Coeliac Disease

Senator BUCKLAND (South Australia) (7.30 p.m.)—I rise tonight to advise the Senate of a function I attended last Sunday: a meeting of the Coeliac Society in Adelaide. The meeting was attended by in excess of 200 coeliacs and their partners and children, and it was the biggest meeting that the society had in South Australia. I should indicate that I have an interest in the Coeliac Society in that I am the patron of the South Australian-Northern Territory branch and I have a family member who is a coeliac.

For those who are not aware, coeliac disease, as it is known—and ‘disease’ is an unfortunate term, because it is not contagious—appears to be something that is passed on from one family member to another. Over time, it misses some and gets the others. It is a genetic problem, from what we can determine. It is a disease that affects the small intestine and renders the sufferer intolerant to gluten, which means they cannot eat such things as wheat, barley, oats and some other cereals. Coeliacs are also unable to partake in a cold beer on a hot day or even a scotch after dinner because of its malt content.

It is necessary for people to understand that coeliac disease is not life threatening. Perhaps that is why we do not hear so much about it. It is not like a cancer that is life threatening and it is not like diabetes that can have a devastating effect on people; it is just something that attacks the stomach and manifests itself in many different ways. Some people might suffer severe diarrhoea or a spillover of unabsorbed food; others may indeed suffer from constipation on a regular basis. It is something that is very painful when it attacks. It seems to affect the mental capacity of some people to operate in a regular pattern—that is, they are fine one day and on another day their nerves collapse on them and they become what we often refer to as a ‘mental wreck’. These are the things that have to be lived with.
The meeting had a guest speaker, Professor Graeme Young from the Flinders Medical Centre in South Australia. He spoke on a very interesting subject: a healthy gut. His speech was very relevant to the audience he had, but it was also particularly interesting to hear the manner in which the gut works. That had relevance to those who suffer obesity. We would be aware that there is a campaign to try to reduce obesity, particularly in children at schools, by changing activities—something I think that we all need to take a great interest in. What he had to say had relevance to that program as well, and I think it is something we have to take on board.

In talking to those who were at the meeting over coffee and cakes that had been prepared specifically for this function—and let me tell you, as one who has tasted the breads produced for these people, they are usually either rubber or crumble like powder if you leave them too long; they are not pleasant to eat, but at least it gives coeliacs something to compensate for the bread they miss out on that most of us here would be able to eat—I found they have some very real concerns that we need to address as a community. I think at some stage government, both at federal and state levels, will be called upon to try to address some of the concerns they have.

Simple labelling of packets is one concern. We have reasonably good labelling of food products in Australia. That is well and good, but many of them are so indecisive as to what they are trying to tell you that coeliacs can by accident buy products that are not sufficiently labelled. That has been a problem for them. They are concerned about getting better labelling laws in Australia. They also had concerns about the additional costs they need to pay for foods. If they buy an alternative to pasta, it is far more expensive than buying normal pasta. That worries them. I am not sure how you actually deal with that because, as I said to those who raised the question, it would be very difficult to say there should be subsidies for their particular foods over others. Because it is not a life-threatening disease, it would not be looked on as favourably.

A more important aspect of it—one that I intend to pursue with our Minister for Health and Ageing—is general practitioners’ lack of knowledge of the disease. Many who are picked up as suffering from the disease are in mid to late life because general practitioners do not seem to understand its real causes and symptoms. They put it down to things like, ‘You’ve got a nervous stomach.’ Even when it is detected, many within the medical community do not have enough knowledge to give coeliacs the right advice on simple things like dietary needs or to tell them where they can get the specific foods they can eat. That is a real concern and, as I say, that will be raised with the health minister. As a non-medico, I have no idea how you overcome that problem, but it does need addressing, and quickly. It is being found in more and more children now but there is no cure for it. Many families suffer through it and, because parents will not adjust their lifestyle, the children suffer as well, which I find quite unacceptable.

Coeliacs also suffer from the social effects of the disease. Very simply, travelling is a very real concern. I drove across from South Australia to Canberra for the last week of sitting with my family, because of the school holidays in South Australia. When travelling, you have to take your own food. If you do not have enough to last the whole trip, someone misses out because of the limited range of foodstuffs available and the lack of knowledge of restaurants, roadhouses et cetera about providing suitable foods—apart from greasy chips and a lot of foodstuffs that many of us do not enjoy. That sort of thing impacts on coeliacs’ ability to travel intra-state, interstate and overseas. It is interesting
that, when you go to restaurants and order a meal that is specifically suitable and they say, ‘Yes, we can prepare something for you, we know all about coeliac,’ the meal comes out with a great load of bread and butter to go with it. That is very difficult for coeliacs to live with. I encourage senators to learn more about this disease for themselves. Also, I will put the health minister on notice that I will shortly be calling upon him to see whether we can address these problems. (Time expired)

