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**WEDNESDAY, 17 NOVEMBER**

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

TEMPORARY CHAIR OF COMMITTEES

The PRESIDENT—Pursuant to standing order 12, I lay on the table a warrant revoking the warrant nominating Senator Jacinta Collins as a Temporary Chair of Committees and appointing Senator Moore as an additional Temporary Chair of Committees.

BUSINESS

Rearrangement

Senator IAN CAMPBELL (Western Australia—Minister for the Environment and Heritage) (9.31 a.m.)—I move:

That standing order 3(4) be suspended to enable the Senate to consider business other than that of a formal character before the address-in-reply to the Governor-General’s opening speech has been adopted.

Question agreed to.

ADMINISTRATIVE APPEALS TRIBUNAL AMENDMENT BILL 2004

AVIATION SECURITY AMENDMENT BILL 2004

BANKRUPTCY AND FAMILY LAW LEGISLATION AMENDMENT BILL 2004

DISABILITY DISCRIMINATION AMENDMENT (EDUCATION STANDARDS) BILL 2004

FAMILY LAW AMENDMENT (ANNUITIES) BILL 2004

FISHERIES (VALIDATION OF PLANS OF MANAGEMENT) BILL 2004

NATIONAL SECURITY INFORMATION (CRIMINAL PROCEEDINGS) BILL 2004

NATIONAL SECURITY INFORMATION (CRIMINAL PROCEEDINGS) (CONSEQUENTIAL AMENDMENTS) BILL 2004

POSTAL INDUSTRY OMBUDSMAN BILL 2004

SURVEILLANCE DEVICES BILL 2004

TELECOMMUNICATIONS (INTERCEPTION) AMENDMENT (STORED COMMUNICATIONS) BILL 2004

WORKPLACE RELATIONS AMENDMENT (AGREEMENT VALIDATION) BILL 2004

First Reading

Senator IAN CAMPBELL (Western Australia—Minister for the Environment and Heritage) (9.31 a.m.)—At the request of the Minister for Justice and Customs, Senator Ellison, I move:

That the following bills be introduced:

A Bill for an Act to amend the Administrative Appeals Tribunal Act 1975, and for other purposes;

A Bill for an Act to amend laws relating to aviation security, and for related purposes;

A Bill for an Act to amend the Bankruptcy Act 1966, and for other purposes;

A Bill for an Act to amend the Disability Discrimination Act 1992, and for related purposes;

A Bill for an Act to amend the Family Law Act 1975, and for related purposes;

A Bill for an Act to provide certainty about the validity of certain plans of management under the Fisheries Management Act 1991, and for related purposes;

A Bill for an Act relating to the protection of certain information from disclosure in federal criminal proceedings, and for related purposes;

A Bill for an Act to amend certain Acts as a consequence of the enactment of the National Security Information (Criminal Proceedings) Act 2004, and for related purposes;
A Bill for an Act to amend the Ombudsman Act 1976, and for related purposes;

A Bill for an Act to set out the powers of Commonwealth law enforcement agencies with respect to surveillance devices, and for related purposes;

A Bill for an Act to amend the Telecommunications (Interception) Act 1979, and for other purposes; and

A Bill for an Act to amend the Workplace Relations Act 1996, and for related purposes.

Question agreed to.

Senator IAN CAMPBELL (Western Australia—Minister for the Environment and Heritage) (9.33 a.m.)—I move:

That these bills may proceed without formalities, may be taken together and be now read a first time.

Question agreed to.

Bills read a first time.

Second Reading

Senator IAN CAMPBELL (Western Australia—Minister for the Environment and Heritage) (9.34 a.m.)—I table the explanatory memoranda relating to the bills and move:

That these bills be now read a second time.

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

Leave granted

The speeches read as follows—

ADMINISTRATIVE APPEALS TRIBUNAL AMENDMENT BILL 2004

The Administrative Appeals Tribunal Amendment Bill 2004 (the Bill) introduces a suite of measures that will improve the capacity of the Administrative Appeals Tribunal (the Tribunal) to manage its workload and ensure that reviews are conducted as efficiently as possible. The Bill amends the Administrative Appeals Tribunal Act 1975 (the AAT Act) and related legislation.

Taken individually, each of the measures contained in the Bill is relatively modest. However, taken together they represent the most substantial reform of the Tribunal undertaken since it first opened its doors on 1 July 1976.

The purpose behind the reforms is simple: to make the Tribunal more efficient, more flexible and more responsive to the ever-changing environment in which it operates. The reforms reinforce that the primary objective of the Tribunal is to provide a mechanism of review that is fair, just, economical, informal and quick. This is primarily achieved by giving the President greater flexibility in the way he or she organises the work of the Tribunal.

The reforms do not involve a fundamental change to the purpose, structure or functions of the Tribunal. Rather, they build on the Tribunal’s experience over almost 30 years of operation.

The reforms can be divided into five key areas:

- Reforms to Tribunal procedures
- Removal of restrictive constitution provisions
- Better use of ordinary members
- Reform of the role of the Federal Court, and
- Changes to the qualification requirements for appointment as President.

I propose to identify some of the significant reforms to be introduced in each area.

Reforms to Tribunal procedures

The Bill reforms existing Tribunal procedures to allow for more efficient conduct of reviews.

The powers of the President will be expanded to facilitate more effective case management. In particular, the President will have the power to issue directions in relation to the operation of the Tribunal and the conduct of reviews. The Bill also rationalises the provisions relating to the resolution of disagreements between the members of the Tribunal hearing a particular matter, avoiding the costly and inefficient delays that, at present, occasionally result from such disagreements.

In keeping with the Government’s commitment to alternative dispute resolution as an inexpensive and effective way of resolving disputes between parties, the Bill expands the range of alternative dispute resolution processes available to the Tribunal. New alternative dispute resolution processes will include: neutral evaluation, case appraisal
and conciliation. The Bill also provides the Registrar with the capacity to engage appropriately qualified and experienced consultants to conduct alternative dispute resolution processes.

**Removal of restrictive constitution provisions**
The Bill removes restrictions contained in the AAT Act and other legislation on how the Tribunal is to be constituted for the purposes of particular hearings. This will give the President greater flexibility in managing the Tribunal’s workload. To ensure that the Tribunal is constituted by the most appropriate members in each proceeding, the Bill requires the President to have regard to a range of factors when determining the constitution of the Tribunal. These factors include:

- the degree of public importance or complexity of the matters to which the proceeding relates
- the status of the person who made the decision that is to be reviewed, and
- the degree to which it is desirable for the members constituting the Tribunal to have special knowledge, expertise or experience in relation to the matters to which the proceeding relates.

To complement these changes, the Bill simplifies existing reconstitution provisions. There are two aspects to this proposal. First, the Bill would amend the provisions that apply where a member becomes unavailable during the course of a review. Secondly, the President would have the power to add, remove or substitute a member of the Tribunal if he or she is of the opinion that it is in the interests of achieving an expeditious and efficient conclusion of the review.

**Better use of ordinary members**
The Bill contains amendments to allow the President to authorise ordinary members to exercise powers currently only conferred on presidential and/or senior members. These powers will include granting applications for an extension of time before a hearing has commenced and giving a party leave to inspect documents produced under summons. These reforms will give the Tribunal greater flexibility in the allocation of resources and allow for tailored management of particular matters. It is expected that some matters will be heard more expeditiously than is possible under existing arrangements as a result of these reforms.

**The role of the Federal Court**
The Bill introduces an amendment requiring the consent of the President before a question of law may be referred to the Federal Court. I wish to stress at the outset that no existing appeal rights will be affected by this proposal. At present, subject to some restrictions, the Tribunal constituted for the purposes of a hearing may refer a question of law arising in the proceeding to the Federal Court for decision.

The involvement of the President is intended to ensure that only matters in genuine need of judicial resolution are referred. Under current arrangements, it is possible for issues that may be regarded as settled or insignificant to be referred to the Federal Court wasting the resources of the Court and causing delays in the resolution of the proceeding. Where a party believes that a decision of the Tribunal was based on an error of law, they will still be able to appeal that decision to the Court.

In a related reform the Bill allows the Federal Court to make findings of fact in appeals from decisions of the Tribunal. This reform implements a recommendation made by the Administrative Review Council in its report titled Appeals from the Administrative Appeals Tribunal to the Federal Court. This proposal is not intended to in any way reduce the Tribunal’s role as the primary finder of fact in review proceedings. Rather, it is intended to allow the Federal Court to dispose of appropriate matters completely rather than remitting them to the Tribunal for the taking of further evidence.

The Court will only be able to make findings of fact if they are consistent with those already made by the Tribunal. Before making such findings the Court must determine whether it is convenient to do so, having regard to factors such as:

- the expeditious and efficient resolution of the whole of the matter to which the proceedings relate
- the relative expense to the parties of the Court, rather than the Tribunal, making the findings, and

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**CHAMBER**
the relative delay to the parties of the Court, rather than the Tribunal, making the findings of fact.

The amendments will not bring about far-reaching changes to the federal system of administrative law, but rather will improve the efficiency of the review process and provide for more immediate outcomes in a small but significant number of proceedings.

Changes to the qualification requirements for appointment as President

The Bill expands the range of people who are eligible for appointment as President of the Tribunal.

At present only a Federal Court judge may be appointed as President of the Tribunal. The Bill expands this to allow for the appointment of a current or former judge from any federal court, a former judge from any State or Territory Supreme Court, or a person who has been enrolled as a legal practitioner for at least five years.

The purpose of the reform is to ensure that the most appropriately qualified person occupies the position of President, regardless of whether or not they happen to be a judge of the Federal Court.

The Bill also removes those provisions under the Act which currently confer tenure on presidential members who are also judges and allow for the appointment of Deputy-Presidents or senior members with tenure. This means all future appointment to the AAT will be for fixed terms.

Tenured appointments reduce the flexibility of the Tribunal to respond to its changing case load.

To ensure it is able to continue to meet the needs of its users, the Tribunal requires access to a pool of appropriately qualified members. Tenured appointments undermine the ability of the Government to ensure that the pool of available members corresponds with the needs of the AAT and its users.

This reform is also intended to provide consistency across the membership of the AAT.

In addition, the Bill modernises the vocabulary of the Act and inserts new headings to enhance the readability and user-friendliness of the Act. Terms such as ‘serve’ and ‘furnish’ will be replaced with plain English equivalents. These amendments accord with the Government’s policy of making the Administrative Appeals Tribunal more accessible to self-represented litigants. Criminal offences contained in the AAT Act are also re-drafted to accord with the style used in the Criminal Code and penalties updated.

Conclusion

For close to thirty years, the Tribunal has provided an avenue for people to seek review of the decisions of Government that impact on their lives. The Tribunal has also played an essential role in improving the quality of administrative decision-making across the Australian Government. The measures contained in the Administrative Appeals Tribunal Amendment Bill will ensure that as the Tribunal enters a fourth decade of operation, it continues to perform its vital function and to so serve the interests of the Australian community.

AVIATION SECURITY AMENDMENT BILL 2004

It is an unavoidable reality that national security remains a very high priority for this Government. It is also a reflection on our times that it is essential for us to continue to protect our transport system and its passengers against very real threats. It is in this context that I present this Bill for the parliament’s consideration.

Aviation security is kept under constant review to ensure that measures remain appropriate to current intelligence on threats to Australian aviation. Most recently, there was a comprehensive review of aviation security following a revised threat assessment issued by the Australian Security Intelligence Organisation in July 2003.

As a result of this aviation security review, the Government announced a major expansion of the nation’s aviation security regime on 4 December 2003. As a part of the expansion, background checking has been extended to a larger part of the aviation industry in recognition of the nature and level of the threat. The threat assessment has highlighted pilot identification as an important issue that must be addressed as part of aviation security requirements in Australia. Ensuring that pilots and trainee pilots are subject to security checking will reduce the likelihood of persons
who might pose a threat to aviation gaining access to aircraft through legitimate means.

I acknowledge that some might see the need for such scrutiny of all our pilots as an unwelcome imposition on an innocent group within our community. On the other hand, we must move with our changing times, in which an aircraft in the wrong hands has become a lethal weapon.

This Bill has two parts. The first part deals with the issue of background checking of flight crew, while the second part deals with minor amendments mainly of a transitional nature.

I will not dwell on the minor amendments, which deal primarily with transitional arrangements for programs approved under the Air Navigation Act after the commencement of the Aviation Transport Security Act, but I will instead focus on the changes to the background checking provisions.

Currently there are legislative impediments to the most efficient implementation of the Government’s decision in relation to background checking of flight crew and trainee flight crew. The most efficient process is to fully integrate background checking into the licensing process so that we can all be assured that all holders of a pilot’s license have withstood rigorous, if confidential, scrutiny of their background.

The legislative impediments are broadly the absence of a head of power in the Aviation Transport Security Act 2004 which enables the background checking of pilots, and subsection 9(5) of the Civil Aviation Act 1988, which prevents CASA from having responsibility for aviation security.

This Bill will remove those legislative impediments and provide a background checking process that is both effective and efficient.

The Bill inserts Division 9 ‘Security Status Checking’ into the Aviation Transport Security Act.

New Section 74F will allow the Secretary of the Department of Transport and Regional Services to determine that a person has an adverse security status based on the results of background checks. The effect of such a declaration will be that the person is precluded from holding a security designated authorisation. A security designated authorisation will be defined in the regulations and will include, but not be limited to, all flight crew and trainee flight crew licences. This is intended to provide a mechanism preventing would-be pilots assessed as having an unacceptable security history from obtaining or retaining a pilot’s license.

The procedure by which the Secretary of the Department of Transport and Regional Services will come to such a decision, and the kinds of factors which will have to be considered by the Secretary in making such a decision, will be set out in the regulations. These provisions have been included in acknowledgement that denying a license is a most significant decision that has to be seen to be based on valid security concerns rather than any form of arbitrary decision making.

It is envisaged that these procedures will include considering the results of a check of the person’s criminal history, their immigration status, and the results of a security assessment conducted by ASIO in relation to the person. This is the same as checks undertaken on other aviation industry employees with access to aircraft and the secure areas of airports when they apply for an Aviation Security Identification Card (ASIC).

In addition, the Bill will remove the impediment to CASA having responsibility for aviation security. This is not intended to make CASA a security agency, but rather to ensure that CASA is not unnecessarily precluded from contributing to the Government’s desired security outcomes through the exercise of its functions. This is a further sign of our troubled times and the extent to which ‘security is everybody’s business’: all government agencies, whether they are used to seeing themselves in such terms or not, have a contribution to make to our national security. This Government is doing everything it can to ensure that all of our agencies work together in our quest for our national security.

The changes contained in this Bill are part of a broader government strategy of ensuring that sensitive transport infrastructure and the public at large are protected from acts of unlawful interference with transportation. They will complement the ASIC regime which applies at airports and the Maritime Security Identification Card system which will apply at ports.
BANKRUPTCY AND FAMILY LAW LEGISLATION AMENDMENT BILL 2004

The Bankruptcy and Family Law Legislation Amendment Bill 2004 is a part of the Howard Government’s continuing reform of both family law and bankruptcy law.

In particular, this Bill addresses the interaction of bankruptcy law and family law, and implements key recommendations of the Joint Taskforce Report on the Use of Bankruptcy and Family Law Schemes to Avoid Payment of Tax (the Taskforce).

The most significant amendments contained in this Bill are designed to harmonise the law that applies to the division of assets upon insolvency and upon the breakdown of a marriage and, in particular, to the interaction between the Family Law Act 1975 and the Bankruptcy Act 1966.

There have been longstanding concerns about the uncertainty facing both bankruptcy trustees and non-bankrupt spouses when these two areas of law operate concurrently.

This Bill will make more comprehensive changes, partly under the Bankruptcy Act 1966, but mainly focussed on powers and procedures in relation to family property and financial arrangements under the Family Law Act 1975.

Schedule 1 contains amendments designed to clarify the rights of the bankruptcy trustee and the non-bankrupt spouse, and to offer certainty as to the competing rights of creditors and the bankrupt spouse.

The amendments in Schedule 1 will enable concurrent bankruptcy and family law proceedings to be brought together in a court exercising family law jurisdiction, to ensure that all issues are dealt with at the same time. This is achieved by giving courts exercising family law jurisdiction additional jurisdiction to deal with bankruptcy matters that are run concurrently with a family law financial matter, and by facilitating the bankruptcy trustee’s and third party creditors’ involvement in family law proceedings. By merging the courts’ jurisdiction on bankruptcy and family law matters, in cases where these areas interact, the amendments will allow the courts exercising family law jurisdiction to consider the non-financial contributions of a non-bankrupt spouse to the acquisition of family property.

Under these Schedule 1 amendments, the trustee in bankruptcy can be a party to property or spousal maintenance proceedings under the Family Law Act 1975, and the court will have jurisdiction over property that has become vested bankruptcy property. The court will be able to make an order against the relevant bankruptcy trustee as part of the property adjustment order, allowing the trustee effectively to stand in the shoes of the bankrupt spouse.

The effect of these amendments will be to offer procedures and protections to the non-bankrupt spouse that were not previously available. At the same time, the court can be on notice about the interests of creditors of a bankrupt spouse, and can take those interests into account in determining family property adjustment or spousal maintenance orders.

Schedule 2 to the Bill will establish an enhanced regime for collecting income contributions under the Bankruptcy Act 1966. Currently, the Official Receiver can collect contributions to repay outstanding creditors from a bankrupt wage earner’s salary and/or bank accounts. However, the existing provisions offer limited recovery of contributions against a self-employed bankrupt. These amendments will introduce a supervised account regime, giving the trustee access to all of the bankrupt’s income before it reaches the bankrupt, ensuring that the contribution scheme applies in a more even-handed and effective manner.

Schedules 3 and 4 to the Bill contain amendments that are designed to prevent people using financial agreements under Part VIIIA of the Family Law Act 1975 to defeat the claims of creditors. The amendments will ensure that the existing ‘clawback’ provisions in the Bankruptcy Act 1966 can be used to recover transfers made pursuant to financial agreements. The amendments will also create a new act of bankruptcy which will occur when a person is rendered insolvent as a result of transfers made pursuant to a financial agreement. This will allow the bankruptcy trustee access to dispositions of property made after that act of bankruptcy is committed.

The Government is committed to enhancing and making the family law and bankruptcy systems more accessible, efficient and effective and this
Bill is part of the Government’s commitment to that goal.

Full details of the measures contained in this Bill are outlined in the Explanatory Memorandum to the Bill.

DISABILITY DISCRIMINATION AMENDMENT (EDUCATION STANDARDS) BILL 2004

This Bill is an important precursor to the formulation of disability standards for the education of people with disabilities.

The Disability Discrimination Act 1992 provides that the Attorney-General may formulate disability standards in a range of areas, including the education of persons with a disability.

Draft Disability Standards for Education have been developed over many years. Their development has involved extensive consultation with government and non-government education providers, the disability sector and other interested members of the public.

In June 2004 the Government released for public information a final draft of the Standards, along with accompanying Guidance Notes to assist in their interpretation.

The final draft of the Standards differs from the operation of the Act in minor ways. Therefore, it is necessary to make minor amendments to the Act to ensure that the Standards are supported to the greatest possible extent.

One amendment is to extend the defence of ‘unjustifiable hardship’ to aspects of education beyond the point of enrolment. The others are to introduce a new definition of ‘education provider’, and to clarify the position with respect to ‘reasonable adjustments’ and the harassment and victimisation of students with disabilities.

When implemented, the draft Disability Standards for Education will specify how education and training are to be made more accessible to students and prospective students with disabilities, without imposing unduly onerous burdens on education providers. They will clearly describe the obligations of education providers in relation to students with disabilities, and provide guidance on how to meet those obligations.

The Standards will cover government and non-government providers in all sectors: pre-school, school, vocational education and training, higher education and adult and community education.

The Productivity Commission’s recent Review of the Disability Discrimination Act identified ‘exclusion from, and segregation in, education’ as ‘one of the most serious forms of disability discrimination’.

Disability discrimination in education can manifest itself in many ways, including refusal of enrolment, exclusion from sports or other activities, negative attitudes and unsuitable or inflexible criteria.

This Bill will amend the Disability Discrimination Act to make it clear that disability standards may require education providers to make reasonable adjustments to avoid discriminating on the ground of disability in relation to education and training.

What is a ‘reasonable adjustment’ will depend on the circumstances of the individual case, but may involve something as simple as allowing a student additional time to complete a test, or supporting the use of assistive computer technology.

Education providers will not be required to make adjustments for students with disabilities if making those adjustments would cause them unjustifiable hardship.

The Productivity Commission’s Review of the Disability Discrimination Act also noted that the absence of an unjustifiable hardship defence after the point of enrolment has created problems for educational institutions. It may be inadvertently aggravating discrimination by being a disincentive to providers to enrol students with disabilities.

The Government considers that more inclusive education and training can play a significant role in changing broader community attitudes about people with disabilities, and will play a crucial part in preparing people for participating more fully in the workforce.

Passing this Bill is the next step in ensuring that outcome.
FAMILY LAW AMENDMENT (ANNUITIES) BILL 2004

The Family Law Amendment (Annuities) Bill 2004 is a part of the Howard Government’s continuing reform of the family law system.

This Bill extends Part VIIIB of the Family Law Act 1975, which provides a regime by which future superannuation payments can be split on marriage breakdown, to certain annuity products.

The commencement of Part VIIIAA of the Family Law Amendment Act 2003 on 17 December 2004 combined with the passage of this Bill will complete the Government’s promise in the 2001 election to ensure that life products can be split by parties on divorce, in the same way that couples are able to split superannuation interests.

Annuities are a financial investment product primarily designed for use as retirement income. They receive similar tax concessions and preferential treatment for social security income and asset test purposes as superannuation products. It is therefore appropriate that the family law superannuation regime applies to these products to provide both certainty and consistency in the treatment of these products.

The key distinction between superannuation and annuity products is that annuities are a contractual rather than a legislative product and annuities fund managers are not subject to the same regulation that applies to superannuation fund managers.

This Bill provides extension of Part VIIIB to both immediate annuities, that is those already in the payment phase, and deferred annuities, those where payments of an income stream is yet to commence.

Annuity products are often purchased because the particular superannuation fund from which the money has come from only allows for a lump sum payment and an individual wants to receive the money as an income stream. Alternatively an individual may have purchased an annuity product when they left a place of employment and the particular superannuation fund to which they belonged did not allow for retention of funds. Annuity products are a way to keep the money within the superannuation system and to continue to benefit from the concessional tax and income security treatment of these products.

While immediate annuities continue to exist as a product that can be purchased deferred annuity products are no longer available. This is primarily because changes to superannuation legislation in recent years means that superannuation funds now generally allow for retention or roll over of monies within the fund.

Australian Prudential Regulation Authority data is that in December 2003 there was approximately $13 billion held by what is classified as annuities and other miscellaneous funds within the superannuation system. This represents about 2.3% of all superannuation assets.

The appropriate treatment of annuity products was first raised as an issue by the financial services sector in 2001 towards the end of consideration of the Family Law Legislation (Superannuation) Amendment Act 2001 which ultimately passed Parliament in June 2001. At that time it was decided not to include these products in the superannuation regime primarily due to difficulty in defining these products.

Concerns about the treatment of annuity products were also raised during Parliamentary consideration of Schedule 6 of the Family Law Amendment Act 2003. Schedule 6 inserts a new Part VIIIAA into the Family Law Act 1975 to allow the court in property proceedings to make orders binding third parties. The financial services sector in particular was concerned that there was uncertainty surrounding how orders made about annuity products by the courts under the new Part VIIIAA would affect its members.

The commencement of Schedule 6 was delayed for 12 months from Royal Assent, until 17 December 2004, to allow time to consider further the concerns that had been raised by the financial services sector. Following consultations with the financial services sector, the legal profession and the courts, this Bill addresses the concerns raised and will provide certainty about the orders that the court can make.

This Bill will add a class of eligible annuities to the categories of eligible superannuation plans to which Part VIIIB of the Family Law Act 1976 covers and remove that class of annuities from
Part VIIIAA of that Act. A definition of an “eligible annuity” is proposed using the meaning of the term “annuity” under the Superannuation Industry (Supervision) Act 1993. Under this definition the annuity must be treated for the purposes of Division 14 of Part III of the Income Tax Assessment Act 1936 as being purchased wholly out of rolled over superannuation amounts.

One distinction in the operation of the current superannuation regime for annuity products is that the Bill does not contain a provision requiring the preservation of the non member’s spouse’s entitlement once splittable payments have commenced to be paid in respect of a deferred annuity. A preservation requirement is usually something like the attainment of retirement age or invalidity.

For immediate annuities this is not an issue as the member spouse must have already met one of the preservation requirements and the money would have already been part of the household income prior to the marriage breakdown. In these circumstances there is no requirement to withhold the splittable payments to a non member spouse who has not satisfied a preservation requirement.

For superannuation monies which are in the growth rather than the payment phase there is currently a requirement to preserve the non member spouses entitlement to a splittable payment until they satisfy a statutory preservation limit, such as the attainment of retirement age. The major purpose behind this requirement is to retain such monies within the superannuation system to be used as retirement income.

This different treatment for deferred annuities is appropriate because in the case of deferred annuity there is only a contractual not a legislative requirement for an annuity provider to only commence payments once a member spouse’s preservation requirement is met. Without a statutory regime to enforce preservation it is not appropriate to seek to preserve the non member spouse’s entitlement. The effect of this may be that in some cases a splittable payment will be made to a non member spouse who has not satisfied a preservation requirement such as retirement age.

Amendments will be required to the Family Law (Superannuation) Regulations 2001 in relation to annuity products between the passage of this Bill and commencement. The Family Law (Superannuation) Regulations 2001 sets out requirements mainly relating to valuation and information matters, in relation to superannuation interests held by parties to a marriage on marriage breakdown.

To remove that annuity products are not subject to orders under Part VIIIAA before those amendments can be made.

The Bill contains a provision to take annuity products out of Part VIIIAA from the time it commences on 17 December 2004. This will mean that the provisions that currently apply to them will continue to apply until the rest of this Bill commences. The court can already make an order under Part VIII of the Act in property or spousal maintenance proceedings that a spouse pay income he or she receives under one or more of these products to the other spouse. However, the court can not bind third parties when making those orders.

The Bill also contains a provision to make it clear that annuity products will not become a part of Part VIIIB until commencement on Proclamation or 6 months from Royal Assent. This will ensure appropriate time to finalise the necessary regulatory regime.

The Government is committed to enhancing and making more accessible and efficient the family law system and this Bill is part of that commitment.

Full details of the measures contained in this Bill are contained in the Explanatory Memorandum to the Bill.

FISHERIES (VALIDATION OF PLANS OF MANAGEMENT) BILL 2004

The Fisheries (Validation of Plans of Management) Bill 2004 (the Bill) provides certainty about the validity of certain plans of management determined, amended and/or revoked under the Fisheries Management Act 1991. It also provides certainty about things done under or for the purposes of those plans.

The Australian Fisheries Management Authority (AFMA) manages Commonwealth fisheries under the Fisheries Management Act 1991 and the Fisheries Administration Act 1991. Under Division 2
of Fisheries Management Act 1991, plans of management can be created for Commonwealth fisheries to establish the arrangements under which the resources are to be sustainably managed.

A plan of management may determine a range of matters for a fishery including the area, fishing method and gear, the fishing capacity and target species. It may also specify how AFMA will adjust catch levels when there are changes in the size and structure of the stock, economic and social conditions in a fishery or other events that may impact upon the biological sustainability of the stock or associated and dependent stocks.

A plan of management may also provide for the management of the fishery by means of a system of statutory fishing rights (SFRs) and other fishing concessions, and may formulate procedures to be followed for selecting persons to whom fishing concessions are to be granted. It is put in place following extensive consultation and review processes.

Plans of management are an essential tool for the effective management of Commonwealth fisheries and have been put in operation for a number of years in some of the significant Commonwealth fisheries. As such, it is important to ensure that nothing can call into question the regime of access to resources under these plans and things done under or for the purposes of those plans.

In this respect, a legal audit was undertaken last year which identified that there is a potential argument that there may have been an inconsistency in the process by which plans of management were determined, amended or revoked before July 2003 by the Managing Director or by the Acting Managing Director of AFMA.

There is a small, residual legal risk that this potential inconsistency may encourage some fishers to challenge the validity of these plans, even though the plans of management were formulated correctly, with due regard to the proper consultation and review processes.

The Australian Government is of the view that all current plans of management are valid. However, it is important for industry that these plans are placed beyond risk and are certain. The consequences of a successful challenge could be significant. It would undermine many of the existing arrangements and rules underpinning the management of Commonwealth fisheries. This would create uncertainty and instability within the industry.

The Australian Government is of the firm belief that the plans of management will withstand any challenge and wants to ensure there is no scope for uncertainty about the status of the plans of management.

The provisions of this Bill address this small legal risk and put beyond all doubt the validity of existing plans of management determined, amended and/or revoked under the Fisheries Management Act 1991 and things done under or for the purposes of those plans. The Bill will have no affect on fishing operators, other than to ensure that the current management arrangements relating to their fisheries are certain.

**NATIONAL SECURITY INFORMATION (CRIMINAL PROCEEDINGS) BILL 2004**

The protection of Australia’s national security is an obligation that the Government takes seriously. An integral part of this obligation is the protection of information which, if disclosed, could damage our national security.

As the Director-General of Security, Mr Dennis Richardson, recently told the Australian Chamber of Commerce and Industry,

“Sooner or later, the protection of classified and security sensitive information will be a critical issue in a terrorism trial in this country.”

The existing rules of evidence and procedure do not provide adequate protection for such information where it may be disclosed during the course of criminal proceedings.

As a consequence, the Commonwealth may be faced with a choice between accepting the damage resulting from the disclosure of information or protecting that information by abandoning the prosecution.

The National Security Information (Criminal Proceedings) Bill will strengthen the laws for protecting information that is likely to prejudice our national security.
The Bill is designed to enable information to be introduced during a federal criminal proceeding in an edited or summarised form.
This will facilitate the prosecution of an offence without prejudicing national security and the rights of the defendant to a fair trial.
The Bill has been considered by the Senate Legal and Constitutional Legislation Committee who reported on 19 August 2004 with 13 recommendations.
The Government has considered the Committee’s report and has adopted several of the Committee’s recommendations.
The Bill makes it clear that defendants and their legal representatives can only be excluded from hearings in limited specified circumstances, namely where the legal representative does not hold a security clearance, and that courts will retain the power to stay proceedings if the defendant cannot be assured of a fair trial, consistent with Committee recommendations 6 and 13.
The Bill provides that the court must, in making an order in relation to the disclosure of information or a witness, consider whether the exclusion of information or a witness would impair the ability of a defendant to make his or her own defence.
This requirement is in addition to requiring the court to consider whether the exclusion would substantially affect the defendant’s rights to receive a fair hearing.
These requirements are consistent with Committee recommendations 7 and 8.
Closed hearings, in relation to information that is the subject of an Attorney-General’s certificate, will be held by the trial court before the trial begins, rather than as soon as the trial begins, consistent with Committee recommendation 9.
The Bill also provides that evidence in a redacted or summarised form, approved during a closed hearing, can be adduced without it being argued in the trial itself that the form in which the evidence is adduced is inadmissible.
In all other respects the normal admissibility discretions of the court will apply, consistent with Committee recommendation 11.
Several other provisions have been included to strengthen the Bill.
The Bill provides for the court to give reasons for its decision for admitting, excluding or redacting information or excluding a witness.
The Bill ensures that a certificate of the Attorney-General will only lapse after the decision of the court in relation to the certificate is final, that is, where no appeal has been lodged and the period for lodging appeals has ended.
A notice of information that is likely to prejudice national security will be provided to the Attorney-General only.
The witness and the other party will be informed that a notice to the Attorney-General has been given.
A definition for the term “likely to prejudice national security”, has been included to mean a real likelihood and not a remote possibility.
The requirement that a closed hearing be held to decide whether to make an order in relation to the disclosure of information for extradition proceedings has been excluded.
This is because extradition proceedings are not a trial of the person for an offence, but merely determine whether an individual should be surrendered to another country to face trial in that country.
The admissibility of the evidence is then a matter for the trial court of the requesting state.
The Bill marks a significant change to the way information that may affect our national security is used in federal criminal proceedings.
However, the new measures will not prevent a defendant from receiving a fair trial.
The courts will retain the power to ensure that a trial is fair and the defendant is not disadvantaged.
In this way, the Government has struck the right balance in protecting national security without sacrificing the independence of the judiciary and the defendant’s right to a fair trial.
For this reason, I commend this Bill.
NATIONAL SECURITY INFORMATION
(CRIMINAL PROCEEDINGS)
(CONSEQUENTIAL AMENDMENTS) BILL
2004


The Bill amends the ADJR Act to exclude a certificate decision of the Attorney-General from section 13 of that Act.

This means that an individual cannot request that the Attorney-General furnish a written statement setting out the findings on material questions of fact and the reasons for the certificate decision.

Due to the nature of a certificate decision, exposing its underlying reasons could itself prejudice Australia’s national security.

The Bill also amends the ADJR Act to include a certificate decision of the Attorney-General within the definition of a ‘related criminal justice process decision’.

This amendment will limit the jurisdiction of a court to hear a defendant’s application under the Act while a prosecution or appeal is before a court, thereby ensuring that such an application will not delay the prosecution or appeal.

The Bill also amends the Judiciary Act to include an Attorney-General’s certificate decision within the definition of a ‘related criminal justice process decision’.

This amendment gives the Supreme Court of the State or Territory in which the prosecution or appeal is before a court, jurisdiction with respect to any matter in which the defendant seeks a writ of mandamus or prohibition or an injunction against the Attorney-General in relation to a certificate decision.

It promotes administrative efficiency by ensuring that the application for a writ of mandamus or prohibition or an injunction is heard by the same court that is likely to hear the prosecution or appeal.

This Bill offers a greater level of protection to sensitive security-related information whilst also promoting efficiency.

POSTAL INDUSTRY OMBUDSMAN BILL
2004


Unlike a number of overseas postal administrations, Australia does not yet have a dedicated PIO. As a result, consumers do not have a recognisable, dedicated and independent entity to deal with their complaints about the provision of postal services.

The Bill will address this situation by inserting a new Part into the Ombudsman Act 1976 to establish the PIO as a separate office within the office of the Commonwealth Ombudsman.

The Commonwealth Ombudsman currently has the authority to investigate actions taken by Australia Post, and to recommend that it take appropriate action. However, the Commonwealth Ombudsman does not have a high profile with regard to postal complaints, and many consumers may be unaware of the Ombudsman’s role with regard to Australia Post. In addition, the Ombudsman does not currently have the authority to investigate complaints relating to postal operators other than Australia Post, which are instead investigated by relevant State and Territory Offices of Fair Trading.

To address these issues, the Bill will establish the PIO as a high-profile office that will be responsible for investigating actions taken by Australia Post in relation to the provision of postal services. The PIO will also be able to investigate actions taken by other postal operators who choose to register with the scheme.

For private postal operators (PPOs), registering with the scheme may be attractive because it could be presented as a benefit to customers using their services. It may therefore provide a marketing advantage over their competitors. The PIO will also serve as a final arbiter for the resolution of difficult disputes, which will be of benefit both to postal service providers and their consumers. Any operators who choose not to register will remain subject to the authority of State and Territory Offices of Fair Trading.
In many respects, the PIO will be provided with similar powers to the Commonwealth Ombudsman. For example, the PIO will be able to require a person to provide information in writing or to attend before the PIO to answer questions. The PIO will also be required to provide procedural fairness to Australia Post, registered PPOs and their employees in the investigation of any actions they have taken.

However, whereas the Commonwealth Ombudsman’s powers are tailored to the investigation of public sector administrative actions, the PIO’s powers will be customised for the investigation of service delivery complaints in relation to both Australia Post and private operators. Moreover, as the PIO will have jurisdiction over non-government entities which have voluntarily registered with the PIO, the PIO will not have certain powers that are considered unnecessary or which would act as a deterrent to PPOs registering with the scheme. For example, it was not considered appropriate to provide the PIO with the power to enter premises or to override a person’s claim to legal professional privilege.

Due to these differences, the PIO’s powers will complement rather than replace the Commonwealth Ombudsman’s existing powers to investigate action taken by Australia Post. The Commonwealth Ombudsman will retain existing powers to investigate actions by Australia Post, and will use these powers primarily to investigate actions that are not related to the provision of postal services. Examples of these types of action are the handling of requests under the Freedom of Information Act 1982, or the handling of pre-employment matters or employee compensation.

Complaint transfer provisions in the Bill will mean that complaints can be transferred from the PIO to the Commonwealth Ombudsman, and visa versa. These will mean that most, if not all, service delivery complaints against Australia Post will be dealt with by the PIO in a similar way to those against any other postal operator but, where it is more appropriate to do so, complaints against Australia Post can still be dealt with by the Commonwealth Ombudsman. This will ensure that the full powers currently available for the investigation of actions taken by Australia Post will remain available.

The PIO will also have the discretion to transfer an investigation to another statutory office holder, if it is considered that it could be more conveniently or effectively dealt with by that statutory office-holder. In combination, these transfer measures will ensure that complaints are handled by the Ombudsman or statutory office holder with the most appropriate functions and duties to deal with them.

Some provisions in the Bill have been drafted differently from provisions in the current Ombudsman Act, even though they cover similar matters. This has been done to modernise the drafting style and to address other drafting issues, some of which may be considered during the current review of the Act. For example, the current Act separates the Ombudsman’s investigative powers in relation to preliminary inquiries from his or her other investigative powers. However, in practice the division of these powers is not reflective of the administrative practices of the Ombudsman. They are, therefore, combined in the new Part.

As the PIO will be an opt-in scheme for PPOs, the Bill provides that a register of registered PPOs be maintained for administrative purposes and for public information. The Bill provides that PPOs other than Australia Post may apply in writing to the PIO to be registered, and are taken to be registered once the PIO includes them on the Register. A PPO may also apply in writing to deregister from the scheme. However, the PIO will still be able to investigate a complaint about a PPO who has decided to de-register, so long as the action was taken while they were registered and the complaint is received within 12 months of the action complained of. This provision is intended to discourage PPOs from deregistering simply to avoid having particular actions investigated.

The Bill provides that the PIO may charge Australia Post or a registered PPO fees to recover the costs of conducting investigations relating to complaints made about them. The details of the cost recovery mechanism will be prescribed in regulations.
SURVEILLANCE DEVICES BILL 2004

Australia's law enforcement agencies rely on a variety of law enforcement tools to catch and prosecute serious criminals.

One important tool is the use of surveillance devices which could be anything from a hidden microphone, an ordinary video camera to a tracking device.

Yet today, the current surveillance device laws available to Commonwealth law enforcement are not up to the job of policing in the 21st century. The powers available to the Commonwealth also lag behind those available at the State level, both in terms of the types of devices that may be used and the offences for which they are available. It is therefore imperative that law enforcement agencies investigating Commonwealth offences are provided with this power so they can take advantage of what surveillance device technology makes possible, and what other jurisdictions permit.

This Bill began as an initiative of the Leaders’ Summit on Terrorism and Multi-Jurisdictional Crime held on 5 April 2002.

A Joint Working-Group of Commonwealth, State and Territory officials was established by the Standing Committee of Attorneys-General and the Australasian Police Ministers’ Council.

The Joint Working-Group developed comprehensive model laws for all Australian jurisdictions to improve the effectiveness of cross-border criminal investigations in the areas of controlled operations, assumed identities, protection of witness identity and the use of electronic surveillance.

These model laws were released in a public discussion paper to solicit feedback from groups and individuals on the suitability of the proposed powers.

The Surveillance Devices Bill 2004 implements the model laws on electronic surveillance, tailoring it to the needs of the Commonwealth. It also implements several recommendations of the Senate Legal and Constitutional Legislation Committee report on the earlier version of the Bill which was tabled on 27 May this year.

The Bill will consolidate, expand and modernise the outdated surveillance device powers available to the Commonwealth and will provide law enforcement agencies with access to the surveillance tools necessary to protect Australians and to investigate and prevent serious crime.

The Bill allows officers of the Australian Federal Police, the Australian Crime Commission, a State or Territory police force or other specified agencies, such as the NSW Crime Commission, which are investigating a Commonwealth offence to use a greater range of surveillance devices than is currently available to these agencies. The Bill will allow the use of data surveillance devices, optical surveillance devices, tracking devices and listening devices.

The Bill also allows the use of surveillance devices for a wider range of offences than is the case under existing Commonwealth law. For example, surveillance devices may be used under this Bill for the investigation of terrorist activity, people trafficking and child sex tourism.

The Bill also permits a law enforcement officer to seek an emergency authorisation, rather than a surveillance device warrant, from a senior executive officer of the law enforcement agency for the use of a surveillance device in urgent circumstances.

The Bill provides for three such situations: where there is an imminent threat of serious risk to a person or substantial damage to property, to recover an abducted child and where there is a risk of losing evidence in relation to specified serious Commonwealth offences, including terrorism, serious drug offences, treason and aggravated people smuggling.

In recognition of the privacy implications of this Bill, the Bill imposes a range of important accountability measures.

The most intrusive types of surveillance must be subject to the scrutiny of a judge or AAT member before the surveillance begins, or, in the case of an emergency authorisation, within 48 hours after the authorisation has been given.

Furthermore, the subsequent use, disclosure or communication of material gathered by, or relating to, a surveillance device is subject to stringent restrictions. For example, surveillance device product may only be used for a “permitted purpose” listed in the Bill. Furthermore, record-
keeping requirements ensure that documents relevant to surveillance devices are kept to establish compliance with the law.

Chief officers of law enforcement agencies using surveillance device warrants and emergency authorisations must also submit detailed reports to the Attorney-General, both after a warrant or authorisation has expired and annually.

The Bill imposes a duty on chief officers to destroy surveillance device material when it is not longer relevant to one of the permitted purposes listed in the Bill.

The Commonwealth Ombudsman has extensive powers to ensure compliance with the Bill. The Ombudsman must report on a six-monthly basis to the Attorney-General who in turn must table these reports in Parliament.

I urge that this Bill be passed as a matter of priority so that these important investigative tools are made available to law enforcement as soon as possible.

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TELECOMMUNICATIONS (INTERCEPTION) AMENDMENT (STORED COMMUNICATIONS) BILL 2004

This Bill amends the Telecommunications (Interception) Act 1979.

These measures, which were first considered by the 40th Parliament, address obstacles faced by our law enforcement and regulatory agencies.

It was disappointing that during the last session of Parliament, the Opposition while, on the one hand applauding the amendments because they met the urgent operational needs of our law enforcement agencies, delayed the passage of the amendments by referring this Bill to a Senate Committee.

This was despite the Senate Legal and Constitutional Legislation Committee twice considering proposed amendments to the Telecommunications (Interception) Act in relation to stored communications.

The Bill we have before us today will limit the existing prohibition against interception to real time transit of communications by excluding communications that have been stored on equipment from the scope of the Act.

The Government recognises however that broader review of access to stored communications by our agencies is required.

The amendments will cease to have effect 12 months after their commencement, during which time the Attorney-General’s Department will conduct a review focussing on the most appropriate means of access to these communications.

As previously said though, the need for more comprehensive review should not preclude the enactment of amendments to address the operational concerns created by the Act’s current application.

The amendments in this Bill address concerns expressed by the AFP in relation to operational difficulties posed by the current interception regime.

The Act was drafted almost 25 years ago, at a time when the Australian telecommunications systems consisted largely of land-based services carrying live telephone conversations.

The Act was therefore built around a core concept of communications passing over a telecommunications system.

This concept has proven more difficult to apply to modern telecommunications services such as voicemail, email and SMS messaging.

The measures in the Bill are an urgent but temporary solution to operational difficulties experienced by law enforcement agencies.

The amendments will allow law enforcement and regulatory agencies prompt access to stored communications.

The amendments do not however allow unregulated monitoring of telecommunications services, such as e-mail, voice mail and SMS.

Access to stored communications will continue to require an appropriate form of lawful access, such as consent, search warrant or other right of access to the communication or storage equipment.

The amendments will also facilitate measures to preserve the security of information systems by allowing access to stored communications.

The amendments will at the same time ensure that new technologies that may involve storage but which are analogous to standard voice telephony,
such as Voice over Internet Protocol services, are protected in the same way as normal voice calls. The Government remains committed to ensuring that the interception regime keeps pace with technological developments.

These amendments address the operational impact of technology convergence in the immediate term, while recognising the need for further consideration of this issue.

It is important and in the national interest that this Bill be expeditiously dealt with and I seek the Opposition’s co-operation in achieving this outcome.

WORKPLACE RELATIONS AMENDMENT (AGREEMENT VALIDATION) BILL 2004

This Government is committed to a workplace relations system that works. Agreement making under the Workplace Relations Act 1996 has benefited Australia economically, socially and industrially. This Bill will provide certainty to those employers and employees who have entrusted their working arrangements to the federal agreement making system.

The Bill responds to the High Court’s recent decision in the Electrolux case that federal certified agreements must only contain clauses that pertain to the employment relationship. The Government agrees with the High Court’s findings in Electrolux and welcomes the ruling that a union bargaining fee, forced upon non-union workers, cannot form part of a certified agreement.

The majority judgements in Electrolux suggest that existing agreements that contain provisions that do not pertain to the employment relationship may not be valid because the Australian Industrial Relations Commission did not have jurisdiction to certify them. There has been some confusion among the unions and the business community about the implications of this decision.

The Government is determined to address the concerns of employers and workers across Australia in putting forward this Bill. Not to remedy the uncertainty raised by the Electrolux decision would be unjustifiable, particularly in the lead up to the Christmas holiday period.

The Bill will put parties to an agreement in the position they would have been in, had they complied with the Electrolux decision when they made or varied their agreement.

The Bill will ensure the validity of certified agreements and Australian Workplace Agreements (AWAs) which were certified, approved or varied under the Workplace Relations Act prior to the High Court’s ruling in Electrolux. While Electrolux is concerned with certified agreements and contains no direct reference to AWAs, the Government believes that there is an equivalent need to ensure validity, and hence certainty, for the parties to AWAs.

The Bill will provide that where an agreement was certified, approved or varied prior to 2 September 2004 but contains matters that do not pertain to the employment relationship, these matters will not be considered to affect the validity of the agreement’s certification, approval or variation.

The Bill will only validate agreements certified prior to 2 September 2004, the date on which the High Court handed down its decision in Electrolux.

Consistent with the Electrolux decision, matters which do not pertain to the employment relationship but which are incidental or ancillary to that relationship, or machinery provisions, will be validated.

However, the Bill will not validate those parts of an agreement that do not pertain to the employment relationship. To do so would go beyond the decision in Electrolux that an agreement must only contain matters that pertain to the employment relationship. The High Court ruling was consistent with the legislative intent of the WR Act and with many years of court and Australian Industrial Relations Commission decisions that have required other industrial instruments to contain only matters pertaining to the employment relationship.

It will be up to the parties to determine how to address the aspects of their agreement that do not pertain to the employment relationship. If the parties to an agreement wish to honour non-pertaining matters, they are free to do so through formal or informal arrangements.
The Bill will also not remedy other defects in the certification process. If an agreement is invalid as a result of some other flaw in its making, certification or approval, this Bill will not render it valid.

The Government is determined to ensure agreements entered into by businesses are upheld and enforced and that unions are not able to exploit the potential invalidity of agreements. Unions have publicly discussed a campaign to use potential invalidity as a trigger to reopen negotiations with employers regarding their members’ terms and conditions. Unions in the electricity and construction industry have already tried to take advantage of uncertainty caused by the Electrolux decision by pressuring businesses to re-negotiate agreements. This Bill will ensure that employers, and employees, who have negotiated, and operated under, agreements in good faith will not be left vulnerable to industrial action and coercion.

The Bill does not seek to validate past protected industrial action that was taken to support claims for matters that do not pertain to the employment relationship. Parties could not have reasonably expected that protected action was available to support claims for non-pertaining matters. Further, validating past industrial action would be complex and practically difficult. However, the Government considers it would be highly undesirable for parties to exploit uncertainty in relation to past industrial action by initiating or threatening legal action.

There is currently some uncertainty in the community about the validity of working arrangements set out in both collective and individual agreements. This Government is determined to ensure the certainty of current arrangements for employers and employees.

**BUSINESS**

**Rearrangement**

Senator IAN CAMPBELL (Western Australia—Minister for the Environment and Heritage) (9.35 a.m.)—I move:

That the days of meeting of the Senate for 2004 and 2005 be as follows:

<table>
<thead>
<tr>
<th>Spring sittings (2004):</th>
<th>Tuesday, 16 November to Thursday, 18 November</th>
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<td>Monday, 29 November to Thursday, 2 December</td>
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<td>Monday, 6 December to Thursday, 9 December</td>
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<td>Summer sittings (2005):</td>
<td>Tuesday, 8 February to Thursday, 10 February</td>
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<td>Autumn sittings (2005):</td>
<td>Monday, 7 March to Thursday, 10 March</td>
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<td>Monday, 14 March to Thursday, 17 March</td>
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<td>Budget sittings (2005):</td>
<td>Tuesday, 10 May to Thursday, 12 May</td>
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<td>Winter sittings (2005):</td>
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<td>Spring sittings (2005):</td>
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<td>Spring sittings (2) (2005):</td>
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Senator BARTLETT (Queensland—Leader of the Australian Democrats) (9.35 a.m.)—I would like to speak to this motion on the days of meeting of the Senate. Senators would probably be aware that the Australian Democrats expressed concern a number of times in the previous parliament about the limited number of sitting days that the Senate met to consider legislation. For those who are not aware of that, I am sure they would enjoy looking through the Hansard and reading some of my speeches on the matter.

Senator Ferguson—I don’t know that they would.

Senator BARTLETT—I am sure that you would.

Senator Payne—Insomnia is a terrible disease.

Senator BARTLETT—That is most unfair. The number of days proposed by the acting Manager of Government Business for the Senate to consider legislation, not so much for this year but for 2005, has hit a new low. Although it has already been publicly commented on, this is the first opportunity to say in this chamber that the number of sitting weeks in the first half of next year is totally derisory. In over seven months through to the start of August, there are only six sitting weeks and three of those are short weeks that do not include a sitting day on the Monday. So in effect we are down to 21 sitting days, which is just over five of the normal four-day sitting weeks, in the first seven months of next year.

It is no secret that during the first six months of next year the government will not have control of the Senate. This is a fairly blatant attempt by the government to prevent the Senate from being able to properly scrutinise and properly debate legislation during that period when the government does not have control of the Senate. In one sense you could say that it is smart politics by the government to put things off until it has the numbers and can then do what it wants. But this is a pretty clear indication right from the start that the Prime Minister’s statement that the government will not let its new power in the Senate go to its head, that it will ensure that the Senate will still be able to function in its role as a house of review is, once again, just a lot of hot air. Right from the start we are being given a pretty clear sign of the government’s intent to avoid full scrutiny at a time when the Senate still has the maximum ability to do so.

I fully accept that the election result is legitimate and democratic and that the government will have control of the Senate from the second part of next year. I complain about that because I think it is a bad thing, but I do not negate the legitimacy of it. I think it is a very unfortunate situation that the overall number of sitting days for the Senate changes next year. Even when you add in the much heavier sitting program in the second half of the year, in historical terms it is right at the bottom end of the numbers of sitting days, particularly when you consider the fairly large amount of legislation that the parliament now deals with, alongside the literally thousands of disallowable instruments and regulations and ordinances that are tabled and require the scrutiny of senators.

Even with the second half of next year having a much larger number of sitting weeks—there are eight sitting weeks in the final four months of the year—when you add all the sitting weeks together it is still an incredibly small number by historical standards. Calculations by the Democrats suggest that it is the lowest number in a non-election year certainly since the end of the Whitlam era, when Mr Fraser got into government in 1975-76. The number of sitting days is right down there, even when com-
pared with the low number of sitting days that you tend to get in an election year. I assume that next year will not be an election year so having such a low number of sitting days, even after adding the number of sitting days for the second half of the year when the government will have the numbers in the Senate, is another indication of the lowering of the respect that this government has for the Senate and for the parliament. It is the continuing escalation of an approach that seeks to avoid not just the Senate but the parliament as a whole as a legitimate mechanism for debate, for the expression of opinions and for the scrutiny of government activity and seeks to take the activities and the power base of the government outside the parliament altogether.

This is a very serious problem that has been spoken about a number of times in the past by the Democrats. Indeed prior to the election I moved a motion to insert extra weeks into this sitting year, which was not supported. I flagged that it may be appropriate for the Senate to consider amending its timetable a bit down the track to add extra sitting weeks to the first part of next year. That is certainly something that needs consideration and I urge the opposition also to give consideration to it. At this time, whilst I will not oppose the motion, because obviously we need to have some sitting days, it is important to draw attention to the fact that this is an incredibly low number of sitting days. By historical standards this is the lowest number of sitting days in 30 years, and the amount of legislation we deal with these days is much greater than that dealt with 30 years ago. On top of that is the added insult of the incredibly low number of sitting weeks during the first part of the year—in fact right through until August—when the government will not have the ability to so easily control what happens in the Senate.

So this motion is the first sign, and it is not a good sign, that the government’s comments about treating its new-found power in the Senate with respect are not likely to be followed through in practice. As I said, the Democrats acknowledge the democratic legitimacy of the government’s control of the Senate from the second half of next year but we do not believe the government should avoid the democratic legitimacy of the existing Senate by preventing the Senate from sitting until that time. At the election the government did legitimately get the majority of the seats in the Senate from the second half of next year; I think the public clearly did give the government the keys to the Senate but they did not give them permission to trash the place. The Democrats will certainly continue to do what we can to ensure that the government do not trash the place. We will have to look at other mechanisms to try to ensure that that can be done.

Senator LUDWIG (Queensland) (9.43 a.m.)—The issue of sitting hours is of concern. The opposition takes the matters of the Senate very seriously and expects that the government will ensure that the legislative program has sufficient time in which to be dealt with appropriately. Within the confines of the program that has been set it does appear at first instance to be a little short in the first half, which is of concern to the opposition. We do not want to see the first half of the year end in a rush, as sometimes happens, where the program gets compacted and we end up with fewer hours than necessary and the government’s legislative program does not get the scrutiny it should receive. We then have this ridiculous period at the end of June when the government seeks extra sitting hours to deal with the program, when they could have ensured that the first half of the year had sufficient sitting days so that the program could run in an orderly fashion. The second half of the year does seem to be more
like the patterns that have existed in the past, and we will still end up with a program where the government seeks additional hours at the end of the sitting program to deal with matters before the Senate.

We know that from 1 July the government’s will may be imposed upon us. We hope and expect that they will continue to adhere to the principles that have been espoused in the Senate chamber on many occasions. We hope that they will continue to ensure that there is proper scrutiny of legislation, that there is sufficient time to ensure the legislative program is dealt with in an appropriate way and that we do not end up in the position where additional hours are sought, and generally granted by us, to ensure proper scrutiny at the end of the sitting pattern. We note that there is a new Manager of Government Business in the Senate and we congratulate the ‘old’ Manager of Government Business—he is acting today because I understand that Senator Ellison is away, doing good business I suspect—for the work he has done in the Senate.

The opposition has had a good working relationship with the government in ensuring that the legislative program is dealt with—not so much the arguments; we can disagree on substance—and managed in a reasonable way. I thank the former Manager of Government Business in the Senate for his hard work in ensuring that that has occurred. I expect and hope that the new Manager of Government Business in the Senate will continue the similar tradition. I do not know who provided the program before us today, but I would expect the new manager to certainly take on board the comments I have made to ensure that the program is a sensible program and not to treat the Senate with contempt. I hope the government ensure that they do not become arrogant—as it appears they are—in respect of how the sitting pattern might be framed in the future.

We now have a legislative program with a number of bills before us, some of which the government have sought to exempt from the cut-off. I will deal with that argument at a subsequent time. Labor understand that there are matters that might have priority that the government have to progress. We hope that they will come to us and explain those priorities in a clear way and inform us of the urgency of bills that they may have to deal with during the truncated sitting period before the recess. For its part, Labor will deal with the government’s legislative program on its merits and will continue to treat the legislative program that is put up to us in a principled way, as we have always done.

The ACTING DEPUTY PRESIDENT (Senator Ferguson)—I call the youthful, old Manager of Government Business in the Senate.

Senator IAN CAMPBELL (Western Australia—Minister for the Environment and Heritage) (9.48 a.m.)—I feel a lot younger today than I used to. The first point that should be made in response to the comments of Senator Bartlett is that the only difference in next year’s sitting program—and I think Senator Bartlett and Senator Ludwig have recognised this—is that Easter falls earlier than normal. That is the reality. Historically, the Senate sits in February and March up until Easter. In the coming year Easter falls early. It is said that the government have a new flush of arrogance. In two subsequent elections the people of Australia have voted substantially for coalition senators in all of the states, in two exercises of democracy across the great democracy that we are all proud to live in, and this has in fact given us a majority post midnight on 30 June next year and, all of a sudden, we have become arrogant and we are going to change the sittings schedule. That is not the fact. The fact is that there is a lunar association for when Easter is set, which is the phases of the
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moon. I thought Senator Bartlett would understand that more than most of us. He is a character who understands celestial things; he is a child of the age of Aquarius. I would have thought he would understand that, would have appreciated it and celebrated it, quite frankly.

Senator Bartlett—Do you want to come out and make it with me in the moonlight?

Senator IAN CAMPBELL—Let’s not get too carried away. But that is the fact. Look at the schedules—and I invite any member of the public or certainly any senator to go back through the sitting schedules, as Senator Bartlett has—and see where Easter falls. That is the reality. We could have sought to bring the Senate back a bit earlier in February and squeezed in another few days that way. The practical reality of managing people who propose to come back earlier at the end of the summer recess is that, although people get up in the Senate and say, ‘Let’s sit longer hours and come back earlier,’ when you mention that to opposition senators or even Democrat senators in airport lounges they all say, ‘Thank you for not bringing us back early in February. Thank you for bringing us back on the 8th and not back on the 1st.’ There is not a single person who would say, ‘Let’s come back earlier,’ particularly after an election year. That is the reality.

We have all had a very long year. We have all worked very hard in our own ways during the election campaign, trying to explain our policies to the people and seeking to get them to vote for us. The reality for next year is that we are coming back at the beginning of the second week of February. That is normal. We are adjourning the Senate the week before Easter, which is absolutely normal. If you look at the schedule for 2005 you will notice that the week before Easter commences with Canberra Day on the 21st and concludes with Good Friday on the 25th. On the odd occasions in the past when we have sat in the week before Easter, we were always struggling to get people home on the Thursday before Easter, so sitting a couple of days before Easter is never a very sensible option. That is the reality. The sitting schedule for 2005 is identical to the sitting schedule for virtually every recent year, with only one exception—that is, that Easter falls early. The government does not control that. As I understand it—I do not study these things—there is an association between the phases of the moon and when Easter is celebrated. It is the phases of the moon that establish when Easter is in 2005, which has constrained the sitting weeks.

It is a bit fraught looking back—prior to 1990, in particular—in relation to the number of sitting days. Senator Knowles, who is in the chamber, would remind us, if we asked her, of a decision the Senate made in early 1990. I recall that, as a very old Manager of Government Business. I was actually here at the time—

Senator Ludwig—You were the longest serving.

Senator IAN CAMPBELL—The longest serving Manager of Government Business in the history of the Commonwealth; that is right. In 1990 the Senate, in its wisdom—and I mean that quite sincerely—made a conscious decision to send more of the legislative work off to committees. I was part of that decision, I expect, although I was not part of the deliberations leading up to it because I only arrived here in May 1990. It was thought that committees could do a lot of a lot of the work that was otherwise done in the Committee of the Whole—the investigation of amendments, going out to the community, getting interest groups to come in. In the Committee of the Whole, the community groups can really only communicate with
you via fax, smoke signals and telephone calls. In 1990 facsimiles were relatively new technology, I suspect.

The Senate decided to give up Friday sitting days. We certainly sat on Fridays when I first got here in May 1990. I think we then stopped sitting on Fridays and called Fridays ‘committee days’. We were all told that we were not meant to go home on Fridays—that the Senate would effectively break up into committees, to which legislation could be referred, and that these committees would meet and hold hearings on Fridays, generally in Canberra and generally over a day, and interest groups would come in. From time to time committees would go to other capitals on those Fridays and other days—

Senator Knowles—Very rarely.

Senator IAN CAMPBELL—As Senator Knowles says, quite rarely. The Senate made a decision to sacrifice a sitting day to create a committee day. If we take the partisanship and the name calling out of the debate and ask how the Senate has evolved in the time since 1990, when that decision was made, a lot more work is done in committees. A lot more scrutiny of legislation takes place in those committees. That sometimes frustrates the government. We do not like committees that sit for 35 weeks looking into a piece of legislation. I do not think anyone can say that is thorough consideration of legislation. It is nothing other than a form of obstruction and delaying the vote of the Senate.

As I have said in the days since the election—as someone with experience as Manager of Government Business for over eight years—the government will continue to ensure that Senate committees can scrutinise legislation, but if we have a say in how long those bills are before committees, we would want to see a reasonable hearing. Some bills will take four weeks or five weeks to be properly scrutinised and there is a legitimate case for committees moving around capital cities for some legislation. I think it was Senator Ellison, the new Manager of Government Business—whom I congratulate on his appointment—who led the push, with a number of other coalition senators and with Christabel Chamarette, to have the native title legislation and the land fund legislation scrutinised around the country. It is entirely appropriate, when you are passing laws that affect Aboriginal communities around the country, that you travel to those communities and take evidence from them—something the Labor Party never did when it was in government. It did not talk to the Aboriginals. It created legislation and then said, ‘This is how it is going to be.’

We chose, as an opposition in the Senate, to go around and communicate with Aboriginals. That is an appropriate thing, and the coalition will not stand in the way of that, but we will stand in the way of 35-week inquiries into Medicare legislation or building and construction legislation. Thirty-five-week delays in committees are totally outrageous. If I have any influence on how we conduct ourselves when we have a majority, then we will certainly ensure that the Senate committee system is respected and upheld and fulfils its historic role as an appropriate, sensible and sound reviewer of legislation and recommender of improvements and amendments. That works well. As Senator Knowles will remember and as you will remember, Mr Acting Deputy President Ferguson, as the committee workload expanded, as the number of bills going to committees expanded and as the time for those inquiries expanded, the time spent in deliberation in the Committee of the Whole did not contract. In fact, it got longer, as well.

Senator Knowles—It did originally.

Senator IAN CAMPBELL—It did originally because we stuck by the rules. We
would do the Friday committees, we would report back on the Monday and the bill would be passed. That is often ignored by people who look back at the raw statistics and do not understand or know what occurred in terms of the Senate's operating procedures.

The other thing that I would ask people to look at—and it is something I have been pushing for eight years with a total lack of success; in fact, abject failure—is what occurs in the Senate, and I explained this in a short briefing session to Senator Ellison yesterday. The Senate will have a program of, typically, 40 or 50 bills at the beginning of a normal session. I think we have a list of about 25 bills we would like to progress before Christmas. We will be presenting that list to the public and to the chamber in a short time with explanations as to why we would like to see those bills passed. What traditionally happens is that we have one or two contentious bills in a five-or six-week sitting which will dominate the time of the chamber. Sometimes this chamber will sit and pass no legislation whatsoever for a fortnight sitting, except for the non-controversial bills passed on Thursday. We will naturally get to the end of the sittings with two or three of the bills out of a list of 40 or 50 passed and we will have a leaders and whips meeting where we present a list of 38 or 42 bills that could have been deliberated on during the five or six weeks of sitting but were not because the Senate has taken such a long time to consider two or three bills that are contentious or important to a particular group of senators. Then in the last two or three days we pass 15, 20, or 25 bills.

I have always said that that is not a very good way to manage the Senate's time. If the Senate wants to be sensible about using its time and ensure that legislation is given proper debate and scrutiny in the Committee of the Whole, if it wants more senators to engage in debate and the cut and thrust of these matters and to improve the quality of the debate, it will have the leaders and whips meeting in the first week of the sittings—let us say, February 8th—

Senator Ludwig—That's a long way from ours.

Senator IAN CAMPBELL—No, it is not actually. This is my parting shot and my parting recommendation as the outgoing manager.

Senator Ludwig—Leave it to Senator Ellison.

Senator IAN CAMPBELL—I will. I strongly suggest and recommend that the Senate does this. Senators should sit down with a list of 30 or 40 bills and say, 'Let's allocate times to them at the beginning of the session and let's ensure that through consen-

sus we get Senator Brown's views, Senator Bartlett's views, Senator Harradine's views, the views of the coalition and the views of the opposition.' We should ask: 'Who wants to talk about these bills?' If it is a Medicare bill it will be 12 hours, if it is a customs bill it might be four hours and if it is a tax bill it might be five hours. We should allocate the time by saying: 'Here's the chunk of time we have in the next six weeks. Let's break it up to a reasonable amount for each bill and spread the load.' If we go a bit too far on one bill, we know we will have to take an hour or two off another one, but let us manage it with—

Senator Ferris—Commonsense.

Senator IAN CAMPBELL—Commonsense or, as I call it, a sensible time management system for the Senate.

Senator Ludwig interjecting—

Senator IAN CAMPBELL—We think a stitch in time could save nine, Senator Ludwig. That is my suggestion. Senator Ludwig is clearly not sharing my incredibly
sensible suggestion. That is what I would be doing; that is what I recommend we should do. The best way to do it would be prior to 21 July so that it can be done in a non-partisan and consensual way. The last thing you want to do is impose that sort of system, but I think it makes enormous sense. I know it will be hard to do it. I see Senator Brown is looking very receptive. He is sort of nodding and thinking, ‘Yes, that’s a sensible suggestion.’ I hope that Senator Ellison in his time as the manager is able to progress that. That is the explanation. The key point to make is that the moon was responsible for the lack of sitting days early in the session.

I conclude by thanking Senator Ludwig for his kind remarks and for his cooperation in his time as manager. I have enjoyed my time as manager. I want to very quickly thank all of those people who have assisted me—the clerks, particularly lately Rosemary Laing; Tracy Pateman, the PLO, and the PLOs before her; and Scott Faragher, my adviser, who has assisted me in that role. He actually does most of the hard work with Tracy. It is a particularly tough job. I would also like to thank the whips who have served me during that period. I reiterate: it is a very important job; it cannot happen without cooperation. I wish Senator Ellison every success in this job in the future.

Question agreed to.

COMMITTEES
Allocation of Departments and Agencies

Senator IAN CAMPBELL (Western Australia—Minister for the Environment and Heritage) (10.03 a.m.)—I move:

That the continuing order relating to the allocation of departments and agencies to standing committees be amended to read as follows:

- Departments and agencies are allocated to the legislative and general purpose standing committees as follows:

  Community Affairs
  - Family and Community Services
  - Health and Ageing

  Economics
  - Treasury
  - Industry, Tourism and Resources

  Employment, Workplace Relations and Education
  - Employment and Workplace Relations
  - Education, Science and Training

  Environment, Communications, Information Technology and the Arts
  - Environment and Heritage
  - Communications, Information Technology and the Arts

  Finance and Public Administration
  - Parliament
  - Prime Minister and Cabinet
  - Finance and Administration
  - Human Services

  Foreign Affairs, Defence and Trade
  - Foreign Affairs and Trade
  - Defence (including Veterans’ Affairs)

  Legal and Constitutional
  - Attorney-General
  - Immigration and Multicultural and Indigenous Affairs

  Rural and Regional Affairs and Transport
  - Transport and Regional Services
  - Agriculture, Fisheries and Forestry.

Question agreed to.

NOTICES
Postponement

Senator IAN CAMPBELL (Western Australia—Minister for the Environment and Heritage) (10.03 a.m.)—I move:

That government business notices of motion Nos 16 and 17, standing in my name for today,
relating to consideration of legislation, be post-
poned till a later hour.

Senator BROWN (Tasmania) (10.03
a.m.)—I wonder whether the good senator
would be good enough to tell us why those
postponements are being made and until
when.

The ACTING DEPUTY PRESIDENT
(Senator Ferguson)—He did say ‘until a
later hour this day’.

Senator IAN CAMPBELL (Western
Australia—Minister for the Environment and
Heritage) (10.03 a.m.)—I understand the
explanation is that we are trying to have dis-
cussions and so forth. We do not want to
bring the matters on until we have had those
discussions. It will be this afternoon, proba-
bly in housekeeping at 3.30. I expect we will
do so just after 3.30.

Question agreed to.

GOVERNOR-GENERAL’S SPEECH
Address-in-Reply

Senator KNOWLES (Western Australia)
(10.04 a.m.)—I move:

That the following address-in-reply be agreed
to:

To His Excellency the Governor-General

MAY IT PLEASE YOUR EXCELLENCY—

We, the Senate of the Commonwealth of Aus-
tralia in Parliament assembled, desire to express
our loyalty to our Most Gracious Sovereign and
to thank Your Excellency for the speech which
you have been pleased to address to Parliament.

It is my great honour and privilege to be
called upon by the Prime Minister and Sena-
tor Robert Hill to move the address-in-reply
to His Excellency’s speech at yesterday’s
opening of the 41st parliament. This is a very
special occasion because it signifies the re-
election of the Howard government for its
fourth term, and that has been granted as the
wish of the Australian people. To be part of
such an occasion gives one a real sense of

privilege, because it signals that the policies
of the government have been endorsed not
only by the members of this government but
by the Australian population in this great
country of ours.

We on the government benches do not
take the election victory lightly or smugly.
We have sought to govern for all Australians
no matter what their political beliefs may be.
We will continue to do so in the national in-
terest and for the prosperity of all. This is not
like some game where the winner takes all.
This is a serious business of making and im-
plementing policies that will benefit every-
one.

While we were able to proudly stand on a
record of getting more people into work,
solid job growth that has delivered a 27-year
low in unemployment, low inflation and in-
terest rates, real wage increases and increas-
ing wealth and incomes, the job is far from
complete. The Howard-Anderson-Costello
government intends to provide more and
more tax relief where the capacity is avail-
able. This is something that our predecessors
were unable to deliver. His Excellency noted
yesterday that with the government’s tax
cuts, 80 per cent of taxpayers will pay a mar-
ginal tax rate of no more than 30 per cent.

As the Prime Minister said in his speech at
the coalition campaign launch, Australians
‘want a Prime Minister who understands
them and will let them get on with their lives
and will give them freedom and choice and
opportunity’. That is the way this govern-
ment intends to proceed into its fourth term.
The Howard government has provided the
best economic conditions since World War
II, with high business confidence and high
consumer confidence. Added to this, it has
put more money back into Australians’ pock-
ets by lowering personal taxation, providing
more relief for families and for carers, dou-
bling the spending on health, creating greater
and more practical safety nets for those most in need, providing better facilities for the aged, honouring our global commitment to genuine refugees, practically assisting small business and creating better education and skills development opportunities for so many. This is by no means an exhaustive list of achievements, because there are too many to list here today. However, it needs to be noted that all this has been done while repaying $73 billion of the $96 billion debt inherited from Labor.

While I did not contest the last election, I was not prepared to sit back and just hope for the re-election of the government. Anyone who has been part of the Howard government could not help but be enthused and motivated to ensure that the last 8½ years of excellent policy development progress this country has made will not be wasted. A change of government at this stage of Australia’s progress would have signalled a direction that I believe would have been negative for all: children, the young, young adolescents, the baby boomers and the aged. All of them would have been worse off. We need to continue to create greater incentive for small business whereby people can have a go, can develop and can go out and really succeed, while providing job opportunities for others. But in the end they are providing security for their own futures.

We cannot compromise on the mission to get people to save. Helping and guiding people to do so will ensure that they avoid the poverty traps later in life. We can no longer afford the attitude of ‘spend now and worry about the consequences later’. As His Excellency noted in his address, the nation is ageing, and that will place greater pressure on the health and welfare resources of the country. We therefore must provide the greatest opportunity for all to enable them to contribute to the nation’s wealth. That must start with educating the children of today and tomorrow. To have a well-educated child is to have an adult with the best possible chance of lifetime success. To ensure that literacy and numeracy is not an optional extra in schools is something that this government is making happen—and it is happening with great progress. To assist into trades and apprenticeships teenagers who do not aspire to go to university will help fill much-needed jobs where there are skills shortages and will allow them to enjoy success and prosperity.

We must get away from the culture that, if someone does not wish to go to university, they are a failure. There are many, many trades out there which desperately need good, qualified people. They can then progress to running their own companies. That is something we need to get into the schools, and we need to ensure that educators and students alike know and appreciate that there is a future for them.

We have a responsibility to convince teenagers that they are very much part of the country’s success, whether they be in a trade, in law, in medicine or in any other profession. The expectations currently placed upon some of our youth are unrealistic if all the options available to them are not promoted. Our education system needs to concentrate more on teaching about governance and politics. Many children—and many adults, for that matter—do not know enough about our systems of government. They should and must know more because in time they are the ones who will need to participate in an active way in the governance of this country.

His Excellency referred to Australia’s Defence Force capabilities. This is an area where Australia must not ever be seen to compromise. International and regional security challenges will be ever present in the world in which we now live. No Australian government should ever give a quarter where global security is concerned. A substantial part of that strength is maintaining a strong
alliance with the United States of America and maintaining strong relations with our Asian neighbours.

The government continues to provide more and more assistance to families, carers, the Indigenous and women. Carers were overlooked in the 13 years prior to the Howard government. That is why there was such a need to provide greater flexibility for those carers who also wish to work, train or study and also for those carers who look after adult children with a disability. They were all left out of the loop, and they were struggling. This government is doing more and more every day to help those carers provide a better quality of care but also a better quality of life for themselves and those for whom they care. We also need to continue to break the cycle of welfare dependency. The cycle of welfare dependency that we have seen becoming intergenerational has to be broken. The best form of welfare is a job, and no-one can deny that that is so. That is why the policies of this government to create a 27-year low in unemployment are so commendable.

We also need as a nation to break a mentality that has developed over the last 20 years whereby many only look at the budget in terms of what is in it for them. They only look at an election campaign in terms of ‘What’s in it for me?’ They fail to look at the broader picture of what the policies are that will grow and develop this country as a whole, from which everyone will be the beneficiary. The media has a very strong role to play in this area. I find that the reporting of budgets and election campaigns now is nothing short of appalling, because all it concentrates on are winners and losers instead of the broad picture of what is in the national interest. I think it is about time that that simplistic and negative approach be changed.

It is also my hope that, much sooner rather than later, the state governments will stop holding their hands out for money from the federal government to provide the services that are strictly within their areas of responsibility. We need to look back at a little bit of fairly recent history. The states sought a guaranteed source of funding from the Commonwealth so as to avoid having to go through the undignified and somewhat unpredictable COAG process. Their wish was granted, and that came in the form of the goods and services tax. The states and territories are the beneficiaries of every last cent of the goods and services tax, while it was the federal government that copped the flack for its introduction. Yet we still have today state governments putting their hands out for more and more Commonwealth money.

A casual observer might believe that the states are somehow being short-changed by the federal government. That is not so. The states are now in receipt of record levels of funding. My state of Western Australia, for example, will be $1.166 billion better off over five years than they would have been under the arrangements of previous Labor governments. Yet they are still crying poor. There is no reason, other than to try and shift political blame, why the state governments cannot and should not properly fund things like state schools and state hospitals—

\textbf{Senator Patterson}—And accommodation for the disabled—

\textbf{Senator KNOWLES}—and, as Senator Patterson just interjected, accommodation for the disabled—and reduce their reliance on taxes such as payroll tax and stamp duty. The states walk away from those areas of responsibility each and every time. It is about time that they acknowledged that they are in receipt of funding that they never thought was possible, and the quantity will continue to rise. The Gallop Labor government in West-
ern Australia, for example, has made a big thing about a minute reduction in stamp duty in recent weeks. There is no talk about the huge increases in stamp duty it imposed on people in four short years of government. It is simply an unfair tax that for many has almost offset the first home buyers grant provided by the federal government. It is about time that the Labor governments in every state and territory dramatically reduced, if not eradicated, their reliance on taxes such as these two so that people can buy properties and vehicles without such enormous penalties.

The other issue that is of critical importance to the people of Australia is that of crime. This government has more than doubled the funding to the Australian Federal Police but at the same time in Western Australia the personnel levels in police stations in the community are low, and every community knows that. What is the state government doing about it? Absolutely nothing. It is important for the security and the safety of the community that there are adequate personnel levels on the front line in the police stations in the community. Once again, the federal government is doing all it can. It provided in the last budget for a $20 million national community crime prevention program designed to provide financial support to various communities to undertake programs that they think will benefit them. It is not a prescribed program, where a certain program must be implemented in every area; it is a program where the local communities can decide what is going to be of benefit to them. One may well ask why the federal government has to do something such as this. The answer is simply that the state governments have let down the communities they are meant to protect.

I could not make a speech today without recognising the increased number of members of the Howard government in the House of Representatives who were sworn in yesterday. I particularly wish to note the three new members from Western Australia: Mr Michael Keenan from Stirling, Mr Stuart Henry from Hasluck and Dr Dennis Jensen from Tangney. They are all men of proven success in their previous fields of endeavour. I congratulate them as they embark on their new careers.

It was my great pleasure and honour to work with Mr Keenan in Stirling. What a character. He is a fine man with a great intellect and a great sense of humour. I have to say that we had a ball. But he is a man who worked and worked for eight months. His election did not come lightly. His opponent was touted as someone who was going to be impossible to shift, but he at no stage looked at his opponent and said, ‘I can’t win this seat.’ The people of Stirling deserved better representation, and he will provide that representation. He takes his election very seriously and will serve the people of Stirling with diligence, dedication and grace. As I speak he is probably over in the other place making his first speech. He was an outstanding candidate and will be an even more outstanding member of parliament.

To all those people who helped Mr Keenan win, I would like to add my thanks to those of his. I will not name all of them, because I would be here for a week. I have never seen people come out in such force to help a candidate, but that was the type of spirit and support that Mr Keenan engendered. It would be fair to say simply to John, Trish, Fay, Jenny, Sue, Mat, Michelle, Steph and Doug, ‘You were terrific.’ To all of those other supporters and to all of those volunteers who literally poured out in Stirling to support Mr Keenan because they knew he was good, because they knew the government was doing an outstanding job and because they took great pride in their country, I say a huge thank you.
I look forward to being part of the Howard government until 30 June next year, but equally I look forward to it fulfilling its commitments to the Australian people which will result in continuing growth of the economy and in Australia becoming a more and more prosperous nation. As I said, there is much more work to be done. We cannot possibly drop the ball now. We need to go forward and we need the goodwill to go forward. The mere fact that the Australian people have given the Howard government a majority in the Senate is not something that we take lightly. It is not something that will be abused; it is something that will be used wisely for the benefit of all. It is important for this nation to ensure that there is great prosperity for all. We cannot have a return to policies that divide the nation. There were some policies that were enunciated during the campaign that I believe would have done precisely that. That is not what the Howard government is about. The Howard government is about governing for all and for the future of this country, to make sure that the prosperity is shared and that there is safety and security within our borders. Much has been done to protect this country and to protect our borders. The work that is being done by defence personnel and the Australian Federal Police to protect Australia is second to none. I look forward to the fourth term of the Howard government for the sake of all Australians and for their own prosperity.

Senator FIFIELD (Victoria) (10.24 a.m.)—I second the motion and thank the Prime Minister and the Leader of the Government in the Senate for the opportunity to do so. Mr Acting Deputy President Ferguson, I ask you to imagine—because I know you have a good imagination—that you have just been appointed chief executive of one of Australia’s largest organisations and your chief financial officer comes to you and says, ‘Look, boss, I’ve got some good news and I’ve got some bad news. The good news is that you’re our new CEO and you’ve got a great new team. It’s going to be a terrific challenge for you; congratulations. The bad news is we have accrued $96 billion in debt. We have an annual interest bill of $8 billion. We have an operating deficit of $10 billion. We have no register of assets. We’re not sure if we have too many staff or too few staff. We’re not even sure what our core business is. The previous management didn’t exactly practise full or continuous disclosure and our customers don’t think they get value for money. And things are only projected to get worse.’

That was effectively the situation that the Prime Minister and the coalition faced when first elected to office. That was the context of the then Governor-General’s speech to the opening of the 38th Parliament in 1996. The easy thing then would have been to do little and to manage a steady but certain decline. The ‘do nothing’ scenario would have been easy but it would not have been responsible. The coalition government has chosen over its eight years to direct and to lead rather than merely to preside. The government had to make some tough decisions for Australia’s future. It is because of those decisions that we have a sound budget and a strong economy and that we can fund a good social policy.

His Excellency delivered his opening speech yesterday at a historic time in the life of this chamber and this parliament. It is a very different economy than it was in 1996 and it is a very different parliament. From next year, for the first time in almost 25 years, the federal government will have a majority of senators in this place and the opportunity to implement a wide-ranging plan. As a result of the Australian public bestowing a government majority in both houses the Governor-General’s speech has been trans-
formed. It has been transformed from a government wish list, certain to be opportunistically attacked by the Labor Party, into a legislative agenda that will be implemented.

The Senate will act as a chamber that ensures the elected government honours its commitments rather than as one that periodically seeks to break them. For the past three terms the government has negotiated with Labor and minor party senators with varying degrees of success. Vital reforms such as the new tax system were indeed achieved with the input of the Australian Democrats; however, legislation to reform workplace relations in Australia has been denied by Labor and the minor parties. Much has been achieved without a majority in the Senate, but certainly not all that could or should have been achieved. As a result, the work of the first three terms of this government is incomplete and there are new challenges to be met.

In 1996 no-one could have predicted the prominence of national security on our agenda or the role Australia is playing in global security. In 1996 we did not know what the challenges of today would be, and we do not know what the challenges of tomorrow will be. That is why we have to run a responsible government, responsible budgets and a strong economy—because we just do not know the challenges of tomorrow. We must always be prepared. It is also why we must press ahead with the measures rejected by Labor to address the intergenerational challenges we identified in 2002 and with a range of other measures blocked by Labor.

The election result confers a responsibility on the government but it also offers an opportunity to the opposition. It provides the opportunity, prior to 1 July next year, for Senator Evans to show that he and his team have learnt the lessons of the last election and of the previous three parliaments—the lesson from opposing every single measure designed to bring the budget back into balance, the lesson from opposing the new tax system, the lesson from opposing the intergenerational measures and the lesson from opposing improvements to private health insurance. Labor have the opportunity to demonstrate that they have heard and will heed the message from the Australian voting public. That message was that the Australian public want a strong economy and a sound budget. The electors made it clear that they understand that the only way to underpin a good social policy is with a good economic policy. It is only because of responsible budgets and good economic management that we have the capacity to fund good schools, good hospitals and a strong national defence.

But Australians have also indicated that they want choice in their lives—in schools, in healthcare, in the workplace and in raising children. Parties that threaten the economy, parties that threaten choice, will be rejected. The government has the right and the obligation to deliver its commitments as outlined in His Excellency’s speech. The Australian Labor Party claim that they have got the message. Let the opposition demonstrate that in this chamber before 1 July 2005. Let them demonstrate that they have changed. Senator Evans comments at the weekend were far from encouraging, however. He told Meet the Press:

If they re-run some of the legislation which we’ve seen to be unfair, then we’ll vote against it.

Let me paraphrase that. What Senator Evans was really saying was that if the government has the audacity to resubmit legislation that Labor have previously opportunistically opposed then Labor will opportunistically oppose it again. Too bad if the public have returned the government four times with a consistent agenda, too bad if the public have delivered a majority in both houses, too bad
if the public intent is clear—nothing has been learned. Let Labor support the sale of the remainder of Telstra. Let Labor support unfair dismissal laws. Let Labor support voluntary student unionism. Let Labor support choice in education, support for technical schools, the 30 per cent child-care rebate and better private health insurance for over-65s. Let Labor support legislation that offers choice and incentive. Let them show that they have learned something.

I would like to touch briefly, in my remaining time, on four planks in the government’s agenda. These are four ways that the other side of this chamber could demonstrate a better understanding of the wishes of the Australian people in the areas of freedom of association, choice in school education, choice in post-secondary education and allowing government to focus on its core business. The issue of voluntary student unionism on Australia’s tertiary campuses is something of an article of faith for many on this side of the chamber. It goes to the fundamental principle that no-one should be compelled to join an association against their will. It is freedom of association. I commend Minister Nelson on introducing legislation into the last parliament that sought to outlaw compulsory student unionism on campuses. This legislation sought to forbid the requirement that a student join an association or union prior to enrolment.

The Australian Vice-Chancellors Committee recently proposed that this legislation, prior to reintroduction, be amended to draw a distinction between fees compulsorily levied for political purposes and those compulsorily levied for supposedly ‘essential’ student services. I would argue that the only services that are essential to a student are those that relate directly to their study. The argument is put that essential services include medical, legal and child-care services. Yes, they are essential but they are no more essential to university students than to TAFE students or to full-time workers. All those services are available in the general community. If a service is worth while and wanted on campus, if there is a demand for it, let the university or the students association or the union convince the students.

We do not require HECS to be paid up-front, yet we allow universities to require compulsory up-front union dues as a prerequisite for even attending class. The whole rationale of HECS is that it is not required up-front so that lack of means is no barrier to entry. So why do we allow an up-front fee that is a barrier to entry? On this side of the chamber, we are rightly exercised by the $3.5 million of taxpayers’ money that is fleeced by the Australian Labor Party over and above market rent on Centenary House. This pales into insignificance in comparison with the $150 million Australian university students are forced to pay in up-front union fees every year. It is inconsistent to allow a compulsory up-front fee to be levied that disproportionately affects potential students from low-income backgrounds. The Vice-Chancellors Committee proposal would fundamentally compromise the integrity of Minister Nelson’s original legislation. It would maintain a barrier to entry and deny choice to students. Under this government, compulsory student unionism will be outlawed.

One of the issues I raised in my first speech in the Senate was the need to offer more variety and choice in secondary schooling, including the need to bring back technical colleges. For too long, success has been equated in our community with obtaining a university degree. We are in danger of reaching a point where there is almost a stigma attached to choosing an apprenticeship over a degree. We need to replace the prejudice that is there against apprenticeships, trades and vocational training with pride in skills and entrepreneurship. A trade is often the
A globalised economy makes it imperative that we maintain our competitive edge across all sectors of the economy. World-class architects need world-class bricklayers and world-class plumbers to bring their visions to reality. The bias against apprenticeships means that Australia faces a crippling skills shortage in a range of areas. As the economy grows, as unemployment declines, these vacancies are exacerbated. Skills shortages already exist in areas such as metals, automobiles, construction, carpentry, hairdressing, restaurants and catering.

We can no longer afford to leave the critical task of reskilling the work force to the vagaries of state Labor governments. Unlike state and federal Labor parties, which are obsessed with the completion of year 12, the coalition recognises that the curriculum taught in comprehensive secondary schools in years 11 and 12 does not meet the interests or needs of all students. The coalition supports the rights of young Australians who choose vocational education and training to meet their goals. The coalition is going to facilitate choice in education by establishing 24 Australian technical colleges providing world-class academic and skills training to talented young Australians in years 11 and 12. Education cannot and should not be one size fits all. As a government that is emphatically committed to providing choice, we want to make sure that young Australians—whether they choose to go to university or to technical college—can fulfil their ambitions.

This government remains committed to choice in education. Nowhere was the philosophical difference between Labor and the coalition more stark in the last election than in the area of schools. The coalition believes that parents should be able to choose which schools their children attend. Those parents should also expect that their taxes would support their children’s education regardless of whether they chose a public or an independent school. Parents who make financial sacrifices to send their children to an independent school should not be penalised.

We should never allow government action to be driven by envy or build policy on class warfare, least of all when it involves our children. There are elements of class envy every time you hear Labor speak about schools funding or independent schools. You hear class and you hear envy in their voices. Labor’s policy on schools funding is an attack on schools that achieve high academic results and that promote values that parents want. Labor wants to attack opportunity and choice and then cloak its actions in the language of equity. But remove that cloaking and the truth is that if you send a child to a public school it costs the taxpayers about $9,000. If you send a child to an independent school it could cost as little as $2,000. Trying to shift students from private schools to public schools is more of a burden on the taxpayer than encouraging parents to make their own choices. There is no equity in that.

Fundamentally, ALP policy is a costly battle for control—to give control of children’s education to teacher unions and state bureaucracy by weakening competition and restricting choice. The coalition has eschewed, and will continue to eschew, the politics of punishment and envy and instead practises the politics of opportunity and choice. Parents not only have the right to choose but also have the right to knowledge about the progress of their children. That is something that this government will do by continuing to support testing against national standards in numeracy, literacy, civics, citizenship, science and technology. It is why we will ensure as a condition of funding to the states and territories that student report
cards are in plain English. This information will be available to parents, as will comparisons between performances in schools, so that parents can make meaningful decisions about what is best for their children.

In order for government to concentrate on its core activities it needs to get out of those ventures that are not fundamental, like running phone companies. The more government is involved in the peripheral, the more it is likely to lose its focus. One of the challenges that will likely face this parliament is the sale of the remainder of Telstra. There does appear to be an emerging misconception that the coalition has an ideological agenda to sell Telstra at all costs. This view is that the coalition wants to sell Telstra at any price and that as a consequence there is massive scope to extract concessions. This perspective is flawed. It misunderstands the rationale behind the sale of Telstra. There is certainly an underlying view in the coalition that governments do not run phone companies well and that they have no particular business in doing so. There is certainly an inherent conflict between government running a business and regulating that business. There is certainly a view that to expand the number of shareholders in Australia is a good and positive thing—to see Australia as the largest share-owning democracy in the world.

These are key reasons to sell Telstra. But another key reason for selling the remainder of Telstra is to save taxpayers’ money by using the Telstra sale proceeds to retire debt. The resulting saving in interest costs would free up an additional $3 billion per year to be used on schools, roads, hospitals or tax cuts. Another reason to liberate Telstra is that it would give a better return to millions of Australians who hold shares and it would deliver a better service.

The Australian government’s total net interest payments are expected to be around $3 billion this financial year, down from $8 billion in 1996. The sale of the government’s remaining shares in Telstra will further reduce net debt and net interest. However, the forgone dividends will come at a cost to the budget bottom line. This leaves little room for the funding of new commitments. Anything other than using the overwhelming bulk of the sale proceeds to lower net debt and net interest payments would very quickly make the sale unattractive. There is no other area of government activity that has been so closely scrutinised. There is no area of government policy that has been as intensely debated. This is a proposal that has been put before the Australian public election after election. This is an area of government involvement that will only continue to serve as a distraction from the core business of government.

The coalition have built a reputation for focus and discipline. We have the backing of the Australian public. It is now incumbent upon the opposition to stop faffing around and to endorse the will of the Australian people. I say to senators opposite: trust the public; respect their will.

Senator CHRIS EVANS (Western Australia—Leader of the Opposition in the Senate) (10.42 a.m.)—I rise to speak in this address-in-reply debate on behalf of the Labor opposition. It is true that the speech by His Excellency the Governor-General does accurately summarise the government’s intentions for the 41st Parliament. But the program of action is not just confined to the matters that His Excellency was asked to address yesterday. I agree with many media comments today that the speech can be described as an iron fist in a velvet glove concealing its true intent. This is not just because of the government’s determination to achieve its objectives but because of the re-
recent debate within the government on introducing greater change, made possible by the new political circumstances in the Senate.

The decision of the Australian people on October 9 was clear. The coalition won a majority of the two-party-preferred vote and a House majority. We accept that as of 1 July next year the government will, for the first time in 24 years, have control of the Senate. Labor respects that democratic decision.

At the same time we acknowledge that almost half the population favoured Labor over the coalition. Much as the government might wish, we will not be running up the white flag, we will not go whimpering off with our tails between our legs and we will not cease from fighting for those values of fairness, opportunity, equality and hope that so many people saw, and voted for, in Labor on 9 October. We will continue to take the fight to the government wherever it is warranted. We will be a constructive opposition and we will judge every bill and every motion on its merits, but we will not roll over and we will not give in. We will keep the faith for the people who put their faith in us.

Labor have always put our faith in the democratic institutions that make this country great. We value and support the role of parliament as the legitimate voice of the people. Within the parliament we take seriously the responsibility of the opposition to hold the government to account. We have committed ourselves to doing so, knowing that there are those who do not place such great stock in our democratic institutions and processes.

Part of that democratic tradition is parliamentary accountability, a responsibility that the Senate has accepted and contributed to by moderating the excesses of executive government. It is a truism in politics: in sustaining our democratic values, power unchecked is power abused. Throughout the history of parliamentary evolution, checks and balances have deliberately been incorporated to seek moderation, to effect balance and to diffuse absolute power. In the Australian context, the Senate has developed mechanisms and processes through debate, through the scrutiny of legislation and by using the Senate committee system to bring the government of the day to account for its actions. It did so when Labor was in power and it has done so when the coalition government has been in power.

Through estimates and the committee process, the Senate has consistently played a crucial role in improving legislation and forcing governments to take responsibility for their actions. That is a process in which my predecessor, Senator Faulkner, provided exemplary leadership. Other Labor senators have added to this fine tradition, as have senators from the minor and independent parties. I want to particularly mention the role Senator Jacinta Collins has played. Her recent defeat is a great loss to Labor in the Senate. We value and look forward to her contribution up until July. We regret her losing her seat.

Most Australians, whatever their vote, were surprised that the government will soon have control of the Senate. The fact is that from July next year this government will be the most powerful in recent memory. The loss of the non-government majority threatens the checks and balances the Senate has provided to executive government excesses. Already we have been alerted to a new and radical agenda—an agenda not endorsed by the Australian people on 9 October, an agenda more extreme than any we have seen in our recent history and an agenda which has been revealed only as the coalition have realised that they soon will have absolute power.
A policy agenda has emerged over the past few weeks which is radically different from that put to the people on 9 October. The coalition's election agenda was marked by two competing and, in some ways, contradictory strands: a small, moderate, conservative program of incremental change contrasted with the $6 billion vote buy, cynically targeted at key groups, which was passed off as a campaign launch. After 9 October, the program that the government took to the people disappeared off the radar. There was no discussion about how the government would implement its agenda and the policies it took to the election until yesterday when they were outlined in the speech made by His Excellency. Instead there were internal debates among the Liberals and the Nationals as they discussed how to take full advantage of the unchecked power that has fallen to them.

The arrogance of unfettered power is resulting in the advocacy of a new, radical right-wing agenda. Moves to sell off Telstra, to reduce the industrial rights of workers, to attack student organisations and so on have been on the government's wish list for years but were always kept at bay by the moderating power of the Senate. Now these issues are developing momentum in the government's thinking. In addition, there are now issues like abortion, doing away with compulsory voting and a move to change the way we elect our Senate, which were never on the agenda, were never discussed, were not part of any claimed mandate and were never put to the Australian people. In short, the government has been overtaken by political opportunism.

The talk of the government and its members since 9 October has not been about practical measures to build and strengthen our nation over the coming years; it has been about a radical wish list of those who would dismantle democratic institutions to entrench their power and call it a crusade for freedom. Why else has the issue of voluntary voting been placed back on the agenda? I know Senator Minchin has had it at the core of his political concerns for many years, but it is not an issue I remember being discussed during the campaign. Maybe my colleagues and I on this side of the chamber were too busy talking about how to get more money into our poorest schools or how to rebuild bulk-billing. The government’s thinking on this is not about what the Australian people want and need; it is about trying to shore up the coalition’s vote at future elections and removing parliamentary impediments to the passage of its legislation.

In addition to the new agenda which has emerged since the election, there is also a new dynamic emerging within the coalition. With the pesky matter of opposition largely taken care of for the next three years, the Liberal and National parties are finding themselves being asked to deliver to increasingly strident constituencies in their traditional power base. The last week has seen calls from coalition supporters for more dramatic political action, for an agenda which goes well beyond that which the government took to the people on election day.

Recently a group of well-known business personalities demanded that the Howard government consider industrial relations reforms that are far more wide ranging and radical than those the government has been proposing. Their call has been answered by the Minister for Employment and Workplace Relations, who has now requested a complete review of industrial relations legislation, including stripping away basic legal privileges enjoyed by unions, removing the right to strike, reducing the role of the Australian Industrial Relations Commission and establishing industrial contracts as the primary means of regulating employment. The H.R. Nicholls Society approach to industrial relations is once more dominating internal
coalition debate: the dog-eat-dog approach to the workplace. Tax has not been ignored. Mr Peter Hendy of the Australian Chamber of Commerce and Industry is now pressing the Howard government to rejig direct and indirect taxes.

At the same time divisions are emerging in its parliamentary ranks. Abortion has emerged as a priority of the Liberal’s conservative wing, exposing a widening division and a concerning lack of moderation in government ranks. This is something that has obviously concerned the Prime Minister as in recent days he has tried to dampen that debate. How this government handles the increasingly strong calls on its new found power from its own constituencies will be a central test of it in this term. After 1 July, the government will not be able to rely on the checks and balances which the Senate has exercised, which have often protected it from the demands of its more radical right-wing constituencies.

The new dynamic in the coalition parties is also being exposed as the government moves to sell off the remaining publicly owned share of Telstra. I say ‘the government’, but I should rephrase—in fact, it is only The Nationals who can sell Telstra. Only The Nationals, who will hold the balance of power in the Senate after 1 July, can take the decision to sell Telstra. Senator Boswell has made great claims about The Nationals holding the balance of power in the Senate and playing a critical role in the Telstra debate. As we just heard from Senator Fifield, there is a clear divergence of opinion in the coalition about these issues. I think The Nationals will sell Telstra. They will do so despite their claim that they will hold the balance of power and despite attempts to portray themselves as full partners in the coalition. They will do so because they have consistently shown themselves incapable of or unwilling to stand up for the needs of their rural and regional constituencies. In seeking a better deal for the bush they have not been pretty and they have not been effective and no amount of future proofing would save them from the electoral consequences were they to sell Telstra.

The government’s new found power has also led to an arrogant disregard for the democratic institutions of our parliament. I talked before about the role of the Senate in tempering executive excess and in holding governments to account. Given the radical path that this government has embarked upon, that function should be more important than ever. Unfortunately, though, the job of the Senate will also become more difficult. The government has shown that it is not interested in maintaining the institutions of the Senate. Just as it wishes to silence student organisations and just as it wants fewer people to vote, so it wishes to silence the Senate. That is why the number of sitting days for 2005 has been slashed. That is why there is talk of changing the procedures of the chamber, introducing stronger time limits, increasing the use of the guillotine and changing the activities of Senate committees. The government’s contempt for the Senate is clear. Removing parliamentary impediments to the passage of its legislation is gathering what I think is unhealthy momentum in the government.

I talked earlier of Labor’s commitment to the accountability and moderation that the Senate brings to government. I also talked of the commitment Labor have made to those who put their faith in us on 9 October—almost half the population. As I said, we will be a constructive opposition: we will engage, look at government propositions and act in the best interests of our national community. We are right to do that as the official opposition. The current Senate reflects the legitimate choices the people made in the democratic process. After July our role will be more
difficult—I will not dispute that—but Labor will continue to represent rigorously and energetically the views of those people who elected us.

As Labor’s spokesperson on social security it will be my role to hold the government to account for its attacks on our community and on those who most need the support that the community can offer. Labor is committed to a fairer social security system which offers a necessary level of income support for Australians when they need it. We also believe that the social security system should supplement Australians on low incomes, particularly families who face additional costs in providing for children, people with disabilities and people who make sacrifices to care for others. Labor believe we should support Australians but also provide incentives to make the transition from welfare to work. The social security system is most effective when it rewards hard work and increases people’s access to opportunities and skills so they can improve their standard of living.

In this new parliament, Labor in the Senate will be more than ever the check on government excess. We will continue to speak out against a radical right-wing agenda, against the unfettered arrogance of unchecked power and the government’s cynical contempt for our democratic institutions and the values that most Australians hold dear. As a party, Labor has always sought to represent the best in Australian society. We have always believed in compassion and in protecting and supporting those who are disadvantaged, oppressed or simply struggling to cope. The true test of a society is its capacity to care for its less well off. We believe in freedom and fairness and we know that true prosperity does not hold these values hostage. We believe in a better way, in hope and courage, in responsibility, in community, in equality and, again, in fairness. That has always been the Australian way, and I am proud to say that that will always be the Australian Labor Party way. These principles will guide Labor in dealing with the most powerful and extreme government in recent history.

Senator BARTLETT (Queensland—Leader of the Australian Democrats) (10.56 a.m.)—I respond as Leader of the Democrats to the speech by the Governor-General on the opening of the 41st Parliament. I start by acknowledging the Indigenous people who are the traditional owners of the land on which our parliament meets. The Democrats strongly believe that the opening of parliament should include proper recognition of our Indigenous heritage, including Indigenous welcomings. My Democrat colleague Senator Aden Ridgeway is currently the only Indigenous member of parliament. Tragically this will cease from 1 July next year and once again we will be left in a situation where we have no Indigenous representation in this parliament. Senator Ridgeway has already given notice of a motion supporting changing our opening ceremonies by incorporating Indigenous protocols into the opening of the next parliament. As he said, this would be not only a positive gesture of reconciliation but also an affirmation of our unique Australian identity. Parliaments in countries such as Canada, New Zealand and Africa already incorporate their indigenous cultures. Australia would benefit from doing this. Many of our opening ceremony processes have remained virtually unchanged for over 100 years.

I remind the government of a unanimous parliamentary committee report which recommended incorporating Australian Indigenous ceremonies and protocols into the opening of federal parliament. If the Prime Minister were genuine—and I find it hard to believe that he is, given his past record—and honest in saying that he will not ignore the Senate and that he will not treat his new
found power with greater arrogance and let that new found power go to his head, an easy first step would be for him to adopt those recommendations that have long been ignored, recommendations supported across the political spectrum by an all-party parliamentary committee.