Immigration: SIEVX

Senator BARTLETT (Queensland—Leader of the Australian Democrats) (7.40 p.m.)—I would like to acknowledge what will be the second anniversary, on Sunday, of the sinking of the vessel that came to be known as the SIEVX. I am pleased to note that the Senate today, I think for the first time, specifically passed a motion expressing regret and sympathy for the loss of so many innocent lives. There have been a number of resolutions passed in this place, moved by me and a number of opposition senators, in relation to the SIEVX and various aspects of the situation surrounding the sinking of that vessel and a lot of unanswered questions. I think Senator Collins, just today, was speaking about that. It is certainly something that many of us, including the Democrats, will continue to follow up.

Tonight I simply want to focus on the tragedy itself and on what I think is the welcome development of the Senate specifically expressing its regret and sympathy for the loss of so many innocent lives—a total of 353. Whilst I do not in any way wish to compare tragedies, quite appropriately a lot of focus in recent weeks in Australia has been on the first anniversary of the Bali tragedy and on the number of Australians who died there. At the service I attended today in the Great Hall of the Australian Parliament House, the names of the 91 Australian residents and citizens who died in that atrocity were read out. Again, I stress I am not comparing or suggesting numbers make one tragedy greater than another but, if you think of those 91 names that were read out and multiply by four, you would be close to the 353 lives that were lost. Of those 353, 146 were children.

I have spoken a lot in this chamber, as many senators would know, about my strong disagreements with the government’s policy in relation to asylum seekers and refugees and the Labor Party’s support for much of the legislation that came forward in relation to that. I will not speak on that tonight; I will certainly continue to express my views strongly over the days and months to come. Tonight I simply want to reinforce the weight of the Senate’s resolution, noting that tragedy of 353 lives lost—of the 421 who were on that death boat—and noting that many people who lost their lives had and have close family members in Australia who are on temporary protection visas now.

A small number of the survivors of that vessel—there were fewer than 70—are in Australia now on temporary protection visas. The one who is probably most known to Australians is the mother of those three little girls who were on the front page of Australia’s newspapers in the days after the tragedy was discovered—three very beautiful young girls, all under the age of 10, who drowned in that tragedy. The mother survived, having to endure the double tragedy of seeing her children drown beside her in the water over a period of hours without anybody coming to rescue them, then having to endure months being separated from her husband, who was already in Australia on a refugee visa. She was kept in Indonesia. It took months for her to be finally given permission to come to Australia. That couple now have a new baby.
I have had the privilege of meeting them and their new child.

The irony is that the father’s visa—he was here already on a temporary visa—will expire quite soon, if it has not already. The mother arrived on a five-year visa that expires in about 2005 and the baby that was born last year has a separate visa that expires on another date again. That is the absurdity of the system. The motion specifically asked the new Minister for Immigration and Multicultural and Indigenous Affairs to consider the humanitarian reality of people who, like that family, had family who drowned in that tragedy. The minister should recognise that situation and give them a permanent humanitarian visa so they can rebuild their lives.

It will be a day and a date I will always remember, because 19 October 2001, the day that all those children drowned, was the same day that my first and only daughter, Lillith, was born. She is, in my view, the most beautiful girl ever born—I apologise to everybody else who might have children, but that is just the way it is—and to think that, at the same time that she was being born and we were experiencing all the wonder that goes with that, there were 146 children whose lives were about to end as they struggled in the water in such fear and terror. It is indeed a tragedy, and it is one that should be remembered. They were all trying to seek a better life. I do not want to get into the rhetoric about asylum seekers, queue jumpers, illegal immigrants or anything like that. I have my strong views on that. Suffice to say, they were all people seeking a better life, particularly those parents who were trying to get a better life for their kids, and they paid a terrible price, and it should be acknowledged. All people who seek to come to Australia do so for freedom and for a better life. Many people, including so many children, did not make it and I think the tragedy needs to be acknowledged. I am pleased the Senate has expressed its sympathy for this tragedy, and I do hope the new minister can examine ways to alleviate at least a little of the hurt that continues for so many of those people.

**Taxation: Mass Marketed Schemes**

**Senator WATSON (Tasmania)** (7.47 p.m.)—At question time, and again later in the afternoon, Senator Murphy made some extraordinary and inaccurate statements about the Australian Taxation Office and superior decisions involving mass marketed schemes. My learned colleague Senator Johnston, sitting next to me, remarked at the time that perhaps Senator Murphy may have been reading the obiter dictum rather than the ratio decidendi, or the reason for the decision.

By way of background, on 29 June 2000 the Senate referred to the Economics References Committee for inquiry and report the matter of mass marketed tax effective schemes and investor protection. Senator Murphy was the chair of the committee, and the committee tabled three reports. The Australian Taxation Office responded with some very generous concessions as to who was considered a typical investor. A typical investor was one who, firstly, lacked full knowledge of the scheme arrangements and the operation of the tax system; secondly, was subject to aggressive and sophisticated marketing techniques; thirdly, had a good tax record; fourthly, took advice from people expected to have the necessary knowledge to foresee the pitfalls; and, lastly, contributed some real money to the schemes and in the end suffered a financial loss. The generosity was shown by the fact that those sorts of investors paid no penalty as a result of their investment in those so-called mass marketed schemes, or interest on the tax allowed. They were also eligible for a two-year interest free debt repayment period provided they entered into an acceptable payment arrangement.
Allow me to correct Senator Murphy’s interpretation of some of those important decisions. Perhaps the most important decision was known as Budplan—the case of Howland-Rose and Others. The Federal Court held that the amounts paid to participate in the Budplan personal syndicate were not deductible under the general provisions of income tax law. The court further ruled that the general anti-avoidance provisions of part IV A of the income tax law operated to deny deductions for the amounts subscribed because the investment made no commercial sense without a tax benefit. It was interesting that no appeal was filed by the taxpayers.

Another interesting case was that of Vincent, which was cited this afternoon. To correct the record, on 16 September 2002 the Federal Court decided that the expenses claimed by the taxpayer were not deductible under the general deduction provisions because the expenses were of a capital nature. Despite this finding, on appeal the court allowed the assessment for the 1995 year, relying only on part IVA being outside the four-year period allowed under the general amendment provisions. In the 1996 year, the deduction was not allowed by the court. No application for special leave to appeal was filed by the Commissioner of Taxation or the taxpayer.

The decision in the Prebble case was handed down on 22 August 2003, where the Federal Court dismissed the taxpayer’s appeal as to whether the controller of a company, of which the controller was also an employee, could claim deductibility for contributions he or she made to a superannuation fund. The court concluded that an earlier favourable decision of the full court on the same issue, in the Harris case, was plainly not wrong and the court decided, not surprisingly, not to overturn that decision.

The case of Kajewski and Others in March 2002, again involving the Federal Court, considered the deductibility of contributions purported to have been paid under an employee retention plan. Here the court held the scheme was entered into only to provide the taxpayer-employee with a large tax deduction to claim against an increased business income. The contribution was not a business expense made for the purpose of establishing a genuine employee retention plan. The court confirmed the commissioner’s power to amend the assessments, going back as far as 1990, in the coming year when an avoidance of tax was the result of fraud or evasion of the taxpayer’s tax agent. It was also held that the taxpayers involved in the scheme were not entitled to any reduction of the significant tax imposed.

In the Harris case in August 2002, the Federal Court handed down its judgment in which it considered the deductibility of superannuation contributions made under a controlling interest superannuation scheme. The court held that the deductions were not available where an employer contribution was made to a superannuation fund by the controller of a company for the controller’s own benefit and that in fact there must be a contribution by the employer for the employee, who must be a different person. Further, the court held that the legislative history supported the commissioner’s view, and it supported the view put by the primary judge that any other income would be extraordinary, or at least anomalous.

There was one case that was originally in favour of the taxpayer, but my understanding is that the tax commissioner has appealed and we are awaiting that decision. I think that of these cases, which are indicative certainly of five mass marketing schemes that were considered by the Federal Court, three have been appealed to the full bench. In two of them—that is, Vincent and Puzey—the
court confirmed the commissioner’s view that deductions were not allowable, and one decision, which is that of Jamieson, is pending before the court. So I think those examples refute the allegations raised by our colleague Senator Murphy in the Senate this afternoon. I regret the imputations that he made.

Family Services: Child Care

Senator JACINTA COLLINS (Victoria) (7.53 p.m.)—I am grateful to have the opportunity to speak on the adjournment debate tonight, and I thank previous senators who have curtailed their time so that I might be in a position to respond to a challenge issued to me by Mr Larry Anthony, the Minister for Children and Youth Affairs, in relation to broadband funding of child-care services and simply parroted by Senator Ferris earlier in this adjournment debate. Unfortunately, Senator Ferris did not pay me the normal courtesy of indicating that she was going to take the tack she did today. Had she done so, I might have been able to show her the report, as other senators here can see it now, with tags right through it showing examples of where the matters I raised in question time today are actually covered in the report. I will now have the opportunity to refer to some of them.