I was pleased to hear the Governor-General mention Indigenous issues in his address. I suspect the 110 words the Governor-General spoke on this issue probably were more words than the Prime Minister spoke about Aboriginal people during the entire six-week election campaign. The Governor-General in his speech said:

In these sittings, legislation will be reintroduced to further reform the delivery of indigenous programmes and services. Indigenous Australians are relying on a better relationship with all governments to improve their circumstances.

I wonder whether that, unfortunately, is not already the first dishonesty of the new government—in its parliamentary statements at least—because there was no legislation in the last parliament that would have created a better relationship with all governments to improve the circumstances of Indigenous Australians. During the campaign, the Prime Minister certainly did not say, ‘Elect the coalition government and we will impose discriminatory welfare requirements on Indigenous Australians,’ yet as soon as the election was over there were leaks that this very thing was being considered. The Democrats will do all we can in the life of this parliament to ensure that Aboriginal issues are given the priority that they deserve, and that there is a genuine attempt to address the outrageous and disgraceful inequality that Indigenous Australians face.

The Governor-General’s speech was given on behalf of the Queen but it was written by the Liberal-National government. This arrangement is a reminder of the incongruousness of Australia’s current head-of-state arrangements. It is a reason that the Democrats remain committed to helping Australia develop into a republic. However, I wonder if in some respects the Prime Minister himself has become a closet republican. Certainly there would be few national leaders around the world who are greater supporters of the Republican President George Bush, president of that very powerful republic of the United States of America. Indeed, on key issues the Prime Minister appears to be on the side of the republican president rather than on that of the monarchist queen.

One key area where this appears to be the case is climate change. Noting that this debate and the amendment that has been moved will be forwarded to Her Majesty, I will move an amendment on behalf of the Democrats that I expect Her Majesty would support, and which I urge the government and opposition senators to support, relating to global warming and the Kyoto protocol. On Monday, 1 November, an article in the Guardian newspaper, titled ‘Queen backs fight on global warming’, said:

The Queen will this week support a United Nations conference on global warming in Germany, signalling the royal household’s whole-hearted conversion to green issues. It was reported in a number of British papers that the Queen had castigated the British Prime Minister, Tony Blair, for failing to persuade the White House to shift its stance on the Kyoto protocol, so I feel confident Her Majesty would welcome our amending this motion and the government taking note of it and her reported views that more pressure should be put on this republican president. The republican president should listen to the Queen, change his position on the Kyoto protocol and take more solid action on climate change. As the Governor-General is the Queen’s representative in Australia, perhaps it would be more appropriate for him to make public commentaries in support of
greater action on Kyoto and climate change rather than on some of the issues he has been commenting on lately. I move:

That the following words be added to the address-in-reply:

"but the Senate is of the opinion that:

(a) Her Majesty Queen Elizabeth the Second is to be commended for her reported public support for implementation of the Kyoto Protocol; and

(b) the Government’s failure to ratify the Kyoto Protocol, to take strong action to reduce Australia’s greenhouse emissions and to urge the United States of America to do likewise, is putting at risk international efforts on climate change”.

It is appropriate, as I said in a speech earlier today, to acknowledge the election victory of the coalition. It is a significant achievement to be re-elected to government not just for a fourth term but with an increased majority. It is a particularly extraordinary achievement in light of the fact that polls showed that a majority of Australians believed that, in recent years, the Prime Minister had not told the truth on a number of important issues. On the other hand, the government did spend close to $100 million of taxpayers’ money on advertising campaigns and self-promotion in the last financial year, an increase of 45 per cent from the previous year. I guess taxpayers can take some comfort from the fact that next year presumably will not be an election year and there will therefore be less government expenditure in this area as, I suspect, the need to inform the public of all these things will suddenly decrease for a year or two.

Reasons aside, the Liberal-National Party government has clearly had a historic achievement in gaining outright control of the Senate from the middle of 2005. It is the first time in decades that the government will control the Senate. Not since the end of 1981, under the Fraser government, has a government controlled the Senate in its own right. Of course, the big difference is that government members were not as silent and subservient in the late 1970s as they are now. We have already heard Senator Fifield’s contribution, in which he said that he believes the role of the Senate should be that of a rubber stamp. He made the extraordinary suggestion that non-government senators—Labor, Democrat and Green senators—should vote against their beliefs and their party’s policies and against what they campaigned on and were elected to speak out about so that the government can maximise this rubber-stamp nature of the Senate, which it sees as our only role.

One big change from the middle of next year will be that coalition senators will no longer be able to so readily rely on the Senate to ensure fairness and justice in legislation. The onus will now be on them. Whenever this fails to occur, and when further injustices and unfairness are inflicted on Australians, the responsibility will rest with the coalition senators who have failed to speak out and have failed to prevent that from happening, because we on this side of the chamber will cease to have that power. We will still have the power to speak out, although with talk of the government introducing institutionalised guillotines, limiting debate and not allowing inquiries to happen or ensuring that they report back quickly to prevent the opportunity for full scrutiny of issues, even our ability to speak out will probably be limited.

Our ability and our power to prevent the passing of unfair and unjust legislation will be gone. There is no doubt about that. The responsibility will then be solely on the coalition senators. They will not be able to hide behind or rely on non-government senators to do that job for them. They will need to stand up and be counted, and I certainly saw no sign of that in the Howard government’s
first three terms. They key thing now is whether that will appear with this new-found power. I am sure that government senators would regularly say that with power and rights come responsibilities. They have that responsibility now, and the Democrats will certainly be scrutinising them closely to ensure that either they fulfil it or they are called to account when they do not. The record of the Howard government in providing information to the Senate is already one of the worst in parliamentary history. This government’s stonewalling and prevention of material being tabled, their refusal to answer questions and their dishonesty in answering questions are already among the worst in history. So in that sense things probably are not going to get much worse, because there has already been a massive amount of secrecy and a willingness on the part of the government to dodge accountability. They will just be able to do it with less effort than they have had to use in the past.

The Democrats challenge the Prime Minister to commit to maintaining the current Senate arrangements for properly scrutinising legislation, not just giving a tick and flick, one-day, overnight reference of a piece of legislation to a committee with a pretence that it is a genuine opportunity for scrutiny and public input, to ensure that inquiries can be held to allow the public and those with expertise to provide submissions on upcoming legislation and on key policy areas. It continually goes unrecognised that the Senate committee process is not just an opportunity for senators, particularly non-government senators, to express views, to explore issues or to use as a platform to embarrass the government. In my view, the key value and importance of the Senate committee process is the ability it gives to the public to have input. It is important for those who have an interest in, an expertise in, a commitment to or a passion about an issue to provide that on the public record, under parliamentary privilege, in the forum of the parliament itself, to all senators without censorship and with the full opportunity for those views to be scrutinised and tested. That aspect is so crucial and it will be lost if we have shortened committee inquiries and reduced opportunities for scrutiny. That is one of the key areas about which the Democrats will continue to pressure the government to ensure that it is retained. The government does not have a mandate to minimise existing accountability safeguards and the Democrats will do all they can to prevent that occurring.

As I said, the big difference between the current coalition government and the coalition government that had control of the Senate in 1980 is that there was clearly far more willingness on the part of Liberal Party MPs in 1980 to speak out on issues. I doubt if the Liberals of 1980 would have remained silent if the then Prime Minister had wanted to involve Australia in a pre-emptive strike on another nation to help initiate a war based on false pretences and lies and to directly reduce the safety of Australians. Of course, the war in Iraq continues to be fought and has already produced tens of thousands of civilian casualties as a direct result, with some estimates now as high as 100,000. Whilst Australia has been remarkably lucky in having had no Australian troop deaths in this conflict, we should not use that to ignore the many deaths and enormous suffering occurring as a result of it. In relation to Australian combatants the fact also remains that one in five veterans who returned from the first Gulf War have health problems as a result of their tour of duty. Whilst it was pleasing that the Governor-General recognised veterans in his speech I am concerned, including from the content of that reference, that the government’s main focus in relation to veterans continues to be on parades, medals and anni-
versaries. These are important, but the Democrats believe that it is in properly caring for those who return from conflict that we truly honour the courage and contribution of the service personnel who sign up to protect Australia’s interests. That is an obligation which this government continues to fail to meet.

The Governor-General’s address outlined some specific programs for the coming term and the Democrats, as usual, will analyse and scrutinise legislation and vote for it on its merits. That is why we will continue to retain a consistent and principled position on matters brought back before this parliament which have already been scrutinised in the past—matters such as introducing discrimination against people who work for small businesses by removing their protection against unfair dismissal. From time to time I have read some suggestions in newspapers that, in this remaining seven months or so before the government gains control of the Senate, we non-government senators should try to make ourselves ‘relevant’ by agreeing to things that we would otherwise oppose. Leaving aside the basic reality that whatever we might agree to in the next seven months can be changed or amended by the government afterwards, so that any agreement that we might reach would be worthless, this government has already shown in the past its willingness to completely break its word on a whole range of agreements in key areas, so we are hardly likely to be able to keep it to its word when it has total control of the Senate.

Secondly, the notion of agreeing to amendments or weakening your principles purely so you can be part of the action, so to speak, is a bizarre concept. It is certainly one that I have never seen the sense of or supported. It is not one that the Democrats have followed in any way in the life of the previous parliament. Some people have trouble recognising that the role of all of us here is to represent the principles that we put forward and to uphold our promises and it is about time that they recognise that. We seek to do so in a way that is constructive and can find ways to move forward. In that sense, compromise is always worth exploring, if it is positive compromise, but that is not the same as compromising your principles and your basic beliefs. Those areas about which the Democrats have consistently had concerns of principle, which we have rejected in the past, such as the unfair dismissal legislation; the sale of Telstra; the attempts to gut the Administrative Appeals Tribunal—that will no doubt reappear; and distorting our migration zone by removing thousands of islands from the protection of the Migration Act are areas that we will continue to oppose because our belief was and remains that they are unprincipled actions. Those actions are not in the public interest. They will reduce fairness and should not be passed by any Senate that is interested in upholding those principles.

The fact that our vote may be less crucial after 1 July is unfortunate, but our principles should not change as a result—and they certainly will not. We will consider the issues outlined, including those in the Governor-General’s speech. We will take them on their merits and do all we can both before and after 1 July to make sure that all views are put forward and that this government is held to account for its actions not only on the ones it speaks about but also on the ones that it does not. (Time expired)

Senator NETTLE (New South Wales) (11.17 a.m.)—Imagine yesterday if the Governor-General had delivered a speech outlining a positive and an optimistic vision for our country. He could have spoken about the importance of celebrating and treasuring the unparalleled natural beauty of this continent, protecting for the future of us all, including our children’s future, the magnificent forests
of Tasmania, ensuring that the ancient environments that are found nowhere else in the world are preserved and that, through their preservation, we are all left richer, giving a gift to the world.

He could have announced the urgent measures required to put our communities on a sustainable footing—initiatives in energy policy, transport planning and investment infrastructure, agricultural practices—that would not only ensure that our environment is not degraded but also make our nation more self-sufficient and create tens of thousands of jobs in the process. But he did not. He could have announced concrete measures to improve working conditions and lessen family stress that has been universally recognised as a concern to most Australians. He could have announced the introduction of a genuine paid parental leave scheme to enable parents to spend those first few crucial months at home with their newborn child, whilst guaranteeing them a right to return to work. He could have announced measures to nurture cooperative workplaces and support small community businesses and in doing so bring sustainability to people’s lives. But he did not.

Imagine if the next three years of government saw a massive investment in our public education system. Imagine yesterday if our head of state had announced billions of dollars of new money for our public schools, thousands of new teachers, new facilities and nationwide promotion of public schooling, a commitment to abolish university fees and an investment in our future by backing ourselves to provide one of the best education systems in the world. How much better would Australians feel about themselves today if yesterday the Governor-General had announced the immediate release of children and their families from behind the razor-wired detention centres. Imagine if he had announced a massive injection of funding to overseas aid, to bring our commitment to reducing world poverty to UN recommended levels, or announced the return of our troops from Iraq and a commitment to end the murderous adventurism of such an invasion. But the Governor-General did not make such announcements yesterday, because this is not the kind of vision that our short-sighted Prime Minister is interested in.

The re-election of the coalition government is a tragedy for this fine nation. The government’s control of the Senate from July next year will compound it because this government promises more of the divisive, short-sighted and anti-public agenda that we have come to know over the last nine years. In the absence of the check that the Senate has provided, the government will seek to enact laws to threaten our environment, to erode our civil liberties, to undermine our public services and to continue our involvement in the illegal invasion and occupation of Iraq. They will attack the rights and protections of working people and their unions, divert more public funds to the wealthy through high-income earner tax cuts and corporate welfare and attack the most vulnerable members of our community—Indigenous Australians, refugees, people living with disabilities and people living in poverty. They will also seek to attack democracy itself by preventing Senate scrutiny and potentially change the way that the Senate is elected to reduce the presence of the minor parties and the Independents.

In the area of health, the government plans to further privatise Australia’s health system. It has extended and seeks to further extend the differential higher GP rebate to several marginal electorates. The safety net, which promotes inflationary out-of-pocket charges, has already exceeded budget estimates and the government has no plan to address this. The government wants to increase the private health insurance rebate for people aged
over 65, at a cost of $445 million over four years. The rebate draws scarce health dollars away from the public to the private sector where capacity to pay, not medical need, drives who receives care. Speaking of drugs, the price of scripts filled under the Pharmaceutical Benefits Scheme will rise by 21 per cent from January, and Treasurer Costello has already flagged further increasing the patient charge for essential medicines to reduce the cost of the Pharmaceutical Benefits Scheme. The Greens are committed to strengthening our public health system, and we will continue to speak out against the government’s drive to privatise essential public health care.

In the area of education, the government wants to set up a private TAFE system to compete with our strong and high-quality public TAFE system. The funds would be far better spent reversing the government’s cuts to the existing public TAFE system. The government wants to impose individual contracts on university academic staff and restrict the services currently provided by student unions. The university sector and the Senate rejected these proposals last year.

Private schools under this government will continue to receive a greater slice of federal funds, including $300 million for infrastructure under the coalition’s election announcement, but the funds must go directly to parents and principals. The Greens are supporters of public services and public education and we will continue to call for increased spending on public services, rather than individual tax cuts. We will fight the proposals to further privatise our public education system.

The government’s 30 per cent tax rebate for child care will assist the wealthy most of all. The Greens say the funds should be used to improve the targeting of the child-care benefit, or to invest in more child-care places and improve the low salaries of child-care workers.

Industrial relations appears to be the first cab off the rank in the government’s divisive agenda. All Australians should have a right not to be unfairly sacked. The government is proposing that if you work in a workplace of 20 or fewer employees, as many Australians do, and you are unfairly sacked, you should have no right of appeal. Why should some workers have the right to challenge an unfair sacking and others have that right taken away? The government also wants to take away your right to redundancy pay if your workplace has 15 or fewer employees.

This is just the start of the divisive agenda the government has for industrial relations. It wants to reduce the matters covered by awards, so that things like long service leave are not covered by awards. It wants to further restrict people’s right to strike, further limit the powers of the Industrial Relations Commission, restrict the right of workers to meet in their workplace about an issue of importance to them such as safety or workplace concerns. The government is seeking to define the workplace relationship so narrowly that superannuation entitlements can no longer be part of a workplace agreement. This means that young people—young women in particular—and people from non-English speaking backgrounds who are casual workers will have even fewer rights. Their bosses will be able to sack them with no explanation, and they will have no right of appeal. Or their bosses may insist that they sign an individual agreement, which has fewer conditions than the agreements of everyone else in the workplace who is covered by a collective workplace agreement that they negotiated with their boss. If the new worker does not sign the agreement, they do not get a job.
It has not taken conservative big business figures long to start lobbying the government to go even further. A group of them wrote to the Prime Minister last week flagging, among other measures, moving even further away from international labour standards and safeguards, and threatening the withdrawal of income support where it deters someone from looking for paid work. The Greens call on the Prime Minister to reject their call. We say that the rights of men and women working hard in Australia, whether as casuals or in a large or small business, must be upheld. Working people should have the right to decide together how they will negotiate with their employers.

On top of the tax cuts for high income earners in the May budget, at a cost of $14.7 billion over four years, the Prime Minister has flagged further cuts to the top marginal income tax rate. At the same time, the government has failed to address the problem of high effective marginal tax rates for income support recipients moving into the workforce, levels of income support which keep people impoverished, and the rise of the ‘working poor’. Nor has the government closed the loopholes exploited by high-income earners, which cost billions of dollars in revenue each year, money which could be directed to those in need. The Greens support progressive taxation where people contribute according to their capacity to pay to fund public services that are available to all Australians.

In the area of defence, the 920 Australian troops in Iraq will remain there indefinitely. Despite government statements that there would not be an increase, pressure will continue to grow from the United States to increase the deployment. Creation of a new armoured expeditionary combat force of 3,000-plus troops suggests that the ADF is preparing for future overseas combat operations similar to that currently under way in Fallujah.

The multi-million dollar expenditure on greater integration of the ADF with the US military will continue and US training exercises and weapons testing in Australia will expand if this government gets its way—an enormous blow for those people who live in Shoalwater Bay in Queensland, and at the Bradshaw and Delaware bases in the Northern Territory.

While the situation in Iraq will continue to place a brake on White House plans for widening interventions in the Middle East, Australia may be asked to support and participate in pre-emptive strikes on Syria or Iran. Australian involvement in developing national missile defence will continue under this government, with growing concern from China and critics of a new arms race. The Greens believe we need an independent foreign policy and cooperation with our neighbours to address the root causes of terrorism.

In the area of international trade, the government is reported to be intending to further weaken intellectual property laws to appease US companies before the free trade agreement between Australia and the United States is finalised. The Thai-Australia free trade agreement is before the Senate this week and the government wants to continue to negotiate agreements with South-East Asian countries and/or join an ASEAN free trade agreement. The Thai free trade agreement will have a negative impact on Australia’s textiles. It will hurt Thai farmers and diminish the Thai government’s capacity to regulate Australian business investment. The government wants to push ahead with a China-Australia free trade agreement, despite concerns about China’s longstanding poor human rights record. Greens parties around the world are working to support trade agreements that involve all countries in a
transparent and accountable way and that respect international labour laws, human rights and stringent environmental standards.

The government has a raft of other issues on its agenda. It wants to proceed with the full privatisation of Telstra. The Greens recognise that only a publicly owned telecommunications system will deliver this essential service equitably to all Australians in rural, remote and regional areas as well as in the cities. The government wants to make it easier for the large metropolitan media moguls to buy up more of our media. The Greens, however, support independent and community media.

The coalition may seek to alter the Senate voting system or to introduce voluntary voting. The government has long talked about such issues, and several ministers have raised these issues publicly since the election. The Greens want to strengthen democracy. We advocate proportional representation for the House of Representatives, and we will be working to return the Senate to the chamber of accountability it was designed to be.

Having dismissed community calls for reconciliation, land rights and a treaty, the government is taking away the elected Indigenous body and instead appointing its own advisory council. Having failed to address the root causes of Indigenous disadvantage, the government is now looking at introducing measures where Indigenous Australians are to receive financial support only if they meet certain behavioural standards. The Greens will speak out against such attacks on the first Australians. We will continue to call for the government to acknowledge, and apologise for, past wrongs committed against Indigenous Australians. We will continue to pressure the government to work constructively with communities and individuals to address the causes of disadvantage that shame our nation.

Yesterday hundreds of Australians, including many people on temporary protection visas and bridging visa E, gathered at the front of Parliament House for the opening of parliament. They gathered to remind the government just how many Australians—indeed millions—across this country are working to ensure that people who arrive in our country fleeing persecution from elsewhere are treated with compassion and the great Australian spirit of a fair go. The government needs to uphold its international responsibilities to asylum seekers. The Greens and refugee advocates will keep the government accountable on this front.

The government plans to give the green light to a new and larger nuclear reactor in the heart of the great city that I live in, Sydney, next to schools, kindergartens and communities. It seeks to do this at a time when communities across the country have spoken out with one voice: ‘We want to live in a nuclear-free Australia. We want a nuclear-free future for our country.’ Government proposals for nuclear waste dumps have been rejected by communities across this country, yet the government continues to pursue its agenda for a bigger, newer and potentially more dangerous reactor right in the heart of Sydney.

The Greens have a positive vision for this country; it is starkly different to the one outlined by the government. The government’s program for its fourth term is riddled with poor policies, which will cause more harm to the many Australians who are not among the privileged group for whom this coalition government governs.

The government’s program will do nothing to advance peace and justice. It will do nothing to protect our fragile earth. The government will control the Senate from July next year, but that will not change the positive and optimistic vision that the Greens
bring into the Senate and that we have for this country. We will speak out for compassionate treatment of asylum seekers. We will speak out for the need to protect our beautiful natural heritage. We will speak out for the need to invest public funds in our public services and for the need to provide services for the most disadvantaged members of the community.

In July next year there will be two more Green voices in the Senate. Rachel Siewert from Western Australia and Christine Milne from Tasmania will join Senator Brown and me to double the number of Greens represented in the Senate. We will challenge the government at every turn. Christine Milne will bring with her to the Senate nine years experience in the Tasmanian parliament, where she was leader of the Tasmanian Greens. Rachel Siewert has spent the last 16 years heading up the Conservation Council of Western Australia, and in July next year she will bring to the Senate a wealth of experience from working with regional communities on natural resource management issues.

From 1 July the Greens will be needed more than ever in the Senate. We will work to advance the positive vision that we have for this country, for a just nation and for a world founded on the principles of social justice, peace, democracy and ecological sustainability. We will not stop until this compassionate voice for Australia is heard loud and clear. We will speak out in parliament, in the community, in the media, at rallies, at demonstrations and at public meetings all across this country. That is how the Greens will continue our role at the forefront of progressive social change in this fine country. That is how we will bring a positive and optimistic vision for a just, fair and beautiful Australia into being.

Senator SHERRY (Tasmania) (11.36 a.m.)—We are speaking today on the motion for the adoption of the address-in-reply to the Governor-General’s speech. The address-in-reply is a general debate where traditionally senators and members can speak on any particular issue of the day. I will focus on the outline of the Governor-General’s speech, which took place in this chamber yesterday. I might just say that it is not the Governor-General’s speech; he might read it, but it is written for him by the government of the day. I note with passing interest that there appeared to be some argument as to who would write the speech on this occasion. But it is certainly the government’s speech and it outlines the general principles and direction, with varying degrees of detail, of the government over the next three years until the next election.

On the issue of the election, the Labor Party obviously lost. There have been four election defeats. The Labor Party accepts the will of the people. The people have made the decision. I might not agree with the decision that was taken, but the people have spoken. We now deal with a re-elected Liberal government. I am not going say a ‘Liberal-National Party government’, because I do not think the National Party count very much these days in terms of their public clout and their real clout in the so-called coalition. I note they did not even have a separate National Party campaign speech in the election, Senator McGauran. They left it up to the Liberal Prime Minister to give the campaign speech on behalf of the National Party.

Senator McGauran—Have you read the Senate results?

Senator SHERRY—I have read the Senate results, but the real test for Senator McGauran and the National Party will be to see if their bite is worse than their bark! That will be the real test, and whether or not—
Senator George Campbell—If they’ve got any bite.

Senator SHERRY—Exactly—whether they have got any bite. They have got potential bite; it is whether they actually exercise it. What we have seen from Senator McGau- ran and his colleagues in the Senate and the other place, certainly in the last 14 years that I have been in the Senate, is a doormat approach. When it comes to the crunch, they just roll over to the demands of the Liberal Party. I did look at the Senate results but, when you look at the results in the House of Representatives, I am certainly not greatly thrilled by the Labor Party’s results. But the reality in terms of the coalition is that the Liberal Party represents far more rural and regional seats in Australia than the National Party does. I have looked at the Senate results in Queensland. In particular, I looked at the stunt the Liberal Party pulled in Queensland in terms of the how-to-vote letter from the Prime Minister to National Party voters that managed to convince a significant number of National Party voters to switch to the Liberal Party in the Senate. But let us put all that aside.

Since the election, and since the election of a Labor shadow ministry, to which I was re-elected, I have had finance added to my previous responsibility of superannuation. In that capacity it will be part of my role to contribute to debate, representing the shadow treasurer, Mr Wayne Swan, and the shadow industrial relations minister, Mr Stephen Smith, in the Senate. In the election there was discussion of some economic issues. I want to make a relatively brief comment about that today and then focus on some other economic issues which did not gain very much attention in the election at all but which are of growing concern, certainly amongst the economic community and gradually amongst the broader community.

In terms of the election, there were two economic issues that received significant commentary. They were the level of economic growth that has occurred under the now re-elected government over the last 8½ years, and the linking of the issue of interest rates and the false allegation that a Labor government would mean a return to the interest rate peak of approximately 17 per cent. That was the allegation made. It was false. Nonetheless, I accept the will of the Australian people, and there were some people in the Australian community who were obviously convinced of the false argument that an election of a Labor government would mean a return to interest rate peaks of 17 per cent.

On this issue and on the issue of economic growth, there is an interesting publication just released by the Parliamentary Library which examines a range of economic indicators in the period from 1972 to the present. It is interesting reading and it is well-balanced economic research and data from an independent source. I will go to the issue of economic growth. I suppose it is not unreasonable that a sitting government, the Liberal-National Party government, would claim all the credit for the level of economic growth over the last 8½ years. It is not unreasonable that they would claim that, even if it is not correct. But when we look at levels of economic growth in the library’s publication, the average economic growth by percentage in the Hawke-Keating years—from 1983 to 1996—was 3.7 per cent. The average level of economic growth under the Liberal government over the last 8½ years was 3.6 per cent. In other words, the average level of economic growth over the 8½ years of the Liberal government was a fraction lower than the average level of economic growth under the 13 years of the Hawke-Keating government.

The other statistic which is very interesting is the level of real housing interest rates.
Of course, that is the level of housing interest rates after taking inflation into account. The level of real housing interest rate over the 13 years of the Hawke-Keating government was 6.9 per cent; the level of real housing interest rate under the 8½ years of the Liberal government was 4.6 per cent. So it is factually correct to say that the level of real housing interest rate is lower, but it is certainly substantially different from the frankly absurd claim being made during the election campaign that an elected Labor government would mean a return to an interest rate peak of some 17 per cent—a vastly incorrect and basically false claim made by the government. Nevertheless, I accept the will of the people—some people believed that false claim.

It is part of my role—and part of the role of all Labor senators and members, but I obviously have a level of responsibility—to draw to the attention of the Australian public the real economic facts and the real economic outcomes. As I said, there has been a substantial focus in recent times on economic growth and on issues relating to interest rates, particularly the household interest rate and housing mortgages. I want to draw the attention of the Senate to a number of other key economic indicators which the government invariably does not like attention drawn to. I think we are going to see a growing focus and public debate on a number of key economic indicators that this government does not like to talk about or, if it does get engaged in a debate on them, distances itself from any direct responsibility for.

The issues I want to refer to today are the current account deficit, the level of foreign and national debt, the level of national savings and the level of public and private debt in general. It is true that the level of economic growth in this country over the last 14 years, not just the last 8½ years, has been very solid and that generally—depending on the quarter-by-quarter release of these statistics—Australia has been close to or sometimes at the top of the economic growth league over those 14 years. When I talk about a growth league, I am talking about the comparison with 14 other major advanced economies around the world. But, if we look at the issue of the current account deficit and at where we are in that league of 15 advanced economies with respect to current account deficit, the sad fact is that we are very close to the bottom.

The current account deficit in 2003-04 on our balance of payments was some $47.4 billion—that is, 5.85 per cent of Australia’s gross domestic product. That puts us at the bottom, and vying with the United States for one of the worst current account balance of payments records, of the league of comparable economies. Whilst terms such as ‘current account deficit’, known as CAD, or ‘gross domestic product’, known as GDP, are obviously not in everyday public discussion—or barbeque stoppers, as some issues have become known—this growing trade deficit does have significant long-term implications for Australia’s economic wellbeing because it has to be funded. The deficit has to be funded by borrowings, which inevitably means the importation of capital into this country, and obviously that has to be paid for. Because of our reliance on imported capital because of the level of the current account deficit, a country such as Australia is exposed to much greater levels of adverse economic change should there be adverse economic circumstances in the rest of the world. Australia is exposed because we are so reliant on importing the capital to sustain the current account deficit.

It is true that from time to time there are factors that do blow out the deficit. There is no doubt that a drought affects the current account deficit. There may be changes in the circumstances of our trading partners. Cur-
currency variations, fluctuations and movements affect the current account deficit. But the sad fact is that under the Liberal government the current account deficit has in the long term got steadily worse and should be of significant concern to this country, particularly if there is a change for the worst in economic circumstances in the rest of the world. We are more greatly exposed in the event of those adverse circumstances. There is a whole range of activist policy interventions that a government can use to at least reduce the level of growth in the current account deficit but that the Liberal government has neglected—for example, industry policy development. That is not my area and I am not going to go into that today.

Related to the current account deficit is the level of foreign debt. Again, prior to the election of the Liberal government in 1996, they were very fond of drawing attention to Australia’s level of foreign debt. In the year to June 2004, the level of foreign debt reached $393 billion. As a share of gross domestic product, foreign debt has steadily increased from 13.9 per cent to 48.5 per cent over the last 20 years. Foreign debt levelled off from 1992 through to 1998 but has since accelerated. Again, we have not heard very much from this government—in contrast to what we heard in the lead-up to the 1996 election—regarding concern, and there should be real concern, about the escalating level of Australia’s foreign debt.

Linked to the issue of foreign debt is the issue of national savings. We heard a lot from the Liberal government when it was elected in 1996 about the level of government debt and the need to reduce it. But government debt is a component part of national savings. What makes interesting reading are the figures that show that, in contrast to the level of government debt—which we hear a lot about from time to time from the Liberal government—the level of household, private debt is escalating. If that is escalating then obviously at the same time the level of savings by households is in rapid decline. The level of savings by households in 1994-95, for which I have statistics, was 3.52 per cent. The level of savings by households in 2003-04 was minus 1.42 per cent. What does that mean? It means that in 2003-04 Australian households dissaved—they spent more than they earned—approximately $11 billion. That was funded by borrowing and increasing the level of personal household debt. This can have very serious consequences. Again, that was an underlying theme of the Liberal government’s election campaign. Having presided over a massive increase in the level of personal and household debt in this country over the last eight—

Senator McGauran—Individual decisions.

Senator Sherry—Sure, they were certainly individual decisions, Senator McGauran; I acknowledge the interjection. But if you are an active government and you care about the economy and about the future of individuals and households, there are still various active policies you can implement to lift the level of savings. It is simply unsustainable for the level of household savings to continue to be negative. It has significant economic implications for the future of this country. The current Liberal government rightly draws attention to the consequences of an ageing population. If Australians are dissaving, and in fact borrowing against their futures, the consequences will be very dramatic when they reach retirement, for example. With respect to funding issues like retirement incomes or health, continuing to dissave at the current rate will have a very serious and savage impact on the future of a significant number of individuals and households in this country. (Time expired)
Senator BROWN (Tasmania) (11.56 a.m.)—It is great to be back. I am looking forward to the coming three years; it is going to be very interesting indeed. I congratulate those who have won House of Representatives and Senate seats and I commiserate with those who did not. We have a robust democracy, and for everyone who does win a seat there are five to 10 people who stand and do not. It is a great credit to them that they offer voters choice and that they have the courage and the public spiritedness to put themselves forward. In congratulating the government I am of course congratulating a minority government in both houses. Before the hubris and the arrogance that tend to creep into governments with control of both houses get taken too far, I remind senators opposite that the Howard team got 46.7 per cent of the vote in the House of Representatives and 45 per cent of the vote in the Senate. In other words, the government failed to get a majority vote in either house, although that has translated into majorities under the preferential system that we have in this country.

It is also notable that, due to that preferential system, which is unfortunately too easily manipulated by the parties, the Greens will have two new members—and, boy, are we going to know about Christine Milne and Rachel Siewert in this place as of 1 July next year—and we required 458,000 votes for each of those Senate seats. Contrast that with the coalition and the Labor Party, who required about 260,000 votes per Senate seat. Then there is Labor’s Family First representative from Victoria, who required considerably fewer than 100,000 votes—in fact, it was a tiny vote. Family First required 1.88 per cent, or 56,000 votes in Victoria; and 210,000 votes nationally to win a seat—in other words, much less than half the number that was required by the Greens.

One of the dastardly things that occurred was a central decision by the Labor Party to allow preferencing of Family First as a means of trying to blackmail the Greens into preference arrangements in the House of Representatives. It has backfired and we will continue to remind the Labor Party about that. However, what has come out of that is a look at the democracy that we have and how we might have parliaments best reflecting the will of the people.

A while ago, Senator Nettle spoke about the need for proportional representation in the House of Representatives so that we catch up with modern democratic practice in Europe and in many other parts of the world. That is something that the Greens stand for and will continue to pursue. Indeed, if the Greens vote of over seven per cent in the House of Representatives were translated into a proportion of the votes, there would be more than 10 Green members of the House of Representatives and that is how democracy would have it. Instead there is zero, under the unfairness of the non-proportional representative system which both the big parties adhere to.

I have spoken about the Senate but we ought to be taking a leaf from the New South Wales book. Legislation there—introduced by my Greens colleagues into the upper house and then adopted by the parliament—means that there is the opportunity for voters to vote preferentially above the line. That is, from one party to another so that they are not tricked, defrauded or misled, as they were in the last election, by a preferencing system where the parties lodged their preferences and many voters were not aware. The Greens will be moving to introduce above the line preferencing into the Senate in the new year as part of the reform of democracy coming out of the election and the improvement of empowerment of the people in an age when the principle of one person, one vote, one
value is seriously under threat in some of the great old democracies of the world. Of course, Australia is one of the oldest and most successful democracies on the face of the planet.

One of the things that exercised the minds of many people in this country in the last election—more than in any other election in a long time—is the requirement that electors get truth in advertising and are not misinformed. The parliament removed the need for truth in advertising as part of the Commonwealth Electoral Act in 1984 under the then Hawke government. However, there was some halter on it through FACTS, the Federation of Australian Commercial Television Stations, which until 2002 required truth in advertising on the electronic media. That was then removed. The argument was that there was a legal doubt over the ability of FACTS to regulate truth in advertising. The lid was right off, for the first time in Australian history, in the 2004 elections. So we had a range of advertising which went from mischievous to downright lying.

I, for one, deplore the trend towards negative attack advertising which has been adopted from the American milieu not only by the government in particular but also by both big parties. But attack advertising is one thing; another thing is deceiving the electorate. The excesses of that can be seen in the attacks on the Greens by the Family First party—a Christian based party coming from the Assemblies of God and other religious backgrounds which amongst other things ran advertisements in key electorates like South Australia, Tasmania, Victoria and Queensland saying, for example:

Heroin? Ecstasy? The Greens want to legalise the whole lot.

That is an absolute lie. That has never been the case. That is not policy and will not be policy. Then directly:

They’re giving my kids easy access to marijuana.

That is a lie. It is an absolute falsehood from a Christian based party to an electorate to defraud and deceive that electorate deliberately to have vote changes. Finally, from the Family First party:

That’s not green, Bob, that’s extreme.

Naming me in association with policies that are not mine and that were not the Greens policies but a direct breach of the seventh commandment by this Christian based Family First party in a premeditated effort to deceive innocent voters. If we get that from the Christian right, what can we expect from elsewhere across the spectrum? We can expect worse. Coming from even further to the right we had the Reverend Fred Nile in New South Wales, who claims a direct link with God in the promulgation of his politics, saying:

GOOD NEWS FOR PAEDOPHILES. THE GREENS WANT TO CLASSIFY TEENAGERS AS ADULTS.

Et cetera. He goes on to say:

Now they’re set to take their plans nationwide. It must bring a smile to child-abusers in every suburb.

Not only is that not godlike, it is downright evil and sinful. It is a downright deception as well as a calumny of the Greens—a mischievous, downright and very evil deception of the electorate coming from the Christian right. There is a challenge here to Christians throughout this country. I spoke about this on the weekend at the national conference of the Greens because this is a challenge that must be taken up by the many Greens who are Christians. Now that the extreme right of the church has entered politics so directly there is a challenge to the good-hearted, true adherents of the humanitarian, egalitarian and loving policies of Christianity to claim back Christianity and not to leave it to these distorted, malicious and deliberately deceptive
adherents of what they say is Christianity when it is nothing of the sort. There is a challenge to good-hearted Christian people around the country.

Senator Kemp interjecting—

Senator BROWN—What I have to say there is that we do need truth in advertising, not least when it comes to advertising in the run to the elections. What a contortion! We have got an embarrassed and somewhat guilty response from the government. They can speak for themselves about this matter, as you say.

Senator Kemp interjecting—

Senator BROWN—He is talking about Liberals for Forests. They are no friends of ours whatsoever. He needs to go and speak to some of the other parties about that one. But it endorses my point that the public in a democracy—and democracies depend on information being correct and on having a well-informed voting public—have a right to be protected from deception, manipulation and lies. In response to that right, we have a responsibility to legislate to ensure they get it. I do not believe that any entity—be it one looking after the removal of restrictions in trade practices and so on—has an inherent right to influence this nation so that it is fed lies in advertising in general, let alone in the presentation of the party policies in the run to an election.

The government will have 39 seats in this place, backed up by the Labor Family First representative, as of 1 July next year. I know that there is a fair bit of hubris attached to that. The government feels that it is going to be in full control. It has attenuated the sittings before 1 July so it can bring in anything it wants. As the government sees it, it can turn the Senate into the rubber stamp it has made out of the House of Representatives since it took office. Well, really! What will be required is an absolute and slavish adherence to the executive by every senator on the government side. If only one demurs on any one issue, the government is going to be seen to be fractured and not in control.

Senator Kemp interjecting—

Senator BROWN—Here we have the government envying the Greens and our position in the parliament. I can assure you we are going to be very happy to test out the government on a whole range of issues. Senator Nettle gave a very cohesive and comprehensive list of those issues on which the government is going to find itself tested after 1 July next year. But here is the point: it was the practice, particularly before the crossbench had control of the balance of power—not control of the Senate, but a say through the balance of power—for government members to cross the floor, not just in this house but in the other place. Who can forget William Charles Wentworth? We are going to see that again. We are going to see it on issues which we might be able to predict, like the sale of Telstra, but we are also going to see it on issues we cannot yet predict.

Senator Kemp—Live in hope, Bob!

Senator BROWN—I do not live in hope; I live in an assuredness which comes from history and from human nature. Here is a government that could not even get off on the right foot in this term of absolute power. We have had a month of totally negative, nonproductive debate about abortion law reform, because the Prime Minister did not put an end to it at the outset if it was to go nowhere. He left it for weeks and, just this week, put it aside after agonising by many, many people in the community, including members of his own party. He recognised that there was a schism coming and said, ‘I have got to get this off the agenda.’ He had to speak very directly to Mr Abbott to do so. If that is in the wake of an election victory, what is coming down the line on contentious
issues for a party which depends on every single member in the Senate being rock solid?

It is going to be an interesting Senate. We will see interesting times. We will see the guillotine and the gag used to get contentious issues through here. Nevertheless, you have to vote. There is no way you can avoid a vote if you want to bring through new laws, and that is going to test every one of the 39 senators, who are required to vote. If one demurs, if one says, ‘I cannot go along with that,’ if one says, ‘I am from the bush; I will not sell Telstra,’ or if one says, ‘It goes against my principle to support this piece of government legislation,’ the legislation fails. Without a majority, the matter is resolved in the negative. So I think we are in for a very, very interesting and up-beat Senate period. It will be an exciting and testing time and one which, for those who despair in the thought that the government is in total control, is going to test the complexity and the spread of thinking of a great party like the Liberal Party and its coalition subordinates. I absolutely look forward to every day, every month and every year of this period of government.

I want to highlight some issues that Senator Nettle spoke about that this government is going to have to do something about. The first is Indigenous health. How can this government remain indifferent to spending less per head on Indigenous health than for the rest of the country when the Indigenous population dies 20 years younger on average, has awesome infant mortality rates and suffers the dreadful scourge of petrol sniffing? It is more than a health issue. It is an issue this nation must take up and rectify.

The second is Iraq. We are going to hear much more in the coming months about the terrible, horrific siege of Fallujah. It is not over. The dreadful things that have occurred in that city in the last couple of weeks will become public knowledge and we will become more ashamed of the use of arms and terror and the destruction there. Monetary power has been turned into fire power instead of conducting human affairs through debate, accepting difference and leaving people to the determination of their own future.

The third is the Tasmanian forest issue. It got on the national agenda during the election and is now a challenge for the federal government. There will be an outcome which is better than that in 1998 or in 2001, and we wait to see it. This issue will not rest until the great forests of Tasmania are safe from the chainsaws. Global warming and global poverty are issues before Prime Minister Howard, and his challenge in leading the wealthiest country on the face of the planet in per capita resources is to move towards not only ameliorating but fixing these issues. That is your challenge, Prime Minister, in the coming three years.

Senator LUNDY (Australian Capital Territory) (12.16 p.m.)—I rise in the chamber today to speak to the address-in-reply to the Governor-General’s opening address to the 41st Parliament. I thank the people of Canberra and the ACT who elected me to my fourth consecutive term as their senator. It is with great honour and pride that I continue to serve the people of Canberra as their only Labor senator, and I will ensure that their interests continue to be my priority.

While disappointed that Labor did not achieve the desired result nationally, Labor was overwhelmingly returned in the ACT, achieving increased majorities in both the federal electorates of Fraser and Canberra, returning Mr Bob McMullan and Ms Annette Ellis respectively. I know they will continue to provide outstanding representation to the people of Canberra. Serving in my roles both
as senator for the ACT and as shadow minister in the federal parliamentary Labor Party is always a humbling experience. The federal campaign this year provided a unique opportunity to combine these roles and to take Labor’s vision and message to the Australian people. 

I would like to reflect on my previous portfolios of sport and recreation, the arts and information technology as they have given me the opportunity to work at the grassroots, engaging with many community networks, organisations, associations and professionals in these fields right across the country. Policy development in the Labor Party is always an all-encompassing process, from consultations within these stakeholder groups throughout many stages of policy development right through to engaging and consulting within the Labor Party rank and file. Over many years this process has culminated in the release of policies that Labor and I are certainly very proud of, and this has been the highlight of my work as a shadow minister in these areas.

I certainly relish the challenge presented by my new role as shadow minister for manufacturing and consumer affairs. Both portfolios offer up new issues, debates and exciting opportunities. I note that the Howard government does not have a spokesperson or representation within their ministry for either of these portfolio areas. That in itself sends a strong message about some of the serious points of differentiation between the priorities of the Labor Party and those of the Howard government.

Before I move on to discuss my new roles, I would like to wrap up what I see as the major issues that I dealt with as shadow minister for sport and recreation and the arts. I suspect I will not have time to talk about information technology but I hope to speak on that area in matters of public interest later today. I take this opportunity to offer some comment on these portfolios up to this point. I should also add that my former shadow portfolios are now in excellent hands with shadow minister Alan Griffin having responsibility for sport and recreation; Senator Kim Carr, the arts; and Senator Stephen Conroy, information technology. I look forward to them holding the Howard government to account.

Let me turn to sport and recreation, and I am glad that Senator Kemp is in the chamber because he might be interested in some of my reflections. Labor’s policy in sport and recreation was the culmination of an opposition campaign to put recreation and grassroots participation back on the sports agenda. Labor clearly set the agenda in this area of the portfolio and time after time the Howard government was left playing catch up, particularly when addressing the issues of childhood obesity, health and community wellbeing and how they relate to physical activity.

Labor campaigned strongly on the basis that the sports agenda should be much broader than that which it had come to under the Howard government with a quite limited focus on organised sport. While that is important, it is certainly not the whole story in the portfolio. Over the years, under the Howard government policies, we saw the Australian Sports Commission shift its funding focus almost entirely to a limited number of organised and elite sports. In its Beyond 2000 paper, the Howard government admitted that the Australian Sports Commission’s participation programs were underfunded. Since coming to office it has dropped recreation from the sports agenda, axed the Active Australia program and cut sport and recreation development grants funding—a really critical area of support for regional sports organisations around Australia. During the campaign, I visited community sporting grounds
and organisations who had felt the full weight of the Howard government’s cutbacks at the local level. With scarce resources and funds, these groups rely on volunteers and sheer determination to keep community sport going in their local areas. They do it with substandard facilities and experience less and less support from their struggling national sporting organisations.

This highlights an imbalance that exists within sport in this country. Sport and recreation bodies that are run by volunteers are continually missing out. It is very important that we acknowledge and celebrate our performance at the elite level, but we should not put the cart before the horse—we need to invest in participation opportunities, as our elite athletes are not just born that way. They have to be given opportunities at an early age and be supported through their sporting careers as their talent develops. Everyone is entitled to that opportunity whether or not they are identified as having a particular talent at a young age or they have parents who are able, within their household weekly budgets, to support those endeavours. The challenge is making sure we get that balance right. I believe that, over the last eight years, that imbalance has been exacerbated quite chronically. Even with recent activities and acknowledgment by the Howard government that they had got that mix wrong, we are still a long way in a policy sense from getting the balance right.

It is important to embrace all forms of physical activity that contribute to our national health and wellbeing, such as through better physical and mental health and increased social interaction. I have often described sport and recreation as social glue in our community. It is such and everybody involved knows that that is the case. I think that broader emphasis is a worthy focus.

Labor took the lead in these areas. Back in October 2003 we released our policy called Tackling Obesity and Promoting Community Wellbeing: Labor’s Plan for a Healthier and More Active Australia. It constituted the first concerted federal effort to improve the general health and wellbeing of all Australians. Labor’s planned investment of $25 million over four years was to establish a new fund to promote community wellbeing and reduce childhood obesity. The government’s response was cool, to say the least, despite the urgent need and growing public pressure for a community coordinated strategy to reverse the trend in rising obesity rates.

Low physical activity levels and poor diet are the two primary factors that are consistently identified as major contributors to high overweight and obesity rates among Australian children, yet we had to wait more than six months for the government to even begin looking at providing lip-service and indeed some policy to address the rising incidence of obesity in our community. I have to say that this is notwithstanding what I perceive to be a great deal of frustration from within the Liberals’ own backbench on this issue.

In the meantime Labor went one step further, announcing that if elected we would implement a ban on junk food advertising during children’s television programs where they were targeting children under the age of 14. This was designed to assist parents with the dietary choices for their children. Television advertising that influences very young children in this way can also have a detrimental long-term impact. It can entrench eating habits that flow through to the teenage years. Labor know that children do not have the same capacity that adults have to make educated healthy lifestyle and dietary choices and believe that those in leadership positions, where it is possible to make a difference, should take an active role in ensuring that children are given the best opportunity to
enjoy a long and healthy life. Once again Labor took action where the Howard government had for eight years neglected to do so.

Another issue within this portfolio particularly characterised this year was drugs in sport. In the lead-up to the election Australian sport was embroiled in a range of doping scandals that was perpetuated by the failure of the Howard government to stand by their claimed tough on drugs in sport stance. Again it was Labor that early on committed to the establishment of an independent sports doping ombudsman position and we will continue to argue the merits of it. The sports doping ombudsman should be an independent person to whom athletes, players, coaches, officials, members of the public and sports organisations can refer complaints pertinent to doping allegations and be assured that those complaints or allegations will be investigated fairly and independently without fear of legal or other repercussions.

The sports doping ombudsman should be empowered to receive and investigate allegations of doping practices within, and impacting on, sport in Australia. Despite the coalition waxing lyrical about its stance on drugs in sport early as 9 March 2003 when sports minister Kemp—and I acknowledge his presence in the chamber—said that the government was moving quickly to put a proposal to establish a recognised tribunal with the power to investigate substance abuse in every sport, election day came and went this year and we are yet to hear of any decisive plan—or indeed any plan at all—for the establishment of an independent investigatory and prosecutorial body. I look forward to Senator Kemp, given his noisy interjections during my speech today, doing something about this issue very quickly.

It is always unpleasant to find any athlete guilty of a doping offence and it is difficult to deal with such cases, but dealing with these issues quickly and openly must always be the primary consideration. Getting tough on drugs in sport means that we are required to face difficulties associated with dealing with such issues head on rather than turning a blind eye. The Howard government is now in a position, having been re-elected, to take action.

I now turn to the arts portfolio. Over the last eight years we have seen Mr Howard’s grand plan for the arts—a blueprint for the expression of his own whitewashed betrayal of Australian heritage and culture. In 2004, culminating in the federal election campaign, the Howard government was forced to show its hand and its bluff was revealed. The coalition failed to deliver a glimmer of hope or vision for Australia’s cultural future, choosing instead to disregard the contribution made by Australian artists to our cultural and social fabric. The government released its arts policy just four days out from the election, and the only new initiative was the announcement that the National Portrait Gallery would receive $56.5 million to build its own premises on the shores of Lake Burley Griffin. The only other national institution to receive any attention was the National Museum of Australia, which received funding to modify the museum’s exhibitions so as to fulfil the Howard government’s political whitewashing agenda: to implement the recommendations of the highly criticised and highly partisan Carroll review.

This signals the clear intention of the Howard government to continue along its path of disgraceful political interference in our national cultural institutions and, piece by piece, to dismantle their pride, independence, credibility and integrity. The casualties in Mr Howard’s war on culture are many and indicated by this clear loss of political independence of the ABC and the National Museum. There is also the Screensound Austra-
lia issue and, more recently the Australia Council following the Prime Minister’s part in the unprecedented allocation of millions of dollars to Melba Records. A combination of conservative appointments to their boards and councils, static funding followed by the funding cuts of $8 million to all of the national institutions, including the National Library and the National Gallery, are obvious attempts to change the way our brilliant and sometimes dark history is portrayed. The ill-fitting merger of Screensound Australia with the Australian Film Commission saw many of the promised safeguards broken that related to preserving its independence and there is a very real concern that the integrity of that world-class archive would be undermined. So it is a culmination of these attacks, which we have conscientiously documented and exposed over the last few years, which stem from what I believe is a secret cultural review. This secret agenda will have a long-lasting, negative impact on our Australian national cultural institutions.

I will move on to a choice the Howard government made in its election campaign to sit on its hands and do nothing to address the systemic problems which have engulfed the grassroots of the arts sector. The government largely ignored many of the key issues which, ironically, were raised in a number of excellent reports commissioned by the Howard government, which investigated, analysed and represented numerous recommendations through reports such as Don’t give up your day job and the Myer review. Don’t give up your day job indicated that one-third of practising Australian artists live in poverty, and 50 per cent of artists earn less than $7,300 per year from their art. You would think that would be reason enough to come up with some solutions or at least to implement past commitments or recommendations. To implement all of the recommendations of the Myer review was an outstanding promise but, in the lead-up to the election, we did not see an announcement of a resale royalty scheme for visual artists.

The government recently released a discussion paper on resale royalties, but it seems that it has still made no commitment to implementing them. I, for one, will not be holding my breath over the implementation of such a scheme. The challenge for Senator Kemp and the Howard government is to get a move-on on an issue that Labor made a commitment to over a year ago. Had we been elected, we would have brought in a resale royalty scheme of five per cent, payable on all acts of resale of artistic work that take place in Australia through an art market intermediary. This would provide direct financial benefit to visual artists and particularly to Indigenous artists, which I know Senator Kemp and others would acknowledge is a critical area of importance. In 2004, the upshot is that the arts do not matter that much to this government. Labor’s policies on the arts were a genuine attempt to raise the profile of the arts and to place the key issues in the sector at the forefront of the debate. The Howard government has not bothered to make such an attempt. I do not know what to expect, but I cannot see too much changing.

Perhaps one of the characterisations of this neglect of arts and culture was the context of the free trade agreement debate around local content quotas. It seems the Prime Minister was content with the position that our local content provisions could be ratcheted down. In effect, he tried to neutralise the debate about the protection of local content quotas. He certainly did not see the issue of ratcheting down as a problem and was happy to sign off on the free trade agreement. From Labor’s point of view, that is just not good enough. Labor put culture back on the table in an effort to ensure that Mr Howard did not leave Australia vulnerable to the ratcheting down of our local con-
tent quotas. The upshot was that Labor insisted on an amendment, which the Howard government accepted very rapidly.

There is also the underfunding of the ABC and the plight of the film and television industry. Labor’s policies would have injected much needed money into the ABC over a four-year period. The situation in the film and television industry is absolutely critical, and Labor would have put the money in first-up in this current financial year. Let me conclude on this note: the film and television industry is in dire straits because of the neglect of the Howard government. The industry needs rapid investment. The Howard government will not be coming up with that investment, and it remains one of the high profile areas to pursue in the arts portfolio. (Time expired)

Senator GREIG (Western Australia) (12.37 p.m.)—I too am keen to respond to the opening speech by His Excellency, the Governor-General. During his speech, the Governor-General indicated that the government would press ahead with a number of the most controversial bills from the last parliament—namely, a bill to facilitate access to private SMS, email and voice mail communications without an interception warrant; a bill to establish an extensive surveillance regime for law enforcement officers; and a bill which will undermine the right to a fair trial by preventing those fighting criminal charges from accessing all the evidence used against them.

Each of these bills has previously attracted, understandably, widespread community opposition and will have significant implications for the protection of human rights around this nation. The consistent characteristic throughout each of them is that the government has failed to demonstrate a legitimate and specific need for the changes they contain. Indeed this has been a consistent characteristic of much of the legislation introduced by the Howard government since September 11, 2001 in the name of fighting terrorism. The immediate relisting of these bills is a disappointing indication that the government intends to persist with its flawed strategies to combat terrorism.

There is no doubt that terrorism presents new challenges for governments around the world—it is random, indiscriminate and decentralised and has given rise to a sense of fear among some in the community. Governments must take the threat of terrorism seriously and develop new strategies to combat this threat. Those strategies need to be specific, targeted and effective. But the strategies adopted by the Howard government have been just as random and indiscriminate as the threats they seek to combat. Many of the government’s initiatives have been focused on prosecuting and punishing those who have committed terrorist acts rather than on preventing terrorism in the first place. While bringing terrorists to justice is vitally important, saving lives is even more important.

Intelligence has a fundamental role to play in preventing terrorism. Yet until recently our intelligence agencies were poorly equipped for this role. Rather than invest more resources into intelligence agencies, the government’s initial response was simply to invest them with more and intrusive new powers. It was not until the Willie Brigitte debacle, in which a cable from French authorities went unnoticed by ASIO for three days, that the government decided to pour additional funding into intelligence and establish the 24-hour, seven-day-a-week National Threat Assessment Centre.

The government has now introduced more than 20 pieces of so-called antiterrorism legislation. But there is no doubt that the new powers for intelligence agencies represent
the most radical changes. The infamous ASIO bill, which Labor eventually let through the Senate, invests ASIO officers with the power to take any Australian into secret custody for up to a week for the purpose of interrogating them. Such individuals have no right to silence and are required to prove they do not have the information ASIO is looking for, or face five years in prison. Of most concern is the fact that this legislation is not directed at individuals who are suspected of involvement in terrorism, since those people can already be interrogated under the current criminal justice regime. Rather, it is targeted specifically at law-abiding Australians who may have information relevant to ASIO—in other words, non-suspects. The legislation enables ASIO to interrogate teachers, journalists and lawyers, for example. It could also be used against the innocent family members, neighbours or colleagues of terrorist suspects, or against those Australians who just happen to be in the wrong place at the wrong time, causing them to witness a particular incident of interest to ASIO.

In our experience we Democrats have found that overwhelmingly most Australians are committed to preventing terrorism. If they have information that might be useful to the authorities, they are likely to come forward and volunteer that information. But it seems that the government would prefer ASIO to take these people away, hold them secretly for up to a week and interrogate them for that same information. This strategy punishes law-abiding Australians for the actions of terrorists. It is misdirected, heavy-handed and unjustified. For these reasons, we Democrats maintain our strong opposition to the legislation and have consistently voted against it.

Another feature of the government’s antiterrorism strategy is to significantly increase the level of surveillance within the community. Again, this strategy is indiscriminate and infringes the privacy of all Australians. Increasing surveillance is the focus of both the Telecommunications (Interception) Amendment (Stored Communications) Bill 2004 as well as the Surveillance Devices Bill 2004. The first of these will enable the police to access private SMS text messages, email and voice mail communications between individual Australians without the need to obtain a telecommunications interception warrant from a judge. ASIO already has the power to access these communications without a judicial warrant. The objective of the Surveillance Devices Bill is to facilitate the use of other surveillance devices, including listening devices, tracking devices and optical surveillance devices such as videos. Again, some of these devices will be able to be used without obtaining a warrant.

The approach which we Democrats have consistently taken when considering proposed new antiterrorism powers is to assess, firstly, whether there is a demonstrated need for new powers and, secondly, whether they involve any infringement of rights and liberties and, if so, whether that infringement can be justified. Unfortunately the vast majority of the government’s antiterrorism initiatives have been excessive and involve serious infringements of rights and liberties. The government often fails to demonstrate any deficiency in current legislative arrangements and therefore the need for new powers is questionable. For these reasons, the Democrats find most of the government’s antiterrorism agenda unacceptable.

We Democrats have also adopted a different approach to the concept of balancing human rights against national security. The Howard government consistently talks about the need to balance human rights and civil liberties with the need to keep Australians safe. It has carefully created a perception, which we believe is a false perception, that
human rights and civil liberties are somehow inconsistent with national security. In other words, we must be prepared to sacrifice certain rights if we want to be safe. But human rights and civil liberties are not a liability in the fight against terrorism; on the contrary we argue that they are a powerful weapon. A strong culture of respect for human rights will help to address the root cause of terrorism, not just its devastating and subsequent effects.

The government talks about terrorists threatening our freedom and our liberty, indeed our way of life. Yet the government’s response to terrorism also encroaches on our freedoms, liberties and way of life—unjustifiably so. The Attorney-General himself has acknowledged that no amount of security measures can fully insulate us from attack. So while the government moves in the direction of a police state it acknowledges that this strategy may not actually be effective. Significantly, the Howard government’s assault on human rights extends back to well before September 11, 2001, and it continues on a range of fronts that are unrelated to terrorism.

Debate interrupted.

MATTERS OF PUBLIC INTEREST

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

Western Australia: Law and Order

Senator JOHNSTON (Western Australia) (12.45 p.m.)—This afternoon I want to talk about law and order in Western Australia. I bring to the attention of the Senate the fact that, prior to the last state election, the Labor Party made a policy commitment with respect to law and order to increase police numbers by 250 officers over four years. That commitment has been utterly broken. When you review the numbers the facts are that, on 30 June 2001, there were 4,993 police officers employed in Western Australia. As at 31 May this year there were 4,985. Since the current Labor government was elected police numbers in Western Australia have gone down and law and order has simply gone to the dogs. Labor in Western Australia is soft on crime. Police numbers is not the major issue. When you look closely at what is happening on the ground in Western Australia you find not only that each police district throughout the state is underresourced but also each station is operating below the authorised strength. As at September this year every one of the state’s 14 police districts was operating below its authorised strength, some operating with up to 40 fewer officers than designated by the state Police Commissioner. As you might expect, the state Labor government thinks that Perth is the centre of the universe. Country areas are absolutely devastated by the reduction in police numbers and police resources. These reductions have occurred throughout each police district in Western Australia.

While doing constituency work, a habit of mine is to conduct a number of crime forums in Perth. I invite large numbers of people to come along to present their concerns and their anecdotal experiences about law and order and the performance of the police. I want to make it very clear that the performance of the police when they finally arrive and their performance in charging and prosecuting offenders is outstanding, but they have a Herculean task with the limited resources, the simply great neglect and the unsympathetic response they have received from this state Labor government to requests for increased resources and police numbers.

In the suburbs close to my office, residents have been calling out for the two most influential members in the Labor state government, Premier Dr Gallop and Deputy Premier Ripper, to provide greater resources for the embattled police officers in their elec-
torates. With 4,591 reported acts of crime in their two electorates alone in the first seven months of this year, the police are asked to do an absolutely impossible task in combating crime and arresting offenders in those suburbs. It comes as no surprise that not one of the six metropolitan police districts was able to achieve the accepted response time for priority calls in the latest figures that the state Labor government has provided. By that I mean that, if you ring 000, you expect that there will be a police officer, a police car, a police response within a reasonable time.

In the 2003-04 fiscal year not one of the metropolitan police districts was able to respond to a priority 1 call within the target response time. Half of the districts did not meet response times for priority 2 calls, and five out of six metropolitan districts were unable to meet response times with respect to priority 3 calls. Response times are crucial in assisting victims. The south-east metropolitan region of Perth—a very substantial slice of the Perth metropolitan area—has the worst record for response times than anywhere else in the state, including, as I said, the electorates of the Premier and the Deputy Premier in my home state of Western Australia. Crime in this area has reached totally unacceptable and record levels, yet the two major police stations in this area, Kensington and Belmont, operate bankers’ hours—8 a.m. to 4 p.m., five days a week. A priority 1 response time of seven minutes was the second worst in the metropolitan area. The target response time is five minutes.

A priority 1 response involves someone ringing up and providing information that an armed hold-up is in progress or that armed offenders are threatening life. When you ring 000 in this situation—being threatened by an armed assailant, and you expect a police officer there in five minutes—and you find that seven minutes is the average response time, it is totally and utterly unacceptable. The average response time for a priority 2 call, which includes incidents where life and property are being threatened, was 12.8 minutes, which was the worst in the metropolitan area. The target response time is nine minutes. A priority 3 call involves a situation where a person’s welfare may be in jeopardy or there is an opportunity to apprehend an offender. A citizen who makes a 000 call, who has seen what has happened, with an offender close by, can expect a response time in Western Australia of 36.6 minutes before a police car will be there. That is utterly and completely unacceptable. The reason for that is simply that in Western Australia Labor is soft on crime. It is utterly outrageous that a person’s life may be in jeopardy or that an offender may be able to be apprehended and the police in Western Australia do not attend for 36 minutes. That is law and order, Labor style.

In the south-east sector of the metropolitan area, which is a very large slice of the Perth metropolitan area, there is only one 24-hour police station, and that is located at Cannington. The people in the eastern states would be staggered to know what is going on with law and order in Western Australia. To have one police station covering such a huge area—from Armadale right through to Perth, and from Midland almost down to Lynwood; almost a third of the Perth metropolitan area—and two police stations that operate from eight o’clock to five o’clock is utterly unacceptable. It is absolutely outrageous.

These figures and these anecdotal accounts of what goes on in our suburban streets come to me in the crime forums we conduct. The local members, Dr Gallop and Mr Ripper, seem far removed from what is happening. Of most concern is that the victims of these crimes are the elderly. Home invasion and burglary are the principal modus operandi of criminals in these suburbs.
and the victims being preyed upon are our most vulnerable people—those over the age of 55. The Premier should come out of his plush, cosy high-rise office in St George’s Terrace, get on the ground with his constituents and see what is going on.

Sixty-six people attended one of my crime forums and told me that the principal law and order issue of concern for them was home burglary, at a ratio of two to one to other law and order issues. Home burglary is the most threatening thing that happens to these people. Lawless behaviour, a lack of police presence and resources, graffiti, vehicle break-ins, home invasion, personal security and car driving offences were all matters which they either had personal experience of or whose neighbours or friends living near them had experienced. When I confronted them and said, ‘What do you think needs to be done to address this problem?’ 88 per cent of them said they wanted greater police presence in the suburbs. How does this stack up against the promise in 2001 that ‘We will increase police numbers by 250’, when, four years later, police numbers have gone down? This again underlines that Labor is fundamentally soft on crime.

At the Rivervale Crime Forum that I held the message I got was that ordinary citizens were absolutely fed up with opportunistic thieves and violent criminals. Most distressing to me was that most of these thieves and criminals were between 11 and 15 years of age, so kids are running riot. There is a deep and endemic problem out in the suburbs and the state Labor government has utterly failed to address it. In 2003, there were 783 reported acts of crime in the suburb of Rivervale—one small suburb of Perth. It would appear that 2004 is going to be worse. In the first seven months of 2004 there were 421 reports of criminal acts, including 277 cases of burglary. This is one suburb, one small part of Perth. In August and September of this year alone there were 57 burglaries and 20 assaults in Rivervale. A participant in one of my crime forums said to me that on nine separate occasions his home had been burgled or vandalised. His personal goods and his motor vehicle over the past 12 months had been interfered with. He had reported only two of these instances. So the real figure is probably three and four times greater than the figure indicated by the government’s records.

Mr Acting Deputy President Marshall, you will not be surprised to hear the two things demanded by the 66 people who attended the Rivervale Crime Forum. They want a greater police presence and they want the Belmont police station to be open for 24 hours a day. Yet the state Labor government has consistently refused to resource and man this police station. Western Australia, under the Labor government, is a law and order basket case, put very simply. The per capita rate of home burglary in Western Australia is a massive 48.5 per cent higher than the national average, 32 per cent higher than in New South Wales and 109 per cent higher than in Victoria. This is cause for alarm. The home invasion rate in Western Australia is 104 per cent higher than the national average, 113 per cent higher than in New South Wales and a whopping 216 per cent higher than in Victoria. These figures are fact, and they are cause for great alarm. In my crime forums and when out and about amongst community groups, the No. 1 issue people raise with me is their concern about being safe in their homes. People are genuinely scared for their own safety and they want something done about it now. But the sad fact continues that Labor in Western Australia is soft on crime.

The problem is not confined to the metropolitan area. The problem of the Western Australian Labor government being soft on crime goes from one end of the state to the other, from Albany in the south to Kununurra.
and Broome in the north. The community newspaper the Southern Gazette reported on 2 November that a local Lathlain resident living near a suburb adjacent to my office in Perth had been burgled three times in the past 16 months. The resident said:

The first and second time they took all my electrical equipment and the third time they walked straight past my entertainment system and stole my clothes, golf clubs, mountain bikes and DVDs.

This person went on to say that he and his neighbour, who has also been burgled, have collectively spent $10,000 on home security. The local member is the Deputy Premier of Western Australia. He has come out with a plethora of garbled platitudes that will achieve nothing for his constituent. The local resident continued:

I do not feel safe in my home. These incidents, which have happened during the day, have made me feel unsafe to the point where I go home from work once or twice a day just to check on things.

This is an outrageous situation. It pains me to have to come to the Senate and say that hard-working police officers in Western Australia are not receiving the support, the resources and the number of policeman they need to do a good job protecting law-abiding citizens in Western Australia from rampant crime, criminals and criminal activity.

Information Technology: Policy

Senator LUNDY (Australian Capital Territory) (1.00 p.m.)—I rise in this debate on matters of public interest to reflect upon information technology policy. I will use this opportunity to continue the comments I made in my reply to the Governor-General’s address. Information technology remains one of the most important change agents in our society, culture and economy. I am very pleased to see the portfolio ascend to shadow cabinet in the capable hands of Senator Conroy. Labor have a lot to be proud of with respect to our IT policies as presented during the election just past. Of course, it is of great regret that there will not be the opportunity to implement them—not in the forthcoming three years, anyway.

The principles and motivation underpinning our IT industry policies relate directly to increasing the competitiveness and capacity of the information and communication technology industries in Australia. This economic aspiration is guided by a strong belief in the ability of this sector to be one of the best in the world. Labor has always understood the importance of strategic industry policy that helps sectors with strong export potential to grow. The creation of new enterprises born of good ideas and their development into sustainable, employment creating, export oriented businesses is essential for Australia’s economic health now and in the future. This is also an area of great distinction between the Labor Party and the coalition government. Under the government’s watch, Australia’s performance in IT manufactures has actually worsened. Whilst services have grown, they have not kept pace with increasing imports. This has led to a trade deficit in information and communication technologies that has grown unacceptably fast. In fact, it has grown at a rate of 7.4 per cent per annum since about 1994-95. It now stands at around $14.4 billion, which represents imports of some $19.7 billion offset by about $5.3 billion of exports. This deficit has become the symbol of the Howard government’s failure to promote and support the development of the local ICT industry to become necessarily more competitive globally.

One of the key measures of competitiveness is an Australian firm’s ability to demonstrate performance to potential export markets and overseas clients. Labor learnt very early by listening to successful local IT companies how important the presence of a ref-
ference site created by a large contract is in their endeavours to sell their services and products overseas. Given the nature of the Australian market, it is not surprising that government contracts, which represent the largest ICT opportunities in Australia, have become critically important in the ability of our local firms to establish those reference sites they need to establish their export credentials. But the coalition government have never understood this. They have been blinded by an ideology that says we must outsource in whatever way we can. Ironically, the coalition’s allegation that Labor’s concerns about government IT outsourcing are based on ideology is absolutely unfounded. The reverse is true.

There are many good proven reasons to keep strategic control of IT outsourcing in house. It makes sense: managers need to know what they are doing with technology in order to have the service delivery and quality control they require to effectively manage. But it is not possible to have much of the equipment sourced and many of the services performed in house, and they are necessarily and appropriately outsourced. But this head-in-the-sand approach has rendered the coalition deaf and blind to the folly of their failed IT outsourcing debacle. A high price was paid by local industry, which lost work opportunities, as well as by agencies and departments who suffered the fiscal and technical consequences of the IT outsourcing program for many years. Many, I have to say, are still paying a very high price for that mistake.

In contrast, Labor’s approach rejected what we consider active discrimination against demonstrably capable and competitive local companies. I am perhaps proudest of our commitment, in our policies leading up to the election, to remove this active discrimination against local companies participating in government contracts. To remove this would resolve a great injustice that has denied many deserving enterprises the chance not just to innovate here in Australia and to build their businesses but also to build the scale they need to expand into export markets. While government contracts constitute a crucial export credential not just in IT, the latter is important given the value and synergy of having a strong local industry combined with strong usage of ICT providers. The contribution of those two things to not only our economic wellbeing but also our social and cultural wellbeing into the future is crucial.

As a final note on this issue: what happens next under the coalition government? The issue of barriers to government contracts is well known and well articulated. It should be well understood. Indeed, the new minister for IT, Senator Coonan, followed Labor’s lead and conceded that action was required to remove onerous insurance barriers that have prevented local companies from tendering. Therefore, the big question is: will the minister follow up or will this be another non-core promise? I fear the latter, as some two days after the election result we saw that the responsibility for IT outsourcing will be transferring from the new minister’s department—that is, the Department of Communications, Information Technology and the Arts—back to the department of finance. This is quite an extraordinary outcome. There have been many comments, debates and issues about the operation of the Australian Government Information Management Office during the campaign and over the last year, but not for one second did the Howard government allude to the fact that they were planning to move that whole unit out of that department and put it back into the department of finance.

This is the worst-case scenario. As any commentator, journalist or stakeholder in the industry will know—or, indeed, as any pub-
lic servant with just a little knowledge of the history of the former IT outsourcing debacle will know—it started because the contracting out of IT in government was based within the department of finance. The department of finance, from 1996 through to the year 2000, was responsible for the chronic mishandling of IT outsourcing contracts within the Howard government, not least because it sought as a third party to negotiate the contracts that would exist between the private vendors—the companies providing the IT services—and agencies and departments themselves.

So now under the Howard government we have a back to the future time warp to 1996. This does not augur well for many of the challenges that sit before those in the industry who continue their fearsome advocacy for the removal of discrimination against their ability to tender. Indeed, it is hypocrisy on the part of the Howard government, which likes to talk about economic responsibility but which fails to realise that its mishandling of these areas stifles competition and is likely to produce a worse outcome with respect to the expenditure of taxpayers’ money, not least because it is excluding a critical sector of the market from even competing for government tenders.

There is another whole range of arguments as to the downward effect this has on innovation, competitive pressures and pricing. Why on earth would you continue with this methodology when it has been so ridiculed and has not been in the public debate? It is not economically responsible to persist with this approach. It will be interesting to see now which minister has responsibility for all of these issues. Will it be Senator Coonan? Will it be Mr Hockey in his new role as Minister for Human Services? Will it be Senator Minchin in his role as finance minister? It is now very unclear, and that is not good news for small businesses seeking to have that discrimination against them removed.

It is also interesting to follow the pattern in government outsourcing. One of the areas that I mentioned where they have really squandered an opportunity is innovation. The very big contracts that are pitched to them on the basis of some economies of scale and price have the very demonstrable effect of suppressing innovation—to the point where open source software, which has the potential not only to compete on its merits but also to provide a very important competitive pressure or tension within that market of government IT work, is likely to be prevented from having the opportunity to compete. Again, the government have paid a great deal of lip service to this area, but there has not been any real movement. It remains one of the immediate challenges for the Howard government to open the doors to allow greater competition within the sector competing for government work.

This takes me to the issue of broader industry development. My comments have been focused around the opportunity that access to government work provides. But that really sits as a subset of the bigger question. Labor policies provide a very comprehensive 10-year vision for the development of the sector. We at least understand that it is the synergy of our status as an advanced user of information and communication technologies and our capacity to be early adopters both in industry and in the community of information and communication technologies combined with our capacity to produce in this sector that offers the best opportunity for productivity growth and therefore economic growth in Australia. It is the combined strength of both these factors that therefore constitutes the economically responsible path for Australia’s future in these sectors.
Multifactor productivity has been for many years now a crucial measure in the current and future economic health of a nation. If the Howard government had any economic credibility it would have translated this into some sharp policies that understood the necessity for strong usage of ICT, which has always been lauded—and from the coalition’s perspective there is an absence of any understanding of the synergistic benefits of having a stronger capacity in the production area of ICT. The OECD can demonstrate through their analysis that it is a combination of these two strengths that really gives the economy of a given nation the grunt it needs to maximise the return from productivity growth.

The coalition government have never acknowledged this. Their chronic neglect of investment in the foundations where these skills and opportunities come from, the stripping of billions of dollars from higher education, the cutting back of research and development through the crucial years in the late nineties—and that neglect continues—and their absolute ignorance in dealing with the perennial missing link in Australia’s innovation landscape, that of commercialisation, is culminating in an area of fundamental neglect, which is the production and manufacture of ICT in Australia. It is on that basis that I approach my new portfolio responsibilities with such anticipation.

Abortion

Senator ALLISON (Victoria) (1.15 p.m.)—There has been a lot of debate in recent weeks about the Minister for Health and Ageing’s statements that 100,000 abortions a year in Australia is a tragedy. The Democrats agree that the number of terminations in this country is far too high, and I think now is a good time for us to examine how we might reduce that figure. Today I want to look at some of the statistics that are available, particularly with a focus on the young. UNICEF put out a report on teenage birthrates in 2001 which found that in 1996 at least 1.25 million teenagers worldwide became pregnant each year in the 28 OECD nations that were reviewed. It said that half a million teenagers will seek an abortion and about three-quarters of a million will become teenage mothers. In Australia approximately 25 per cent of 15-year-olds and 50 per cent of 17-year-olds have had sex. There is evidence that the age of first sexual intercourse is getting younger and that this sexual activity is resulting in pregnancies.

It is true to say that the teenage birthrate in Australia has dropped enormously over the last 30 years, down to 20 per thousand teenagers from 50.9 in 1970, but that is still a very high rate. Twenty teenage girls in every thousand have babies, and a further 24 girls in every thousand have terminations. At 44 pregnancies in every thousand teenage girls in Australia, our rate is high, but it is not the worst. The United States figure is 85.8—almost one in 10 teenagers getting pregnant. But at the other end of the scale, which is what I want to focus on today, in the Netherlands, Japan, Spain and Italy the figure is just over 10. In other words, our rate is four times as high as theirs.

If we just look at births, our rate is six times higher than that of Korea and three times that of Japan, Switzerland, the Netherlands and Sweden. Of course, teenage pregnancy and birth are not equally distributed within society. Australia’s highest teenage birthrates are among Indigenous women. In 1999, 21.3 per cent of Indigenous births were to teenagers, compared with 4.2 per cent of non-Indigenous births. Australian women in socioeconomically disadvantaged groups and in certain geographical areas are also more likely to be teenage mothers.
Giving birth while a teenager is strongly associated with disadvantage later in life. Teenage mothers are more likely to drop out of school, have low levels of qualifications, be unemployed and low paid, live in poor housing conditions, suffer from depression and live on welfare. Children of teenagers are more likely to live in poverty, to grow up without a father, to become victims of neglect or abuse, to become involved in crime and abuse, drugs and alcohol, and eventually to become teenage parents themselves, beginning the cycle all over again. Having said that, I want to acknowledge that there are many teenage mothers out there who do a great job of parenting and who do not suffer from those disadvantages, but they are in the minority and, for the most part, their lives are a hard slog.

The 2002 results of the 3rd National Survey of Australian Secondary Students, HIV/AIDS and Sexual Health found that, in their most recent sexual encounter, almost one in 10, or 9.4 per cent, of Australian secondary school students did not use any form of contraception, while a further 11.8 per cent used withdrawal. On average, young people delay seeking prescription contraception for one whole year after initiating sexual activity. Teenagers are the most frequent users of emergency contraception at Australian family planning clinics. Forty-five per cent of sexually active Australian high school students do not use condoms consistently, and 31 per cent use condoms without any other form of contraception.

As well as pregnancy, the problem with unprotected sex is sexually transmitted disease, and 3.5 per cent of sexually active students have been diagnosed with a sexually transmitted infection. Chlamydia is one of the most common notifiable diseases in Australia, and most infections occur in the under 25-years-of-age group. Adolescent rates of chlamydia have been estimated to be as high as 28 per cent. Of course, chlamydia is associated with pelvic inflammatory disease, which may lead to tubal infertility, chronic pelvic pain and ectopic pregnancy.

The point I want to make today is that the picture for Australia’s young people and their reproductive health is not rosy, and it is not likely to be improved while the debate centres on terminations, which simply instills fear and shame in women. As in all health matters, prevention is better and so much cheaper than cure. At the centre of our thinking on the issue should be the idea of giving parents the choices necessary to plan the timing and the number of their children. We have just not made the same progress in reducing teenage pregnancies and births, most of which are not planned, as many other OECD countries. For example, Austria and Germany, both of which had higher rates than Australia three decades ago, have reduced their teenage birthrates to well below ours, and there are many other countries that have made substantial improvements in their teenage birthrates. Norway has reduced its teenage births by 72 per cent. This is despite a number of factors in the past three decades which could be expected to increase teenage birthrates, such as what some might describe as a weakening of traditional models of sexual behaviour and increased sexual pressures on young people. The UNICEF report suggests that those countries that have taken steps to equip their young people to deal with these social changes are the countries that have been the most successful in containing teenage birthrates, while those that have undergone the sociosexual transformation but have done little to prepare their young people still have very high, and sometimes climbing, teenage birthrates.

I think we should be looking at the Netherlands in particular. It has reduced its teenage birthrate to the lowest in Europe and has just 3.9 teenagers in every 1,000 seeking
abortion. Norway has lifted the average age of first intercourse, and it did this by being open about sex and contraception, having good sex education and providing sexual health services to teenagers through youth health centres.

I think that what we need to do in Australia is to look very carefully at this area. Australian governments have not implemented comprehensive sexual health education programs to teach young people how to have rewarding sexual relationships or to protect themselves from potentially adverse consequences. Arming students with information about health, sexual health and contraception has been demonstrated to be the most reliable way to ensure that young people make responsible and safe choices. I think some people fear that if we open this debate in schools and we start talking about it that that will encourage sexual activity. The evidence around the world is that the opposite is the case.

Current state and territory government approaches are demonstrably patchy and inadequate for the task of reducing unwanted teenage pregnancies and preventing sexually transmitted infections. Some Australian schools, I admit, run very sophisticated and very good sexual health programs for all their students; others provide only optional subjects and not all states cover the same issues. What we need is national leadership on sex education in schools.

Next week, no doubt, we will be debating some legislation where the federal government sets conditions on schools to do with civics education—running flags up flagpoles and the like. I would like to see those conditions extended to sexual health. But of course any sex education would need to involve a comprehensive evidence based approach that focused on prevention. It would be a mistake to go down the path of the ‘just say no’ approach. It does not work anywhere, it never did work in this country and it is not going to work in the future.

I urge the government to learn from the work that has been done in other countries on reproductive health. I have focused on teenagers but there are many ways in which we can also improve reproductive health services to women who are older than teenagers. Emergency contraception would be one that I would draw attention to. Since January this year it has been available to women, but how many women, teenagers and others know that emergency contraception is available? We do not know because there is no program to make sure that people understand it is available. Some pharmacies provide emergency contraception and others do not. We do not even know what percentage of pharmacies are participating or how often this service is used. These sorts of statistics are critical for us to collect in order to know what makes a difference. In the United States, emergency contraception, as far as I know, is still not available. The President of the Planned Parenthood Federation of America argued:

This is a safe drug that could prevent more than a million and a half unintended pregnancies a year and reduce the number of abortions by about 800,000 if it were widely used.

It is quite clear that there are many ways in which we can reduce the current level of abortions in this country and we ought to do that, but using the best evidence available, looking carefully at the needs of women and, as I said, taking a national approach to this problem.

Heiner Affair and Lindeberg Grievance

Senator HARRIS (Queensland) (1.25 p.m.)—Sadly, I rise once again in this chamber to raise the issue of child abuse in Queensland. In doing so I wish to focus—again, sadly—on a report that has been ta-
bled and authorised for printing in this chamber. Let me place it very clearly on record that I do not believe that the report of the Senate Select Committee on the Lindenberg Grievance brings any dignity to the process under which this chamber ought to conduct itself. These are very grave words, and I am very hesitant in having to express them in such a manner. For this report to stand unquestioned and not completed is an indictment on the processes of this chamber.

Let us look briefly at why this committee was formed. It was formed to look at significant new evidence that had been unearthed by the University of Queensland’s Justice Project. It was formed to look at whether a criminal contempt or contempt had occurred against the Australian Senate. This committee had one day of hearings in Brisbane—I emphasise: one day—and a series of witnesses gave evidence to that committee. The report that has been accepted by this chamber is, I believe, an absolute travesty. When we look at the basic outcomes, the report says:

In respect of allegation (a), the Committee found that the interpretations of the relevant law that were given by witnesses to previous committees were probably incorrect. However, in no case was there any evidence given that would substantiate a claim that the interpretations were intended deliberately to mislead those committees.

I have a problem with that particular section of this report. I raise this for the benefit of the chamber and the people of Queensland who ultimately will hear this or read the *Hansard*. When the first draft of the Criminal Code was handed to Mr Wells—I am now talking about the Queensland parliament—on 18 June 1992 by Mr O'Regan QC, the relevant section said:

*Damaging evidence with intent*

Section 151. A person who knows anything is, or may be, needed in evidence in a judicial proceeding must not damage it with intent to stop it being used in evidence.

On 31 March 1995, when the second draft of the Criminal Code was first tabled in the Queensland parliament by Mr Wells, the relevant section said:

*Damaging evidence with intent*

Section 194. A person who knows anything is, or may be, needed in evidence in a judicial proceeding must not damage it with intent to stop it being used in evidence.

The same person, Mr O'Regan, provided evidence to the Senate that section 129 of the Criminal Code required a judicial proceeding to be afoot before any person would contravene that section. So the same person giving evidence to the Queensland government, as I have previously quoted—that is, that ‘a person who knows anything is, or may be needed, in evidence’—tells this Senate that there has to be judicial proceedings afoot.

This is an example of a person wilfully—and based on the evidence I have just put before this chamber I do not see how they could say it was unintentional—providing this Senate with a completely opposing legal opinion that could not be viewed as a contempt. Purely because that evidence—in other words, the legal opinion that was given to the Queensland government—was not provided to the Senate at the time, was there no contempt? Does that lead us to the situation where a person can knowingly give totally opposing evidence to a future Senate committee knowing full well that the opposite evidence is not going to be provided willingly because that will not be a contempt of this Senate? That is an absurdity. The situation where a person clearly knows that they are giving one lot of evidence to a Senate committee having previously given the opposing opinion to the Queensland government cannot stand. That is the first area where I have problems.
In respect of allegation (b), the committee was not satisfied that document 13 was altered in order to mislead any committee and therefore found no contempt of the Senate was committed in that regard. The committee never, ever saw an unedited document that was document 13. Why did it not see it? Because the Queensland government refused to provide it to the Senate. So we have the extraordinary situation where evidence that has been put before previous Senate committees can actually be altered and a state government can then refuse to provide the unaltered document—or should I say a document that does not have sections of it blanked out? So any state government can say to this chamber, ‘We’re not going to show you the original document.’ Are we going to have a Senate committee that still says that there was no contempt? Of course there is contempt. The Senate in the United States of America has the power to require the private tape recordings of a President be provided to it. That requirement was enforced. Yet this chamber has not, to this point, required a state government to provide documents that are actually contained within departmental files. How can this chamber accept this report carrying that outcome? The report also stated:

In respect of allegation (c), it was not established whether allegations of sexual abuse were made to the Heiner inquiry. The Committee therefore could not find that evidence on these matters was withheld from previous inquiries.

Whether or not evidence of child abuse was provided to previous committees is of some irrelevance because the terms of reference for this committee clearly carried an obligation to investigate issues of child abuse specifically pertaining to the John Oxley Centre. There was, and still is, a burden on this chamber and on that committee to investigate what was put before the committee. So let us have a look at what was put before it.

There are allegations that an Aboriginal girl aged 14 years was taken on an outing and raped while in the custody of the John Oxley Centre. These allegations are backed up—because the Queensland police were brought in to find the alleged perpetrators, who had absconded. Evidence was also provided to this committee that a doctor at a Queensland hospital examined that girl. Did he examine her within four or five hours? No, it was four days later. That doctor, in his own handwritten notes, was still of the opinion that sexual penetration had occurred and ordered that girl to have what they call the morning-after pill. That is only one example of child abuse that was raised. Then we have the absolute hypocrisy of a situation where evidence would have been provided by Miss Shelley Farquhar, but this Senate committee has declined to investigate that. I say ‘declined’ because if the chair of this committee had a willingness to actually investigate child abuse, I would not be standing in this chamber today dissenting with this report; that very same chair would be in this chamber moving a motion to start the committee again. That has not happened. I will wait with bated breath to see if the chair of that committee does have the social and moral conscience to ask for this committee to be reformed. The information that was provided to that committee by Miss Shelley Farquhar contains an allegation of rape by one of the employees of the John Oxley Centre. Yet we have a report from this committee that says it finds there was no contempt. Nothing in this report says anything about the subsequent child abuse that occurred in that same centre after the Heiner report was shredded. It is an indictment on this chamber. We must do something about it.

**Human Rights: Darfur**

Senator STEPHENS (New South Wales) (1.40 p.m.)—I rise today to speak on a matter of public interest concerning the con-
tinuation of the appalling human rights atrocities being perpetrated against the people of Darfur. Despite unprecedented international attention in recent months, the Sudanese government has neither stopped attacks by militias against civilians nor started to disarm these militias. The people of Darfur continue to endure dislocation, starvation and acts of violence. The United Nations now estimates that more than 50,000 people have been killed and over one million displaced in Darfur, the westernmost Sudanese province. During the last parliamentary session, the Senate moved a significant motion concerning the slaughter and human rights abuses in Sudan and the urgency for Australia to act constructively about it.

I will now go back to the history of this conflict. It began almost 20 years ago. Over that period of time, Darfur has been denuded. This has led to famine, social breakdown and heightened competition for resources between pastoral and nomadic ethnic groups. These problems were compounded by the Sudanese government’s policies of neglect, exclusion of local groups from power and predatory economic practices. Meanwhile the regime has consciously encouraged a so-called Arab identity for the nomadic tribes as against the African farmers. The problems escalated in February 2003 when two rebel groups—the Sudan Liberation Army, the SLA, and the Justice and Equality Movement, the JEM—demanded an end to the chronic economic marginalisation that they had been suffering and sought a power-sharing agreement with the Arab ruled Sudanese state. They also sought government action to end the abuse of their rivals, Arab pastoralists who were driven onto African farmlands by drought and desertification and who had a nomadic tradition of armed militias. To suppress this opposition, the government unleashed the Janjaweed militias, allowing them to lay siege to the villages of ethnic groups from which the rebels drew most of their support base.

The result, as we all know, was a mass exodus which led to the overcrowded camps, the depletion of the livestock population and the massive health risks that we read about in the media and see on the news every evening. There have been massacres and executions. Towns, villages and wide stretches of farmland—among the most fertile in the region—have been burnt and forcibly depopulated. This is the major catastrophe that is unfolding in Darfur. With rare exception, the Darfur countryside is now completely emptied of its original inhabitants. Everything that can sustain and succour life—livestock, food stores, wells and pumps, blankets and clothing—has been looted and destroyed. Villages have been systematically torched, often not once or twice but three, four or five times. Rape has been used as a weapon of war during these attacks. An unknown but large number of raped women are now not only homeless and starving but also pregnant. We have all seen the footage of refugee camps where hundreds of thousands of people—again, mainly women and children—are barely subsisting in squalid conditions, threatened by the twin dangers of starvation and disease.

But the Sudanese government’s response is what concerns me most. The Sudanese government’s response to international calls for investigation of human rights abuses shows its contempt for the West. First, it denied any abuses while attempting to manipulate and stem information leaks. It limited reports from Darfur in the national press. It restricted international media access and tried to obstruct the flow of refugees into Chad. When the exodus of the Darfuri villagers began, the Sudanese government inhibited the work of aid agencies by denying visas, limiting equipment availability and subjecting aid workers to intrusive surveil-
lance. Just last week we saw reports that a United Nations team had begun investigating allegations of genocide against the Sudanese government. The UN panel had meetings with the foreign minister, Mr Ismail, and the justice minister, Mr Yassin. Mr Ismail promised his government’s full cooperation with the UN team that will be investigating charges that Khartoum’s 21-month clampdown against the Darfuri rebels amounted to genocide.

Mr Ismail claimed that his government welcomed the commission because it had nothing to hide and that the investigation would refute the allegations about Darfur. But, as the team began its search for evidence of genocide, ethnic minority rebels again accused the army and its militia allies of destroying the evidence of mass graves. The Sudan liberation movement spokesman, Mahmud Hussein, said that the militiamen are attempting to ‘obliterate the truth’ by emptying a mass grave in Kabkabiya, west of the North Darfur state capital of El Fasher. There can be no doubt about the government’s complicity in this violence. These reports of government tampering with evidence suggest the regime is fully aware of the immensity of its crimes and is attempting to cover up the record. There are now new reports of the violent tactics being used against civilians as tens of thousands of refugees are being relocated by Sudanese security forces. The BBC reported just days ago village elders being thrown to the ground and beaten and kicked by the police while the commander of the operation strolled about calmly giving orders to his men. They reported that women, some having walked hundreds of kilometres to find safety after their families were murdered, were shot at whilst burning rubbish in an attempt to protect their children from disease and that several of them were killed.

The images were quite shattering. These unprotected people are suffering in the face of raw power, with women being taken away from their families and then tear gas being fired at older women and children. The Sudanese government and its militia allies are abusing their authority mercilessly, and the international community appears powerless.

So what can be done? As the situation stands, the negotiations between the Sudanese government and the rebel representatives remain in deadlock. Khartoum has refused to join the rebels in signing a protocol which includes the creation of a no-fly zone over Darfur. The challenge is to restore peace so that the Darfuri people can return to their homes. Some commentators claim the solution is a robust peacemaking effort that links the peace negotiations between Khartoum and the Sudan Liberation Army with the conflicts in Darfur. Others argue that only regime change will stop the slaughter. I think I do not need to spell out why so many people are reluctant to go down that path.

On 23 August the Brussels based International Crisis Group issued a report entitled Darfur deadline: a new international action plan urging the international community to enforce tough sanctions against Sudan’s government leaders and its lucrative oil industry. The report argued that a failure to take strong measures would not only mean tens of thousands more dead but also, firstly, likely condemn Sudan to many more years of war and, secondly, spread instability to its neighbours. The 53-nation African Union has a small contingent of 155 Rwandan troops. They are in the Sudan monitoring the cease-fire. The International Crisis Group has asked the United Nations Security Council to provide strong back-up to the AU peacekeeping mission—at least 3,000 troops. To demonstrate its seriousness and to help persuade the government of Sudan to accept this mission, it suggests an arms embargo and targeted sanc-
tions against responsible regime officials and ruling party businesses as well as the establishment of an international commission of inquiry to investigate mass atrocities, including 'systematic rape and other gender based violence'. The report argues that history has shown that Khartoum responds constructively only to direct pressure.

On 30 July the United Nations Security Council passed a resolution on Darfur. It asked the Sudanese government to take firm steps to end the violence. It placed an arms embargo on the Janjaweed but aimed no measures at the government that acts behind them. The plan of action signed by the UN with the government days afterwards actually left ample room for Sudan to avoid meaningful action within the 30-day deadline set by the resolution, which of course has now passed. Government officials continue to undermine roads towards peace. Despite claims that action is being taken against the Janjaweed militias, there have been no reported arrests. Similarly, the assertions that the government is investigating the rape allegations ring very hollow when it claims it is unable to find a single case of rape that could lead to a prosecution.

Clearly there needs to be a much tougher stand by the international community, including Australia. As the ICG report bluntly summed it up:

The international response to the crisis in the western Sudanese region of Darfur remains limp and inadequate, its achievements so far desperately slight.

The Khartoum government ... has acted in bad faith throughout the crisis.

It will not be easy to persuade the Sudanese government to begin to share power and increase participatory democracy, but we have to work out how to do it. Appeasing Khartoum and settling for mild resolutions or threats of embargoes that make no real difference will certainly not bring about the necessary change. As Jose Ramos Horta wrote in the Age on 26 August:

The virtual paralysis in regard to the tragic situation in Sudan amply illustrates the difficulties and dilemmas faced by leaders when — faced by —

such complex conflicts.

A humanitarian intervention in Sudan by the West could very well turn into a military fiasco and further exacerbate the political tensions. But by not intervening, the West is accused of ignoring genocide.

He goes on to argue:

The best course of action is for the West to provide financial and logistical support towards an enhanced and effective African Union intervention force coupled with punitive actions against the Sudanese leaders.

To date, while Australia has been reluctant to intervene in Darfur beyond making a financial commitment, the British foreign secretary, Jack Straw, has visited refugees in Darfur and has tried to pressure the Sudanese president, Omar al-Bashir, to do more to end the atrocities; the Swedish Ambassador to Nigeria, Sten Rylander, has been representing the EU at talks between the Khartoum government and rebel groups; and the Dutch foreign minister, Bernard Bot, has visited Sudan to discuss the disarmament of Arab militias. So I believe that it is high time that our own foreign minister, Mr Downer, visited Sudan to gain a first-hand understanding of how Australia can most effectively contribute to the interconnected problems of humanitarian relief and security on the ground.

As I speak today millions of people are starving — starving as a result not of a natural disaster but of the deliberate destruction of crops in the course of this conflict. The role of the Sudanese government in this whole
debacle has been one that has concerned me most significantly. Amnesty International recently released a report that documented interviews with many of the refugees that have moved out of Darfur and into Chad. The reports that concern me the most are those that indicate that the Sudanese government is actually supporting the victimisation and violations that are occurring in Darfur in very specific ways. We have to hold the Sudanese government to account. The need for humanitarian aid is desperate. Our government has already allocated $20 million for relief in Darfur, but I call on the government now to make a greater commitment through appropriate international agencies and to use its participation in international forums to apply diplomatic pressure on the Sudanese government to cease these atrocities immediately.

Federal Election

Senator IAN MACDONALD (Queensland—Minister for Fisheries, Forestry and Conservation) (1.55 p.m.)—In the few minutes left in this debate I want to take the opportunity to congratulate all those members of parliament and senators who were elected at the last election and particularly to refer to those of two states in which I have a particular interest—my own home state of Queensland and Tasmania, which I think had a quite remarkable result in the federal election.

As you well know, Mr Acting Deputy President Brandis, we have an excellent range of members in Queensland. I particularly want to welcome the member for Bowman, Mr Andrew Laming, who gave a quite exceptional first speech this morning, and also Mr Ross Vasta, who will bring a number of skills to this parliament. All of the new members elected will bring a new range of ideas and skills to the parliament. Most of them, of course, are Liberals and from every state of Australia, but I am particularly proud of the two new Queensladers who will grace this parliament with their presence in the next three years and beyond.

I also want to pay particular attention to the quite remarkable Senate result in Queensland, which you, Mr Acting Deputy President, and Senator Mason had a very large part in achieving. In all of the time I have been involved in the Liberal Party it has been a goal of mine to see a third Liberal senator elected. That is a goal I have particularly fought for since I was first elected in 1990. Mr Acting Deputy President, I know it is a goal that you have been pursuing for many years as well. It was a real delight for me to see that that goal was eventually achieved with the election of a third Liberal senator from Queensland. The election of the third Queensland Liberal senator will give the coalition control of the Senate after 1 July next year. It was a quite remarkable result.

In the other state that I am particularly fond of at the present time, Tasmania, there was also a very remarkable result. After not having had a lower house member in Tasmania for many terms of government, the Liberal Party this year was able to achieve the quite remarkable feat of having two members elected from Tasmania. As well as that, it has achieved very good results in the Senate, where a third Liberal has been elected to represent the state of Tasmania in this chamber post 1 July. Of course, the result in Tasmania is very much a result of a very good government policy on forestry and conservation in that state—helped, I might say, very considerably by Mr Latham’s antiworker policy in that particular state. I know that I shared the sadness of many workers around this country to see a Labor leader selling out the workers as Mr Latham did in Tasmania. Tasmanians voted quite deliberately to give the Liberal Party, which supported the workers’ rights in Tasmania, a quite remarkable
result in that state. I pay particular tribute to my Senate colleagues from Tasmania who fought the good fight over many years for Tasmanian workers, for Tasmanian industry and for good Tasmanian conservation outcomes in the forest areas. It is a great tribute to them. I welcome all new members and congratulate all members and senators who were elected at the last election.

MINISTERIAL ARRANGEMENTS

Senator Hill (South Australia—Leader of the Government in the Senate) (2.00 p.m.)—by leave—I advise the chamber that Senator Ferris has been reappointed as Government Whip and that Senator Eggleston has been reappointed as Deputy Government Whip. I also advise the Senate that Senator Chris Ellison will be Manager of Government Business in the Senate, but unfortunately he is not here today.

Senator Chris Evans—That’s the sort of work ethic that we have come to expect!

Senator Hill—The work ethic is reflected by the fact that he is in Hobart attending the Australasian Police Ministers Council. He is, nevertheless, looking forward to taking up his new task.

Senator Ian Campbell interjecting—

Senator Hill—As Senator Campbell has attracted my attention, I would like to take the opportunity to thank him for serving in that role so effectively in recent years.

QUESTIONS WITHOUT NOTICE

Telstra: Services

Senator Conroy (2.01 p.m.)—My question is to Senator Coonan, the Minister for Communications, Information Technology and the Arts. Does the minister support the Prime Minister’s view that telecommunication service standards in the bush are ‘up to scratch’ or, alternatively, does she support Deputy Prime Minister Anderson’s view that we need to get ‘standards up to a comparable level with what city Australians enjoy’? Can the minister be clear on at least this issue: are telecommunication services in the bush today up to scratch, or are they not up to scratch? Who is right—the Leader of the Liberal Party or the Leader of the National Party?

Senator Coonan—I thank Senator Conroy for the question. I actually have here in the brief a possible question and I think it is just about spot-on. What I want to say about the issue is that the government will pursue its longstanding policy for the full privatisation of Telstra. Telstra’s future sale will be contingent on adequate telecommunication service levels in rural and regional Australia and elsewhere, appropriate market conditions and the authority to sell, which we certainly hope the Senate will support.

Unlike the Labor Party, the government has demonstrated a commitment to improving and ensuring telecommunication services across Australia are adequate—in particular to improving services in rural and regional Australia. The government established the regional telecommunications inquiry, the Estens inquiry, back in 2002 to assess the adequacy of telecommunication services in regional Australia. The inquiry made 39 recommendations to improve telecommunication services—all of which the government has accepted. The government has also announced a $181 million package of initiatives to respond to the inquiry. The government is continuing to implement responses to all the Estens recommendations.

Last week I commenced a comprehensive series of rural and regional visits, with stops in Dubbo, Warren and Moree, to listen to local residents about their views on telecommunication services in the bush. I commend these sorts of visits to Senator Conroy. It is very important to go out and see the conditions there. It is important to speak with
people living in rural, regional and remote areas to help separate the reality from the rhetoric.

We now have the time and opportunity to get this right. I will continue to travel around Australia, specifically to meet with people in these areas to see what progress has already been made and to talk about any remaining concerns people may have. If people do have concerns about how the Estens recommendations are being rolled out or about how those improvements are being implemented, then of course I will be listening to them. On top of the $181 million response to the Estens inquiry, it is important that the government continues to be engaged with telecommunications consumers to ensure that services are adequate for those living in rural and regional areas and that they are not disadvantaged by reason of where they live.

During these visits I am continuing the roll-out of recommendations made by the Estens inquiry, which include improved mobile and broadband services for rural, regional and remote areas. These initiatives in response to the Estens recommendations are, I am happy to say, making a very real difference to the level of service in regional areas. This roll-out of services will continue across Australia over the coming months and into next year.

I will also be hosting a series of communications forums where interested locals can hear from government representatives, experts from Telstra, the National Farmers Federation and Optus. The government is committed to ensuring that all Australians, regardless of where they live, have adequate services. (Time expired)

Senator CONROY—Mr President, I ask a supplementary question. In light of the minister’s recent trip to rural Australia to host community forums about the standard of telecommunication services in the bush, does the minister now agree with Mr Dick Estens that many telecommunication services in the bush remain a shemozzle? If she does not agree that services in the bush are a shemozzle, what is the basis for this disagreement with Mr Estens, who headed up the government’s own inquiry?