Unfortunately, as I said, Senator Ferris has simply responded to the press release issued by Minister Anthony, and I doubt she has read this report. In fact, at the bottom of Minister Anthony’s press release he indicates that this report is now available on the web site of www.communitylink.com.au. Unfortunately, that is not the case, so anyone listening to this debate may be interested to take note of the particular page numbers so that when it is available they will have that opportunity. Firstly, I thank the minister for the opportunity to see the report this morning, so I am now in a position to defend myself. Let us look clearly at the challenge. Minister Anthony said in his press release:

I challenge Labor Spokeswoman to point to where the consultant’s report ‘recommends stripping operational support from Family Day Care.’

This is a selective quote. What I actually said in question time today was that the report:

... clearly recommends stripping operational support for Family Day Care to new targeted priorities ...

So let us put that in its full context. If we go to page 51 of the report, we can see very clearly recommendation B11, entitled ‘A strongly targeted broadband’. On page 50, the report discusses what that means. It says:

As noted above, the adoption of this targeting option would, over time, impact on the distribution of operational support funds provided by the Broadband.

But let us go into a bit more detail here as the report discusses what transitional arrangements might offer some succour to those involved in family day care programs. Under the heading ‘Transitional Matters’, on page 134, the report says:

Community Link—

the consultants that conducted this report—acknowledges the heartfelt input from child care services, governments, community agencies, workers, carers and parents. Many contributors to the different stages of the consultations have expressed fears about changes taking place at the expense of existing services. This has been particularly relevant to questions about the operational subsidy. Given that the consultations have been conducted on the basis of ‘no new resources’, many contributors have expressed a view that change must not involve a process of ‘robbing Peter to pay Paul’.

This is quoting directly from the report. Let me take the next point, and the minister can listen to this because he asked about it, I think, in his press release. He said:

She needs to explain this to me ...
It sounds like a Pauline Hansonism, quite frankly: 'Please explain'. Let us read the report; maybe the minister should read the report. Again on page 134 the report goes on:

In Community Link’s view, the primary financial implication of the proposed reforms of the redevelopment may involve a shift in the use of some Broadband resources to strengthen assistance to prioritised children, families and communities.

That is what we are talking about for family day care: a shift away of resources to meet new prioritised needs. The report further states:

Elsewhere in this Report, Community Link has advised that further work is required to model the impacts of the recommendations, which is a matter for the Commonwealth Department and is beyond the Community Link brief.

Here we have a different problem with this report. Here we have what I alluded to when taking note of answers given in question time today—that is, the problem that Community Link had the option to tender to do this modelling. Who knows why it was not in the final tender but now, after the fact, Community Link says, ‘Now this modelling needs to be done before we can give any assurances to anyone in this sector about how child care is going to be funded by the Commonwealth in the future.’ The report goes on to say:

Detailed modelling should be undertaken of the impacts of changes in operational support, to assess the impacts of implementation and ensure that all communities in need of assistance retain that assistance.

Processes of changes should be carefully negotiated with affected stakeholders, particularly service providers. Where a change will impact on workers, carers, families and children, it should be planned in a way that will minimise disruption and give organisations adequate time to support workers in managing any implications for their current employment.

The finale on this page states:

Any changes arising from the redevelopment, and in particular, changes to operational subsidies—what the minister is seeking to deny in this report—should be sensitive to the role that Family Day Care and In-Home Care coordination units play in resourcing and supporting quality in the activities of carers. This is particularly important in view of the importance of assuring quality of practice which takes place in carers’ and individuals’ family homes.

We cannot afford with this type of care to withdraw any support that maintains quality, because the consequences will be child neglect and abuse. We need to ensure that that operational support is maintained.

The minister may have thought, with one change he made between an earlier draft and the final draft of this report, that I, the sector and other observers of this process would be deluded. When the minister made the change to the table on page vii of this report that previously described the change process and strategies under a future broadband—what the consultants were recommending—he referred to ‘former strategies’. The most significant change in this report is the insertion of weasel words. In the table, which includes operational subsidy for family day care, operational subsidy for in home care and operational subsidy for occasional care, the heading of that column—which includes other services that seem to be preserved in the ‘Strategies under the Future Broadband’ column—has been changed from ‘Former strategies’ to ‘Strategies that may be renamed, replaced or combined’. I am sorry but, when I read ‘replaced’, to me that means stripped, and I think most observers of this process see it quite clearly.

This government refuses to commit any additional resources to growth in child care. Blind Freddy knows that there is a significantly increasing demand by Australian families for formal child-care services. By trying to claim that it is directing some additional resources to this sector, this govern-
ment is denying that the amount of Commonwealth support provided to child care has dropped by $400 per place since Labor was in government in 1996. You simply cannot just continue to try to redesign the cake and delude people in the process—it will not work. The Australian community and the child-care sector know that, if the government does not commit additional funds to the broadband, family day care will be compromised.