Senator COONAN—I met with Mr Estens and discussed with him the implementation of his recommendations. He attended some of the meetings and forums that I had in some of the areas that I have mentioned—certainly in Moree. I expect that Mr Estens will be able to provide very constructive comment on the roll-out of the recommendations, to which the government is committed, having accepted all 39 of the recommendations, including the need to future-proof for regional Australia so that there is equity with new and emerging technologies that may come on stream in the future. So, far from these services being a shemozzle, the recommendations that Mr Estens himself recommended are all being rolled out and are ensuring that services are adequate in rural and regional Australia. (Time expired)

Howard Government: Economic Policy

Senator LIGHTFOOT (2.08 p.m.)—My question is addressed to the Leader of the Government in the Senate, Senator the Hon. Robert Hill. My question is in two parts. Will the minister inform the Senate how the government will fulfil its mandate from the Australian public to continue its record of responsible economic management? Is the minister aware of any alternative policies?

Senator HILL—I thank Senator Lightfoot for an important question. It is the Labor Party that has regarded this issue as unimportant for so long and the Labor Party that sought to avoid the issue at all in the last election, presumably because of its own appalling record in relation to economic man-
agement. But there are achievements of which the Howard government is proud and on which it intends to build, and the Labor Party is going to hear a lot more about that over the course of the next three years. I particularly wanted to draw to the Senate’s attention the recent IMF report on Australia that was released, because I am sure all honourable senators will be pleased to note that it gave great credit to the Australian government and to the Australian economy. It recognised that our economy was likely to outperform that of most OECD countries in the near term. In commenting on Australia’s strong economic performance, it noted in particular our:

... exemplary record of macro-economic and financial management and implementation of structural reforms ...

In other words, what it is recognising are the reforms that have been implemented by the Howard government that have resulted in low inflation, low interest rates—benefits that flow to all Australian people.

I wanted to point out to the Senate also, and perhaps partly as a result of that strong economic record, that we are in a time of almost record high consumer confidence. It is at its highest level in a decade; the second highest in 30 years. It is of course also because more Australians are in work than ever before, because interest rates remain low, because inflation remains low, because business has confidence. The third point I wanted to emphasise is that unemployment rate and the fact that it has been brought down to 5.3 per cent, now at its lowest rate for more than a generation. It is some 27 years before you go back to figures of that ilk.

Not surprisingly, therefore, we are pleased to talk about our achievements in relation to the economy, but we also emphasise that Australia exists in a very competitive world and there is always a need to do more. This government is committed to maintaining this economic record and to building upon our successes in this area. We recognise, in fact, that that unemployment level could be even better had it not been for the Labor Party continually blocking our industrial relations reforms in this chamber—particularly the unfair dismissal reforms in relation to small business. We have indicated now, with yet another mandate of the Australian people, our determination to have these laws implemented, these reforms passed, in order that we can continue to build upon that most impressive employment record.

So there it is: a government that stands proud of its achievements but nevertheless determined to do even better—to build upon a record of low inflation, low interest rates, record low unemployment, budget surpluses and an economy which is the envy of the Western world. By contrast, all we have from the Labor Party—which, as I said, sought to avoid this issue throughout the last election—is a record when they were last in government of, on one occasion, up to a million Australians unemployed, home interest rates achieving 17 per cent and record business interest rates of 20 per cent. (Time expired)

**Telstra: Infrastructure**

**Senator LUNDY** (2.12 p.m.)—My question is to Senator Coonan, the Minister for Communications, Information Technology and the Arts. Is the minister aware of reports that the National Party have instructed the Page Research Centre, the National Party’s think tank, to consider a proposal for the government to retain ownership of Telstra’s rural network infrastructure? Can the minister confirm that the government has already ruled out this proposal? If it is the case that the government has unequivocally ruled out this idea, why has the National Party’s think
tank been tasked with taking up the proposal?

Senator COONAN—The government has taken a consistent position in relation to this issue over a number of years—unlike the Labor Party, which seems unable to make up its mind and has totally flip-flopped on whether there should be any form of structural separation to Telstra. The government does not favour forced structural separation of Telstra for sound reasons. Firstly, of course, there is no evidence that the claimed benefits of structural separation will outweigh the very real costs and risks of implementing such a policy. The process of structurally separating a company as large and complex as Telstra would obviously not only take some considerable time but also there are so many uncertainties attached to what it would look like after you have done it that you would have to also totally overrule the new and emerging kinds of technologies which may be solving any perceived issues with the sale of Telstra anyway, such as voice-over Internet protocols, which of course might—and they certainly appear likely to—disrupt Telstra’s reliance on its traditional voice telephony revenues.

There are very real risks that the process would lead to higher prices and poorer services for consumers due to the high implementation costs, the loss of efficiencies and the disruption while you attempted it. If a government is going to embark on forced intervention it is going to do no good for the investors, who require certainty when looking at how they are going to invest in Australia’s telecommunications industry. There would be some real issues with how you would compensate the 1.8 million minority Telstra shareholders, as that would significantly increase the cost of separation. The other issue is that, even if you did structurally separate Telstra, you would not eliminate the need for robust regulation in any event because any new infrastructure company created by a separation would probably retain the bottleneck control over the Customer Access Network, or the CAN, and this would necessitate regulation.

While it is easy to propose structural separation as a way of doing away with a perceived problem, it does not take account of the kinds of risks that might arise in some new market structure and the ultimate impact on consumers. That does not mean that people cannot ever discuss it in a democracy, though, does it? We do not run some sort of Nazi party, where there cannot be any discussion at all about different approaches. However, there are very sound reasons why the government have consistently said that forced intervention in the structure of Telstra is not a sound way to go. The government remain true to our policy that Telstra should be sold, and we ask the other side to get on with passing the legislation when we bring it back.

Senator LUNDY—Mr President, I ask a supplementary question. I trust that National Party members were listening closely to that answer. I refer the minister to the comments of the member for Hinkler, Mr Paul Neville, the chair of the coalition’s backbench communications committee. He told the Australian Financial Review last week:

I can’t see any mechanism that will require Telstra to act in a non-monopolistic manner in private ownership ...

Minister, your coalition colleagues do not believe your claim that a fully privatised Telstra can be properly regulated, so why should the Australian people believe a word of it either?

Senator COONAN—What the Australian people believe, if I could just remind Senator Lundy, is that the Labor Party does not oppose it either. Mr Tanner said:
... the existence of the minority private shareholding in Telstra and the cost and complexity ... associated with such separation, make that an inappropriate strategy for reforming Telstra.

I do not know whether Mr Tanner is writing Senator Lundy’s questions for her. What the Labor Party should be concerned about is revisiting their policy of opposing the sale of Telstra instead of worrying about minor issues to do with how you look after rural and regional services, and they should get on with passing the legislation when it is brought back. The Labor Party’s policy on telecommunications is a failed policy. Once again, it is a blank sheet of paper—although Mr Latham keeps saying that the Labor Party is opposed to the sale of Telstra. There is no possible rational reason why you would oppose it, and the Labor Party should get on with passing the legislation when it comes back.

Senator Conroy—What about the National Party?

The PRESIDENT—Order! Senator Conroy, I remind you, as we have not been here since August and you may have forgotten, that interjections are disorderly and continuous interjections are most disorderly.

Employment

Senator Barnett (2.19 p.m.)—My question is to the Special Minister of State, Senator Abetz, the Minister representing the Minister for Employment and Workplace Relations. Will the minister outline to the Senate how the Howard government has created more job opportunities for Australian workers? Will the minister also indicate whether the government intends to introduce policies that will continue to promote employment opportunities? Is the minister aware of any alternative policies?

Senator Abetz—I thank Senator Barnett for his comprehensive question. In doing so, can I note that the unemployment rate in Australia has now fallen to 5.3 per cent. This is the lowest level since the 1970s and it demonstrates what we have been saying all along: only a coalition government can deliver real jobs with real wage rises for Australian workers. This has been achieved by a comprehensive process involving two key elements. The first is the outstanding financial management by Australia’s finest Treasurer, Mr Peter Costello, which involved paying back Labor’s massive $96 billion debt, keeping interest rates low and keeping inflation low. The second arm is the significant reform of Australia’s workplace relations system, which took power out of the hands of big business and big unions and gave it back to the real people of Australia—that is, the employees, the individual workers and the employers. Those two factors have given us not only an economy which is the envy of the world but also real jobs growth, real wages growth and the highest level of wealth amongst ordinary Australians in our history.

Yet there are some people who want to turn the clock back to when union thugs stormed into businesses with baseball bats and intimidated workers and employers. They also want to turn it back to when the Industrial Relations Commission sat in judgment and made grand pronouncements about compulsory industrial awards, regardless of the needs of individual workers and businesses’ capacity to afford those conditions. Earlier this year Labor approved an industrial relations policy, which, according to a former Labor adviser, rolled back the reforms of not only the Howard government but also the Keating and Hawke governments. That program was comprehensively rejected by the Australian people on 9 October, yet only yesterday we had Labor’s parliamentary secretary, former communist and ACTU leader, Jennie George, saying:
In my view it would be folly to jettison the very good industrial relations policy we took to the election.

ACTU secretary Greg Combet has already warned—

Opposition senators interjecting—

The PRESIDENT—Order! Senators on my left will come to order.

Senator ABETZ—Let them deny that she was a former communist—of course, they cannot. ACTU secretary Greg Combet has already warned that federal Labor would face united opposition from the union movement if it were to water down its IR policies. So it seems that Labor’s new shadow minister for employment and workplace relations, Senator Penny Wong—and I wish her well—is in for a very long stay in that position and will not have much work to do because it has already been done for her and set in concrete.

Whilst Labor may have dropped a Penny on the front bench, it seems that the penny has not dropped with Labor that they have to change their policies. They have to change their antijob policies which have impacted on the Australian people in such an appalling way. It is not only in the area of workplace relations that Labor have let down workers; it is in their forest policy and it is in their energy policy. Labor’s policy touchstones are: will it keep the trade union leadership happy and will it keep the Greens happy? Our touchstones are: will it support Australian workers and will it create jobs? Mr Latham has an opportunity to show his economic credentials in the area of industrial relations, and I call on Labor to support our policies on unfair dismissals. (Time expired)

Telstra: Services

Senator CONROY (2.23 p.m.)—My question is to Senator Coonan, the Minister for Communications, Information Technology and the Arts. Is the minister aware that the parents of Queensland senator-elect Mr Joyce, who live in Danglemah in northern New South Wales, have been reported as having had problems with their Telstra phone service and that their phone was on the blink for three weeks? Can the minister confirm that prior to the election the Joyces were told by Telstra that they had obviously knocked the phone off the hook and that these rural Australians had to climb a nearby hill to call their family by mobile phone to let them know that they were okay? Why then is it that miraculously, during the election campaign, the service problems disappeared once Telstra realised that the Joyces were no ordinary family in the bush but the parents of a National Party Senate candidate? The service was restored and Telstra are now ringing up to ask if everything is up to scratch at Danglemah. Minister, do you have to be elected to the Senate to get a reliable Telstra phone service in rural Australia?

The PRESIDENT—Order! Senator, that was a very long question and it was out of time.

Senator COONAN—I do not comment on individual cases to do with Telstra. The government does not run Telstra, but what I can tell Senator Conroy and the Senate is that the arrangements under the consumer service guarantee ensure that any individual’s phone is repaired within a time frame or else there is compensation. The rave that Senator Conroy went on with in his question and the assumptions built into it are certainly not something that I think I should be dealing with in question time.

But there is an issue to do with rural and regional services. Mr Estens has identified what is needed with respect to rural and regional services. All of those recommendations are in the course of being implemented. The arrangements that the government has put in place will deliver first-class telecom-
munications in this country, quite contrary to Labor’s telecommunications policy. Look at what Labor did with regional services. I think most Australians agree that Labor’s telecommunications record in government was absolutely appalling to non-existent, particularly with respect to regional services, and their policy released in the election provided absolutely no reason to come to a different view about their grasp of what is needed in rural and regional Australia.

Labor in opposition continues to ignore the telecommunications needs of Australians, particularly rural and regional Australians, by opposing the Howard government’s funding programs designed to improve telecommunications in regional Australia. Labor opposed, in typical fashion, the $1 billion social bonus, funded from the second partial sale of Telstra—which, I might add, included $670 million worth of communications and information technology initiatives, primarily in regional Australia.

Labor also promised to scrap the $250 million Networking the Nation program. In very sharp contrast, the government has displayed ongoing commitment to improving services in regional Australia, most recently in the $181 million committed to the regional telecommunications inquiry recommendations. One of the areas that the government has paid particular attention to is phone coverage—in particular, mobile phone coverage—with more than $130 million in government funding. Mobile phone coverage has been extended to 98 per cent of the population, and a satellite phone subsidy scheme has been introduced for people who live and work outside terrestrial coverage areas. All Australians can rely on the customer service guarantee and on the fact that this government will continue to make sure that services in rural and regional Australia meet the needs of Australians.

Senator CONROY—Mr President, I ask a supplementary question. When did the minister first learn of the telecommunications problems being experienced by this Danglemah couple? Who informed her? What action did the minister require Telstra to take in this case? Can the minister draw to the attention of the Prime Minister the Joyce’s problems with their services so that he can assess his ‘up to scratch’ comment? Who took up the case of this Danglemah customer, and why does everyone else in the bush just get left dangling at the end of a non-operational Telstra line?

Senator COONAN—Once again, Senator Conroy has so many assumptions built into that question that it is impossible to disentangle what is a legitimate question from one that is a series of assumptions. All customers are entitled to the arrangements and the provisions of the customer service guarantee. They are a range of consumer safeguards that this government has built and that this government will maintain. That is totally in contradiction to Labor’s consumer safeguards, which were simply non-existent during 13 years in government and which would have been non-existent had they ever come back into government. That is probably the reason why Australians did not think that Labor’s telecommunications policy was any reason to vote for them.

Taxation: Policy

Senator BARTLETT (2.29 p.m.)—My question is to the Minister representing the Treasurer and it is regarding calls for further changes to income tax policy. Does the minister acknowledge that, without indexation of income tax thresholds, a worker on a low income whose salary merely keeps up with inflation always pays more income tax over time? Is the government giving consideration to the Democrats’ position, supported yesterday by the Australian Chamber of Commerce
and Industry, that tax thresholds should be indexed to reduce bracket creep?

Senator MINCHIN—I have not yet read the detail of ACCI’s contribution on tax but, obviously, in the context of our preparations for the forthcoming budget we read all such submissions with great interest and care. ACCI is a fine organisation which makes a tremendous contribution to policy debate in this country. Indeed, it would do the opposition much good in their new-found enthusiasm for economic management and economic credibility to read a lot more of what ACCI puts out and less of the material that comes from their left-wing union base. I cannot comment specifically on ACCI’s particular references to taxation. We have done a lot in relation to tax reform consistent with good economic management and the maintenance of budget surpluses, consistent with being able to pay for our comprehensive social welfare system in this country, but we are always interested in keeping the tax burden on Australians to the bare minimum consistent with those other objectives. We will obviously consider what ACCI has to say on that matter.

The issue of indexing the tax scales is a regular issue for debate in this country. It was tried once and abandoned. There are many pros and cons to the introduction of such a policy. Our present position is that it is better for the government to maintain the scales with the current arrangements but then from time to time to adjust the thresholds as economic circumstances permit. That is the current government position.

Senator BARTLETT—Mr President, I ask a supplementary question. Isn’t it the case that a significant proportion of the budget surpluses that the minister refers to are built on wage inflation and the impact of bracket creep? Isn’t the reality of government practice in this area not periodic readjustment of the tax scales but regular use of returning the proceeds of bracket creep via pre-election tax cut bribes? Wouldn’t it be better for the wage earner as well as the reliability of revenue to take a fairer approach and a more honest and open approach of maintaining regular indexation of those thresholds?

Senator MINCHIN—I will make two points. Our success in controlling inflation is the reason that bracket creep is nothing like the problem that it was in the 1970s and 1980s when indeed inflation was driving people into higher tax brackets. Controlling inflation means that this is much less of an issue. In terms of budget surpluses, the point should be made that the growth in corporate profits and the taxes paid by the corporate sector in Australia are the fundamental drivers of the additional revenues available to the government. Interestingly, a consequence of our reduction in the corporate tax rate to 30 per cent has actually resulted in increased revenue from the corporate sector.

Federal Election: Member for New England

Senator CHRIS EVANS (2.33 p.m.)—My question is to Senator Hill in his capacity representing the Prime Minister. I refer the minister to media reports today regarding an ongoing police investigation into claims by Mr Tony Windsor MP that he was offered a bribe to stand down from his seat of New England. I make it clear that I am not seeking any details of that police investigation. Does the minister recall the Prime Minister on 21 September this year stating, ‘I have made inquiries, and I’ve been able to discover no evidence of it’?

What further action has the Prime Minister taken to discover evidence of this alleged bribery and has anyone nominated themselves or any other sitting or past members of parliament to the Prime Minister as being
involved in this alleged attempted bribery? If anyone has revealed their involvement to the Prime Minister, are they members of The Nationals or the Liberal Party, and what action has the Prime Minister taken, or will he take, in relation to that person or persons?

Senator HILL—I was going to congratulate Senator Evans on his elevation. I will still do that even though I think it is a very disappointing start in terms of the question that has just been asked. Senator Evans has at least received some recognition from his colleagues, which should be noted, which is more than he got from Mr Latham, who sacked him from his previous position. It is a most inappropriate question of course because, as Senator Evans acknowledged, the matter is subject to police investigation. Senator Evans has asked what action the Prime Minister is taking. In the current circumstances, the appropriate thing for the Prime Minister to do would be to stay well away from it and allow the police to conduct their investigation, and that is exactly what the Prime Minister is doing.

Senator CHRIS EVANS—Mr President, I ask a supplementary question. I thank the minister for his congratulations, even though he could not quite do it with much sincerity. If the current investigations into this serious matter of alleged bribery for electoral benefit find evidence relating to any current or former MPs or senators, what action will the Prime Minister take to stand down that person from any position they currently hold within the government?

The PRESIDENT—I remind the Leader of the Opposition in the Senate that that question was out of order. It was hypothetical.

Environment: Endangered Species

Senator BROWN (2.36 p.m.)—My question with very little notice is to the Minister for the Environment and Heritage, and I ask him about two great iconic Australian species in peril, the Tasmanian devil and the river red gum. What evidence does the government have as to the vector for the disease killing 95 per cent of Tasmanian devils which is sweeping across Tasmania into the World Heritage western wilderness? What percentage of the government’s $2 million being spent on this matter is going into research into the actual vector or cause? Are the organophosphates or organochlorines being used in forestry plantations and agriculture being investigated? On the matter of red gums, what urgent action will the government take within the next 12 months to turn around the awesome statistic of 75 per cent of the nation’s total red gum population that are stressed or dying? Will both species be urgently listed as threatened?

Senator IAN CAMPBELL—It is very good to get a question on green issues from the Greens—it is a first in my time in the portfolio. Both issues that Senator Brown raised are very important issues for the Australian environment. Australia has a unique environment on a unique continent, including many hundreds of thousands of species which are entirely unique to Australia. I am quite sure that these two species in different parts of our wonderful land do fall into those categories. The Tasmanian devil is plagued by a quite unique, virulent disease called facial tumour disease. It is affecting a very large number of these incredibly unique Australian creatures.

Senator Brown would have noticed that during the election the Prime Minister did announce, and I announced in our environment policy, a special $2 million contribution to addressing the disease. I say to Senator Brown that we will be ensuring that the $2 million is invested in a way that improves the level of research, looking at and trying to identify possible trigger factors. We are certainly not going to rule out looking at any
potential triggers, so organochlorines or any other chemicals used in either forestry or agricultural activities will be part of the investigation.

We have just announced a further special allocation of $46,200 to the Tasmanian government to support the disease monitoring of the Tasmanian devil population within the World Heritage area. The diagnostic investigations that are currently taking place in collaboration between a number of institutions such as Murdoch University and the University of Tasmania should get further support. But we particularly need to find, and Senator Brown would understand better than most people, whether there is more than one tumour type and to confirm whether the cancer that is affecting Tasmanian devils is similar or dissimilar across the whole of Tasmania. We need to identify that, and then of course seek to identify ways of resolving the problem.

Senator Brown has asked about listing the species as threatened. Senator Brown would know that under both state and Commonwealth legislation there are formal processes to go through to make those assessments. As I understand it, they are conducted by independent experts and I think we would all respect that to be the best way to proceed. In relation to Tasmanian devils—and I will get onto the river red gums on the Murray—we would not sit around waiting for a formal process to define them as threatened species before we act. It is the reason the government put in policies which related to Tasmania, the forests and the environment—we wanted to invest more money in this.

I also congratulate those Australians such as Don and Margie McIntyre, two great Australians that have done so much for environmental causes. They are a couple of individuals who have raised public awareness of the Tasmanian devil. Don and Margie entered the Targa Tasmanian Rally in a Peugeot and used their entry into that rally to raise public awareness of the plight of Tasmanian devils. They raised about $20,000 from private sources which will go to that fund. So I commend private individuals and companies for doing that. I am sure that if Senator Brown was to feel inclined to ask a supplementary question I could turn my remarks to the very important degradation of red gums within the River Murray.

Senator BROWN—Mr President, I ask a supplementary question. Consequent upon that answer, I ask the minister: is it true that there is no process under way to urgently list either species as threatened? Is it the case that with the Tasmanian devil there is no knowledge by the government or their Tasmanian counterpart of the cause of the disease and no timetable for coming up with the discovery of the cause of the devil facial tumour disease in Tasmania? With regard to the river red gums, is it true that government policy will do nothing in the immediate future to protect these marvellous trees, particularly to see that they get the water they need to recover and survive? Is there no government process in place which is materially going to save them from their march to extinction?

Senator IAN CAMPBELL—I am sure Senator Brown will be pleased to know that the answer to his questions is that in fact he is wrong. There are significant processes and significant investment going into each of those. In relation to listing of the Tasmanian devil as a threatened species, the very work that needs to be done to lead to that process is being done. Tasmanian government funds and Australian government funds are being used to do the field monitoring work that is required to make the assessments so that we do not make just a politically motivated listing of this species. Firstly, we go about doing the field monitoring, and Commonwealth
and Tasmanian taxpayers’ money is being used to invest in that. You have two governments, one Labor and one coalition, working side by side to help protect and save this important species. Equally, on the River Murray, where you have seen this massive wipe-out of red gums across the flood plains because of the lack of flooding and the need to restore flows to the River Murray, there will be at the end of this month a meeting of the Murray-Darling Basin Commission. (Time expired)

Economy: Household and Personal Debt

Senator SHERRY (2.44 p.m.)—My question is to Senator Minchin, the Minister representing the Treasurer. Has the government noted the very strong and public warnings by the Governor of the Reserve Bank of Australia, Mr Ian Macfarlane, about the dangers of unsustainable and excessive borrowing by consumers, the lowering of credit standards by financial institutions and the economic risks these pose to the Australian economy? Why is the government continuing to ignore ongoing warnings from Mr Macfarlane, the Governor of the Reserve Bank, his concern that as the housing market slows down—a movement which we welcome and which we have said we would welcome—the banks must adjust to that slowdown and must not become aggressive in their lending policies. We have been making exactly the same point for some time. We welcome Mr Macfarlane’s comments to the financial institutions of this country. We hope that they take close heed of what he said last night.

We should also put those comments in context. We welcome very much the slowdown in the growth of credit that has occurred, but we also note that the extent to which Australians are willing to borrow funds to invest in homes and other assets is a function of the extraordinary confidence that the Australian people have in the state of the Australian economy and in our management of the economy, which of course was reflected in our result on 9 October. Inevitably when confidence levels are high, people have confidence to borrow. They also do that in an environment where interest rates are at relatively low levels. The Treasurer and I and other members of the government have constantly been seeking to ensure that Australians understand the importance of not extending themselves when it comes to their borrowings and that the lending institutions act responsibly and sensibly in their lending.
policies. Therefore, we welcome very much what Mr Macfarlane had to say.

**Senator SHERRY**—Mr President, I ask a supplementary question. Given current household debt as a percentage of income has almost doubled from 85 per cent to 153 per cent over the last 8½ years, why has the government’s policy failed so dramatically to manage the explosion in this household debt?

**Senator MINCHIN**—Clearly Senator Sherry has a bit more to learn about economics before he engages in the debate fully because you have to look at both sides of the ledger. The asset base of Australians and their capacity to service their debts have both improved extraordinarily in the 8½ years in which we have been in office. The reason why Australians voted so overwhelmingly for our return is that they know that their asset base, their real incomes and their capacity to service their debts have improved extraordinarily. They are in a position to acquire more debt because they can service that debt. Household balance sheets are in fact in extraordinarily good shape.

**Indigenous Affairs: Reforms**

**Senator KNOWLES** (2.49 p.m.)—My question is to the Minister for Immigration and Multicultural and Indigenous Affairs, Senator Amanda Vanstone. Will the minister inform the Senate of the government’s actions to deliver better futures for, and better outcomes to, Indigenous Australians? Is the minister aware of any alternative policies?

**Senator VANSTONE**—I thank Senator Knowles for her question. Coming from the state of Western Australia she obviously has a strong interest in matters pertaining to Indigenous Australians. It is very clear—we have said it in this place before and we repeated it after the election—that this government is committed to ensuring a much better deal for first Australians. We want to give them much better value for the money that we are spending. We believe the states and territories want to do the same, and I would hope that everyone in this chamber endorses the view that what we are doing now is not the best we can do. We can do better. Once we answer the question, ‘Is what we’re doing now the best we can do?’ by saying, ‘No, we can do better,’ we accept that there has to be change. And we are committed to implementing that change. We spelt out our plans prior to, and during, the election.

I was pleased to hear Mr Latham on radio recently confirming that his job in this parliament will be to ensure that all the election promises made to the Australian people are kept. We have an election promise that we will introduce a bill to get rid of ATSIC, which is incidentally also Labor Party policy, and I look forward to that bill being passed. I understand notice has been given of a motion before the Senate to continue the work of the Senate Select Committee on the Administration of Indigenous Affairs. My guess is that the Senate will vote for that to continue, but that is no reason for the ATSIC abolition bill not to proceed. There are other matters that that committee can look at.

In the time between the election and now, I announced the membership of the new National Indigenous Council and I am very pleased with the general reception members of that council have received. It is an advisory body; it is not a replacement for ATSIC. ATSIC purported to be representative of Indigenous Australia by geographic region. In fact, only about 20 per cent of Indigenous Australians who were entitled to vote voted. To put it another way, about 80 per cent did not. With that indication of support from Indigenous Australians, we can see why Labor came to the policy and we came to the same view that ATSIC has to go.
This body is not there to represent one region over another. These people have been picked, firstly, because they are Indigenous Australians and, secondly, because they are achievers in their own right. Given there are hurdles that Indigenous Australians must jump to get the same outcomes that all of us enjoy, these people have jumped them. If there are mountains Indigenous Australians have to climb, these people have climbed them. They are successful in their own right in the fields of education, law, business and sport—a wide range of areas where the government will welcome their advice. It will not be the sole source of advice; we will be listening to views put forward by our colleagues, by members opposite, by lobby groups and by the general community. But they will be a key advisory body to the government.

I am particularly pleased that magistrate Sue Gordon from Western Australia has agreed to chair the committee. She has a long and distinguished career and a very clear understanding of the safety risks that children in some Indigenous communities face. I am equally pleased that the Vice-President of the Labor Party, Warren Mundine, is also happy to join. Our invitation to him to join is an indication of our determination to approach each of these issues as it relates to Indigenous Australians on its merits. We do not want this to be a Liberal-Labor fight. It is not an indication that we will take Labor into our confidence on a day-to-day basis but it is a clear indication that we recognise this must be a high priority and that day-to-day politics should not interfere with it. We are absolutely committed to working with the council. The first meetings will be on 8 and 9 December. (Time expired)

Senator VANSTONE—Yes, I would care to expand, Senator Knowles, and I thank you for the supplementary question. The first meetings will be on 8 and 9 December. They will include discussions—and this will happen regularly—with the ministerial task force. That task force is made up of ministers who have money that will be spent on Indigenous matters. We will coordinate that money in a way that Commonwealth governments have never done before. The task force will primarily be discussing with the council, and vice versa, what our priority areas should be. We believe they are safer communities, early intervention for children and ending passive welfare. You could put that another way and talk about childhood intervention, primary health, community safety and economic development. That is the first issue we want to raise with them to see if they agree with those points. Indigenous leaders and commentators like Noel Pearson and former senator Bob Collins have called for an end to passive welfare. Indigenous families and communities want the opportunity to be responsible, and we will give it to them. (Time expired)

Australian Federal Police: Cabinet Documents

Senator CARR (2.53 p.m.)—My question without notice is to Senator Hill, the Minister representing the Prime Minister. Can the minister confirm that the Prime Minister’s office instigated the Remembrance Day raid by the Australian Federal Police on the offices of the National Indigenous Times? What was the nature of the complaint by the Prime Minister’s office and did it concern the leaking of cabinet-in-confidence documents? Did the warrant specifically mention the National Indigenous Times or did it mention other newspapers? Given that at least two newspapers other than the National Indigenous Times ran reports on leaked cabinet-in-confidence documents about the gov-
ernment’s proposals regarding Indigenous programs and the legal impediments to the government’s administrative changes to ATSIC programs, why did the government single out this Indigenous newspaper as the subject of a raid by the AFP? Why didn’t the government ask the AFP to search the premises of the other newspapers?

**Senator HILL**—This is, of course, a police investigation and the police determine how to carry out their own investigation. The advice that I have got is that the Department of the Prime Minister and Cabinet referred the unauthorised disclosure of cabinet documents to the Australian Federal Police in line with normal procedures. The AFP accepted the referral for investigation and as part of its investigation executed a search warrant at the premises of the *National Indigenous Times* in Canberra and took documents from the premises pursuant to the warrant. Decisions for the conduct of an investigation are, as I said, for the police to make, including decisions on whether and when to seek and execute search warrants. Any suggestion, as is being put by Senator Carr, that the Prime Minister ordered the raid is obviously completely wrong. As this is a continuing investigation, it would be inappropriate to make any further comment.

**Senator CARR**—Mr President, I ask a supplementary question. Why did the raids on the *Indigenous Times* not occur until after the reports of the cabinet-in-confidence documents appeared in another newspaper, the *Australian Financial Review*? Why was the office of the *Financial Review* not raided by the AFP? Further, why wasn’t the journalist Andrew Bolt raided when the leaked national security information appeared in the *Herald Sun* via his column? Are there any charges pending against any newspaper or journalist for breaches of the Crimes Act in relation to conveying cabinet-in-confidence material?

**Senator HILL**—I do not think Senator Carr listened to a word of the answer that I gave or else he would have heard that I said that this was a matter for the police. They determine how to conduct their own investigations. He could better direct the question to the police. I think that the police would respectfully tell him that they will do the job and do it well.

**Immigration: Detention Centres**

**Senator BARTLETT** (2.58 p.m.)—My question is to the Minister for Immigration and Multicultural and Indigenous Affairs and is also relevant to her capacity today as the Minister representing the Attorney-General. Is the minister aware of the case currently being heard by the High Court of Australia which involves an appeal of the legality of the Nauru government’s detention of asylum seekers on that island? Is it the case that the Nauruan director of police is challenging our High Court’s competency to hear this appeal and the constitutionality of one of Australia’s laws? Is it also the case that the Australian government is funding counsel for Nauru to prosecute that case but is not providing funding for counsel for the Commonwealth of Australia to defend our own law?

**Senator VANSTONE**—There is a case, I think being heard at the moment if not pending. The Australian government is funding the Nauruan government in relation to this matter. As I understand it—and I will check—that is part of an agreement in relation to having the immigration centre on Nauru and the funding of legal costs associated with that. We are not giving advice to the Nauruan government as to the conduct of that matter. It is up to them how they choose to conduct it. If I have anything further to add, Senator, I will come back to you.

**Senator BARTLETT**—Mr President, I ask a supplementary question. Can the minister confirm that the Australian government is
not providing any counsel to represent the Australian government’s and the Commonwealth of Australia’s side in defending the validity of our own laws? Is it the case that we are not engaging as the Australian government other than to provide funding for the foreign government to challenge the validity of our own laws?

Senator VANSTONE—The answer is as I have given to you: we are funding the Nauruan government for the conduct of the action. As I understand it, we are not a party to the action ourselves.

Health: Asbestos Related Disease

Senator WONG (3.00 p.m.)—My question is to Senator Coonan, Minister for Communications, Information Technology and the Arts and Minister representing the Minister for Revenue and Assistant Treasurer. Does the minister agree that the refusal in recent months by the James Hardie board to fully fund the company’s liabilities to asbestos victims and their families is reprehensible and an indictment of the current Hardie board? Does the minister also agree with Dennis Cooper, the Director of the Medical Research and Compensation Foundation, that yesterday’s announcement of further funding for the foundation is only a temporary and insufficient measure? Will the minister join the opposition in urging James Hardie to agree upon a fully funded settlement arrangement for asbestos victims?

Senator COONAN—Thank you, Senator Wong, for raising a very serious question. I am sure we have all been following this issue and the impact of the claims on the victims of asbestos. The arrangements entered into to fund those claims have been inadequate and are recognised as inadequate by the board and the inquiry conducted by Mr Justice Jackson. Rather than condemn the board, I would think that most Australians would want to see urgent action taken to ensure that these claims are properly funded into the future, because they have a very long tail. The board, no doubt, is looking at how to do that. Whilst we support the claims of the victims—I do not think anybody seriously doubts that those claims should be entertained by the company and paid where appropriate—it is not just a simple matter of snapping your fingers. You have to be able to fund these claims, you have to be able to bank these claims and you have to be able to continue to run the company in order to pay the claims. So it is important that we see the board move to making appropriate arrangements for victims.

I think I heard Senator Conroy say at some stage that the board should be sacked. That will not deal with the issue. Continuity of the board and attention to the very complex issues that surround these claims are paramount. These matters are critical to properly funding the claims and putting in place a fund that is able to deal with them. I do not think there is broad community disagreement, nor would I think there would be much disagreement between the government and the opposition, that the company move to fund the claims, but I do caution the opposition from being strident about it. If you put this company out of business, there is certainly not going to be any means to pay these claims. So I think we need to be tempered in our approach to it. I do think that it is important that the union, the board and Ms Helli-car, who is the chair, continue their discussions. I would certainly hope that this matter can be resolved at the very earliest possibility.

Senator WONG—Mr President, I ask a supplementary question. Is the minister aware that the James Hardie board that determined its current and totally inadequate course of action includes Mr Donald McGauchie, a current director of James Hardie and the government’s choice as Telstra
chairman? Given the inexcusable corporate practices engaged in by James Hardie, how does the minister justify the government’s pick for Telstra chairman acting so blatantly against the interests of injured Australian workers and their families?

Senator COONAN—That is an extremely disappointing supplementary from Senator Wong, who raised a legitimate question that I have endeavoured to deal with in an appropriate way. I think it is a very low act to pick on one member of the board and try to extrapolate from a board such as James Hardie to the chair of Telstra. Once again, the Labor Party clutches at straws and draws very long bows. There is no argument on this side of the chamber that victims should be properly compensated and that the board should attend to it at the earliest possibility. (Time expired)

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

QUESTIONS WITHOUT NOTICE:  
TAKE NOTE OF ANSWERS

Telstra

Senator CONROY (Victoria) (3.05 p.m.)—I move:

That the Senate take note of the answers given by the Minister for Communications, Information Technology and the Arts (Senator Coonan) to questions without notice asked by Senators Conroy and Lundy today relating to Telstra.

The shemozzle between the National Party and the Liberal Party continued today in the Senate, evidenced by Senator Brandis sitting in a corner with Senator Boswell and pointing his finger at him—still fighting about who gave them the majority in the Senate. Was it Senator elect Barnaby Joyce? You can see that, in the back corner, the fight is still on. It is not surprising at all to see Senator Brandis using his usual standover tactics. Senator Brandis is like the donkey in *Shrek*, jumping up and down shouting, ‘Pick me, pick me,’ but he knows the Prime Minister is never going to take any notice of him. He can jump up and down all he wants. Senator Brandis is currently helping the police with their investigations into the Mount Morgan branch of the Liberal Party. Stand up there, Senator Brandis and Senator Boswell. Senator Brandis has been involved again in yet another shonky membership exercise in the Queensland branch of the Liberal Party, and the police have been called in to investigate. We hope that someone like Senator Brandis—

Senator Hill—I rise on a point of order. That is a serious reflection upon an honourable senator and should be withdrawn.

The DEPUTY PRESIDENT—Order! Senator Conroy, I ask you to withdraw that remark.

Senator CONROY—I withdraw at your asking, Mr Deputy President.

The DEPUTY PRESIDENT—Thank you, Senator Conroy.

Senator CONROY—What is at stake here is that the National Party have set up their think tank. I know that Senator McDonald nearly choked at the concept of a National Party think tank. He nearly choked in the chamber and he was lucky to have Senator Kemp patting him on the back to keep the oxygen flowing. What we have is the National Party going through the charade of pretending to rural and regional Australians that they will do the right thing by them over the Telstra vote. It is just a charade because we know that, in the end, the agrarian socialists in the National Party will roll over. It will be back to the old ‘rollover Ron Boswell’ when he votes for Telstra. He will not stand up to the Liberals. He will not stand up to John Howard. He will not stand up to Nick Minchin and Peter Costello. He will just roll over. He will just get a few bau-


bles—it will be the beads and blankets for rural and regional Australians. Beads and blankets will be all they get because Senator Boswell is the master of walking both sides of the street.

In the city what do we have? We have Senator Ferris, we have Senator Minchin and we have the Prime Minister walking into boardrooms saying, ‘We’ll sell Telstra; it’s up to scratch.’ Yet the Deputy Prime Minister, Mr John Anderson, and the Leader of the Nationals in the Senate, Senator Boswell, are walking around the streets—and around the streets of Benalla, Senator McGauran—all over country and in regional Australia saying, ‘Oh, no, we’ll get it up to scratch. Don’t you worry. We won’t sell it until service standards are up to scratch.’ But we know what will happen: ‘rollover Ron’ will be true to form. Just as he was stood over by Senator Brandis earlier today, he will be stood over again. ‘We want to upgrade the USO,’ said the Deputy Prime Minister. But the Deputy Prime Minister, within three weeks of the election campaign, admitted to the failure of the government’s policies in this area.

He said that the USOs had gone ‘soggy’. He admitted that Telstra had been using these methods to get out of their community service obligations. They have gone ‘soggy’ 100 times in the last couple of months. But we are in the middle of a drought and Telstra are using a soggy excuse. The Deputy Prime Minister has rung the bell. The person who conducted the inquiry on behalf of the coalition, Mr Estens, described services in rural and regional Australia as a shemozzle. This will be the last chance for the National Party. Is it going to stand up for regional and rural Australians? Or is it going to continue its inexorable slide into irrelevance? We know what Senator Brandis wants. We know he was the claimed mastermind behind that letter from the Prime Minister. He is trying to exterminate you. I have to tell you that this is a suicide note that you are being asked to sign for the National Party, because just as you kept losing seats in this election, just as you lost another seat and you lost a minister, you are sliding into oblivion. This is the last chance for the National Party. (Time expired)

Senator BRANDIS (Queensland) (3.10 p.m.)—I should be so lucky! I thought that it could not have got any better after 9 October, with that champagne result for the Howard government, that magnificent result in Queensland, that magnificent result for the Liberal Party in the Senate in Queensland and that magnificent result for my good friend Senator Boswell for the National Party in Queensland. I thought it could not have got any better than that but then, on the first day of real business in the Senate, I am invited by the whip to respond to Senator Conroy after he pulled on the implausible garb of the defender of regional and rural Australia. Mr Deputy President, I ask you: is there any senator in this chamber with less credibility on the question of the interests of people in regional and rural Australia than Senator Stephen Conroy, who is seldom seen outside the Labor Party cabals in the inner city of Melbourne, which is meat and drink to him? That is all he cares about. That is the only focus of Senator Conroy’s interests, as Senator Ludwig, who is smiling wisely at me, well knows.

Senator Conroy interjecting—

Senator BRANDIS—Let us deal with the question. No, Senator Conroy, you have had your time. You have maligned my very good friend Senator Ron Boswell and I do not appreciate it. On his behalf I take umbrage and offence at your comments about him. Let us deal with what the Howard government—the Howard-Anderson government, as Senator Boswell reminds me—has done in relation to telecommunications services in regional and rural Australia. Let us compare it with what
you lot did in those now distant days when you were in government. I will tell you what we did not have from the Labor Party—in the last century, as Senator Fifield points out. I will tell you what we did not have when the Labor Party was last in government: we did not have the customer service guarantee and we did not have the universal service obligation. We had prices for telecommunications services both in the city and in the bush that were sky-high when compared with the prices that are charged to the users of those services today. Senator Conroy, who is an economist—at least, he has an economics degree so I suppose that makes him an economist.

Senator Conroy—No.

Senator BRANDIS—Senator Conroy would know that, if you are going to determine the access to a good or a service in a market, the prime determinant of the accessibility of that good or service is price. In the lifetime of the Howard-Anderson government the price of telecommunications services in the bush has fallen by over 20 per cent, and the reach of those services has continued to expand. At the same time, to reinforce the safeguards that are available to people in regional and rural Australia, the Howard-Anderson government has set up two successive inquiries. Don’t you laugh, Senator Conroy. I’m going to have a good time over the next three years twisting your tail. The Howard-Anderson government has set up two successive inquiries, most recently the Estens inquiry, and also we have introduced the community service obligation and the customer service guarantee.

The Labor Party’s approach to telecommunications in the bush, just like their approach to so many issues, has a fixation with the concept of public ownership. Some members of the Labor Party in the Keating days got over that, but apparently not my friend Senator Conroy. They seem to think that, just because the government owns the telephone company the service will be any good. In the days of the PMG, in the days of Telecom, in the days when Telstra was 100 per cent publicly owned the services were dreadful. They have improved over the years. The services have never been better nor have they been less expensive than they are now with Telstra partly privatised. So do not give us the old dogma, Senator Conroy, the old socialist, public sector dogma. I thought you were a bit more sophisticated than that. I thought that, behind the smile and the rabble-rousing, there was a mind trained by the economics faculty of the ANU to have at least a little understanding of markets. But, sadly, Senator Conroy, you disappoint me on your first day back into parliament. With too much time on your hands, you have reverted to type. We get nothing but the tired old dogmas from you. You wonder why you got the result that you did on 9 October. Renovate your thinking or it will happen to you again and again.

Senator LUNDY (Australian Capital Territory) (3.15 p.m.)—I rise in support of the motion to take note of Senator Coonan’s answer in question time today. How interesting it was to see that rather frenzied response from Senator Brandis, as Senator Boswell did his fake heehaws in the corner, in response to that contribution. We are dealing here with the fracturing of the coalition on an incredibly important issue to rural and regional Australians. I have done a lot of work in the area of Internet connectivity for many years, and I know first-hand just how poor services are in the bush. So when Mr Estens says that it is a shemozzle, that is an understatement and the National Party knows that it is an understatement, because they deal day in and day out, as many of us do in parliament, with the consistent and continual complaints about the poor level of services.
But, hey, do not take our word for it. Have a look at the recent TIO report, which shows the vast majority of different types of complaints going through the roof. So when the coalition ministers sit over there and say, ‘Everything is going okay,’ you do not need to listen to just the opposition, you need to look at the facts. And the facts are that the number of complaints is going up, the situation is getting far worse in rural and regional Australia and there is absolutely nothing that the National Party seems prepared to do about it.

Another point worth making is about the contribution of the new Minister for Communications, Information Technology and the Arts, Senator Coonan, who was the first minister to lay on the table what the agenda is all about with respect to privatisation. She said, ‘It’s about keeping Telstra’s bottom line nice and fat in the lead-up to a telecommunications sale.’ If you understand the language here, you will know that every time a coalition government minister says, ‘We need to look at the market conditions to look forward to the sale of Telstra’, they are talking about how much profit Telstra is making and how much appeal there will be in the market to purchase it. So, Senator Boswell, we are talking here about a government minister, standing up, blatantly saying, ‘We want Telstra to make more money to create the pre-conditions for a sale.’ Do you know what? That means rural and regional customers around this country will suffer more. They will suffer more than they already have done. We know that they have suffered because of the TIO report into increased complaints and we know that there is worse to come.

I also found it interesting that Senator Brandis chose to mention the issue of price, as part of a very pitiful defence about what is going on in telecommunications. We need to look no further than the increase in the cost of line rentals—the last monopolistic feature of how Telstra extract the most out of their customers around this country—to see how far the cost of line rental has increased. We need to look no further than the recent report into Telstra’s price control arrangements to know that there is a dire situation forming here that will completely undermine any claim, or any credibility, that the Howard government cares about price.

What is the best way to keep prices down in telecommunications? Make sure that there is competition. Here is another area of chronic failure by the Howard government. This is one area that the National Party ought to sit up and take notice of, because it has not taken notice of anything else. If you do not have competitive tensions in the market, it is hard to keep the prices down and keep up the pressure on service quality. What happens? Telstra is not placed under any pressure in rural and regional Australia with respect to competition policy, because it is allowed to dump small community based telecommunications initiatives on your patch, Senator Boswell—rural and regional Australia—where you see community groups, organisations, businesses getting together, trying to form a competitive response to Telstra. What happens? Telstra use the full weight of its residual monopoly to knock them out of the market. What happens? Telstra are able to prevail, to continue its monopolistic behaviour and nothing changes. The situation keeps getting worse. That is the scenario here and full privatisation will just make it far worse. But I think it is the motivation of the National Party for this whole privatisation agenda that really exposes the gross neglect to its constituency. It does not care about privatisation; it does not care about its constituents. It is as plain as that. We are going to hear from Senator Boswell now, and I am sure that he will launch into some pitiful defence of why The Nationals are doing abso-
lutely nothing about the privatisation of Telstra.

Senator BOSWELL (Queensland—Leader of The Nationals in the Senate) (3.20 p.m.)—I can remember in 1996 being in the polling booths and all the polling booths were covered in signs saying, ‘Don’t sell Telstra: vote Labor.’ We won that election. The Labor Party are a bit slow. In 1998 we rock out again, and in every polling booth throughout Queensland there were plastic coverings saying, ‘Don’t sell Telstra.’ We won the election again. You guys have to get a life. You have to start to understand that there are more issues than Telstra. And in the election on 9 October there was the big policy decision, ‘Vote for the Labor Party and maintain Telstra.’ Four times you have gone with the one policy and you have been absolutely defeated every time. You guys have to think about this. If you do the same thing every time, you will get the same result. You have been doing it for four elections and you got the same result. Now you are trying to put some divisive split between the National Party and the Liberal Party. Let me tell you this: you could not put a cigarette paper between us.

Someone said they wanted to know about Senator-elect Barnaby Joyce. You will see him come into this place and you will be able to count him for the next three years. Every time you are defeated in the Senate you can say, ‘Senator Barnaby Joyce—that’s the guy who defeated us.’ Why did we defeat the opposition? Why did the Liberal Party and the National Party get a combined majority—something that has not been obtained for 23 years? Because people trusted us. They were not concerned about Telstra. They did not see Telstra as a vote changing issue. They trusted us. The opposition cannot come back here and attack us, as it has done for our last four terms, and then, on the fifth election, get a different result. It will get exactly the same result.

In 1996, when we obtained government after 13 hard years of Labor, interest rates were through the roof. People had been forced off their farms, their equity sucked out of their properties because of high interest rates. The telecommunications system was a disaster. I personally brought it up in the party room. I said, ‘The one thing that rural and regional people need is a decent telecommunications system.’ Richard Alston was the minister at the time. What did we do? We made $1.5 billion worth of improvements for rural Australia—that is what this government has put in. There are mobile phones right throughout the bush. Yes, there are little places where you cannot get reception. We cannot put up a tower for everyone. We have spent $1.5 billion.

As long as I have been in the National Party, for 30 years, every time there was a conference there was a resolution on the books about untimed local calls. Under Labor, if you rang your neighbour or your town, or even if you rang your son in the cottage next to the house, you paid for a long distance call. It was terrible for rural Australians. Their phone bill went through the roof. What did we do? We fixed it up—no untimed local calls. Local calls for around your district. And we extended it to the next district.

What about the Internet? No-one had the Internet. We not only provided the Internet; we put in broadband for the far-out places. But no-one could use the Internet, so we put in people to show the station owners and their wives how to use the Internet. One and a half billion dollars later, the opposition accuses us of not doing anything for rural Australia. Come on, guys! Get over it. You are flogging a dead horse. You have done it
for four years and you do not understand what we have done out there.

I travel around rural Australia a lot. Telstra is not an issue out there. Yes, they are concerned about it, they are worried about it, but they are much more worried about the Labor Party ever having power in the Senate. That is why people in rural Australia returned four National Party senators, and you will be able to count them every time you are defeated in the Senate—(Time expired)

Senator O'BRIEN (Tasmania) (3.25 p.m.)—I also rise to take note of Senator Coonan's answer in question time today. It is interesting that the National Party want to talk about everyone else's promises but their own. They went to the last election telling people that Telstra would not be sold until it was up to scratch. But they do not want to say that now. They will not be held to their promises. The Australian people may have returned a number of National Party senators, but they do not want to be reminded what they promised their constituency to get their vote.

The Labor Party will be making sure that we hold the National Party to account. Let them dishonour their promise to their constituents. They do it regularly. We should not be surprised about it. They roll over whenever the government says jump, and election after election, just as at the last one, another National Party seat falls—be it to the Liberal Party, or to Independents or to the Labor Party. We can expect that trend to continue and, I expect, to be magnified at the next election, when the National Party dishonour yet another promise and vote for the sale of Telstra.

Why would people be concerned about the dishonouring of that promise? Let me tell you what Dick Dewhurst, General Manager, Government Sales, Optus, told the National General Assembly of Local Government, only a matter of days ago, at a dinner here in the Great Hall that I do not think any of the coalition members or senators, and certainly not ministers, attended. He said that the bottom line is that Optus need to make a profit; they can only extend their services in regional Australia in areas where they could make a profit as they had a responsibility to their shareholders.

So the private business responsibility to shareholders means that their services are only going to go where they can make a buck. That is completely understandable; I am not being critical of Optus for that view. That is the nature of business. But, with the full privatisation of Telstra, the same philosophy has to apply and the only thing which will provide any certainty for rural and regional Australians—and I am one of them—is the government guaranteeing, or propping up, those services. We know that the government will then be held to ransom by a monopoly carrier in those remote and rural areas to fulfil the customer service obligations. So that is an issue the National Party need to consider as they dishonour their promise.

I live about 24 kilometres from the city of Launceston. I do not live in a big city. I travel the areas around my state, and I know what the telephone services are like. As a matter of record, let me say that my own telephone service is regularly disrupted by faults. Fortunately, we have a mobile service, so when the line is disrupted we can organise for the line to be transferred to a mobile service. But if I travel about three kilometres back towards Launceston, I find myself in a blank spot. Fortunately, I do not live there, because if my line were disrupted there I would have no service.

If Telstra cannot get a regularly operating line functioning 24 kilometres from the city of Launceston, what hope will regional and
remote Australians have to get their line serviced—unless, of course, they are related to a National Party senator prior to the voting on legislation to privatise Telstra? That is about the only hope that rural and regional Australians will have to get a reasonable service. They will need to check their lineage to see whether they have a relative in this place who might be voting on the bill. If they have, they had better put that on the Telstra web site so that they can let their contractors know that they are priority customers. A great many people in this country know that they are far from priority customers of Telstra’s. They are great critics of the service that Telstra provide. They are great critics of the level of service that they receive and they are certainly great critics of the fact that Telstra have milked the Australian public with a massive increase in line rental costs. Let us not talk about call costs; let us talk about the fixed cost of everyone’s phone line, which has gone up massively under this government. (Time expired).

Question agreed to.

**Taxation: Policy**

**Immigration: Detention Centres**

Senator BARTLETT (Queensland—Leader of the Australian Democrats) (3.31 p.m.)—I move:

That the Senate take note of the answers given by the Minister for Finance and Administration (Senator Minchin) and the Minister for Immigration and Multicultural and Indigenous Affairs (Senator Vanstone) to questions without notice asked by Senator Bartlett today relating to income tax thresholds and to asylum seekers.

I asked Senator Minchin a question, which is a legitimate issue for debate, about further changes to the taxation system and making our income tax regime fairer. The Democrats have long held a position on the need to address bracket creep—that is, where the proportion of income tax paid by people continues to go up because of inflation but the overall value of their wages does not increase purely by virtue of inflation. The minister says that it is less of a problem than it used to be because inflation is more under control. That is true, and that is why it is now clearly affordable for the government to deal with it.

It is a simple fact that a person on an average wage will over the course of three years pay about $400 a year more in income tax, even if their wages keep pace with inflation. That is a little more than the fabled milkshake and sandwich income tax cuts that low-income earners received in the life of the last parliament. People on average weekly earnings went backwards over those three years, despite getting that sandwich and milkshake tax cut. They got a tax cut, yet they still went backwards.

The reason for that is bracket creep. That is why the Democrats believe it is appropriate to introduce indexation of the income tax thresholds so that when you get a tax cut you will know that it will maintain its value. You will know that it is not a facade whereby the government gives you a tax cut—usually just before an election, as has happened with the massive income tax cuts this year—only to quickly claw it back through bracket creep so that it can give it back to you again in three years time, just before the next election. Properly indexing or even partially indexing those scales would be a clear and positive reform. It would ensure greater openness in our tax system.

The minister said in his answer that the reason we were getting so much surplus these days was not because of bracket creep but because of the increase in company tax receipts. Again that fits in the fine old tradition of this government being misleading, of not really giving an accurate representation of the truth. According to the government’s
own budget documents and cash revenue statistics and history, the facts are that in the financial year just gone, 2003-04, the estimated receipts in income taxation went up over $6 billion. An extra $6.2 billion was received in the last financial year in income tax compared to the year before. Contrast that with company tax receipts, which have increased by only half that amount.

Similarly, the estimates for the current year are that income tax receipts will go up by $5 billion and company tax will go up by only $3 billion. That is because of bracket creep, and that is why this government is able to generate surpluses which it can then give back down the track when it suits it electorally. This is something the Democrats pushed before the election, along with raising the bottom threshold for low-income earners, to ensure that people get the assistance they deserve rather than income tax relief going to the highest income earners. We will continue to push that policy approach. If there was one change to the income tax regime that this government could make that would be assured of Democrat support and that would clearly be fair it would be indexation of the tax brackets; it is also known as the elimination of bracket creep.

I also briefly note the extraordinary confirmation by the Minister for Immigration and Multicultural and Indigenous Affairs that Australia is currently paying the government of Nauru to challenge the constitutionality of an Australian act. The Australian government itself will not be a party to the election, along with raising the bottom threshold for low-income earners, to ensure that people get the assistance they deserve rather than income tax relief going to the highest income earners. We will continue to push that policy approach. If there was one change to the income tax regime that this government could make that would be assured of Democrat support and that would clearly be fair it would be indexation of the tax brackets; it is also known as the elimination of bracket creep.

The only reason for this situation is that the case in question relates to the legality or otherwise of the detention of asylum seekers on Nauru. They have been there for over three years and are still there. Our government is funding another government to detain people—probably illegally—indefatigably and without hope for the future. Now we are funding them to challenge the law—(Time expired)
We, the undersigned, appeal to the Australian government regarding its conduct of negotiations with the government of East Timor on the maritime boundary between the two countries and sharing of Timor Sea oil and gas revenue.

We pray that the Senate ensures the Australian Government:

1. negotiates a fair maritime boundary according to current international law, and the provisions of the UN Convention on the Law of the Sea;

2. responds to East Timor’s desire for more regular meetings which will enable the resolution of the dispute and finalisation of a treaty within a more reasonable timeframe; and

3. commits to hold in trust (escrow) revenues received from disputed areas, for further apportionment between Australia and East Timor after the boundary and the treaty have been completed.

by The President (from 16 citizens).

**East Timor: Oil and Gas Fields**

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

We the undersigned appeal to the Australian Government regarding its conduct of negotiations with the Government of Timor Leste on the maritime boundary between the two countries and sharing of the Timor Sea oil and gas revenue.

We pray the Senate ensures the Australian Government:

- negotiates a fair and equitable maritime boundary with Timor Leste according to current international law and the provisions of the UN Convention on the Law of the Sea (UNCLOS);
- responds to Timor Leste’s request for more regular meetings to settle the maritime boundary dispute between the two countries within a more reasonable timeframe;
- returns Australia to the jurisdiction of the International Court of Justice and UNCLOS for the adjudication, of maritime boundary;
- commits to hold in trust (escrow) revenues received from the disputed areas immediately outside the Joint Petroleum Development Area (RDA) of the 20 May 2002 Timor Sea Treaty for further apportionment between Australia and Timor Leste after the maritime boundary dispute between the two countries has been settled.

by Senator Nettle (from 1,002 citizens).

**Child Abuse**

To the Honourable Members of the Senate in the Parliament assembled.

The Petition of the undersigned draws attention to the damaging long-term effects to Australian society caused by the sexual assault and abuse of children and the concealment of these crimes within churches, government bodies and other institutions.

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

by Senator Bartlett (from 135 citizens).

**Defence: Involvement in Overseas Conflict Legislation**

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

The Petition of the undersigned calls on the members of the Senate to support the Defence Amendment (Parliamentary Approval for Australian Involvement in Overseas conflict) Bill introduced by the Leader of the Australian Democrats, Senator Andrew Bartlett and the Democrats’ Foreign Affairs spokesperson, Senator Natasha Stott Despoja.

Presently, the Prime Minister, through a Cabinet decision and the authority of the Defence Act, has the power to send Australian troops to an overseas conflict without the support of the United Nations, the Australian Parliament or the Australian people.

The Howard Government has been the first Government in our history to go to war without majority Parliament support. It is time to take the decision to commit troops to overseas conflict out of the hands of the Prime Minister and Cabinet, and place it with the Parliament.
by Senator Bartlett (from 477 citizens).

Military Detention: Australian Citizens
To the Honourable the President and members of the Senate in Parliament assembled:
The Petition of the undersigned shows:
that the treatment of Mamdouh Habib is contrary to longstanding international conventions on the treatment of prisoners
Your petitioners ask that the Senate should:
ensure that Australian citizen, Mamdouh Habib’s legal and humanitarian rights are acknowledged, especially following the United States Supreme Court decision that all prisoners have immediate access to their families and lawyers
immediately send an official deputation to George W. Bush asking that Mamdouh Habib be returned to Australia
ensure that if Mamdouh Habib is charged with a crime he has a civil trial in Australia
by Senator Bartlett (from 28 citizens)
by Senator Faulkner (from 315 citizens)
by Senator McGauran (from 8 citizens).

Educational Textbook Subsidy Scheme
To the Honourable the President and Members of the Senate in Parliament assembled.
The Petition of the undersigned draws to the attention of the Senate, concerns that the expiration of the Educational Textbook Subsidy Scheme on June 30 will lead to an eight percent increase in the price of textbooks, which will further burden students and make education less accessible.
Your petitioners believe:
(a) a tax on books is a tax on knowledge;
(b) textbooks—as an essential component of education—must remain GST free;
(c) an increase in the price of textbooks will price many students out of education, particularly those students from disadvantaged backgrounds; and,
(d) the Educational Textbook Subsidy Scheme should be extended past June 30.
Your petitioners therefore request the Senate act to extend the Educational Textbook Subsidy Scheme indefinitely.
by Senator Bartlett (from 63 citizens).

Immigration: Detention Centres
To the Honourable Members of the Senate in the Parliament Assembled.
The Petition of the undersigned draws attention to the damaging long-term effects to children of prolonged detention in Immigration Detention Centres.
Your petitioners ask the Senate, in Parliament to call on the Federal Government to release all children from immigration detention centre into the community, and to provide them with psychological counselling, education and medical services
by Senator Bartlett (from 27 citizens).

Workplace Relations: Paid Maternity Leave
To the Honourable President and Members of the Senate in Parliament assembled:
We the undersigned citizens believe that paid maternity leave is a workplace entitlement for Australian women. It overcomes the disadvantage and inequity women face as a result of the biological imperative for women to break from the workforce when they have a child.
We recognise that the International Labour Organisation (ILO) Convention 183 on Maternity Protection provides women with the right to 14 weeks paid maternity leave and Australia is now one of only two OECD countries without a national scheme of paid maternity leave.
Your petitioners request that the Senate should at the earliest opportunity pass legislation to provide a national system of Government-funded paid maternity leave which provides at least a 14 week payment for working women at least at the minimum wage, with the ability to be topped up to normal earnings at the workplace level with minimal exclusions of any class of women.
by Senator Bartlett (from 24 citizens).
Constitutional Reform: Senate Powers
From the citizens of Australia to the President of the Senate of the Parliament of Australia.
We the undersigned believe that the Prime Minister’s call for Senate Reform is an attempt to dilute the powers of the Senate and to enable the Executive to have absolute control over parliament.
We urge all Senators to ensure the powers and responsibilities, of the Senate are protected in the interests of ensuring good governance on behalf of the Australian people and to oppose any moves by the current, or future, Governments to weaken the ability of the Senate to be a check and balance on the Government of the day.

by Senator Bartlett (from 7 citizens).

Telstra: Privatisation
To the Honourable the President and Members of the Senate in Parliament assembled.
The undersigned urge the Senate to continue to oppose the full privatisation of Telstra as the sale is contrary to the public interest on the grounds that:

• services, particularly in regional areas, are not of a sufficient standard;
• competition in the market is not adequate given Telstra’s market dominance;
• ‘future proofing’ in terms of roll out of new technology is not guaranteed given the failing level of investment in the network and declining staff numbers;
• regulation of telecommunications is not sufficiently robust to protect consumers; and
• the public sector would be worse off if a major public asset and its dividend stream was lost.

by Senator Bartlett (from 25 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 111 citizens).

Health: Pharmaceutical Benefits Scheme
To the Honourable the President and Members of the Senate in Parliament assembled,
The Petition of the undersigned recognises the Pharmaceutical Benefits Scheme has been extremely successful in ensuring affordable medicines for Australians. It has also supported companies involved in research, and many overseas countries look to it as a best practice model.

Your petitioners request that the Senate:
1. Protects Australians’ access to medicines by ensuring that pharmaceutical purchasing by the Australian Government be explicitly exempted from the Free Trade Agreement.
2. Calls on the Federal Government to bring any Free Trade Agreement to Parliament to be ratified.

by Senator Bartlett (from 37 citizens).

Information Technology: Internet Content
To the Honourable the President and Members of the Senate in Parliament assembled
We, the undersigned citizens of Australia draw to the attention of the Senate the common incidence of children being exposed to Internet websites portraying explicit sexual images. These images may involve children/teens, sexual violence, bestiality, and other disturbing material. Many such websites use aggressive, deceptive or intrusive techniques to induce viewing. We submit to the Senate that:

• Exposure to pornography is a form of sexual assault against children and should be considered, like all sexual abuse of children, as a serious matter causing lasting harm.
• It is not adequate to charge individual parents with the chief responsibility for protecting their children from Internet pornographers determined to promote their product, OR to
expect parents to teach children to cope with the damaging effects of pornographic images after exposure.

- It is the primary duty of community and Government to prevent children being exposed to pornography in the first place by placing restrictions on pornographers and those businesses distributing such material.
- Internet Service Providers (ISPs), should accept responsibility for protecting children from Internet pornography, including liability for harm caused to children by inadequate efforts to protect minors from exposure.

Your petitioners therefore, pray that the Senate take legislative action to restrict children’s exposure to Internet pornography. We support the introduction of mandatory filtering of pornographic content by ISPs and age verification technology to restrict minor’s access.

by Senator Ian Campbell (from 501 citizens)
by Senator Eggleston (from 203 citizens).

**Medicare: Services**

To the Honourable President and Senators assembled in Parliament the Petition of the undersigned draws to the attention of the Senate:

- That the City of Palmerston is the fastest growing city in Australia with a current population of more than 40,000 persons
- That Medicare is a valued service of the community and the ability to access this service is vital for all people within the City of Palmerston
- There is no Medicare office within the boundaries of the city
- The nearest Medicare offices for persons within the City of Palmerston are in Darwin and Casuarina, located 20kms away

Your petitioners believe that not having a Medicare Office within the boundaries of the City of Palmerston persons are being deprived of this important and vital service and urge the Senate to immediately request the Minister consider a Medicare office for the City of Palmerston.

by Senator Crossin (from 10 citizens).

**Howard Government: Indigenous Affairs Policy**

To the Honourable President and members of the Senate in parliament assembled.

The petition of the undersigned shows:

That the current intention of the Government to abolish the rights of Aboriginal and Torres Strait Islander people to exercise their right of self determination and self-management, will severely disadvantage Aboriginal and Torres Strait Islander people.

Your petitioners request that the Senate:

1. oppose any legislation for the abolition of ATSIC unless and until an alternative elected representative structure, developed and approved by Aboriginal and Torres Strait Islander peoples is put in place and which would, at the same time assume the function of ATSIC.
2. oppose any move to appoint an advisory committee as contrary to the rights of Aboriginal and Torres Strait Islander people to elect their own representatives.
3. oppose any move to diminish, dismantle, destroy and/or erode the principles of self determination and self-management since any such action would turn back the clock on hard won rights of Aboriginal and Torres Strait Islander people.
4. strongly defend these rights of self determination and self-management previously supported by the Australian Parliament.
5. oppose any move to main-stream services for Aboriginal and Torres Strait Islander people as this too would severely disadvantage Aboriginal and Torres Strait Islander people.

by Senator Ridgeway (from 22 citizens).

**Education: Higher Education**

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

The petition of certain citizens of Australia draws the attention of the Senate to the need to increase the number of places at TAFE for the people of
the communities of Moore. We therefore pray that the Senate oppose cuts in the number of places.

by Senator Webber (from 68 citizens).

Medicare: Bulk-Billing

To the Honourable the President and Members of the Senate assembled in parliament:
The petition of certain citizens of Australia draws to the attention of the Senate:

• that under the government’s changes to Medicare, only people with concession cards and children under 16 will be eligible for the bulk billing incentive and doctors will increase their fees for visits that are no longer bulk billed;
• that the rate of bulk billing by GPs has plummeted from 80 percent to 68 percent under John Howard;
• that’s more than 10 million fewer GP visits were bulk billed this year compared to when John Howard came to office;
• that the average out-of-pocket cost to see a GP who does not bulk bill has gone up since 1996 to $14.92 today;
• that public hospitals are now under greater pressure because people are finding it harder to see bulk billing doctors.

We therefore pray that the Senate takes urgent steps to restore bulk billing by general practitioners and reject John Howard’s plan to end universal bulk billing so all Australians have access to the health care they need and deserve.

by Senator Webber (from 9 citizens).

Trade: Iraq

To the President of the Senate and Senators in the parliament assembled:
The undersigned petitioners respectfully request that the Senate recognises that the Howard Government’s decision to write off Iraqi debts to Australian wheat growers will impose a serious financial burden on a group that is already suffering the effects of a prolonged drought.
The petitioners therefore call upon the Senate to act to ensure that affected wheat growers are fully compensated.

by Senator Webber (from 184 citizens).

Petitions received.

NOTICES
Presentation

Senator Bartlett to move on the next day of sitting:
That the Senate—
(a) notes that:
(i) 20 November 2004 marks the 15th anniversary of the United Nations Convention on the Rights of the Child (UNCROC),
(ii) UNCROC is the most widely ratified human rights convention of all time, ratified by 192 countries,
(iii) millions of children worldwide suffer from preventable diseases and malnutrition,
(iv) numerous children have no hope of even receiving a basic education,
(v) numerous children work in inhumane conditions and are exploited as cheap labour,
(vi) children are the sad victims of trafficking, including for heinous purposes of prostitution and sexual exploitation, and
(vii) children are affected by armed conflict and the ravages of war; and
(b) expresses the view that an important way for Australia to demonstrate its commitment to UNCROC is to ensure that Australia’s domestic laws comply with the spirit and terms of the treaty.

Senator Stott Despoja to move on the next day of sitting:
That the Senate—
(a) notes:
(i) the briefing provided to the United Nations Security Council by the Secretary-General’s Special Representative for Sudan on 4 November 2004, indicating that ‘the Sudanese Government made no progress last month in either stopping militia attacks against civilians in
Darfur, disarming those armed groups or prosecuting the individuals responsible for the worst atrocities’;

(ii) there are now approximately 1.45 million internally displaced persons within Sudan and the number of Sudanese refugees in Chad has risen to 200,000;

(iii) there have been fresh reports of attacks against internally displaced persons in the Darfur region;

(iv) UNICEF has reported that armed militias continue to rape women and girls in the Darfur region with impunity, including numerous reports of gang rapes,

(v) the suffering of those affected by the conflict is being prolonged, and the death toll is rising, as a result of international inaction,

(vi) the Secretary-General of the United Nations has called on all Member States to provide urgent and generous support to the African Union to enable it to expand its mission in Sudan, and

(vii) the Security Council has proposed to meet in Nairobi on 18 and 19 November 2004, at which time it will discuss the crisis in Darfur;

(b) welcomes the signing of humanitarian and security accords between the Sudanese Government and rebels on 10 November 2004;

(c) acknowledges the Australian Government’s provision of $20 million in humanitarian assistance to Sudan and its offer to assist the African Union mission by providing the use of two C-130 Hercules transport aircraft;

(d) calls on the Australian Government to:

(i) as a matter of urgency, provide additional, generous support to help facilitate the expansion of the African Union mission, and

(ii) make immediate representations to Security Council members, prior to the meeting in Nairobi, regarding the need for urgent action to prevent further loss of life and suffering within Sudan and neighbouring Chad; and

(e) calls on the Sudanese Government to take immediate action to disarm militia groups, prevent further attacks against civilians, and prosecute the perpetrators of atrocities.

Senator Conroy to move on the next day of sitting:

That the Senate—

(a) notes that:

(i) the Government has failed to ensure that telecommunications service standards are up to scratch in rural and regional Australia,

(ii) the chief of the Government’s telecommunications inquiry, Mr Dick Estens, has said that telecommunications services in the bush remain a ‘shemozzle’, and

(iii) selling Telstra will cost the budget $255 million over the next 4 years; and

(b) calls on the Government to keep Telstra in majority public ownership to ensure reliable telecommunications services for all Australians.

Senator Forshaw to move on the next day of sitting:

(1) That the following matter be referred to the Finance and Public Administration References Committee for inquiry and report by 22 June 2005:

(a) the level of expenditure on, and the nature and extent of, Commonwealth government advertising since 1996;

(b) the processes involved in decision-making on Commonwealth government advertising, including the role of the Government Communications Unit and the Ministerial Committee on Government Communications;
(c) the adequacy of the accountability framework and, in particular, the 1995 guidelines for government advertising, with reference to relevant reports, guidelines and principles issued by the Auditor-General and the Joint Committee of Public Accounts and Audit;

(d) the means of ensuring the ongoing application of guidelines based on those recommended by the Auditor-General and the Joint Committee of Public Accounts and Audit to all government advertising; and

(e) the order of the Senate of 29 October 2003 relating to advertising projects, and whether the order is an effective mechanism for parliamentary accountability in relation to government advertising.

(2) That the committee have power to consider and use the records of the Finance and Public Administration References Committee appointed in the previous Parliament.

Senator Harradine to move on the next day of sitting:

That answers be provided by 31 January 2005 to:

(a) estimates questions on notice lodged with legislation committees in the course of the estimates hearings in May and June 2004; and

(b) estimates questions on notice lodged with legislation committees by 2 December 2004.

Senator Lees to move, contingent on the President presenting a report of the Auditor-General on any day or notifying the Senate that such a report had been presented under standing order 166:

That so much of the standing orders be suspended as would prevent the senator moving a motion relating to the conduct of the business of the Senate or to provide for the consideration of any matter.

Senator Lees to move, contingent on the Senate proceeding to the consideration of government documents:

That so much of the standing orders relating to the consideration of government documents be suspended as would prevent the senator moving a motion relating to the order in which the documents are called on by the President.

Senator Lees to move, contingent on a minister moving a motion that a bill be considered an urgent bill:

That so much of standing order 142 be suspended as would prevent debate taking place on the motion.

Senator Lees to move, contingent on a minister moving a motion to specify time to be allotted to the consideration of a bill, or any stage of a bill:

That so much of standing order 142 be suspended as would prevent the motion being debated without limitation of time and each senator speaking for the time allotted by standing orders.

Senator Lees to move, contingent on the chair declaring that the time allotted for the consideration of a bill, or any stage of a bill, has expired:

That so much of standing order 142 be suspended as would prevent further consideration of the bill, or the stage of the bill, without limitation of time or for a specified period.

Senator Lees to move, contingent on the moving of a motion to debate a matter of urgency under standing order 75:
That so much of the standing orders be sus-
pended as would prevent the senator moving an
amendment to the motion.

Senator Lees to move, contingent on the
President proceeding to the placing of busi-
ness on any day:
That so much of the standing orders be sus-
pended as would prevent the senator moving a
motion relating to the order of business on the
Notice Paper.

Senator Lees to move, contingent on any
senator being refused leave to make a state-
ment to the Senate:
That so much of the standing orders be sus-
pended as would prevent that senator making that
statement.

Senator Lees to move, contingent on a
minister at question time on any day asking
that further questions be placed on notice:
That so much of the standing orders be sus-
pended as would prevent the senator moving a
motion that, at question time on any day, ques-
tions may be put to ministers until 28 questions,
including supplementary questions, have been
asked and answered.

Senator Lees to move, contingent on any
senator being refused leave to table a docu-
ment to the Senate:
That so much of the standing orders be sus-
pended as would prevent the senator moving that
document be tabled.

Senator IAN CAMPBELL (Western
Australia—Minister for the Environment and
Heritage) (3.37 p.m.)—I give notice that, on
Monday, 29 November 2004, I shall move:
That the provisions of paragraphs 5 to 8 of
standing order 111 not apply to the following
bills, allowing them to be considered during this
period of sittings:
Administrative Appeals Tribunal Amend-
ment Bill 2004,
Bankruptcy and Family Law Legislation
Amendment Bill 2004,
Disability Discrimination Amendment (Edu-
cation Standards) Bill 2004,
Family Law Amendment (Annuities) Bill
2004, and
Fisheries (Validation of Plans of Manage-
ment) Bill 2004.
I also table statements of reasons justifying
the need for each of these bills to be consid-
ered during these sittings and seek leave to
have the statements incorporated in Hansard.
Leave granted.
The statements read as follows—

ADMINISTRATIVE APPEALS TRIBUNAL
AMENDMENT BILL

Purpose of the Bill
The bill amends the Administrative Appeals Tri-
bunal Act 1975 (the Act) and related legislation to
improve the capacity of the Administrative Ap-
ppeals Tribunal (the Tribunal) to manage its work-
load and ensure that reviews are conducted as
efficiently as possible. The bill also expands the
range of people who may be appointed to the
office of President of the Tribunal and removes
tenured appointments under the Act.

Reasons for Urgency
The bill introduces a broad range of reforms that
will significantly improve the flexibility and effi-
ciency of the Tribunal, bringing substantial bene-
fits to applicants and the community at large.
The bill expands the range of people who may be
appointed to the position of President and re-
moves tenured appointments. The current Presi-
dent of the Tribunal has been appointed on an
acting basis only. This arrangement has been in
place for several years in anticipation of the
changes to the appointment provisions contained
in the bill. It is highly desirable that an ongoing
appointment be made as soon as possible to pro-
vide the Tribunal, and the person appointed, with
certainty.

(Circulated by authority of the Attorney-General)

BANKRUPTCY AND FAMILY LAW
LEGISLATION AMENDMENT BILL

Purpose of the Bill
The bill amends the Bankruptcy Act 1966 (Bank-
rupcty Act) and the Family Law Act 1975 (Family
Law Act) in order to harmonise the interaction between the two Acts, prevent the misuse of family law financial agreements as a means of avoiding payments to creditors and to enhance the regime under the Bankruptcy Act for the collection of income contributions from bankrupts.

**Reasons for Urgency**

The bill addresses longstanding community concerns about uncertainty in the interaction between family law and bankruptcy law, and concerns identified in the 2002 Joint Taskforce Report on the Use of Bankruptcy and Family Law Schemes to Avoid Payment of Tax (Joint Taskforce Report) about the misuse of schemes to defeat the claims of legitimate creditors. The bill implements recommendations of the Joint Taskforce Report.

The contents of the bill have also been examined by the House of Representatives Standing Committee on Legal and Constitutional Affairs, and this bill implements recommendations in its July 2004 report for revisions to the bill. The report recommended that the reforms included in the bill should proceed.

(Circulated by authority of the Attorney-General)

**DISABILITY DISCRIMINATION AMENDMENT (EDUCATION STANDARDS) BILL**

**Purpose of the Bill**

The bill amends the Disability Discrimination Act 1992 (the Act) to ensure that the provisions of the draft Disability Standards for Education (Education Standards) made under s 31 of the Act are fully supported. The bill introduces and defines the term ‘education provider’, provides that it is unlawful for education providers to discriminate on the ground of disability in the development or accreditation of curricula or training courses, provides that education providers may be required to develop strategies and programs to prevent harassment and victimisation of students with disabilities, extends the defence of ‘unjustifiable hardship’ to post-enrolment situations, and clarifies that disability standards made under s 31 of the Act may require ‘reasonable adjustments’ to be made to avoid unlawful discrimination.

**Reasons for Urgency**

Passage of the bill is necessary to ensure the Education Standards can be formulated as soon as possible. The Education Standards will clarify and elaborate the obligations of education and training providers in relation to students with disabilities under the Act, and provide guidance on how to meet these obligations. The Standards will be a powerful tool in removing unlawful discrimination against people with disabilities participating in education and training.

The Education Standards cannot be formulated until after passage of the amendments to the Act. It is highly desirable that this bill be accorded priority so that the Standards can be formulated and tabled as soon as possible.

(Circulated by authority of the Attorney-General)

**FAMILY LAW AMENDMENT (ANNUITIES) BILL**

**Purpose of the Bill**

The bill extends Part VIIIB of the Family Law Act 1975 (the Act), which enables superannuation to be split on marriage breakdown, to annuity products that are similar to superannuation.

**Reasons for Urgency**

Schedule 6 of the Family Law Amendment Act 2003 (the 2003 Act), which provides the court power to make orders binding third parties in family law property proceedings, commences on 17 December 2004. The bill defines superannuation like annuity products and removes them from the Schedule 6 provisions of the 2003 Act and provides that where there are property settlement proceedings they should be dealt with in a manner similar to the splitting of superannuation interests in Part VIIIB of the Act. The bill allows for regulations and for taxation and social security consequential amendments to be subsequently made to address these products. These provisions of the bill will not come into operation for six months from the date of Royal Assent to allow for these other changes to be made.

The financial services sector strongly supports legislative certainty about how annuity products are to be dealt with prior to the commencement on 17 December of Schedule 6 of the 2003 Act.
FISHERIES (VALIDATION OF PLANS OF MANAGEMENT) BILL

Purpose of the Bill
The bill provides certainty about the validity of certain plans of management determined, amended and/or revoked under the Fisheries Management Act 1991 and things done under or for the purposes of those plans.

Reasons for Urgency
Plans of management set out the arrangements under which Commonwealth fisheries resources are sustainably managed. It is important to ensure that nothing can call into question the security of access to resources under these plans and things done under or for the purposes of those plans.

In this respect, a legal audit has found that there is an inconsistency in the ways in which some plans of management have been determined and this inconsistency may encourage some to challenge the validity of these plans. Whilst this risk is slight, it is important for industry that these plans are certain.

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FAMILY AND COMMUNITY SERVICES AND VETERANS’ AFFAIRS LEGISLATION AMENDMENT (2004 ELECTION COMMITMENTS) BILL

Purpose of the Bill
The bill amends social security law, family assistance law and the Veterans’ Entitlements Act 1986 to give effect to 2004 election commitments in respect of self-funded retirees, older Australians and carers on income support, grandparents caring for children and certain disability pensioners.

Reasons for Urgency
Two measures in the bill (providing a new $200 payment for self-funded retirees, and special rate child care benefit, covering the full cost of fees charged, for grandparents caring for children) are to commence on 1 December 2004. The remaining measures in the bill are to commence by early 2005.

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NATIONAL WATER COMMISSION BILL

Purpose of the Bill
The bill establishes the National Water Commission as a Commonwealth statutory authority.

Reasons for Urgency
At its 25 June 2004 meeting, the Council of Australian Governments agreed to the establishment of a National Water Commission.

Establishment of the Commission is a key platform of the National Water Initiative Agreement (NWIA) signed by the Australian Government and the Governments of New South Wales, Victoria, Queensland, South Australia, the Northern Territory and the Australian Capital Territory.

While the Commission is being established administratively pending passage of the bill, the NWIA commits parties to establishing the Com-
mission as an independent statutory body by the end of 2004. Passage of the bill in the 2004 Spring sittings is required for the Commonwealth to meet this commitment.

The NWI Agreement sets out a number of key tasks for completion by the National Water Commission in its first year, including the evaluation of state and territory implementation plans for the Initiative by mid-2005, and the scheduled 2005 assessment of National Competition Policy water-related reform commitments.

The Commission will also provide advice and recommendations to the Government on projects to be funded under the Australian Water Fund, a major Australian Government investment in securing Australia’s water future.

(Circulated with the authority of the Prime Minister)

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TAX LAWS AMENDMENT (RETIREMENT VILLAGES) BILL

Purpose of the Bill
The bill amends the taxation law to:

• ensure that the supply of accommodation and certain care services are GST-free when supplied to a resident of a serviced apartment in a retirement village who requires and is supplied with daily living activities assistance or nursing services; and

• ensure that the provision of accommodation and accommodation-related services and facilities and meals by charitable retirement villages is GST-free.

Reasons for Urgency
The measures need to be enacted as early as possible to remove uncertainty in relation to the GST treatment of serviced apartments in retirement villages.

(Circulated by authority of the Treasurer)

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TAX LAWS AMENDMENT (SMALL BUSINESS MEASURES) BILL

Purpose of the Bill
The bill amends the taxation law to reduce GST compliance costs for small business through changes to payments, reporting and apportionment rules.

Reasons for Urgency
The measures need to be enacted as early as possible to reduce GST compliance costs for small business. Passage in this sitting is required as the matters are beneficial for small business and apply from 1 July 2004.

(Circulated by authority of the Treasurer)

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TAX LAWS AMENDMENT (SUPERANNUATION REPORTING) BILL

Purpose of the Bill
The bill amends the Superannuation Guarantee (Administration) Act 1992 to remove the requirement for employers to report superannuation contributions to employees.

Reasons for Urgency
The measures need to be enacted as early as possible to remove the requirement for employers to report superannuation contributions to employees under the Superannuation Guarantee (Administration) Act 1992. The provisions commence on 1 January 2005.

(Circulated by authority of the Treasurer)

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Postponement
The following items of business were postponed:

Business of the Senate notice of motion no. 1 standing in the name of Senator Ridgeway for today, proposing the disallowance of the Aboriginal and Torres Strait Islander Heritage Protection Amendment Regulations 2004 (No. 1), postponed till 18 November 2004.

General business notice of motion no. 1 standing in the name of Senator Ludwig for today, proposing the re-establishment of the Select Committee on the Scrafton Evidence, postponed till 18 November 2004.

General business notice of motion no. 2 standing in the name of Senator Allison for today, relating to human rights in Western Sahara, postponed till 18 November 2004.
General business notice of motion no. 3 standing in the name of Senator Allison for today, relating to high-intensity active naval sonar, postponed till 18 November 2004.

General business notice of motion no. 6 standing in the name of Senator Nettle for today, relating to the death of Yasser Arafat, postponed till 18 November 2004.

General business notice of motion no. 7 standing in the name of Senator Harris for today, relating to the use of the term ‘ANZACS’, postponed till 18 November 2004.

General business notice of motion no. 9 standing in the name of Senator Nettle for today, relating to Iraq, postponed till 18 November 2004.

OPENING OF PARLIAMENT: INDIGENOUS AUSTRALIANS

Senator RIDGEWAY (New South Wales) (3.39 p.m.)—I move:

That the Senate—

(a) notes that:

(i) the House of Representatives Standing Committee on Procedure unanimously recommended in August 2001 in its report, Balancing tradition and progress: Procedures for the opening of Parliament that ‘…representatives of the ACT indigenous community be consulted to advise on a suitable indigenous ritual to be included in the opening procedures [of the Australian Parliament]’,

(ii) the Council for Aboriginal Reconciliation recommended to the Parliament in its final report in December 2000 that, ‘All Parliaments, governments and organisations observe protocols and negotiate with local Aboriginal and Torres Strait Islander Elders or representative bodies to include appropriate Indigenous ceremony into official events’,

(iii) in February 2002, the Senate agreed to a resolution noting these recommendations, acknowledging that they had not been implemented, and calling on the Government to respond to the standing committee’s report to modernise the Parliament and open it up to participation by all Australians, and

(iv) the government response to the Council for Aboriginal Reconciliation’s final report, dated September 2002 and some 22 months after the report was released, stated that the Government was not prepared to include Indigenous protocols into opening ceremonies for Parliament;

(b) expresses its disappointment that the Government has again missed the opportunity to recognise and honour the unique cultures and identity of Indigenous Australians and include First Nation Peoples in the official national ceremony as a positive and inclusive gesture of reconciliation between Indigenous and non-Indigenous Australians; and

(c) calls on the Government to take constructive action, in accordance with its own 2001 House of Representatives committee report, to ensure that the Australian Parliament is accessible to all Australians and representative of all Australians, by incorporating Indigenous protocols into the ceremony for the opening of Parliament.

Question agreed to.

COMMITTEES
Administration of Indigenous Affairs Committee

Senator RIDGEWAY (New South Wales) (3.40 p.m.)—I, and also on behalf of Senator Crossin, move:

That—
(a) the Select Committee on the Administration of Indigenous Affairs, appointed by resolution of the Senate on 16 June 2004, be reappointed with the same terms of reference, powers and provisions for membership, except as otherwise provided by this resolution;
(b) the committee have power to consider and use for its purposes the minutes of evidence and records of the select committee appointed on 16 June 2004; and
(c) the committee report by 8 March 2005.
Question agreed to.

BUSINESS

Consideration of Legislation

Senator IAN CAMPBELL (Western Australia—Minister for the Environment and Heritage) (3.40 p.m.)—I ask that government business notice of motion No. 16, proposing the exemption of some bills from the bills cut-off order, be taken as a formal motion.

The DEPUTY PRESIDENT—Is there any objection to this motion being taken as formal?

Senator Brown—Yes.

The DEPUTY PRESIDENT—There is an objection.

RESTORATION OF BILLS TO NOTICE PAPER

Senator ALLISON (Victoria) (3.41 p.m.)—I move:
(1) That so much of standing orders be suspended as would prevent this resolution having effect.
(2) That the following bills be restored to the Notice Paper and that consideration of each of the bills be resumed at the stage reached in the last session of the Parliament:
Anti-Genocide Bill 1999 [2002]
Charter of Political Honesty Bill 2000 [2002]
Constitution Alteration (Appropriations for the Ordinary Annual Services of the Government) 2001 [2002]
Constitution Alteration (Electors’ Initiative, Fixed Term Parliaments and Qualification of Members) 2000 [2002]
Defence Amendment (Parliamentary approval for Australian involvement in overseas conflicts) Bill 2003
Electoral Amendment (Political Honesty) Bill 2003
Environment Protection and Biodiversity Conservation Amendment (Invasive Species) Bill 2002
Euthanasia Laws (Repeal) Bill 2004
Freedom of Information Amendment (Open Government) Bill 2003
Genetic Privacy and Non-discrimination Bill 1998 [2002]
Ministers of State (Post-Retirement Employment Restrictions) Bill 2002
National Animal Welfare Bill 2003
Patents Amendment Bill 1996 [2002]
Parliamentary Approval of Treaties Bill 1995 [2002]
Public Interest Disclosure (Protection of Whistleblowers) Bill 2002
Reconciliation Bill 2001 [2002]
Republic (Consultation of the People) Bill 2001 [2002]
Sexuality Anti-Vilification Bill 2003
Sexuality and Gender Identity Discrimination Bill 2003
State Elections (One Vote, One Value) Bill 2001 [2002]
Textbook Subsidy Bill 2003
Uranium Mining in or near Australian World Heritage Properties (Prohibition) Bill 1998 [2002]
Workplace Relations Amendment (Paid Maternity Leave) Bill 2002.
Question agreed to.
NOTICES
Postponement

Senator HARRADINE (Tasmania) (3.41 p.m.)—by leave—I move:

That general business notice of motion no. 10 standing in my name for today, relating to Budget estimates supplementary hearings, be postponed till 18 November 2004.

Question agreed to.

BUSINESS
Consideration of Legislation

Senator IAN CAMPBELL (Western Australia—Minister for the Environment and Heritage) (3.42 p.m.)—I move:

That the provisions of paragraphs (5) to (8) of standing order 111 not apply to the Customs Amendment (Thailand-Australia Free Trade Agreement Implementation) Bill 2004 and the Customs Tariff Amendment (Thailand-Australia Free Trade Agreement Implementation) Bill 2004. This motion would allow the Senate to debate during these sittings the legislation that will give effect to the Thailand-Australia free trade agreement. It is legislation that puts in place an agreement that is quite historic, without using a hackneyed cliche. It certainly underpins Australia’s ever expanding engagement with our region. Australia pursues multilateral trade agreements, trying to ensure that trade in the world improves for the benefit of developed and, in particular, developing nations and for the great benefits that improvements in trade can bring to alleviating poverty, hunger and starvation. Although multilateral improvements to trade can certainly achieve that, the Australian government certainly believe that it is not prudent to wait for a breakthrough in multilateral negotiations. It is actually in Australia’s interests—the interests of trade and the interests of the people of both Australia and, in this case, Thailand—to pursue bilateral free trade agreements.

Of course, we as a nation have been very successful at doing that. It has occurred in the past under both coalition and Labor governments. The world-leading bilateral trade agreement is Australia’s closer economic relations agreement with New Zealand, which was the forerunner of successful trading relationships. That agreement has been a tremendous boon to the people of New Zealand and the people of Australia, and it was a phenomenal achievement in the relationship between our two countries. It is still regarded by both sides of politics on both sides of the Tasman as having brought an incredible improvement to the relations between our two great countries.

I had the great privilege 10 days ago to be a guest of the New Zealand government to discuss climate change issues. It was interesting, in meeting their environment minister, their industry minister, their energy minister as well as their Prime Minister, to see that the depth of the relationship between the two nations is cherished by people on both sides of the political divide. There is still clear recognition of that many years after closer economic relations were established by the Fraser government—I think my history is correct. They were enhanced by the Hawke and Keating governments and have been enhanced more lately under the leadership of John Howard, with great support from Peter Costello. Both sides of politics recognise that.

I think it is fair to say that the free trade agreement recently entered into with the United States had significant bipartisan support. There were some relatively minor disagreements over some aspects of it, but generally speaking there was tremendous bipartisan support. I think this is, again, a commitment that both Latham Labor and the Howard coalition would support. We expect that the US-Australia free trade agreement will deliver substantial benefits to the people
of the United States of America and the people of Australia and will deepen what is an important relationship.

The agreement with Thailand entered into within a similar time frame puts the lie to those who would say that this government is too preoccupied with the US relationship. It shows that we can have a substantial relationship with a country like Thailand, a nation which is a very important part of our region, which is successful and which many Australians have a close affinity with. We believe this agreement will deliver substantial benefits to the people of Thailand and to the people of Australia and that it will contribute to ever-deepening relationships in our region. The government believe that, to maintain faith between the countries, this agreement should be entered into. We seek to have it commence by 1 January, the date which was provisionally agreed with the government of Thailand. This government fully respects our parliamentary processes, as I am sure the Thai government does, and we see no reason why that provisional agreement with the government of Thailand should not be supported if the Senate focuses on the legislation during the balance of this week.

We are seeking in this motion to have legislation relating to the Customs Act 1901 and the Customs Tariff Act 1995 exempted from the cut-off— that is, under standing order 111. I seek the support of the Senate in progressing legislation which will significantly enhance Australia’s trade performance, increase jobs in Australia, enhance relations with Thailand and be to the benefit of the Thai people as well. I commend this motion to the Senate to achieve that end.

Senator LUDWIG (Queensland) (3.49 p.m.)—I appreciate the government setting out the essence of their argument in respect of the Customs Amendment (Thailand-Australia Free Trade Agreement Implementation) Bill 2004, but this is a debate about whether or not it should be granted exemption from the cut-off; it is not about the merit of the bill. The Senate will have the ability, should this motion not succeed—that is, if the bill does not get exemption from the cut-off—to debate the merits of the bill during speeches on the second reading and subsequently, if there is a desire to have a committee stage, at some later point. What is important is that the opposition will take this matter and deal with it on principle. The principle is that today is effectively the first day of business in the parliament. The government has today introduced bills that are to be dealt with. It has sought exemption from the cut-off for many of those bills and that has been granted, because we do need to deal with the business of the government and to deal with bills within at least a reasonable time frame and give them proper scrutiny. We will deal with this bill in the same manner.

The government has been able to provide a statement of reasons for introducing and seeking the passage of this legislation in the 2004 spring sitting. The reason the government has provided for urgency with this bill is:

The Thailand-Australia Free Trade Agreement is to be implemented by 1 January 2005 as provisionally agreed to with the Government of Thailand.

That, in my mind, means the bill does pass the principle test of whether or not it is urgent; 1 January 2005 is unfortunately not that far away. We have only one more sitting day—that is, tomorrow—plus two weeks in November and December to deal with the legislative program that has been proposed by the government. Whether we deal with all of the bills is a matter for the government, and it will need to talk to all the parties concerned, but we have this one before us. We can proceed with it. We are in a position
where we can deal with it, as I understand it and as I have been advised by the opposition spokesperson on this bill. We are in a position to deal with the elements of it.

It is worth not going so much to the merit of the bill but briefly dealing with the elements it provides. It provides rules for determining whether goods originate in Thailand for the purposes of the FTA. It provides verification measures to ensure that preferential entry is limited to those goods meeting the rules of origin. It provides duty free access for certain goods and preferential rates of customs duty for other goods that are Thai originating goods in accordance with due division within the legislation. It also provides for phasing of the above preferential rates of customs duty for certain goods. It creates a new schedule for the tariff to accommodate those phasing rates of duty and provides the mechanisms to initiate safeguard measures on sensitive products.

So the bill is about ensuring that with the Customs amendment the free trade agreement is able to be implemented between Thailand and Australia. This provides for its implementation. Given that there is a provisional agreement with the government of Thailand for it to operate, it is necessary for this matter to be debated and for it to be dealt with before 1 January 2005. Given the time available, I suspect that we will be able to achieve that objective with the cooperation of both the Senate and the House of Representatives. That is in essence what we are dealing with. The test that the government must pass to gain the concurrence of the opposition in these matters is to provide an argument about urgency, in particular with respect to this bill. They have met that test. The government have also been able to demonstrate that with respect to the remaining bills, but I will deal with those tomorrow.

Without prolonging this debate—because we do want to get back to some of the issues that are pressing in this chamber—I will only recap to say that the opposition is satisfied with the position that has been argued by Senator Ian Campbell and agrees that this is a matter that does meet the test that we have imposed.

Senator NETTLE (New South Wales) (3.54 p.m.)—This motion and the following motion, No. 17, were due to be debated this morning. At that time the minister said that he was going to defer those matters until a later time in the day because he was involved in consultation and discussion around those two motions. It was news to the Greens at the time that there was any discussion going on, and it is still news to the Greens. Presumably, this is the opportunity for that consultation. That is all we can assume, given that neither I nor Senator Brown have heard anything from the government on this issue.

Senator NETTLE—You happen to be the acting Manager of Government Business.

Senator Ian Campbell interjecting—Senator NETTLE—The minister heard from Senator Brown when he spoke this morning that we were asking questions about why this was being deferred until later in the day and when it was being deferred to. The minister gave an answer. The answer was that the minister, as the acting Manager of Government Business, was involved in consultation. Presumably, that was with the other senators in the chamber. We are still waiting for that consultation. This motion to exempt bills—

Senator NETTLE—This is the first I know that you have any interest in this; you haven’t said anything in here about this.
The DEPUTY PRESIDENT—Order! Senator Ian Campbell, rather than there being a conversation backwards and forwards in the chamber between you and Senator Nettle, let’s allow Senator Nettle to raise the issues.

Senator Ian Campbell—The hypocrisy offends me.

The DEPUTY PRESIDENT—It might do so but Senator Nettle can raise the issues.

Senator NETTLE—In the last half an hour I think this is the fourth motion I have counted in which the government is proposing to exempt bills from the cut-off. This cut-off was put in place by a senator from the minister’s own area and by a Greens senator to ensure that there was capacity for the Senate to review legislation appropriately and to ensure that there was a time frame from when legislation was introduced into the House of Representatives to when it came to the Senate so that senators—particularly Independent, crossbench or minor party senators—would have the opportunity to get their heads around all of the legislation and to hear from community groups about these issues before they were decided on. I do not think it bodes very well for the operations of the Senate and the respect that this government intends to pay to the Senate from 1 July when we have seen four motions in the last 20 minutes to exempt a series of bills and in the next motion 14 bills are set to be exempted from the cut-off order. That does not show the respect that the minister and the Prime Minister have been saying that they are going to afford the Senate and our process of review.

The particular bill that is involved in this motion is the subject of review by the Joint Standing Committee on Treaties, which is currently reviewing the Thailand-Australia free trade agreement. As the Manager of Opposition Business pointed out earlier, the government needs to make a case for urgency as to why we should deal with this issue now. This issue is before a joint committee of the parliament, which is looking at reviewing and making recommendations in relation to this agreement. There is no urgency for the Senate to deal with the matter, because it is currently before the Joint Standing Committee on Treaties. So the case for urgency has not been made by the government.

I will ask further questions that relate to the number of bills that the government is proposing for the next sitting fortnight, but I will wait until we get to the next motion and see if we can get some consultation from the acting Manager of Government Business.

Senator IAN CAMPBELL (Western Australia—Minister for the Environment and Heritage) (3.58 p.m.)—I need to sum up briefly and to respond to a couple of things that Senator Nettle has raised. Firstly, she makes the point that the government has sought exemption from standing order 111 for a number of bills. I congratulate the senator on her observation. The reality is that if the government does not seek exemption from the cut-off then the levels of absurdity of the Greens go beyond what I even imagined. Secondly, this bill was introduced into the parliament back in August. This is the first time that I, as retiring Manager of Government Business—this is my first day as acting manager—have been told by the Greens that they have some issue with this. I am not sure that they told us that they were not going to allow us formality for these motions.
Senator Chris Evans—It’s the first time anyone has ever called you ‘retiring’.

Senator IAN CAMPBELL—Or shy! Normally in the Senate, if senators want to have bills considered by a committee—if they have concerns about them—they go to the Selection of Bills Committee or they seek to have them referred to a committee. The Greens have not even done that. So once again we have a stunt from the Greens, a time-wasting stunt. They have not used the forms of the Senate, they have not sought to have these bills referred to a committee and they object to the cut-off order. They have not used the forms of the Senate, they have not sought to have these bills referred to a committee and they object to the cut-off order. They would have the Senate do absolutely nothing for the next 2½ weeks. Once again, it shows that the Greens cannot be taken seriously. I commend the Australian Labor Party for agreeing to debate these important bills so that we can talk about something of substance and not arcane procedural abuses by these so-called Greens senators.

Question agreed to.

Senator IAN CAMPBELL (Western Australia—Minister for the Environment and Heritage) (4.00 p.m.)—I move:

That the provisions of paragraphs (5) to (8) of standing order 111 not apply to the following bills:

- Agriculture, Fisheries and Forestry Legislation Amendment Bill (No. 2) 2004
- Australian Security Intelligence Organisation Amendment Bill 2004
- Aviation Security Amendment Bill 2004
- Classification (Publications, Films and Computer Games) Amendment Bill (No. 2) 2004
- Health Legislation Amendment (100% Medicare Rebate and Other Measures) Bill 2004
- Indigenous Education (Targeted Assistance) Amendment Bill 2004
- Schools Assistance (Learning Together—Achievement through Choice and Opportunity) Bill 2004 and States Grants (Primary and Secondary Education Assistance) Legislation Amendment Bill 2004
- Superannuation Legislation Amendment Bill 2004
- Surveillance Devices Bill 2004
- Telecommunications (Interception) Amendment (Stored Communications) Bill 2004
- Textile, Clothing and Footwear Strategic Investment Program Amendment (Post-2005 Scheme) Bill 2004 and Customs Tariff Amendment (Textile, Clothing and Footwear Post-2005 Arrangements) Bill 2004
- Vocational Education and Training Funding Amendment Bill 2004

Senator BROWN (Tasmania) (4.00 p.m.)—It is not much good the retiring Manager of Government Business, the Minister for the Environment and Heritage, getting cranky because he has been picked up for not consulting. And it is not much good him explaining that we need some business to deal with—everybody knows that. The Greens are here, always, to facilitate the government in getting its schedule expedited, while making sure there is proper debate and input. Senator Nettle was pointing out that the Thailand-Australia free trade agreement is before a committee—it is a joint committee, no less—and we have not heard from them. It is appropriate that we do hear from them before the matter proceeds. That is the first thing.