There is no way the minister, in putting out press releases like today’s headed ‘Government improving, not cutting support for child care’, can avoid the question that we will continue to ask, which is: will you assure us you will not cut funds to family day care? That is the answer that Senator Patterson would not give today, and that is the answer that the minister will not give, because he knows that if he wants to spread the broadband cake further then he has to make cuts elsewhere—and family day care is the one right in the picture. This is basic maths—and the minister understands that, although he is seeking to delude the Australian community about what is going to happen to family day care. I would like to see him succeed. I would like what has happened here today to be shown to PM&C where they may make a decision that says, ‘There is so much angst about this—the adjournment, the question time response, the sector responding—that we will direct more funds to family day care.’ I wish the minister luck on that cause. But please stop trying to delude and misrepresent us—and, for God’s sake, just read the report.

Senate adjourned at 8.03 p.m.

DOCUMENTS

Tabling

The following documents were tabled by the Clerk:

- Import Food Control Act—Imported Food Control Regulations—Imported Food Control Amendment Order 2003 (No. 1).
QUESTIONS ON NOTICE

The following answers to questions were circulated:

Defence: Sea 1405 Projects
(Question No. 1506 amended)

Senator Chris Evans asked the Minister for Defence, upon notice, on 10 June 2003:

With reference to the Sea 1405 projects in the Defence Capability Plan (DCP):

(1) Can a description of all of the phases of this project be provided.

(2) (a) What was the original timeline for the completion of the project, including the dates for each of
the phases in the project; and, (b) when was the project due to be completed.

(3) What was the original budget for this project, including the budget for each of the phases in the
project.

(4) (a) What is the current schedule for the completion of this project, including the dates for each of
the phases in the project; and, (b) when is the project due to be completed.

(5) Has the schedule for this project changed; if so, why.

(6) How would any schedule change with this project impact on future capability.

(7) Have any of the phases of this project been concluded; if so, which phases have been completed
and what was the date of conclusion for each phase.

(8) What is the current budget for this project, including the budget for each of the phases in the
project.

(9) What has been the cost of this project to date.

(10) Has the projected budget for this project increased; if so, why.

(11) Has the Government granted approval of funding for this project.

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

(1) and (2) Sea 1405 comprises five phases:

- Phases 1 and 2, approved before the 2000 Defence Capability Plan, are currently in progress
  and will provide electronic support measures and forward-looking infra-red capability for
  inclusion into the aircraft. The original contract stipulated prototype acceptance in 2001, with
  final production aircraft to be delivered in 2003. Acceptance of the prototype helicopter is now
  scheduled for early 2004, with the final production aircraft to be delivered in 2005.

The remaining phases include:

- Phase 3 (year of decision 2002-03 and currently scheduled to be completed during 2003-04) is
  a Defence Science and Technology-sponsored project definition study to consider options for
  the later phases.

- Phase 3B, (year of decision 2003-04, and, subject to the phase 3 study outcomes, currently
  scheduled to be completed during 2003-04) is an initial design activity, which will lead to the
  implementation of the approved outcomes of the Phase 3 project definition study.

- Phase 4 (year of decision 2004-05, with delivery currently scheduled for 2007, subject to the
  phase 3 study and design outcomes) will provide a mid-life upgrade to the Seahawk
  addressing aircraft capabilities, life cycle costing, operational availability, commonality and
  life-of-type issues. The requirement for the current planned delivery date will be considered in
  the current review of the Defence Capability Plan.
As foreshadowed in the Defence Capability Plan Supplement 2002 (at page 15), Defence plans to include Sea 1405 Phases 3, 3B and 4 within the structure of the ADF Helicopter Strategic Master Plan – Air 9000. A decision on this approach will be taken in the context of the current Defence Capability Plan review.

(3) Sea 1405 Phases 1 and 2 were approved before the 2000 Defence White Paper, with estimated expenditure of the order of $170m. The Defence Capability Plan 2001-2010 shows the estimated expenditure for the remaining phases:
   - Phase 3 is less than $10m.
   - Phase 3B is $10m - $20m.
   - Phase 4 is $450m - $600m.
These estimates have not been varied.

(4) See response to part (2).

(5) No, although the requirement for the current planned delivery date will be considered in the current review of the Defence Capability Plan.

(6) A schedule change may delay the enhancement of the S-70B-2 Seahawk capabilities.

(7) No.

(8) See response to part (3).

(9) Expenditure to date on phase 1 and 2 has been of the order of $135m. Phase 3 expenditure to date has been less than $5m.

(10) No, other than the normal adjustment for price and exchange variations.

(11) Phases 1, 2 and 3 are approved and are in progress.

Defence: Property

(Question No. 1796)

Senator Brown asked the Minister for Defence, upon notice, on 15 August 2003:

(1) Can the Minister confirm that the department is preparing to sell a parcel of 130 hectares of land at Maribyrnong in Victoria.

(2) Has the land been assessed for rare and endangered species; if so, what were the findings of that assessment.

(3) Is there any contamination on the site; if so: (a) what is the extent of the contamination; and (b) what is the recommended method of addressing the contamination issues.

(4) Has the land been offered to the local shire council for purchase; if so, at what price; if not, why not.

(5) (a) What is the assessed value of the land; (b) who conducted the valuation; and (c) when.

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

(1) Yes.

(2) Yes. An assessment was conducted in 2002, which concluded that:
   over 300 flora species were identified on or within the vicinity of the property. The only vegetation of significance identified is a group of four White Cypress-pines (State significance) located within the site and seven isolated River Red Gums located in the Maribyrnong River riparian area which have been assessed locally significant for their seed source value;
   one Grey-headed Flying Fox was observed; however, the site is unlikely to be significant for this species as no evidence of a colony was observed;
although not observed, there is potential for the migratory Nankeen Night Heron and Latham’s Snipe species to visit the riparian area along the Maribyrnong River from time to time. The assessment further notes that the property is unlikely to be a significant habitat for these birds; and it is also likely that the Australian Grayling inhabits the Maribyrnong River.

(3) (a) and (b) Due to the former explosives manufacturing process conducted at the property it is expected that the site does contain some areas of contamination. Assessments are currently underway to determine the nature and extent of the contamination. An independent Environmental Auditor is reviewing the assessment process. Following the completion of site assessment, remediation options will be discussed with the Environmental Auditor and the Victorian Environmental Protection Agency.

(4) No. A disposal strategy for the property is yet to be finalised and approved by Government. The Maribyrnong City Council has been consulted during the preliminary preparations.

(5) (a), (b) and (c) A valuation for the site has not yet been conducted. Valuations for Defence property prior to the marketing and sale of the property are considered Commercial-In-Confidence and not made available to the public.

Australian Defence Force: Cadets

(Question No. 1827)

Senator Chris Evans asked the Minister for Defence, upon notice, on 1 September 2003:

(1) What funding was provided for each branch of the Cadets (i.e. Army, Navy and Air Force) for the following financial years: (a) 2000-01; (b) 2001-02; and (c) 2002-03.

(2) What was the proposed level of funding for each branch of the Cadets for the 2003-04 financial year.

(3) For each branch of the Cadets: (a) how many units were there at the beginning of 2000; (b) how many units are there currently; (c) if there has been an increase in the number of units over that period, where are those units located; and (d) if there has been an increase in number of units, what criteria were used to determine the new locations.

(4) For each branch of the Cadets: (a) what was the number of cadets at the beginning of 2000; and (b) what is the current total.

(5) For each branch of the Cadets: (a) what was the number of officers at the beginning of 2000; and (b) what is the current total.

(6) What recruiting measures are being undertaken by each branch of the Cadets to encourage young people to join.

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

(1) Funding is provided from five areas within Defence: Navy, Army and Air Force, Corporate Services and Infrastructure and the Directorate of Defence Force Cadets. The amount of funding provided is as follows:

| 2000-01 | Navy Cadets | Army Cadets | Air Force Cadets | Total ADFC  
|---------|-------------|-------------|-----------------|-----------
| Navy    | $3.867m     |             |                 | $3.867m   |
| Army    |             | $4.204m     |                 | $4.204m   |
| Air Force|             |             | $3.811m         | $3.811m   |
| CSIG    | $.427m      | $.307m      | $1.199m         | $1.933m   |
| DDFC    | $.235m      |             |                 | $.235m    |
| Totals  | $4.294m     | $4.511m     | $5.010m         | $14.050m  |
Notes:

1 Cadets share other indirect CSIG support including depots, cleaning, equipment, storage, for which costs are not specifically attributed to cadets.
2 DDFC funding supports strategic ADFC outcomes and cannot be attributed to Cadet Corps.
3 The Cadet Policy Cell comprised 3 personnel for oversight of cadets, prior to the establishment of the DDFC.