The second is that this motion contains a long list of bills, in the order of a dozen or more, that it is proposed be exempted from the cut-off. A lot, if not most, of those have been before the Senate before, and we have got no problem with that. That is fine with
the Greens, who are prepared to be sensible and helpful, even though the government is not prepared to be the same in return. But it will not expedite things if the minister in charge, instead of making sure that everybody is acquainted with what he is doing, simply gives a tirade in the Senate. That is not going to help things at all, so somebody in the government might have a yarn with him in the next little while. Or maybe his replacement will be a little more consultative and therefore settled about the matter.

When it comes to the list of legislation that we now have before us, we are happy to go along with most of those pieces of legislation. But that said, not all of it has been dealt with satisfactorily in terms of the government explaining what changes have been made in the interim. I understand, for example, that when it comes to the National Security Information (Criminal Proceedings) Bill 2004 and the consequential provisions bill there have been some changes made since they were first before the chamber. A reasonable way of proceeding is for the government to explain those changes. I do not want to have to read about them in the newspaper and wonder exactly what they are. What is the nature of those changes? How big are they? There has been an implication that they are actually an improvement, as the Greens would have it, on the previous legislation, and it would hasten things if the government were to reassure the Greens about that. It would be sensible, where a bill has been changed and then the cut-off has been sought, for the minister to explain to senators—all of them—what those changes are and why they might feel reassured in allowing the cut-off to proceed. That is good procedure, and that is all the Greens are asking for. We expect a more mature and considered response from the minister.

Senator NETTLE (New South Wales) (4.04 p.m.)—The other issue that the Minister for the Environment and Heritage may like to address in his response to Senator Brown’s questions is that there are 14 bills in this list that are being proposed for exemption from the cut-off—some of them new, some of them old. There has been an indication, again in the media, that there is going to be another stack of bills introduced, presumably tomorrow, and the minister has already given an indication that he is seeking exemption from the cut-off for another series of bills. That takes us to an unknown number of bills, because I do not know how many more bills will be introduced. But if we are looking at another 14—if we are looking at in the order of 30 bills being introduced—is it the government’s expectation that the Senate will deal with 30 bills in the next two weeks of sitting? In the next eight days of sitting, is there an expectation that opposition senators and senators representing other parties, particularly where there are few of us, are expected to get our heads around 30 pieces of legislation, and debate and deal with all of those issues?

Can we get some indication from the government about their intentions, the number of pieces of legislation and days intended for us to sit. That is a far more reasonable way for us to be able to engage in consultation about how we are going to cope with this workload. Quite frankly, if we have 30 bills to deal with in the next eight days, there is no way we are going to be able to get our heads around the detail of those 30 pieces of legislation—which we have not seen yet—and be expected to debate them, vote on them, discuss amendments, go through committee stages and put forward proposals. If the minister could give us some indication of the government’s intentions for the next two weeks, that would be a much more reasonable way to conduct these discussions.

Debate interrupted.
DISTINGUISHED VISITORS

The ACTING DEPUTY PRESIDENT (Senator Lightfoot)—Order! It is my honour to acknowledge the presence in the chamber of the former distinguished senator and President of the Senate, Sir Harold Young, and Lady Young, who are this afternoon in the President’s gallery. I welcome them on behalf of the Senate.

Honourable senators—Hear, hear!

BUSINESS

Consideration of Legislation

Debate resumed.

Senator LUDWIG (Queensland) (4.07 p.m.)—There are a couple of issues in relation to this matter but at this point we are only dealing with exemption from the cut-off. I do not particularly want to refer to the record on these issues but there is, as Senator Nettle clearly pointed out, a limited amount of time available. I think that is clear to everybody. We would expect the government to be able, in a very short space of time, to provide a definitive priority list of the bills they want to deal with so that we can start looking at the substance of the issue.

With respect to the bills that have not yet been introduced, an exemption from the cut-off is not being sought today and I cannot comment on them. Nor can I try to second-guess how many bills the government may seek to exempt from the cut-off, how many may be controversial and how many may not be controversial. Those are matters we will have to determine on their merits when they are presented to us and we will then deal with those matters in the way I have spoken about earlier. We will deal with them having regard to the principle of whether the government does require the bills—whether they are urgent and whether the government can demonstrate that to us. There is merit in the government’s being able to provide that list. At least I think we can agree that these are unusual times in that we have, in effect, only two weeks and one day of sittings remaining, and it would be helpful for everyone in the chamber to be provided—at some point when the government can provide it to us; I am not asking for it now—with the legislative program that the government expects to be able to get through in the time available.

As I indicated earlier today, the purpose of the cut-off motion is to avoid this seemingly end-of-year rush when we all try to work additional hours. People get tired and cranky and cannot then reflect upon bills in the appropriate way. If we can structure a situation to ensure that that does not happen, it would certainly be helpful to me and to my colleagues. In essence, we might not be able to avoid some of the matters coming before us because we may be required to deal with them because of their urgent nature or because of certain start-up dates, but in those instances the government will have to make the case and persuade us that the legislation is urgent and needs to be dealt with. Of course, the government may not want to deal with some of those bills between now and the end of the sittings for this year. I have not heard from the government about which bills they require to be dealt with. Some bills may be sent to a committee and, as a consequence, may not be available to be dealt with. So it would be helpful if the government took on board my comments and those of Senator Nettle to ensure that, at least in this period before 1 July, we have an open and accountable government that is willing to share information.

Senator IAN CAMPBELL (Western Australia—Minister for the Environment and Heritage) (4.10 p.m.)—Senator Ludwig knows—and I made this clear in the chamber this morning during a debate on the Senate sittings—that we will be presenting a list. The situation is—as Senator Ludwig clearly
respects, as indicated by his very sound remarks—unusual in that the government has just been returned. The government has sworn in the ministers just a few days ago. Those ministers bring forward, through the cabinet processes, the bills they would like to see passed before 1 January and we make our own assessments. I promised this morning to provide a list in exactly the terms that Senator Ludwig alluded to. It will allow all senators and all people in Australia to know what bills we expect to have passed by Christmas.

In my address to the Senate at around 9.45 this morning I alluded to something in the order of 20 or 25 packages of legislation which we will be seeking to have passed. I alluded to that exact process: there will be a list and this is how many bills will be on it. We will be seeking passage of those bills and we will be working with the Senate to do that. I indicated that a sensible way to do that—and this is only advice to the leaders, the whips and the incoming manager—would be to try to allocate times to all of those bills and spread the load out over the next fortnight rather than seeing it all bank up on the last day or two as normally happens. Those were the very comments I made only a few hours ago.

Question agreed to.

CUSTOMS AMENDMENT (THAILAND-AUSTRALIA FREE TRADE AGREEMENT IMPLEMENTATION) BILL 2004

Senator PATTERSON (Victoria—Minister for Family and Community Services and Minister Assisting the Prime Minister for the Status of Women) (4.13 p.m.)—I move:

That these bills may proceed without formalities, may be taken together and be now read a first time.

Question agreed to.

Bills read a first time.

Second Reading

Senator PATTERSON (Victoria—Minister for Family and Community Services and Minister Assisting the Prime Minister for the Status of Women) (4.13 pm)—I move:

That these bills be now read a second time.

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

Leave granted.

The speeches read as follows—

CUSTOMS AMENDMENT (THAILAND-AUSTRALIA FREE TRADE AGREEMENT IMPLEMENTATION) BILL 2004

I am pleased to introduce the implementing legislation for the Australia-Thailand Free Trade Agreement (TAFTA). TAFTA was negotiated during eight negotiating sessions conducted in Australia and Thailand from August 2002 to October 2003. The Agreement was signed by Mr Vaile and his Thai counterpart, Commerce Minister Watana, in Canberra on 5 July, during the historic visit to Australia by Prime Minister Thaksin and nine of his cabinet Ministers. That visit underlined the high priority the Thai Government attaches to the Agreement and the bilateral relationship more broadly.

TAFTA is an outstanding result. It demonstrates the Government’s commitment to opening up new opportunities for Australian exporters and investors in East Asia and it will link Australia to the second largest and the fastest growing economy in South East Asia. Thailand’s economic performance over the past few years has been strong and Prime Minister Thaksin’s Government is promot-
ing policies aimed at building a more open and deregulated economy.

TAFTA will be Thailand’s first comprehensive free trade agreement with a developed economy. It will be the fourth free trade agreement Australia has negotiated and the second with an ASEAN member. It is also the first FTA between a developed and developing country in South East Asia and sets the benchmark for future trade liberalisation in the region.

TAFTA is a major market opening agreement. It will lead to the complete elimination of Thailand’s significant trade barriers across all sectors (for some tariffs up to 200 per cent) and substantially improve the environment for services trade and investment. It will also improve the regulatory environment in Thailand and promote increased business mobility.

On entry into force, more than half of Thailand's 5,000 tariffs—accounting for nearly 80 per cent of Australian exports—will be eliminated. Over $700 million of current Australian exports to Thailand will benefit immediately from tariff cuts. In the first year alone, we estimate that Australian exporters could save over $100 million in Thai customs duties.

Tariffs not immediately eliminated will be phased down and 95 per cent of all current trade between Australia and Thailand will be completely free by 2010. Longer phase-out periods and special quota arrangements will apply to a small number of agricultural goods. Importantly, the tariff preferences contained in the Agreement are available only to Australian exporters and therefore give them an enormous advantage over their competitors in the increasingly sophisticated Thai market.

Many Australian companies formerly locked out of that market by high tariffs and quotas will enjoy new opportunities, particularly in areas such as agriculture, processed foods and beverages and in automotive products.

I would like to take this opportunity to highlight some of the key market access outcomes delivered by TAFTA:

- On industrial tariffs, Thailand will eliminate immediately its 80 per cent tariff on large passenger motor vehicles and will reduce its 80 per cent tariff on other passenger motor vehicles to 30 per cent, phasing to zero in 2010.
- Tariffs on all automotive parts, components and accessories, currently up to 42 per cent, will be reduced immediately to a ceiling of 20 per cent and then phased to zero in 2010.
- Thai tariffs on machinery and equipment, currently up to 30 per cent, will either be eliminated immediately or phased to zero by 2010.
- Thailand will eliminate immediately the current tariffs on wheat (equivalent of 12-20 per cent), barley, rye and oats (up to 25 per cent), and the tariff and tariff rate quota on rice.
- On beef, Thailand will immediately reduce the tariff to 40 per cent, down from 51 per cent, and for beef offal to 30 per cent, down from 33 per cent. These rates will be phased to zero in 2020.
- On dairy, Thailand will immediately eliminate the current tariffs on infant formula, lactose, casein and milk albumin and phase the tariffs on butter fat, milkfood, yoghurt, dairy spreads and ice cream to zero in 2010.
- Thailand will provide immediate additional quota for Australian skim milk powder, liquid milk and cream. And tariffs for butter and cheese will be phased down to zero in 2020.

In the long term, the gains from TAFTA promise to yield even larger benefits to the Australian economy and to Australian businesses. The Centre for International Economics has estimated that TAFTA will boost the Australian economy by over US$2.4 billion over the first twenty years of its operation.

TAFTA has other important benefits for Australia. To date, Thai tariffs are structured around a series of high tariff peaks, which has forced Australia to export at the low value added end of the production chain. The removal of these tariff peaks under TAFTA will open new opportunities for Australia to export more simply and elaborately transformed manufactures.

Apart from the direct economic benefits, implementation of TAFTA will also enhance Australia’s broader trade, economic and security interests in the region. A substantive and comprehensive FTA between the two countries will signal strong sup-
port for multilateral, regional and bilateral liberalisation initiatives and will encourage strength and stability in the region.

As Australia already grants tariff-free access to many Thai products, Australia’s tariff commitments in the Agreement are more modest than Thailand’s. Nevertheless, Australia will grant improved access for Thai imports of automotive products, textiles, clothing and footwear, steel and plastics and chemicals, subject to tariff phasing arrangements. These phasing arrangements were developed following extensive consultations with Australian industry groups.

Let me emphasise that TAFTA contains significant protections for sensitive Australian industries. There are two categories of safeguard action available: transitional safeguards, which are available to all goods for the tariff phase down period, subject to injury being demonstrated as a result of a surge in imports; and so-called special safeguards, which are volume-triggered and will apply to certain Australian agriculture and fisheries products from the date of entry into force of the Agreement until 31 December 2008. Where imports from Thailand of a sensitive product exceed a specified volume, customs duty at the prevailing general rate may apply for the remainder of the calendar year to imports from Thailand of that product. The Department of Agriculture, Fisheries and Forestry will advise the Australian Customs Service when special safeguard action needs to be taken.

A further protection for Australian industry are the product-specific rules of origin, using a similar model to that used for the AUSFTA. TAFTA contains enforcement and compliance provisions to address concerns in relation to possible transshipment of goods.

TAFTA will also bring significant improvements in access for Australian services exporters and investors in the Thai market. Thailand will relax a number of its restrictive conditions relating to visas and work permits for Australian business people and will guarantee non-discriminatory treatment of Australian investments in Thailand. Thailand’s minority foreign equity limits have also been lifted for Australia in a number of sectors, notably in mining, distribution, consultancy, maritime and hospitality services.

In the area of sanitary and phytosanitary measures (SPS), TAFTA reiterates both countries’ WTO commitments and creates a new officials-level committee to regularise consultations. Importantly, there is nothing in the text of the agreement that will compromise the integrity and science-based nature of Australia’s SPS regime.

TAFTA also includes steps aimed at promoting cooperation, transparency and international best practice in a wide range of areas such as quarantine procedures, intellectual property rights, competition policy, e-commerce, government procurement and industrial standards.

I would like to draw Honourable Senator’s attention to the monitoring and review mechanisms that have been built into the Agreement. These are intended to provide opportunities to revisit and review various parts of the Agreement as circumstances change. We have exchanged a side letter with Thailand, which binds both parties to commence negotiations on financial services, telecommunications services and a range of business mobility issues within three years of TAFTA’s entry into force. The review mechanisms reflect the intention of both countries that the agreement should not be static and that modifications should be considered where they would be consistent with the aim of the Agreement to boost trade and investment linkages.

**TAFTA Implementing Legislation**

In order to implement TAFTA, two pieces of legislation require amendment—the Customs Act 1901 and the Customs Tariff Act 1995. Prompt passage of these amendments will allow us to meet the target date of 1 January 2005 we have agreed with Thailand for entry into force. The Agreement provides that entry into force will occur 30 days after the parties have advised each other that they have completed their domestic procedures necessary for implementation.

The Customs Amendment (Thailand-Australia Free Trade Agreement Implementation) Bill 2004 contains amendments to the Customs Act 1901. These amendments will give effect to Australia’s obligations under Chapters four of TAFTA. The Bill incorporates the rules for determining whether goods originate in Thailand, and are therefore eligible for preferential duty rates.
A product will be considered to originate in Thailand and will, therefore, be entitled to a preferential rate of customs duty if it is wholly obtained within Thailand or if it meets the product specific rule of origin listed in Annex 4.1 of the Agreement.

For most products, the product-specific rule requires a change in tariff classification. In other words, origin will be conferred on a product where the tariff classification of each non-originating material (in this case, a material that originates outside Thailand or Australia) used in the manufacture of the product is different from the tariff classification of the product. The rules are a means of demonstrating that there has been substantial transformation of the non-originating material inputs.

For some products, the rules of origin require a change in tariff classification combined with a regional value content.

The Bill includes special consignment provisions, so that goods which undergo any process or operation in another country after leaving Thailand and before arriving in Australia, will not be considered to have originated in Thailand.

The Bill includes special certification provisions. Under these provisions, an importer will be entitled to claim a preferential rate of customs duty for a product only if a certificate of origin has been issued for that product before it is imported into Australia.

Finally, the Bill will require Australian exporters who claim preferential tariff treatment in Thailand to keep certain records. The same obligation will apply to the Australian producers of these goods.

This Bill will be complemented by the Customs Tariff Amendment (Thailand-Australia Free Trade Agreement Implementation) Bill 2004.

This legislation presents the Parliament with an opportunity to endorse an ambitious free trade agreement with a major regional partner, to strengthen Australia’s important economic linkages with South East Asia, to set a benchmark for regional trade liberalisation, and to promote Australian exports and jobs.

Mr President, I commend this Bill to the Senate.

I am pleased to introduce the second piece of TAFTA legislation. The Customs Tariff Amendment (Thailand-Australia Free Trade Agreement Implementation) Bill 2004 contains amendments to the Customs Tariff Act 1995 to implement part of TAFTA by:

- providing duty-free access for certain goods and preferential rates of customs duty for other goods that are Thailand originating goods;
- phasing the preferential rates of customs duty for certain goods to zero by 2015;
- creating a new Schedule 6 to the Tariff to accommodate those phasing rates of duty; and
- allowing the imposition of special safeguard action on sensitive products including canned tuna, processed pineapple and pineapple juice for the period from entry into force of the Agreement until 31 December 2008.

This Bill will complement the amendments contained in the Customs Amendment (Thailand-Australia Free Trade Agreement Implementation) Bill 2004.

Mr President, I commend this Bill to the Senate.

Debate (on motion by Senator George Campbell) adjourned.

GOVERNOR-GENERAL’S SPEECH
Address-in-Reply

Debate resumed.

(Quorum formed)

Senator GREIG (Western Australia) (4.16 p.m.)—Before the debate on the address-in-reply to the Governor-General’s speech was adjourned a little earlier today I was making the case that, significantly, the Howard government’s assault on human rights, as we Democrats see it, extends well before 11 September 2001 and continues on a range of fronts unrelated to terrorism. A
report by the Australia Institute last year found:

Australia’s commitment to the observance of universal human rights standards, and its cooperation with the international institutions established to monitor them, has been one regrettable casualty—

of the Howard government’s approach to foreign policy. But perhaps the most blatant assault on human rights was the government’s proposed Australian Human Rights Commission Legislation Bill, which sought to emasculate the Human Rights and Equal Opportunity Commission by undermining its independence, minimising its expertise and removing its power to recommend the payment of compensation. I am pleased to see that this bill is not listed—as yet—amongst the upcoming bills, and I do hope that the government has had the sense to abandon that misguided and inherently regressive proposal.

The Howard government’s persistent attack on human rights and the institutions that protect them has occurred in a context in which Australia is the only common law country without a bill of rights. An Australian bill of rights is desperately needed to provide protections for core human rights recognised in international treaties to which Australia is a signatory. These include equality before the law, as well as freedom of speech, religion and peaceful assembly, regardless of gender, race, age, religion, sexuality, disability or pregnancy. We Democrats have long advocated for the introduction of a bill of rights. Although we would ideally like the protection of human rights to be enshrined in the Australian Constitution, we recognise that as a first step it ought to be enacted through a statutory bill of rights.

Around 30 years ago the then Attorney-General, Lionel Murphy, attempted to introduce a bill of rights, followed by a further attempt in 1985 by then Attorney-General Gareth Evans. In 2001 we Democrats introduced our Parliamentary Charter of Rights and Freedoms Bill. Unfortunately the bill was not passed due to the complacency of the major parties. Meanwhile, the ongoing absence of a bill of rights in Australia leaves the rights of Australians exposed. The current situation is that, provided the parliament makes its intention clear, it can pass legislation which violates almost any human right, with the exception of a few rights which are implied in our Constitution. The recent decisions of the High Court in the al-Kateb and al Khafaji cases are classic examples of how the courts will interpret a clear legislative intention on the part of the parliament. In those cases the court held that the unsuccessful asylum seekers who could not be removed to another country despite their wish to leave Australia could lawfully be detained for an indefinite period of time.

In considering the introduction of an Australian bill of rights, we now have the advantage of a precedent within our own country, in the form of the recently enacted ACT Bill of Rights. The introduction of this bill has generated a good deal of interest among human rights groups and the community at large. It has also served to combat much of the scaremongering and fear campaigns in relation to a bill of rights and to increase pressure on the government to start working towards a federal—that is, national—bill of rights. In a climate where the government is constantly encroaching on long-established rights under the guise of national security, we argue that it is vital that Australia has a bill of rights to provide basic protections for all Australians.

I take this opportunity to assure all of those who are concerned about these issues that we Democrats are committed to maintaining our role, as we see it, as a protector of fundamental rights and freedoms through the Senate processes by scrutinising pro-
posed legislation, making amendments where appropriate to address the worst aspects of that which may come forward and voting against what we find are unjustifiable grabs at power. We will continue to take the threat of terrorism seriously and will endeavour to think of new, smart, specific strategies to combat this threat. We Democrats do not accept that enacting more and more antiterrorism legislation will necessarily make Australians safer. After all, the government’s original package of antiterrorism legislation was already in force when the Bali bombings occurred. That legislation failed to prevent a significant tragedy, yet, as the Senate inquiry into the bombings found, there were significant shortcomings in Australia’s intelligence-gathering and travel advisory system which should have been addressed. In the interests of the safety and security of all Australians and the protection of our rights and liberties, it is vital that this chamber continue to vigorously debate proposed national security legislation in order to ensure that it is specific, targeted and, above all, effective. We Democrats will continue to play our role as active participants in that ongoing debate.

Senator WONG (South Australia) (4.21 p.m.)—I begin my contribution to the debate on the address-in-reply to the Governor-General’s speech with some observations about the election. Obviously, the Howard government has been returned and the Australian people have entrusted it with the task of building our nation. We in the Labor Party will continue to perform our role as opposition conscientiously and responsibly. We will continue to hold the government to account for its election promises, core or non-core, and we will examine the government’s proposals on their merits. However, it is clear that the fourth term agenda of the Howard government as presented at the election is somewhat light and vague, and so the mandate it will often claim over the coming months will likewise be light and vague. Labor campaigned on a positive agenda, and we were met with a negative one. While there are many hard lessons from this loss for us, it is clear that the government’s campaign on interest rates was highly effective. I do not wish to spend much time this afternoon describing the various furphies that comprise the interest rates campaign by those opposite. I will simply refer the Senate to the commonly held view by prominent and respected economists that a Labor government would not have had any more negative effect on interest rates than a coalition government.

A number of seats changed hands at the election. Some of these results were particularly disappointing for us. I acknowledge all the Labor members who lost their seats, several of whom I counted amongst my closest friends in the parliament. However, I was delighted to see the election of Mr Georginas as the member for Hindmarsh after two previous attempts. I pay tribute to him, his family and the team who supported his campaign. I also congratulate the other South Australian Labor members newly elected: Anne McEwen; Kate Ellis, the member for Adelaide; and Annette Hurley. I extend my commiserations to my South Australian colleagues who lost their seats: David Cox, the former member for Kingston, and Martyn Evans, the former member for Bonython. The parliament will be poorer for their absence.

Since the election I have been appointed Labor shadow minister for employment and work force participation, corporate governance and responsibility. This is an enormous honour and responsibility for which I am grateful. Of course, these are early days and we will spend considerable time developing and refining Labor’s policies in these areas and we will be consulting widely. But I am
helped in the excellent work done by the shadow ministers who went before me in these portfolios, the members for Jagajaga and Grayndler, and Senator Conroy. Today I will outline some of our key priorities and principles in the areas for which I have responsibility.

The first is employment and work force participation. It is true that recent employment figures have been positive overall. However, there remain key areas of concern. We still need to increase the participation rate and address youth unemployment and mature age unemployment. The government has engaged in much rhetoric since the election regarding the need to increase Australia’s labour market participation rate. This supposed priority was amongst those outlined by His Excellency the Governor-General yesterday. The fact is that the government has done a lot of talking about this supposed priority but action has not matched the rhetoric.

It is a bit like their approach to the Prime Minister’s barbecue stopper of work and family—endless talking and little or no action. An obvious example in this area are the widely acknowledged disincentives to move from welfare to work arising from the interaction between Australia’s taxation and income support systems. The high effective marginal tax rates faced by Australians seeking to make the transition from welfare to work constitute substantial disincentives. If the government were serious about addressing participation levels they would bring forward policies that reduce these disincentives. In fact, the only party that has proposed real reform to deal with these issues is the Labor Party. Our tax and family policy tackled the financial disincentives that exist for Australians seeking to move off welfare and into work, initiatives that are yet to be taken by this government.

Labor and the government agree on the need to increase Australia’s participation rate. However, Labor’s approach has been to recognise that the right mix of policies is required and that obligation must be matched by incentive and by meaningful support. Mutual obligation is the touchstone of Labor’s approach to increasing work force participation. It was, after all, Labor who first introduced mutual obligation in the 1990s. It is our view that government should be doing everything possible to help unemployed people who are reasonably able to work to find work. That is obviously a situation where everyone wins. It is good for the individuals concerned, it is good for the community and it is good for the economy.

Education, training and investment are fundamental to mutual obligation and to giving people real work opportunities. Mutual obligation should not just be about cost shifting, cost cutting and grandstanding. We expect people to contribute to our community. If you are able to work you should be working, looking for work or putting yourself into a position where you are better qualified to work. In exchange, we should remove barriers to participation, foster an environment where people who are looking for work have adequate financial support and enable access to high-quality training and skill development programs. Financial incentives are also important. The penalties of the high effective marginal tax rates I described earlier must be addressed if we are to encourage Australians to move from welfare to work. The government’s failure to do this demonstrates a lack of strategy and commitment to moving people into the work force.

I also highlight to the Senate that the ANZ, amongst other economic commentators, has repeatedly warned about the impact of skill shortages in its monthly job advertisement survey. Indeed, in the ANZ August
job advertisement report the ANZ chief economist, Karen Pringle, said:

... anecdotal and surveyed reports of skilled labour shortages in some industries suggest that supply constraints may impede further improvement in the unemployment rate.

A shortage of skilled labour is a major impediment to jobs growth. Those who are unemployed, whether young or mature age, are often those lacking the recognised skills required to fill vacancies. Much of the government’s response again misses the mark. First, they want to make it easier to sack people. Second, they have indicated they want to tighten access to the disability support pension and other income support measures but we are yet to see the details. Naturally, we will wait to see the detail of any legislation before we form our view on it. However, we remind Australians of the various commitments the government made on this issue during the election: to provide quality employment services and extra assistance for jobseekers with a disability and to encourage employers. We will be keen to observe whether their package of reforms on the DSP, which have been so heralded by them, deliver on these commitments.

Labor also presented the widely praised youth guarantee, which offered young Australians the choice to learn or earn. With youth unemployment stuck at around 20 per cent for several years and much higher in some regions, such as in the northern suburbs of Adelaide, Labor’s plan was a real link between school and work for young people who do not find the current options meaningful. This plan offered a combination of measures, including better access to TAFE, apprenticeships and other training, and a jobs gateway for early school leavers.

The other critical area for workforce participation is mature age workers. Too many mature age Australians are falling into unemployment, becoming dependent on income support or drifting out of the labour force entirely. A third of Australians aged between 50 and 64 are on income support and nearly one in two Australians aged between 55 and 64 are not in the labour force. Many Australians are finding that if they lose a job later in life they never regain employment despite seeking it. With an ageing population and growing skills shortages in key industries, we cannot afford to waste the skills and experience of mature age Australians who want to continue in employment.

Labor’s plan to support mature age workers was very well received. It provided incentives for employers to retrain and reskill mature age employees and career centres to help get mature age Australians back to work, and it sought to establish Job Network providers that specialised in assisting mature age jobseekers. Perhaps most notably, it provided a $2,000 learning bonus to mature age jobseekers who took up an apprenticeship or traineeship in an area of skills shortage. This type of approach is supported by the Australian Chamber of Commerce and Industry, who have said:

There is additional urgency in developing this approach given the impact of new and emerging technologies on all workplaces, the lack of post-compulsory qualifications held by mature aged Australians, and the need for some mature aged people to upgrade their skills as they move employment.

So where are the government? What are they doing to support mature age workers in staying in the work force or re-entering the work force? They have their mature age worker tax offset, a tax break of, at most, around $9.60 a week. But, given the broader failure to tackle effective marginal tax rates and to improve training and retraining options for mature age workers, this must be taken as seriously as it was intended.
Until now the government’s major solution for jobseekers has been the Job Network, which has consistently failed to address the growing crisis in the very long term unemployed. A staggering 126,650 Australians have been on Newstart Allowance for more than five years, a 68 per cent increase since 1999. The system currently encourages Job Network providers to fast-track easy to place jobseekers while jobseekers who require more intensive assistance are often sidetracked. Labor is prepared to consider measures that are genuinely designed to improve work force participation rates. But when the senators opposite continue not to act on so many crucial areas for reform it is hard to take them at their word.

I move now to corporate governance and responsibility. We have undergone a period of substantial reform in the arena of corporate governance in this country in recent years. I pay tribute to the work of Senator Conroy and his staff, who have ensured that Labor has been at the forefront of this debate. We have constructively contributed to and improved the government’s corporate law reform program. Much of the impetus for these reforms derived from a number of dramatic corporate failures in Australia, which led to community concern about how our major corporations are governed. I have no doubt that the vast majority of Australia’s business people behave in ways that are ethical, appropriate and conscionable. Their priority is delivering good outcomes for their shareholders. But in light of HIH, One.Tel and Ansett it has been recognised that governments have a responsibility to provide an appropriate regulatory framework for high standards of corporate governance. Governments are not in a position to prevent corporate failure, but the losses are so vast when corporations do collapse—for creditors, shareholders, superannuants and workers—that governments must ensure that corporations are required to meet certain standards of disclosure and ethical behaviour.

Earlier this year the Senate passed the CLERP 9 Bill, which, thanks to Labor’s amendments, lifted standards of disclosure particularly in relation to director and senior executive remuneration. A critical component was the relationship between the remuneration policy and the company’s performance, including the consequences of the company’s performance on shareholders’ wealth in the current financial year and previous four financial years. It is worth noting that, while the government had to be dragged to the table kicking and screaming all the way to accept these amendments, last week the Treasurer was beating his chest as some kind of born-again shareholder activist. Suddenly he proposes that executives whose companies deliver losses should have to share in the losses too. But I think we can safely assume that the Treasurer will not be introducing legislation to give effect to his sentiment. The CLERP 9 reforms are a significant step forward in Australian corporate governance and we will closely watch the effect of their implementation.

Notwithstanding the need to see the impact of this recent legislation, there are a few key areas of reform that have been taking hold in other parts of the world that we should consider. One of the areas where Australia risks falling behind is proxy voting. In our view superannuation funds have an obligation to exercise their voting rights, and fund managers should disclose their voting records and policies. Labor views proxy voting as an intrinsic element of sound corporate governance practices. It is one of the ways to encourage engagement between investors and companies. And it is this relationship—between investors and the companies in which they invest—which is integral to good governance practices. Where shareholders do not take an active interest in the
company a disconnect develops between the shareholders and the board. Once this disconnect manifests it becomes more possible for directors to put their own interests above the interests of their shareholders. The exercise of ownership rights by all shareholders, including institutional investors, should be facilitated by government and supported by the regulatory framework.

Another key area where Australia risks falling behind is in corporate social responsibility. Increasingly it is being recognised that companies have a responsibility that is broader than their obligations to shareholders; they have a wider obligation to the community. This is an area in which Labor is keen to work with the business community to look at different ways in which government can more effectively encourage a social responsibility agenda by Australia’s companies. Many of our corporations already have substantial community and social responsibility programs. We are keen to work with the corporate sector to advance these programs in all our interests. Indeed, I look forward to work with business and other key stakeholders to advance a positive agenda for corporate governance in our national interest and for our future.

Senator SANTORO (Queensland) (4.36 p.m.)—Let me say at the outset that it is good to be back and good to see you presiding again, Mr Acting Deputy President. Yesterday, when the Governor-General addressed the parliament and set out the government’s agenda, he reflected on the magnitude of the victory that the Howard government achieved at the ballot box on 9 October. It was a great victory. As the Prime Minister famously observed, there are occasions on which some quiet and reflective celebration is in order. I am sure that the Prime Minister has enjoyed his occasion for such sensible celebration, as all of us on this side of the chamber will have done. It was a historic victory—a historic victory for the common-sense and enterprise of the people of Australia.

They were offered two puddings and sensibly chose the one that could actually be eaten. They left the magic pudding alone and sent away those who had confected it to reflect in turn on their monumental misjudgment of the issues, the remedies they offered for imaginary ills and the mood of the Australian people. In particularly spectacular form, those opposite misjudged the mood of the people of my state of Queensland. We returned two additional Liberal members to the House of Representatives in Ross Vasta and Andrew Laming—and I take this opportunity to congratulate them here today—and two additional coalition senators from next July in Nationals senator-elect Barnaby Joyce and the man whose election as the third Liberal candidate on the ticket delivered a Senate majority to the government, Dr Russell Trood.

There can be no arguing that the government won a substantial mandate for further workplace relations reforms, particularly those reforms to small business arrangements that the Labor Party and the minor parties have shamelessly blocked in this place 41 times in the past eight years. If the Howard government has a mandate for health reforms—as Labor’s health spokeswoman, Julia Gillard, says is the case—then how much more of a mandate does the government have for small business workplace reforms that have now been to the people repeatedly? If it wants to, the Labor Party can hang in there—or rather, in here—until July. It can continue fiddling like Nero while its dreams—or, should I say, its delusions—burn around it. There is nothing to stop it doing so—nothing, that is, except a determination to ignore democratic reality—and nothing to stop it delaying still further the
return to reality that it so desperately needs to achieve.

It would be better if the Labor Party truly woke up to itself. If it has finally done the maths properly—and if having done so it has made the essential connection between private sector union membership levels sunk well below 20 per cent and still sinking and its party’s punishing last round with the Australian voter—it should not wait until July to have yet another decision taken out of its hands. It should vote for fairer unfair dismissal rules for little local businesses right now. It should reflect on the fact that this is 2004, not 1904. It should reflect on the fact that the people have spoken—that on this issue the people have spoken repeatedly—and it should act according to the democratic conscience it says it has and which it must have if it is to regain the people’s trust.

We can see the positive effects of the Howard government’s strong economic policy base and financial responsibility in the latest employment figures. In October we recorded a 5.3 per cent trend in the unemployment rate nationally, the lowest in 27 years. In Queensland unemployment fell to five per cent on a trend basis. Queensland is the primary beneficiary of the Howard government’s financial and taxation reforms. No wonder the Prime Minister, in his remarks in his media doorstop interview last Thursday, felt justified in continuing to reflect quietly on his and his government’s triumph. He said this:

These are fantastic figures. A great human dividend from good economic policy.

No wonder he went on to say, at that same doorstop:

The figures could go even lower if we could get our unfair dismissal laws through Parliament. We could have a four in front of the unemployment figures if we could get those unfair dismissal changes through. So I hope that all who have opposed those changes in the past will reconsider their position.

There is no denying that the economic news is good for Australia and Australians. People see good prospects for themselves and their families under the sound economic and social management policies of the Howard government. However, we need to guard against complacency—that is the sensible reminder behind the Prime Minister’s post-election advice to reflect on the result with quiet satisfaction rather than with a rush of blood to the head. On this side of the chamber we are forever guarding against complacency.

In relation to complacency and the unemployment rate, however, it is worth reminding those opposite of what the Australian Chamber of Commerce and Industry said on the subject on the day the October figures were released. It said:

These good results need to be consolidated and improved upon. There are still 545,900 unemployed people in Australia, and many more are marginally attached to the labour market. We need to ensure that reforms continue to ensure these people obtain opportunities to work.

That is precisely what the Howard government has been trying to do in the small business area. And that is precisely what the Labor Party and the minor parties have stymied every time—the 41 times that those measures to protect small businesses from unaffordable costs associated with unfair dismissal claims have come before them in this chamber.

The Howard government is a government that promotes economic growth, industrial freedom—that is, freedom for businesses to profit and freedom for employees to earn more—and energetic enterprise. The fact is that Labor is suspicious of entrepreneurs. In the election campaign just past, it proposed economic policies that would have weakened Australia’s capacity to foster an enterprise
culture. Labor has a nanny-state approach that seeks to expand the regulation of our economy and society. It is the exact opposite of what the government has proposed—and of what Australians have endorsed—for the future of our country. The Labor Party would do every Australian a favour by making sweeping changes to its economic policies. It would certainly do everyone in Queensland a favour by taking this small step for mankind and so giant a step for the ALP.

Perhaps the seven Labor representatives from Queensland who featured in the page 2 photo in the *Courier-Mail* yesterday—it looked like a conga line, but I am sure it cannot have been—and who represent the bulk of the opposition’s federal numbers in the state, should seriously consider increasing the firepower of their advice to their leader and shadow cabinet in the area of workplace relations. The fact is that the re-elected Howard government—the fourth term Howard government which comes to office with a renewed mandate and an active legislative program, as well as with some unfinished business, courtesy of those opposite—has a clear mandate to implement changes in the workplace relations arena.

Of course, there is a lot more to governing in the interests of the 20 million people who make up Australia than just workplace relations, important though that is. There is health, particularly the improvements to Medicare that were promised during the election campaign and which Labor, sensibly, indicates should be implemented. Only last week we saw figures that indicated a nationwide lift of more than five per cent in bulk-billing rates. Our 100 per cent policy will lift that even further and help cement Medicare in its reformed condition as a health care system that will guarantee Australians get the services they need when and where they need them.

There is education, where reading competence in school students has put an urgent focus on remedial efforts being so ably led by the Minister for Education, Science and Training, Dr Nelson. Under my good friend the Minister for Vocational and Technical Education, Mr Hardgrave, who was returned with a substantial voting bonus in his Brisbane electorate of Moreton on 9 October, this forward looking government is implementing vocational education reforms. Tenders have just been called for initial expressions of interest for 24 federally funded technical colleges to be run independently of the state TAFE systems. There is action continuing to redress the gender balance in teaching ranks, so little Australians get a genuine reflection in their classrooms of the essential—and wholly beneficial—differences between the female and the male of our species. There is to be direct-to-schools federal funding of education infrastructure that will bypass state education bureaucracy and the separate political agendas of state governments.

This is truly a time for looking forward. As the Governor-General said in his address to the parliament yesterday—an event delivered with all the ceremony that such an occasion demands and which is so much part of our heritage, history and evolved practice—the government has an ambitious fourth-term agenda. It is based on the overriding commitment of the Howard government to ensuring that the Australian economy remains strong. Let us not forget that under this government our economy has led the OECD world in growth rates and fiscal responsibility through some otherwise very dangerous and difficult times indeed. Let us not forget that productivity growth remains high and that future prosperity remains high and that future prosperity spreads throughout the community.

On that front, I want to say a few words about an issue that I believe is pressing. It is not so much about productivity on the water-
front being held back by inadequate infrastructure or even about the unique constitutional arrangements under which we govern ourselves as a federation; it is a much more practical thing. Federalism works best when it is clear which level of government is responsible for what service is being delivered. Federalism works best when there is a clear division of responsibility. It is counterproductive and, frankly, tiresome to hear—as we do these days ad nauseam—that this government is busy doing things that state or territory governments or another level of government are also doing. Of course it is always hard to divvy up responsibilities between political jurisdictions. It can be a complex matter constitutionally too, given the significant and, I believe, beneficial sovereignty that individual states have within our system of government.

There is no doubt that, even though we are a nation of only 20 million, our geographic extent and climatic and environmental diversity demand a strong system of decentralised government. This parliament legislates for all Australians, the states legislate for their areas and local governments administer communities, but I suggest that we must, and in fact can, do all of this a lot better. We must reach a national compact on how Australians, wherever they live within our borders, are delivered the best and most cost-effective services from their governments. To my mind, that is a great national project that has for too long been hidden away in the too-hard basket. It has become an area of national debate that the colourless self-interest of parochialism has all but strangled. We see it in such sterile politicking as, in the instance of my state, governments claiming credit for results that principally flow from national policy decisions and particularly from national economic management.

Last week the Premier of Queensland made great play of his achievement of a five per cent unemployment rate. He had promised a five per cent unemployment rate when he was opposition leader in Queensland in 1997. The fact that Queensland produced 93,000 jobs in the 12 months to October 2004 is absolutely wonderful, and I go on the record as stating that. But to crow about how this was 44 per cent of all new jobs in Australia and 55 per cent of full-time jobs and to portray this as a political plus for the state and thereby automatically a negative for others is to descend, I would suggest, into crass politics.

Without the strong and burgeoning national economy that the national government—the Australian government, the Howard government—has fostered through sound policy development and implementation over the eight-plus years it has been in office, Premier Beattie would have nothing to crow or to shout about. Without the massive increase in Commonwealth funding flows to Queensland created by the politically risk-free GST—introduced by the Howard government and opposed by every Labor government in Australia at the time, particularly the Beattie Labor government—he would similarly have had no way, short of even more ruinous raids on government owned enterprise reinvestment capital, to hand out hefty pay rises to his public service and put on more public employees.

It is small business that drives the Queensland economy, and I can tell Premier Beattie that small business does not run on hot air. The Howard government has given the states the first genuine growth tax they have had since they ceded income-taxing powers to the Commonwealth in 1942. All the states have benefited mightily—Queensland best of all for all sorts of reasons—and will benefit even more mightily in the future. That was one measure of tax reform we desperately needed. I suggest that we need to debate further measures of tax reform. This is an area
of reform that I propose to address when I have the honour of officially opening the World Taxpayers Association conference at the Gold Coast on Friday.

The business community is less concerned with the detail of political arrangements than with the practical side of tax arrangements—and that is fair enough—but just yesterday in the *Australian* the Chief Executive of the Australian Chamber of Commerce and Industry, Mr Peter Hendy, contributed an interesting article that said taxation reform is not just desirable; it is necessary. Mr Hendy and other business representatives want to see a second wave of tax reform that builds on the Howard government’s 2000 reforms made an urgent priority.

The tax issue, along with other matters of vital importance to the business community in Australia, has been the focus too of a lot of well-thought-out advocacy by the Business Council of Australia and the Australian Industry Group. The Ai Group, for example, has recently surveyed regional business and industry and found that, by and large, regional firms outperform their big city brothers. It found that, while regional firms fell slightly behind their metropolitan counterparts on indicators such as financial strength and skills and productivity, they outperformed them on business leadership, investment in skills and employee participation. That margin should be a significant factor in future long-term planning. And speaking of long-term planning, the Business Council of Australia has called on federal and state governments and the private sector to consider a range of measures to counteract what it calls excessive ‘short-termism’ in Australia.

As a nation, we do need to give more weight to long-term returns rather than to short-term gains. Certainly, such a wide debate encompassing many facets of government and administration should help inform how we meet the challenges of governance. We must work out how to make our Federation work better and we must do it urgently. Equally, we need to meet the pressing challenge of demographic change brought about by falling natural birthrates and the ageing of the post-World War II baby boomers. The tax argument is pointedly relevant to discussion about making federalism work in the area of state taxation, the bulk of which is regressive, much of which is antibusiness and too much of which is cumbersome and confusing.

I believe Australians want their communities to be run locally, in the interests of their local community. Of course, this must accord with agreed national priorities and these must be tested regularly on the anvil of the ballot box. How we govern ourselves must also meet the unique requirements of our decentralised communities. It is perhaps said too often but it really is the case that government works best when those doing the governing, of whatever aspect of affairs, are the closest possible to the people.

There is a huge role for local government in managing local amenity and performing basic level services. There is a large and, I believe, growing role for the state and territory governments in delivering services that are beyond the capacity of local communities to provide. Above that, there are clear national priorities that only the national level of government can provide. Among these I would number taxation arrangements and national education standards.

On defence and national security the Howard government has been exemplary both in protecting the home front and in projecting Australia into the newly dangerous world as a force for good and a friend to be counted on. It might go further with reforms and in fact I think it should. We certainly need, in the common market that we created
between the new states at federation, nationally applicable business laws and regulations governing workplaces, employment and much more besides.

I began this speech on workplace relations and that is an appropriate topic on which to end because, far more than anything else, it is workplace relations that determine how enterprises can prosper and profit, and their employees with them. I do not say that unions have had their day: far from it. But they certainly need to acquire some actual relevance—outside the realm of the shibboleths with which they and the Labor Party apparently still wish to live—to the modern workplace. It is crucial to have an effective system of workplace representation. The question is whether the monolithic union system of the past is capable of providing this, particularly when, in the private sector, trade unionists comprise only 17.7 per cent of the workforce and most awards are effectively safety net awards.

Our philosophy as Liberals is to empower people—to provide them with the means to govern their own lives and to make their own choices. If that is the underlying promise of the fourth Howard Government, whose program was formally set out in this chamber yesterday by our head of state—and I believe it is—then we are well on the way to becoming a freer, more prosperous, more secure and more capable Australia. And that is the best news any Australian could hear.

Senator O’BRIEN (Tasmania) (4.52 p.m.)—I begin by saying that I thought that this government made the law that made almost all awards safety net awards. Senator Santoro might reflect on that in the context of his speech. Yesterday the Governor-General outlined the government’s program for the 41st Parliament. I might express at the outset my disappointment that the opening of the 41st Parliament shared one characteristic with the opening of the preceding forty—that is, there was no acknowledgment of the traditional owners of the land on which parliament meets.

On the night of 9 October, the Prime Minister greeted the return of his government with an expression of humility. I cannot help but compare the language the Prime Minister used on election night with that contained in yesterday’s speech outlining his legislative program. Clearly the time for humility has passed. Hubris is the new order of the day. Now the Prime Minister believes the re-election of his government has placed this nation at ‘the threshold of a new era of national achievement’. It is no surprise, but noteworthy nonetheless.

Having attended the chamber for the Governor-General’s speech yesterday and read the Hansard record today, I cannot help but wonder whether the Prime Minister has been entirely forthcoming in outlining his legislative plans. While we heard some restatement of election commitments, the Governor-General was not asked to reveal the details of Minister Abbott’s plan to amend arrangements relating to public funding of family planning nor asked to outline Minister Abetz’s plan to change the electoral law to bolster the coalition vote at the next election and weaken the role of the Senate as a house of review. We heard nothing about the government’s plans for the Senate after 1 July next year. We know the Senate is sitting very few days in the first half of 2005 and sitting very many days in the second half. This morning the Manager of Opposition Business, Senator Ludwig, expressed concern about this very matter on behalf of the Labor Party. He recognised, of course, that come 1 July next year the government will have the capacity to impose its will on this chamber. What we do not know is how the government proposes to change the standing orders to ensure this place does not encum-
ber the implementation of the government’s undisclosed legislative agenda.

I think it is pretty clear that significant elements of the government’s real agenda were not outlined to the parliament yesterday afternoon nor put before the Australian people during the recent election campaign. In industrial relations, for example, we need to look beyond the government’s previous announcements to discover what it means when it talks about achieving ‘greater workplace flexibility’—a pledge restated to the parliament yesterday. I think the HR Nicholls Society-backed plan reported in yesterday’s Australian Financial Review is a more reliable guide to the Howard government’s industrial relations agenda than anything we have heard from the Prime Minister or his workplace relations minister.

Des Moore, Chris Corrigan, Charles Copeman and John Stone, among others, have proposed an inquiry directed to achieving the diminution of workers rights to collectively bargain, a reduction in the role of the Australian Industrial Relations Commission and the establishment of individual contracts as the primary means for regulating employment. Minister Andrews has wasted no time signalling the government’s preparedness to consider the proposals in the absence of any detailed examination. This morning he told ABC radio that he would rule nothing out. The greatest impact of the implementation of the HR Nicholls plan for a dog-eat-dog system of industrial anarchy—a return to the arrangements experienced in Britain in the 19th century—would, of course, be felt in regional Australia.

Today I want to address, in particular, the elements of the Governor-General’s speech concerning the government’s plan for regional services, local government and the territories, consistent with my shadow portfolio responsibilities in the new parliament. Yesterday the government renewed its commitment to pursue the full privatisation of Telstra. It added, of course, the disclaimer that the future sale of the company is contingent—and I quote:

... on adequate—whatever that means—telecommunications service levels and appropriate—whatever that means—market conditions.

Tellingly, dropped from the disclaimer was the phrase heard when the Telstra sale legislation was previously before the parliament—that is, that the sale is contingent on adequate service levels in regional Australia. It appears that adequate telecommunications service levels—defined any way the minister deems fit—are now enough.

The way in which the sale of Telstra is pursued will be one of the biggest tests for this government. The treatment of the coalition’s reintroduced sale legislation will be one of the most important tests for this parliament. The Liberal Party’s position on Telstra’s sale is clear. Labor’s position is also clear. Less clear is the attitude of some minor party and independent senators in this place and, might I say, murkier still is the position of that once-great party, the National Party, on this critical issue. I represent Australia’s smallest state and, unlike most National Party representatives who sit in this place, I live and work in a regional city. One of the great privileges I had in the last parliament was the opportunity to travel around regional, rural and remote Australia. I can tell you that Australians who live outside the capital cities do not want the provider of their basic telecommunications services flogged off to the highest bidder. They do not want a near monopoly private provider dictating the price and quality of services that they enjoy. They do not want a company
solely geared to shareholder profit determining when they can access services enjoyed by the residents of major cities as a matter of course.

The National Party made a lot of promises to its constituents during the election campaign. I suggest that many of those promises will not be kept by that party in this parliament, for reasons which include the fact that the Prime Minister considers promises to regional Australians to be of the non-core variety. One promise the party will keep is its promise not to support the sale of Telstra until services in regional, rural and remote Australia are up to scratch. The fact that the promise did not make its way into the Governor-General’s speech on day one of the parliament is not a good start. Those of us who have already seen National Party MPs and senators defy the will of their electorates and their party organisation and vote for the sale of Telstra will not be holding our breath for anything different to happen in this parliament and nor do those of us who know the National Party expect it to stand up to the Liberal Party when the Prime Minister pursues further deregulation of postal services.

There were no guarantees given about the retention of Australia Post in full public ownership in yesterday’s speech, and I am not surprised. No-one in regional Australia should be under any illusion that Australia Post will not be the object of the government’s desire to put assets other than Telstra on the auction block over the next three years. The Howard government has, of course, done nothing about the decline in essential services in regional, rural and remote Australia over the past 8½ years. In regard to many government services it has actually facilitated that decline. One issue that continues to trouble many Australians outside the major cities is the availability of over-the-counter banking services. Availability of some banking services through Australia Post branches is not the equivalent of the suite of services available to Australians who live in the capital cities.

The Howard government has been content to allow regional communities to suffer the adverse economic and social effects of bank closures. In the vacuum created by the government’s action, local government, community leaders and some banking organisations that retain some social responsibility—such as the Bendigo Bank—have acted. That community led action is welcome, but it does not serve to absolve the government of its own responsibility. In yesterday’s speech by the Governor-General just two paragraphs—59 words—were devoted to the government’s agenda for regional Australia. In relation to banking services, the government restated its commitment to increase services through Australia Post outlets. I do not dismiss that initiative, but I question the sense in having such a narrow and inadequate policy response. I regret that a narrow and inadequate policy response is what rural Australians and regional Australians will come to expect on issues that matter to them over the next three years.

On Monday I had the pleasure of attending the launch of the Australian Industry Group’s Industry in the regions 2004 report. This key study has found that, while regional businesses are competing well against their metropolitan counterparts and often outperforming them in areas like leadership, the skills shortage in regional Australia is affecting business performance. Noted in the report is a key factor in the competitive successes of regional business—that is, Australia’s open economy. This is, of course, a direct legacy of the economic reforms implemented by Labor governments in the 1980s and 1990s. It is disappointing that the Howard government has failed to capitalise on Labor’s reforms by ignoring many of its key
responsibilities, including the skilling of Australia’s regional work force.