(b)

<table>
<thead>
<tr>
<th></th>
<th>2001-02</th>
<th>2002-03</th>
<th>2003-04</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Navy Cadets</td>
<td>Army Cadets</td>
<td>Air Force Cadets</td>
<td>Total ADFC</td>
</tr>
<tr>
<td>Navy</td>
<td>$4.431m</td>
<td>$5.004m</td>
<td>$4.431m</td>
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</tr>
<tr>
<td>Army</td>
<td>$5.004m</td>
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<td>$4.344m</td>
<td>$4.344m</td>
</tr>
<tr>
<td>Air Force</td>
<td>$3.49m</td>
<td>$.545m</td>
<td>$1.151m</td>
<td>$2.045m</td>
</tr>
<tr>
<td>CSIG 1</td>
<td>$.349m</td>
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<tr>
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<td>$3.4m</td>
<td>$3.4m</td>
<td>$3.4m</td>
<td>$3.4m</td>
</tr>
<tr>
<td>Totals</td>
<td>$4.780m</td>
<td>$5.549m</td>
<td>$5.495m</td>
<td>$18.824m</td>
</tr>
</tbody>
</table>

Notes:

1 Cadets share other indirect CSIG support including depots, cleaning, furniture, storage, for which costs are not specifically attributed to cadets.
2 DDFC funding supports strategic ADFC outcomes and cannot be attributed to Cadet Corps.

(c)

<table>
<thead>
<tr>
<th></th>
<th>2002-03</th>
<th>2003-04</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Navy Cadets</td>
<td>Army Cadets</td>
<td>Air Force Cadets</td>
</tr>
<tr>
<td>Navy</td>
<td>$4.663m</td>
<td>$13.414m</td>
<td>$4.663m</td>
</tr>
<tr>
<td>Army</td>
<td>$13.414m</td>
<td>$13.414m</td>
<td>$8.116m</td>
</tr>
<tr>
<td>Air Force</td>
<td>$.811m</td>
<td>$.735m</td>
<td>$.349m</td>
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<tr>
<td>CSIG 1</td>
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<td>$.735m</td>
<td>$.349m</td>
</tr>
<tr>
<td>DDFC 2</td>
<td>$3.4m</td>
<td>$3.4m</td>
<td>$3.4m</td>
</tr>
<tr>
<td>Totals</td>
<td>$5.474m</td>
<td>$14.149m</td>
<td>$9.480m</td>
</tr>
</tbody>
</table>

Notes:

1 Cadets share other indirect CSIG support including depots, cleaning, furniture, storage, for which costs are not specifically attributed to cadets.
2 DDFC funding supports strategic ADFC outcomes and cannot be attributed to Cadet Corps.

(2) The proposed level of funding for financial year 2003-04 is as follows:

<table>
<thead>
<tr>
<th></th>
<th>2003-04</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Navy Cadets</td>
<td>Army Cadets</td>
</tr>
<tr>
<td>Navy</td>
<td>$4.426m</td>
<td>$16.504m</td>
</tr>
<tr>
<td>Army</td>
<td>$16.504m</td>
<td>$16.504m</td>
</tr>
<tr>
<td>Air Force</td>
<td>$1.650m</td>
<td>$1.777m</td>
</tr>
<tr>
<td>CSIG 1</td>
<td>$1.650m</td>
<td>$1.777m</td>
</tr>
<tr>
<td>DDFC 2</td>
<td>$6.9m</td>
<td>$6.9m</td>
</tr>
<tr>
<td>Totals</td>
<td>$6.076m</td>
<td>$18.281m</td>
</tr>
</tbody>
</table>

Notes:

1 Cadets share other indirect CSIG support including depots, cleaning, furniture, storage, for which costs are not specifically attributed to cadets.
2 DDFC funding supports strategic ADFC outcomes and cannot be attributed to Cadet Corps.

(3) (a) The number of units per Corps at the beginning of 2000 is as follows:
(b) The current number of units per Corps is as follows:

<table>
<thead>
<tr>
<th>Corps</th>
<th>Units</th>
</tr>
</thead>
<tbody>
<tr>
<td>Australian Navy Cadets</td>
<td>81</td>
</tr>
<tr>
<td>Australian Army Cadets</td>
<td>186</td>
</tr>
<tr>
<td>Australian Air Force Cadets</td>
<td>141</td>
</tr>
</tbody>
</table>

(c) The location of the new units are as follows:

<table>
<thead>
<tr>
<th>Corps</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Australian Navy Cadets</td>
<td>7 in QLD, 2 in WA, 2 in SA, 1 in NSW</td>
</tr>
<tr>
<td>Australian Army Cadets</td>
<td>5 in SA, 3 in NT, 3 in VIC, 1 in WA</td>
</tr>
<tr>
<td>Australian Air Force Cadets</td>
<td>3 in VIC, 5 in SA, 3 in NT, 7 in NSW</td>
</tr>
</tbody>
</table>

(d) The criteria used to determine new cadet unit locations are as follows:

- Australian Navy Cadets: the formation of new units is initiated by ANC members in consultation with the local community, they are formed on the basis of local community support for an ANC unit.
- Australian Army Cadets: the establishment of new AAC units is approved following formal requests created by community sponsor groups. New units can only be approved if community sponsor organisations, Army foster units, Officers of Cadets and appropriate facilities are identified; and
- Australian Air Force Cadets: new AAFC units have been established in areas where there has been strong community support for cadets.

(4) (a) The number of Cadets per Corps at the beginning of 2000 was as follows:

<table>
<thead>
<tr>
<th>Corps</th>
<th>Cadets</th>
</tr>
</thead>
<tbody>
<tr>
<td>Australian Navy Cadets</td>
<td>3018</td>
</tr>
<tr>
<td>Australian Army Cadets</td>
<td>16571</td>
</tr>
<tr>
<td>Australian Air Force Cadets</td>
<td>6493</td>
</tr>
</tbody>
</table>

(b) The current number of Cadets per Corps is as follows:

<table>
<thead>
<tr>
<th>Corps</th>
<th>Cadets</th>
</tr>
</thead>
<tbody>
<tr>
<td>Australian Navy Cadets</td>
<td>2685</td>
</tr>
<tr>
<td>Australian Army Cadets</td>
<td>16822</td>
</tr>
<tr>
<td>Australian Air Force Cadets</td>
<td>8227</td>
</tr>
</tbody>
</table>

(5) (a) The number of Officers at the beginning of 2000 was as follows:

<table>
<thead>
<tr>
<th>Corps</th>
<th>Officers and Instructors of Cadets</th>
</tr>
</thead>
<tbody>
<tr>
<td>Australian Navy Cadets</td>
<td>452</td>
</tr>
<tr>
<td>Australian Army Cadets</td>
<td>1021</td>
</tr>
<tr>
<td>Australian Air Force Cadets</td>
<td>789</td>
</tr>
</tbody>
</table>

(b) The current number of Officers is as follows:

<table>
<thead>
<tr>
<th>Corps</th>
<th>Officers and Instructors of Cadets</th>
</tr>
</thead>
<tbody>
<tr>
<td>Australian Navy Cadets</td>
<td>439</td>
</tr>
<tr>
<td>Australian Army Cadets</td>
<td>1153</td>
</tr>
<tr>
<td>Australian Air Force Cadets</td>
<td>1029</td>
</tr>
</tbody>
</table>

Note:

1 Although the numbers of cadets and officers/instructors has reduced over the last three years, the trend is not of great concern considering the establishment of new units, an improved ratio of
officers/instructors to cadets of one to five, and of male to female of six to four. This is considered to be a healthy personnel profile and an excellent basis for growth.

(6) The recruiting measures currently being undertaken by the three Corps are as follows:

Australian Navy Cadets - the Australian Navy Cadets is presently encouraging the recruitment of Cadets by increasing the public image and awareness of the Australian Navy Cadets. This is being managed by a ‘Navy for Australia’s Youth’ campaign. The campaign includes an information strategy with pamphlets, posters and ‘Brand Navy Cadets’ items such as flags and baseball caps;

Australian Army Cadets - the Australian Army Cadet membership is currently at ceiling strength, therefore recruiting activities are focused on replacing normal turnover. Recruiting activities are limited to local efforts within units. There is no national recruiting campaign; and

Australian Air Force Cadets - recruitment is focused on replacing members who leave as a result of natural attrition. Most recruiting occurs regionally through displays at local events, word of mouth or via the Australian Air Force Cadet web site. A cadet pamphlet was produced to support these activities.

Nuclear Energy: Public Relations Consultancy
(Question No. 2133)

Senator Brown asked the Minister for Finance and Administration, upon notice, on 18 September 2003:

With reference to the public relations consultancy contract entered into in 2003 with Michels Warren in relation to the proposed nuclear waste dump

(1) What was the specific purpose of the consultancy.
(2) Was the consultancy subject to a tender process; if not, why not.
(3) (a) When did this consultancy commence; and (b) what is the duration of the consultancy.
(4) What is the budgeted cost for the consultancy for each of the following financial years: (a) 2002-03; and (b) 2003-04.
(5) What were the key tasks the consultants were hired to perform.

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

(1) The consultancy was to facilitate awareness and understanding in the Australian community of the Australian Government’s radioactive waste management policies as they relate to the national radioactive waste repository, and to offer communication and issues management advice in relation to the establishment of the national radioactive waste repository.
(2) A select tender process was used to select the consultant.
(3) (a) The commencement date of the consultancy was 4 July 2003. (b) The contract was concluded on 4 September 2003.
(4) (a) Nil.
   (b) $107,000 was budgeted for in 2003-04 and $25,716 has been spent.
(5) The consultants were hired to undertake the following key tasks:
   (a) develop, in close collaboration with the Department, an issues management framework;
   (b) monitor and analyse public and stakeholder opinion and media reports;
   (c) develop strategic communication advice and messages;
   (d) manage the issues relating to the repository through selected briefings, media releases etc; and
   (e) advise the Minister’s office and the Department promptly of selected media reports.