Three years ago the Australian Industry Group’s Industry in the regions 2001 report rang the warning bell on skills in the regions. It recommended the adoption of a policy framework, including building an improved skills base. That warning was ignored by the government. The 2004 report again draws attention to this critical issue, calling on the government to assist business to develop a coordinated solution to the immediate issue of skills shortage. At Monday’s report launch Ai Group chief executive Heather Ridout acknowledged that skills shortages in the regions are putting pressure on labour costs and limiting the development of regional business. A working example is Dubbo. Today’s Australian newspaper carries a story about the difficulties Dubbo businesses are experiencing in attracting skilled staff. It is no coincidence that this electorate is represented by a member of the National Party—always prepared to put the white cars and ministerial titles ahead of the interests of their constituents.

After almost nine years in office, the Howard government has failed regional businesses by failing to address skills development in the regions. Regional business is competitive, but it is competitive despite the Howard government’s policy malaise. Not only has it taken the Howard government 8½ years to recognise the skills crisis that it has created but its policy response has been narrow and inadequate. That so-called grand plan announced during the election campaign, the creation of Commonwealth technical schools divorced from the TAFE system and located in marginal seats, will not address the skills crisis in regional Australia.

On another matter, it will be a matter of great disappointment to Australia’s 722 local government bodies that the Howard government’s plans for local government were missing from the Governor-General’s speech. Just days after the Prime Minister spoke at the National General Assembly of Local Government in Australia, it appears this important sphere of local government has slipped from the government’s agenda. I was also pleased to address the National General Assembly of Local Government this year. Senators will not be surprised to learn that the debate at the assembly reflected the diverse range of interests held by Australia’s local government representatives. Issues canvassed during debate at the assembly included the population and ageing challenge, the impact of the demise of the Aboriginal and Torres Strait Islander Commission, justice for victims of asbestos related diseases and, of course, the critical issue of infrastructure funding.

Infrastructure was directly addressed in the State of the regions report 2004-2005, commissioned by the Australian Local Government Association and released at this national general assembly. That report finds that the economic momentum enjoyed by Australia over the past eight years can be attributed to consumer expenditure funded by debt; that the time has arrived, or will shortly arrive, when households cannot service more debt; and that a scaling back of household expenditure will lead to a decline in business expenditure and economic activity and employment will, in turn, suffer. The report also finds a growing income and employment gap between regions that has not been addressed by the Commonwealth government. The State of the regions report 2004-2005 concludes that public infrastructure investment is the key to improving regional economic performance and narrowing the performance differential between regions. It challenges the federal government to address this public infrastructure challenge by increasing public debt to invest in meas-
ures to enhance economic growth. I listened in vain to the Governor-General’s speech for some response, just as I searched in vain for some serious reflection on the report’s findings in the remarks made by the Prime Minister and the Minister for Local Government, Territories and Roads, Mr Lloyd, to the national general assembly. But I do look forward to exploring many of the issues addressed in the State of the regions report and, with my colleagues, answering the challenges it presents.

As a Tasmanian senator, I clearly have cause to reflect most closely on infrastructure issues in my home state. To this end I hope that the Tasmanian and federal governments will give sufficient consideration to providing infrastructure support to facilitate the proposed pulp mill project in northern Tasmania. This project has the capacity to deliver significant economic benefits to my home state. It is important that we get it right. To this end I would urge the Howard government to work with the Lennon Labor government to pursue to the maximum extent possible the carriage of woodstock to the proposed mill via rail. Such infrastructure development would, of course, substantially reduce log truck use of Tasmanian roads. On some estimations, the carriage of woodstock to the mill via rail would take up to three million tonnes of wood off the road each year. There would be obvious benefits to road users and the governments—local, state and federal—charged with the responsibility of the upkeep of Tasmania’s road network. Residents and tourists alike would welcome relief from log truck traffic. Not least of the benefits would be the development of infrastructure that would support the viability of rail transport in Tasmania for years to come.

I believe that on this issue the Howard government should take the opportunity to work in a bipartisan way to achieve a good economic, social and environmental outcome for the people of northern Tasmania. I raise this issue now in the hope that this factor will be built into any feasibility study proposal on any such mill. While on the subject of bipartisanship and noting the absence of any commitment in the Governor-General’s speech, I do note Minister Lloyd’s commitment to the National General Assembly of Local Government to work with the states on an improved formula for the delivery of financial assistance. Australia’s local governments continue to wait for the coalition to adopt Labor’s commitment to pursue constitutional recognition of this critical sphere of Australian government.

It is on the matter of governance that I turn to the last of the three portfolio matters I want to address in my contribution today—governance of Australia’s territories. It is a matter that perhaps not surprisingly the Governor-General’s speech failed to address. Last night ABC television broadcast a program on the Clunies-Ross ‘dynasty’. It focused on the family’s decades long and controversial rule of Cocos (Keeling) Islands. It was a timely broadcast that I hope will serve to focus the attention of many Australians, including the minister for territories, on the governance of Cocos and its counterpart Australian territory in the Indian Ocean, Christmas Island. Minister Lloyd has not been in the territories portfolio for long. He does follow a less than distinguished roster of coalition ministers in the portfolio and has much work to do, including addressing service deficiencies in the Indian Ocean territories. Critically, he must also do what his predecessors have failed to do: work with the people of these territories to address their legitimate demand for a seat at the table when decisions about their future are made. Serious governance issues also arise in respect of Norfolk Island, including the issues raised in the 2003 report by the Joint Stand-
Over the next three years the minister will be called on to defend the right of self-government of the Northern Territory and the ACT. I hope we will be denied a repeat of some of the contemptuous behaviour displayed by the Howard government in respect of the ACT government. It gives me great pleasure to acknowledge the return of the Stanhope Labor government last month and to recognise its position as the first majority government since the establishment of the ACT Legislative Assembly. It was not all good news for the coalition recently.

Senator ALLISON (Victoria) (5.14 p.m.)—The Democrats waited with bated breath for the Governor-General’s address yesterday to get some indication that the government intends to move forward on the issue of renewable energy and climate change, but we were, alas, again disappointed. The Governor-General mentioned the potential for higher oil prices to threaten our economy and for lower rainfall to be of concern, but there was not much by way of serious measures to address those problems. That is because this government has no agenda for replacing imported fossil fuels with renewable fuels or even to promote home-grown alternative fuels, such as LPG or natural gas. I think we can expect the massive reductions in excise on diesel to be accompanied by no clear idea about how that will affect alternative fuels, which will also, of course, be subject to excise from 2011. While $12.5 billion is to be spent on land transport through AusLink, we understand that none of this money will be spent on public transport. Yet public transport is the only real hope we have of reducing the consumption of fossil fuels in transport and emissions of CO₂ as well as reducing congestion, as our freight load is expected to double by 2010.

The government talks about supporting early childhood development but refuses to engage in or fund preschools. As far as we know, 50,000 children miss out entirely on preschool—that most important preparatory year for school. Instead of that, we can expect 18 charities around the country to come up with bright ideas and apply for grants to deliver services to needy children. But of course only a fraction of the children who need intervention will be lucky enough to be in an area served by such a charity and perhaps lucky enough for the program they are in to be a good one. There is no proposal or commitment to evaluate these programs and make the successful ones universally available.

There is nothing under the heading of ‘Supporting families, carers and women’ about supporting women in the decision that they make about the number and the timing of their children. The government wants choice and peace of mind in health care, but the minister apparently does not want women’s reproductive health to be in that category.

We heard about banking services in 266 licensed post offices but not about the urgent need to bring health and other skilled professionals to the regions. Country people barely rated a mention despite having poorer health and less access to GPs, specialists and allied health workers. Talking about shared responsibility arrangements being negotiated with Indigenous communities at the local level is very welcome but, again, there is no commitment to providing the resources to solve some of the serious health and education service problems for Aboriginal Australians.

Today I want to focus principally on the government’s inaction in seriously tackling greenhouse emissions and climate change—its ongoing refusal to ratify Kyoto or to use its influence to persuade the United States to
do so. We heard a lot from this government about Kyoto being outdated and that Australia would join the United States in developing a superior model for greenhouse reduction, but in the last couple of years nothing has emerged beyond an emphasis on geosequestration and voluntary measures. In the meantime, Russia has announced that it will ratify and the protocol will come into force, leaving us behind and excluded from the mechanisms set up under the protocol. Our businesses and our economy will likely be disadvantaged, but there was nothing in this address yesterday to indicate how this government will cope with that.

The Governor-General told us that the government was committed to developing a robust and comprehensive global response to climate change and that Australia was on track to meet our targets. He said ‘the low emissions technology fund and solar cities trials’ were to ‘position Australia for the challenges ahead’. The Democrats strongly doubt that this is the case.

In 2003 carbon emissions from the burning of fossil fuels climbed to a record 6.8 billion tonnes worldwide, up almost four per cent from 2002. Over the past two decades atmospheric CO₂ concentrations rose each year on average by 1.5 parts per million, but the last two years have seen unexplained and alarming jumps of 2.04 parts per million and 2.54 parts per million respectively. The International Panel on Climate Change estimates that global average surface temperatures will rise 1.4 to 5.8 degrees Celsius—that is, two to 10 degrees Fahrenheit—above 1990 levels by 2100. What we need at this point is not to think about our commitment under Kyoto; what we need are good ideas and real solutions that go well beyond this government’s and Kyoto’s commitments.

The Democrats believe that renewable energy is critical to our future and we have a plan that could push Australia towards a sustainable future and away from greenhouse gas emissions. I would like to remind the government that Germany has lowered its emissions by nine per cent since 1991 and is discussing the possibility of another 40 per cent reduction by 2020. The United Kingdom, which has cut emissions by eight per cent since 1990, aims to reduce them 60 per cent by 2050 and is urging the rest of the European Union to do the same. Australia and the United States are starting to look like the ones that are well and truly out of date.

Our plan urges the government to consider a national renewable energy incentive framework, similar to our National Competition Policy, funded by a small levy on fossil fuel electricity generation to provide grants for Australian companies who export renewable technology with the aim of capturing at least five per cent of the $15 billion global renewable energy market by 2010—which would be a very doable $750 million, provided the environment is right for renewable energy in this country and that we reinvest in research and development and industry support. We say that electricity retailers should be provided with incentives to meet 15 per cent Green Power targets by 2010. At present the promotion by electricity retailers of Green Power is very patchy. I received an environment annual report from a retailer just the other day and there was no mention either of Green Power or of compliance with the mandated renewable energy scheme.

The fund established by the levy could resource a local renewable scheme for public ownership of photovoltaic and miniwind projects encouraging local government to adopt renewable energy for public buildings, for street lighting and for off grid generation. The Democrats urge the federal government to encourage state and territory governments to mandate grid connections for household and commercial building photovoltaic sys-
tems, including a nationally consistent standard for connectors, chargers and the like. We would like to see electricity retailers provide feed-in tariffs for photovoltaic generated electricity that are higher than the distributed electricity price, recognising that it is mostly generated at peak times. This would give solar panel payback periods much shorter time frames and encourage schemes whereby up-front costs could be minimised or even eliminated. Energy efficiency has been largely ignored by the government, despite the enormous opportunities in industry, commercial and domestic buildings.

The Democrats consider it vital that the federal government increase the mandatory renewable energy target to at least 10 per cent by 2010, 20 per cent by 2020 and perhaps 50 per cent by 2050. But so far the lion’s share of MRET has gone to hydroelectricity because of the dodgy baseline arrangements that were set up under this legislation. This has meant that most renewable energy certificates have been generated not by wind or solar but by old hydro schemes, only some of which are justified by investment in improving infrastructure. We also wish to see an extension of the Photovoltaic Rebate Scheme for household photovoltaic units for a further four years with the aim of increasing installed capacity from last year’s capacity of 46 megawatts to what I think is a doable target of 300 megawatts. The Commonwealth must reinvest in the renewable energy cooperative research centres and it should set a level playing field for renewable energy. We suggest a number of ways of doing this.

Ratification, funding and active participation in the Kyoto protocol and a domestic emissions trading system would make a difference for renewable energy. Sector-by-sector energy efficiency targets for an overall 30 per cent reduction by 2020 ought to be our aim. A $10 per tonne carbon levy on big industry that is reinvested in reduced emissions is something that the United Kingdom has set up. It is an eminently sensible way to help big industry to invest in far greater energy efficiency and things like cogeneration which have enormous capacity to be expanded in this country.

We suggest a greenhouse trigger in the federal environment laws and emission standards for power stations. Two weeks ago, a court ruling meant that Victorian power companies will now need to consider greenhouse gas emissions as well as the downstream effects on climate and water supply of new projects. This is something the Democrats have been on about for a very long time. In fact, the government made a commitment to us that it would take up this question of a greenhouse trigger in the federal environment laws some years ago, but pretty much nothing has happened. Now hopefully this court ruling will be a trigger of its own to re-engage in that debate. This is the time for the federal government to start talking with the states about doing that. It is an obvious way of determining whether coal fired power stations are really sustainable—even the ones that are more energy efficient ought to be tested against other options for electricity generation. If you took into account all of the costs including greenhouse then wind and solar power would be much more competitive.

Tougher building codes and standards that encourage renewable energy take-up are needed. The government should mandate 10 per cent petrol ethanol blends for at least 80 per cent of total regular unleaded petrol sales phased in, we suggest, between 2008 and 2015. The government must increase funding for the biofuels capital grants program. Currently that is $37 million, even though the promise is that it will be $50 million. The government should undertake a
biofuel confidence-building campaign jointly managed by government and industry and reform the petrol labelling standard to reflect the benefits of ethanol blends and indeed any other fuel which has environmental and greenhouse benefits.

The government must extend the off-road diesel fuel subsidy to biodiesel, particularly for marine and underground mining operations, and remove excise and the requirement for expensive testing of small scale so-called ‘backyard’ biodiesel production, provided of course that the fuel is for personal use. The Democrats believe these initiatives are clearly necessary if Australia is to avoid becoming a retrograde state on issues of climate change and to ensure that we have a robust and active renewable energy sector to pave the way for a sustainable energy future.

In light of the fact that there has been some debate surrounding the potential use of nuclear power, we would like also to raise the issue of nuclear waste. I notice reports this morning that the Australian Nuclear Science and Technology Organisation, ANSTO, has warned councils around Sydney’s Lucas Heights nuclear facility that nuclear waste is to be transported through Sydney’s suburbs before the end of the year. If this government is so concerned about the security of its citizens, I suggest it is inappropriate to store large amounts of dangerous waste within the metropolitan area in one of our largest cities. I would also suggest it is inappropriate to freight dangerous waste through city streets, and I urge the government to make the safe storage of existing nuclear waste a high priority for its new term. I would also ask that the government cease generation of further Commonwealth nuclear waste until the issue of existing waste has been addressed. To take any other approach is simply untenable. But, of course, we heard very little not just in the Governor-General’s address but also before the election about where the waste dump will be. Presumably that is an issue which will re-emerge at some later stage.

On the matter of water, the government seems to have pinned its hopes on its $2 billion Australian water fund—which is yet to attract the support of the states and territories, I might add. Yesterday we saw drought assistance extended for the next 12 months over a huge area of Australia’s rural lands. If, as predicted, rainfall continues to decline over wide areas as a result of climate change, we need to ask: does the government intend to address the lack of productivity of vast areas of our agricultural lands with continued handouts whose impacts are akin to setting up a vast nonproductive rural welfare state? I attended a conference in Strasbourg a couple of weeks ago at which a paper was presented that indicated that underground reserves of water, used not only for potable purposes but also for agriculture, are in decline right around the world.

A draft report commissioned by the Murray-Darling Basin Commission says that in less than two years the number of stressed, dying and dead red gums along the Murray River has increased by 50 per cent to 75 per cent. The health of the Murray and its natural heritage continues to decline, despite years of negotiations and significant spending of taxpayers’ money. I know we are still failing to address the root of the problem of water use and waste in both rural and urban areas. I draw the Senate’s attention to the report done by the Senate Environment, Communications, Information Technology and the Arts References Committee in 2002 which is chock-a-block with suggestions for how we might use water better in urban areas. Australia may be experiencing economic boom times, but at what cost? At what cost to the future of our water resources? At what cost to our air quality and our future climate? At what cost to the renewable energy industry, on which our future living standards will be
based? We urge the government to consider as part of its fourth-term agenda the immediate need to move Australia away from a resource-intensive way of life, to implement cultural change on the use of water and energy and to take strong steps to place Australia back at the forefront of renewable energy generation and use. Without these initiatives, any economic success is gluttony of the present and leaves little hope for future Australians.

I want to turn briefly to the government’s election announcement of the setting-up of 24 technical schools scattered around the country. This will benefit less than one per cent of the secondary school population, and we regard this as yet another attempt to sidestep the real problem, which is underfunding of the TAFE system. Cash-strapped schools are hamstrung by a shortage of technology teachers, by the need to have smaller classes for these subjects and by the expense of the equipment. What they need is better funding for VET in Schools programs; what they do not need is a return to the old two-stream approach that narrowed students’ options from year 11. Jobs in manufacturing and elsewhere now require students with good literacy, maths and IT skills as well as training in technology, and it is ludicrous to pretend that 24 tech schools can fix Australia’s looming skills shortage. One in 10 school leavers is not going on to work and there is an urgent need to engage these young people and provide them all, regardless of where they live, with successful transitions to training and to employment. The only way this skills crisis can be avoided is for the government to reverse its savage cuts and provide growth funding for TAFE.

Rather than making bodgie election promises, the coalition should be addressing the rising fees that are driving students out of training and the fact that 40,000 young people missed out on TAFE places this year. There was a high drop-out rate of new apprentices through lack of student support, lack of rewards for successful completion and a one-size-fits-all approach to student learning needs. Student participation in VET programs is being discouraged by inadequate funding, and there is little by way of combined school and apprenticeship training options and pathways to go on to diploma courses. As always, this government has taken a quick-fix approach—an approach that will not work and an approach which benefits a small sector of the community but which steps away from that more important requirement for the government to treat all citizens equally and make provision of services universal. Throughout the government’s agenda we can see examples of how this works—or should I say does not work.

Senator LUDWIG (Queensland) (5.33 p.m.)—May I preface my remarks by thanking the Labor voters of Queensland and the Australian Labor Party for giving me an opportunity to serve Labor and the people of Queensland generally for this term. May I also thank my parliamentary colleagues in the Labor caucus for electing me to the frontbench. I record my gratitude to Mr Mark Latham for the shadow portfolios of justice and customs and of citizenship and multicultural affairs. I will go to some of those issues during my contribution to the address-in-reply debate. But I also resume the role of Manager of Opposition Business in this chamber and I note that for the first time in more than 20 years we are in a situation where from July next year—and perhaps I can remind the government that it is from July next year—the Senate will be under the control of the government. Already we have heard the government talk about what its agenda might be. I must say, with due deference to the acting Manager of Government Business, Senator Ian Campbell, who was the previous manager—and even to the new
Manager of Government Business, who has not taken on the role as yet but who has certainly been appointed—what they have outlined is not a pretty sight. It appears that the government’s agenda might include restricting debates and, as a consequence, pushing legislation through. This could mean legislation not getting proper scrutiny. I would be happy if they were to come into the chamber and correct the impression they have left me with that that is the direction they intend to take.

Alternatively, from our perspective, I intend to take a more principled position on how the chamber is to be managed. Constructive dialogue is always the most sensible way, but we will not compromise on ensuring that our democracy remains strong. That can be guaranteed by maintaining strong parliamentary scrutiny and by keeping the government accountable for its actions. There are simple procedures in place which have been developed over a long period of time to ensure there is a balanced approach taken in the chamber on legislation and other matters. There are strong processes in place, there are strong committees in place, there are estimates processes in place and there are questions in the chamber and questions on notice. These are good accountability processes that ensure that this government remains true to its word and does deal with the address that was given by His Excellency the Governor-General. They ensure that the government maintains a position which is both principled and accountable and that open government is maintained. Debate on the second reading of bills is another area that ensures scrutiny, and the great debates in the Committee of the Whole in this chamber on legislative amendments is an area this government should also preserve and protect. But I fear that from next July this government will become arrogant and brush aside some of the strong accountability measures.

This government should take heed and understand that strong, open and accountable government is kept that way by strong accountability mechanisms. Without them, the government can become lazy, unaccountable and closed to scrutiny—and ultimately arrogant.

I think there is a growing radicalisation of the Right, away from its conservative roots, and a consequence of this will be reflected in the way it may eventually treat the Senate. The Senate’s best performance in recent years has been demonstrated in a number of areas. One area that particularly stands out is that of the terrorism laws where strong action was required. The government took what I thought was probably an unbalanced approach to the issue but, through the committee process, we arrived at a balanced approach. The Attorney-General finally agreed that a balanced approach was needed, accepted the committee majority recommendations and moved forward. The best performance that this Senate can offer is for legislation to be taken through a committee process with an open accountability mechanism where submissions can be heard and for the committee to finally come to a conclusion—a bipartisan conclusion in that instance—and make recommendations. It can then convince the government to adopt those recommendations because they are the sensible way to proceed. I fear that is one of the things that could fall by the wayside after 1 July under this government. The Senate committee is a strong accountability mechanism and this government should continue with that mechanism. I fear that the government might start out by saying that it will be sensible but will quickly find that it is easier to do what it likes, avoid debate and ultimately avoid scrutiny.

I will turn to some of the other issues that I will be dealing with in the Senate. I will be the alternative representative in the Senate
for the excellent shadow Attorney-General, Nicola Roxon. This portfolio is the area I will briefly deal with next. It was stunning to see the first law officer, Minister Ruddock, fail to get someone to turn up on behalf of the Commonwealth and so allow a High Court challenge to one of our nation’s laws to go unchallenged. But do not take my word for it; the High Court judge Justice Kirby commented that it was ‘bordering on the astonishing’. The case was about an Afghan national, Mohammad Ruhani, who has been in detention on Nauru for the last three years. Australia is the court of appeal for Nauru—and has been since the Liberal Fraser government passed the law in 1976. Having lost in the Supreme Court of Nauru, Ruhani appealed to the High Court of Australia. The Nauru government claims that the 1976 law is invalid and that the High Court of Australia is no longer the court of appeal. You would expect in those circumstances that the Commonwealth might have had something to say about this, since it is Australian legislation, but in fact no-one bothered to show up on behalf of the Commonwealth.

I had to double-check that the Attorney-General, Mr Philip Ruddock, was the same Mr Philip Ruddock who voted for this legislation back in 1976—and in fact he was, so he knew about it. I then checked that this was the same Mr Philip Ruddock who, as immigration minister, led a one-man band campaign against what he said was the courts usurping the sovereignty of the parliament—and to my surprise it was. The Attorney-General, Mr Ruddock, does not know whether he is Arthur or Martha—he has gone full circle from defender of the sovereignty of parliament to the defender of self-interest, it seems, not even bothering to protect the laws of parliament from court challenge. Minister Ruddock needs to lift his game. The government is silently standing by the Nauru authorities’ actions on this appeal and he is standing with them. That is the import of the case.

Turning to another area within the portfolio of justice, Senator Ellison spoke this week on drink spiking. Within the justice portfolio last week we saw Senator Ellison go a bridge too far. There is no doubt that drink spiking is a serious issue. To that end the Ministerial Council on Drug Strategy commissioned an investigation entitled National Project on Drink Spiking, investigating the nature and extent of drink spiking in Australia. This was a jointly funded project with all the states on board. The Minister for Justice and Customs must have forgotten what he said in the front of the report. If you read the foreword and the content of the report and then go back and have a look at what Senator Ellison said to the ABC, and in other places, you would see that only Senator Ellison might be able to provide an explanation. The research conducted by the Australian Institute of Criminology is important and it is the first national piece of work on drink spiking. The minister said in the report:

I commend this report to you as the first step in raising awareness of drink spiking within the community.

But somewhere between saying that and speaking to the media, the minister leapt to national uniform legislation to combat this phenomenon. On ABC radio the minister said:

What we have to look at is uniform legislation across Australia to deal with this phenomenon, which is on the rise.

There are two points which need to be dealt with. First let me deal with the obvious point. The minister does not know what he is talking about because he applies little intellectual rigour to his claims. We can look at that in this way: if this is the first national attempt to quantify drink spiking then there are, by definition, no previous figures to
compare these figures to and therefore no evidence whatsoever of any rise. It seems to me that Senator Ellison needs to read the report rather than speak to the ABC about what he thinks the report should contain. What the report went on to say was far more interesting than the minister’s grandstanding.

Second, the minister made claims that drink spiking is increasing and that this adds to the impetus for more legislation to tackle this problem, but if you go back to the report proper you will see that it says:
Knowledge about drink spiking in Australia is currently very limited but suggestions that incidents of drink spiking have been increasing in recent times has resulted in a need to greatly improve the knowledge base on drink spiking.

Page 3 of the report says:
... there is currently very little research or empirical data to indicate how often drink spiking occurs in the community ... Without such knowledge it is virtually impossible to gauge whether drink spiking has been increasing, or what the hidden impact of drink spiking might be within the broader community.

As there is no evidence to support his claims, it appears that Minister Ellison has pulled his rise in the prevalence of drink spiking from out of the ether. It is the only place he could have grabbed it from.

There is no doubt something needs to be done. The report clearly says that action is needed. That action should be, though, what the report recommends, not what Senator Ellison thinks should happen. The first thing is to have accurate information to act on. If you do not have accurate and timely information you have people running off half-cocked. It seems that is what Senator Ellison has done in this instance. The report does make important recommendations about what should occur next. Maybe they do not appeal to the minister. There are serious practical implementation issues, such as raising awareness of the issue among police, sexual assault counsellors, accident and emergency staff in hospitals, the hospitality industry and indeed the general public. So there is a need to raise awareness of the issue and to ensure that these matters are dealt with in a serious tone.

One thing he could start doing straight-away is to improve the data collection ‘so we can build a comprehensive database and improve the coordination between relevant agencies relating to forensic procedures’, as is outlined in the actual report, as distinct from the report that Senator Ellison thinks they may have provided. A major finding of the report was that police recording practices needed to be improved. So he might want to support an initiative to ensure that in fact occurs. As far as amending legislation is concerned, the report says:

It is recommended that each jurisdiction review its criminal law provisions in terms of their applicability to different forms of drink spiking and appropriate maximum penalties. Consideration of these issues and possible avenues for investigating further legislative reform in the area of drink spiking could perhaps—

and I mark ‘perhaps’—

be undertaken by the Model Criminal Code Officers Committee.

The report went on to say:
... the committee could examine the different legislation applicable to drink spiking in the various jurisdictions to determine whether any legislative amendments may be warranted in the future.

We can already congratulate New South Wales on doing just that. They have been through this process and decided that they do need to provide legislation. Queensland already has some of the toughest legislation to deal with this issue. Instead what we have is Minister Ellison breathlessly announcing intentions to legislate. It is imperative that we act on the issue rather than make laws which may very well not target the criminals and which are, worse, unenforceable and
simply sit on statute books in testament to a busy but ineffectual minister.

Another issue that has come up is whether the PM is a smoker and, at first instance, I thought no, I did not think he was. Mr Acting Deputy President, you may call me a cynic about this, but perhaps the real reason for Minister Ellison’s drink-spiking issue is to divert attention away from something else. If you go back and have a look at the press releases of the Ministerial Council on Drug Strategy and what they were talking about and dealing with at that time, you will see that the states were looking at or implementing tough new antismoking measures. They were, it seems, prepared to bite the bullet for the public good and start talking about what they might be able to do about issues such as tobacco smoking. In contrast, while Senator Ellison was busy making all sorts of claims in relation to drink spiking without a scrap of evidence rather than promoting the report proper, the states were discussing a national tobacco strategy which included various plans to try to help the industry and those who are affected by the industry, to work out strategies for better health outcomes and to find ways of enforcing a national ban on smoking in pubs and clubs and to seek to hide cigarettes from view in shops.

Those were some of the hard issues that the council were discussing. They did not come to conclusions about these, but they put them on the table and they were prepared to work through them, talk through them and deal with them. I did not see, although I am happy to be corrected, a significant press release from Minister Ellison talking about some of these hard issues. So it leaves me with a sceptical view of what the drink-spiking issue was really about. The alternative view to that is that the PM is a smoker, which I doubt. The Prime Minister and the Liberal Party seem intent on rationalising the problem of cigarette smoking. It is not unreasonable to speculate that this policy position is related to the Liberal Party’s continued acceptance of donations from multinational tobacco companies. On World Lung Cancer Day, it is high time that national action is taken.

Turning to another area within the portfolio, first let me bring to the attention of senators the excellent work of Customs officers in the detection and seizure of drugs. These officers—and indeed Customs in general—are doing a magnificent job. I congratulate them on their excellent work and vigilance in this area. In light of these achievements, it seems a shame that the minister has allowed a dreadful position to develop where the Customs Service continues to be lumbered with tasks which are unfunded. Together with cost blow-outs in the Customs cargo management re-engineering project, which is generally called CMR, the annual report highlights a position where Customs needs to seek an extra $43 million equity injection, which is effectively a draw down of cash to cover its budget deficit. Australian Customs, I am told, spent $35 million of this amount and hurriedly sought to find ways to slash expenditure in other areas to make up the losses. Yet still the CMR project is not complete. It is still only technically halfway through: the export side has gone online and the next phase is for the imports to go online.

This issue raises a number of questions. Firstly, can the minister assure the public that the costs will not continue to rise and that the enormous costs of this project will be met from the current budget? Secondly, does the sophisticated electronic gateway, the Customs connect facility—that is the CCF—have sufficient IT security to ensure that the Customs Service is not compromised as a consequence? Lastly, is it expected that the $43 million equity injection will have to come out of next year’s Customs budget or will the minister be able to take a good brief...
to the budget process and ensure that Customs is well and appropriately funded for its tasks? There is now an urgent need for the minister to take responsibility for this position to prevent a recurrence next year.

The best that seems to be on offer is a review by Ernst and Young into the financial position of Customs, which was initiated in the latter part of 2003-04. The review will assess the future funding requirements for Customs and is expected to be finalised in 2004-05. It is hoped that the minister will not bury this report and will, in fact, ensure that it is tabled in parliament. I look forward to that.

There are a couple of other areas that I would like to deal with in the time available. I turn now to other areas of my portfolio, to issues of citizenship and multicultural affairs, which I know will interest Senator Santoro. In fact, I heard earlier today that Senator Santoro is an Australian born in Sicily. The recent ANAO report into the citizenship functions of DIMIA highlights multiple problems that seem to have occurred under the watch of Senator Vanstone and the previous minister, Mr Gary Hardgrave, and that require significant work to be undertaken by this government. While that report says that the promotion of citizenship services is generally well managed, there remain serious concerns in relation to the risks of fraud and identity theft. In a survey of 159 applications for citizenship, the report found three cases where the signature of the person attesting to the identity of the applicant differed between the photograph and the declaration on the application form. Certainly, there is work that needs to be done.

I would like to finish on a light note—in this case on the Hindu festival of lights, or Deepavali. It was my great privilege to make my first speech as shadow minister for multicultural affairs at the very first Deepavali festival to be held here in the national parliament. It was a great occasion. The importance of community harmony and values of respect and understanding for others in the age of terrorism has never been greater. (Time expired)

Senator EGGLESTON (Western Australia) (5.54 p.m.)—I would like to say that the election results were an indication of the overwhelming confidence that people in Australia have in the coalition government and their policies. The area of government policy about which I wish to speak today is the future management of energy resources in Australia and the commitment of the government to developing renewable energy sources.

It is a truism that the world’s reserves of hydrocarbon energy resources are finite. The implication of this fact is that not only the world at large but Australia in particular must think carefully about the future management of the resources we have and give more intense consideration to renewable alternatives. I recently heard a speech by Sir Charles Court, the former Premier of Western Australia who is now 92 but still very active, at the Port Hedland Chamber of Commerce Business of the Year Awards on the subject of energy and energy policy. Sir Charles very strongly made the point that Australia must be careful about the future management of our energy reserves, reminding his audience of the devastating impact of the first world oil shock when the oil producing countries held the world to ransom by increasing prices with a consequent devastating economic impact on many countries, including Australia.

As Sir Charles pointed out, the world’s reserves of hydrocarbon fuels are not really very great. It is believed that the reserves of petroleum will run out in about 50 years, which is not a long time in the scale of his-
Sir Charles said that the United States, with five per cent of the world’s population, consumes more than 25 per cent of the world’s oil production. The United States is guzzling oil at record rates. In 2004 the United States will consume an estimated 7.5 billion barrels of oil. US oil production is at its lowest level since the 1950s and is declining by two per cent per annum. Since 1970 the US oil reserves have fallen from 50 billion barrels to 20 billion barrels. By the end of this decade the United States will have less than 15 billion barrels of oil in reserve.

Sir Charles then went on to observe:

Talks of decline in oil production only add to the concern when one reads that the rising world oil demand is predicted to grow by about a million barrels per day in 2004 and roughly one-third of this increase will be the result of increased demand in the United States along with China.

Sir Charles added that, as oil reserves diminish, the demand for gas will rise and, as a result, the gas market will be soon transformed into a seller’s rather than the buyer’s market it is now.

This trend raises the whole issue of renewable energy sources and the management of Australia’s reserves of gas. Just 50 per cent of our energy in Australia is supplied from renewable resources. According to the energy white paper, it is expected that the use of wind and solar power ‘will grow significantly over the next 20 years’. But is it enough? And where else must we look for energy? They are the questions we must ask.

Solar power is already widely used in Australia. As we all know, Australia leads the world in solar power technology. As you travel around the country these days you find phones, lights and so on along highways that are powered by solar cells. Wind farms are also becoming more commonplace, but they are expensive and the environmentalists have concerns about them because of the noise they produce, because of their effect on birdlife and because they are regarded as being aesthetically displeasing by many people.

The Howard government has an outstanding record on the management of renewable energy. One of its initiatives, the MRET, will deliver an extra 9,500 gigawatt hours of renewable energy by 2010. That is equivalent to more than two Snowy Mountain hydro schemes. The recent review of MRET found that it had ‘contributed significantly to additional renewable energy generation’ with 84 renewable energy projects having been commissioned since MRET came into operation. Renewable energy industry sales have grown from around $1.1 billion per annum prior to MRET to over $1.8 billion during 2002-03.

The MRET review found that there had been over $900 million of investment in renewable energy projects with another $1 billion proposed investment in coming years. The mandatory renewable energy target which this government has set will continue to 2020, providing incentives for over $2 billion in renewable energy investment. This in turn will lead to an estimated increase in Australian renewable electricity output of 60 per cent over the first decade of this century. The government will also increase the efficiency of the MRET by improving the transparency and operation of the market for renewable certificates to provide greater certainty for investment.

In addition, the Australian government will provide some $134 million in new funding to address specific barriers impeding the uptake of renewable energy. This money will be allocated as follows. Under the Renewable Energy Development Initiative, $100 million over seven years, comprising $50 million of new funding and $50 million from the Commercial Ready program, will be allocated to promote strategic development of
renewable energy technologies, systems and processes that have strong commercial potential. This will ensure a continuing supply of innovative ideas for renewable energy technologies. Then there is the Intermittent Energy Storage program under which some $20 million will be provided to support the development of advanced electricity storage technologies for renewable energy, including batteries, and electromechanical and chemical storage. This is a very important program to have in place because one of the problems is that you can generate electricity but then you have to store it to be used at a later time in many cases.

Wind forecasting is important too in the development of wind-generated electricity, and some $14 million will be used to develop and install systems to provide accurate long-term forecasts for wind output. This will facilitate greater penetration of wind in energy markets and allow for more strategic planning of new wind farms. Lastly, the $75 million Solar Cities trials will also demonstrate the economic benefits of photovoltaics in reducing electricity demand during peak times and reduce the need for distribution infrastructure. So the Howard government certainly has a very strong commitment to developing renewable energy.

In May 2003 I attended the World Hydrogen Conference in Broome. This conference brought together delegates from government, energy and transport industries, scientific bodies and research institutes, who had the opportunity to take the first step towards the future integration of hydrogen as a major energy source by exploring the strategic, technical, economic, environmental and commercial issues involved in developing hydrogen as an energy source. It is clear that hydrogen is the fuel of the future, and in fact President George W. Bush has committed the United States to a hydrogen powered future. Hydrogen has two significant advantages when one thinks about it. First of all there is the issue of energy security. As Ian Macfarlane, Minister for Industry, Tourism and Resources, said at the conference in Broome:

By 2010 we’ll be importing about 60% of our crude oil—racking up an annual debt of about $8 billion.

Conversely, hydrogen does not need to be imported because it can be derived from a variety of domestic sources, including renewable energy sources. In this case it is interesting to note that the recently mothballed HBI plant in Port Hedland, which cost some $2½ billion to build and which has proven not to be a success, could be converted to produce hydrogen in large quantities. That may yet be its salvation.

Hydrogen also has environmental advantages. Hydrogen is a non-toxic, clean source of energy that will deliver significant environmental benefits in terms of decreasing pollution and the emission of greenhouse gases. In his presentation to the Broome conference the then Minister for the Environment and Heritage, Dr David Kemp, set out the environmental benefits of hydrogen as follows:

It can displace conventional fossil fuels produced and used in the appliance, transport and distributed generation markets, saving harmful greenhouse gas emissions. Hydrogen usage in most applications can be regarded as greenhouse neutral, producing only water, and little or no other emissions. Where a fuel cell is used the hydrogen usage produces no greenhouse gas emissions, so it is not difficult to see the attraction of hydrogen fuels to urban transport authorities.

Almost all the major vehicle manufacturers in the world are working on producing hydrogen fuel cell vehicles, and several manufacturers have already developed fuel cell vehicles and are testing them. Mercedes-Benz has put together a hydrogen bus and a
trial of hydrogen buses is going on in about nine cities around the world, including Perth. Only last week I saw one of these hydrogen buses running around the streets in Perth as a routine passenger transport vehicle. Australia does have very large reserves of gas, which is, of course, a hydrocarbon fuel and a good alternative source of energy to petrol. Most of our reserves of gas are off the north-west coast, but, as large as they are, those reserves are finite.

In the speech I referred to earlier, Sir Charles Court questioned whether it was wise to sell off these reserves of gas for short-term financial gain, rather than to give more consideration to the longer term energy and economic needs of Australia. I have to say that I thought that was a very timely warning for him to make, because there is no doubt amongst anyone who thinks the matter through that there will in due course be a more serious energy crisis and that the careful management of our existing reserves should be a national priority, as alternatives, particularly hydrogen, may take some time to develop. In the meantime I can only remind Australians that they should be reassured by the fact that the Howard government has a strong commitment to renewable energy.

On a separate matter, I would like to turn briefly to the new parliament and the government’s majority, which will be in place from July next year and which has attracted a certain amount of comment from the other side of the Senate during the course of this debate. I have to say that the government was clearly returned on the basis of its sound economic record, more than anything else, and, of course, the fact that we have a very tried and true and sound leadership team. A government majority in both houses of parliament will represent both a great opportunity and a great responsibility. The Prime Minister has indicated that the government’s majority in the Senate will be used soberly and responsibly in the best interests of the Australian people. It will represent a historic opportunity for the government to be able to implement its mandate without having to deal with a wantonly obstructionist Senate, as the Senate can be at times.

In referring to the federal election, I would like to particularly mention the new member for the federal electorate of Hasluck in the hills area of Perth, whose campaign I was involved in and who I know was supported by the present Acting Deputy President, Senator Lightfoot. This candidate, Stuart Henry, is a man with a great deal of experience in small business. He has a great track record in supporting apprenticeship training, which I am sure will be something that the public at large will be very pleased to hear, because it is quite clear that Australia needs to increase the number of apprentices in training. Mr Henry was the CEO of the Master Plumbers Association of Western Australia for many years and he is also the world Chairman of the International Master Plumbers Association. He also has very strong roots in the community and, Mr Acting Deputy President, as you and I both know, I am certain that he will make a good contribution to the national parliament. I would like to wish Stuart Henry a long and successful parliamentary career.

Senator CARR (Victoria) (6.10 p.m.)—I would like to take this opportunity to say a few words in response to the Governor-General’s address and perhaps take this opportunity to also comment upon the government’s forward program as outlined in that speech. What strikes me as having happened with the election is that the government is now in a position to undertake an agenda beyond its wildest dreams. We have a situation—and to an extent it is a surprise result, particularly in terms of the Senate—in which the government is now able to confirm its long-cherished desire to abandon once and
for all the core tenets of small ‘l’ liberalism and, one might say, even the fundamental tenets of small ‘c’ conservatism: the framework, the values, the guiding principles of the founding fathers of the Liberal Party.

This government, which, of course, has been re-elected, is not in truth a Liberal government; it is a reactionary government. When the Senate is handed to this government on a platter on 1 July 2005, this government will be triumphant. We have seen already in the public debate some of its expectations and some of its plans. It will get serious from that point on about its blueprint for Australia and the Australian people—an agenda which, as we heard from the senator who just previously spoke, has been frustrated by the actions of this chamber. Yet despite the refusal of this chamber to pass some of its more draconian pieces of legislation, the government should not be undersold in terms of the manner in which it has persistently sought to transform the political culture of this country.

Since 1996 it has managed to redefine key concepts in the national political lexicon and debate. While pretending to advance the rights of individuals, especially under the mantra of the right to freedom of choice, this government has engaged in an extensive program of social engineering. Its interventions in the lives of individuals and the workings of civil society are unprecedented in their scale and scope. This is a government that is engaged in social engineering on a massive scale. In the name of taming the powers of elites, this government has sought to impose a new public morality based on its own versions of conservative elitism. It has sought to impose on the Commonwealth, as a matter of policy, a new ideology of intolerance and authoritarianism dressed up as libertarianism—that is, this government is a wolf in sheep’s clothing.

The Howard government has viciously attacked trade unions and workers, and it has undermined the capacity of workers to organise and defend their living standards. Now it plans to finish the job. However, it has underestimated the resistance of Australian workers, who will fight to defend their rights to organise. It has cold-bloodedly exploited racial prejudices and the politics of resentment. It has sought to demobilise and exclude asylum seekers, and it has sought to tear away the rights of Indigenous people.

This is a government that has deliberately and coldly flaunted the principles of Public Service independence and of transparency and accountability in public administration. This is a government that has attacked the independence of the courts and has sought to denigrate the judiciary. It has undermined our cultural institutions, such as the ABC. It has tried to intimidate the ABC in terms of its news reporting. It has locked out from services and from recognition the very people who need government the most—the poor, the disadvantaged, the young and the weak—and when this government is able to secure control of this chamber this is the agenda which we will see pursued.

This is a government hell-bent on pandering to the prejudices that lead to the exclusion of significant numbers of citizens from the processes and benefits of government itself. In higher education, in schools, in social policy and even in the funding of scientific research this government has intervened in the details of the operation of public institutions to a level of minutiae unparalleled in the history of this Commonwealth and unthinkable just a decade ago.

This is a government that describes Malcolm Fraser as some sort of quasi Marxist. This is a government that has fundamentally turned its back on the traditions of liberalism in this country. It forces state schools to fly
the Australian flag and to pursue its own version of education values—or else lose their Commonwealth funding. It wants to force universities to adopt industrial relations practices and governance policies against their own better judgment and contrary to the interests of their own staff and students—again, imposing this as a condition of funding. It wants to fundamentally undermine the principles of academic freedom and of university autonomy. According to leaked reports, the Howard government is now proposing to embark on a new program of behaviour modification, using the levers of welfare and other payments.

There is no doubt that in some communities in Australia there is considerable pressure and that some communities face serious social problems. Equally, there is no doubt that in some communities, particularly Indigenous communities, there has been great progress and people are doing extremely well. The Labor Party takes the view that community partnerships, where they are genuine, are essential for lasting social change. In fact, there could be no sustainable social change without effective participation by communities. Social engineering predicated on a top-down approach will inevitably fail, but that is exactly the policy position that it would appear is being pursued by this government with Indigenous communities.

Through the leaked documents that I have mentioned the government has suggested that it wants a radical overhaul of Indigenous affairs. However, it has not made any policy statement to that effect. No green paper or ministerial statement has been presented. What we have to rely upon here are press reports and the odd political jibe by the government run through its media campaigns which seek to highlight what it regards as the failings of Indigenous leaders. Labor takes the view that, where social partnerships are genuine, Labor will back them. However, I want to emphasise that Labor will not back actions that impose from Canberra, against the will of local communities, measures which are punitive, coercive or discriminatory. In fact, some of the proposals that I have seen and heard of in recent times would appear to me to support the views that HREOC has expressed to be illegal. While the Prime Minister often says that this government is not about changing social behaviour, it seems that this is an edict that does not apply to all Australians. If you are poor, and particularly if you are black, it seems that a different set of rules are being applied by this government under this new agenda than are being applied to Australians at large.

The recent changes to ATSIC have been attacked because they appear to go back to the pre-McMahon days of the administration of Indigenous affairs in so far as they do not give Indigenous people a genuine voice at the table. The social policies being pursued by this government have great undertones of paternalism and hark back to the days of the mission. Mutual obligation, as a concept, as far as I can see applies to both governments and citizens, and it is offensive to make remarks about whether parents wash their children, particularly where public infrastructure for water, electricity, health and education has been so badly neglected by the very government making those comments about the lifestyles of its citizens. This is not partnership; it is about the reinforcement of power and privilege. This is not respect for the individual; it is coercion. This is not the protection of personal liberty; it is the disrespect for the rights of the individual—any individual who happens not to conform to the bland, timorous, compliant citizen idealised and pandered to by the new ideology presented by this coalition government.

I might go back in history for a moment and talk about the foundation stones of the Liberal Party. One can see just how sharply
they contrast with the modern version of the Liberal Party. The man acknowledged as the father of the Liberal Party is Alfred Deakin. In 1895, Deakin spoke to an audience in Melbourne on the subject ‘What is Liberalism?’ He described the principles guiding the British Liberal Party which he declared to be congruent with those of Australian liberalism. Deakin said that throughout the 19th century British liberalism had sought to resist and destroy class privileges. He said:

Other great works of Liberalism had been the removal of the religious disabilities of nonconformists and Roman Catholics and the abolition of the laws against trade unionism.

Liberalism, Deakin told his audience, explicitly rejected the adage of ‘the devil take the hindmost’—or the survival of the fittest. He said that Liberalism was dedicated to protecting and advancing the rights and interests of ‘the poorest in the community’ so that ‘all should have what was their due’.

Alfred Deakin said that ‘by fixing a minimum rate of wages and wise factory legislation, wealth would be prevented from taking unfair advantage of the needy’ and the needy would ‘be saved from leading wretched and imperfect lives.’ He went on to observe that in Australia the principles of liberalism entailed the introduction of female suffrage and the principle of one man—or one person, we might say today—one vote. The father of Australia’s liberal movement said that adherents of liberalism had always to ‘tread the paths of progress’ and ‘leave the world a better place than they found it’. To anyone familiar with the march of recent Australian history, these words of Alfred Deakin might well sound very strange. The ideas and principles espoused by Deakin do not sit comfortably with many of the views and actions of the modern Australian Liberal Party.

As the political scientist Robert Manne recently observed, the large ‘l’ liberals have forgotten about small ‘l’ liberalism. In an essay in the Age just last weekend, this former editor of the right-wing journal Quadrant described himself as having ‘come full circle’ from student antiracism campaigner of the sixties through the long years as a conservative thinker to a new stance of vehement opposition to many of the policies of the Howard government and those of its allies, the United States and Britain. Suffrage—the right to vote—was identified by Alfred Deakin as a central aspect of his form of liberalism. The rights of citizens to participate fully in the electoral process are fundamental to our democracy and therefore to the principles, I might say, of the Australian Labor Party. Yet this government, led by the Liberal Party, plans to restrict and undermine this absolute right. Senator Minchin was quoted in the Financial Review on 4 November as saying:

I won’t retreat from my strong support for voluntary voting.

He indicated that he would push the idea through the party room. The Prime Minister is known to support the ending of compulsory voting. What has stood in his way has been largely this chamber—the Senate. From 1 July next year there will be no impediment. The government will be free to launch attacks on a broad front on this fundamental right. The fundamental right to protect the Australian ballot will be lost by this chamber as a consequence of the change in the numbers from 1 July. Government zealots will try to paint our compulsory voting system as some sort of infringement on the right to freedom of choice. It is no such thing. Nobody in Australia actually has to vote. They are required to turn up at a polling place on election day and to accept the ballot papers handed to them. Whether each citizen marks
those papers with a valid vote is entirely up to him or her.

Ending the requirement that voters attend the polling place would fundamentally change the civic and political climate of our nation. It would effectively disenfranchise hundreds of thousands, and possibly millions, of Australians. The United States does not have compulsory voting. At the last presidential election in the United States, there was a record turnout—54 per cent of the adult population. That compares with the 95 per cent of Australians who vote. Those who do not vote are overwhelmingly the poor, the disadvantaged and members of minority groups. These are the people that need government services the most. To disenfranchise the people that need us the most would be an abhorrence in terms of democratic principles.

Voluntary voting disenfranchises the very citizens whose democratic rights are the most limited and who need the assistance of this parliament the most. It robs them of the basic right they have in common with all their compatriots—the right to exercise an equal voice with other citizens. As Alfred Deakin would have it, the principle here is the fine liberal principle of one man, one vote. Voluntary voting would mean that millions of dollars would be squandered on efforts to get people not just to register to vote but to turn out on polling day. In the United States, over $A5 billion was spent on the recent campaign. This is money that could have been put to much better use than lining the pockets of advertising agencies.

But there is, of course, more to this government’s agenda on that front. We will see amendments to the Electoral Act to close the rolls on the day an election is declared to reduce still further the opportunities of Australians to participate. We have seen a whole range of other measures aimed at reducing the rights of persons to have assistance, whether they be homeless or disabled. These are all measures that the government has floated in recent times, including the proposal to restrict the right to participate in the ballot by closing the ballot early. It has been estimated by the AEC that it would have an effect on 200,000 voters—predominantly young people, those homeless persons I mentioned and those people who do not own their own homes. Alfred Deakin’s principle of one man, one vote would be flagrantly dishonoured by the present Liberal government. So much for its liberalism.

But it is not only the voting rights of the disadvantaged and the young that this government has in its sights. It has plans to introduce an electoral enrolment identification regime that would require citizens to produce a drivers licence or similar form of identification. Once again, the young and the homeless would be affected by this. Many minorities would be particularly affected, amongst them Indigenous Australians. So we have a government here that is aiming at advancing the rights of the wealthy and the privileged, entrenching itself in power and forcing through changes to the electoral laws that will seriously discriminate against those that need parliament the most. With regard to the Indigenous community, which is one of those groups, we have seen that in recent times the government has sought to change the fundamental sympathies of Australians towards reconciliation. Four years ago, a million Australians walked across the bridges of this country demanding of government a commitment to reconciliation. But this is a government that has fundamentally sought to move away from that public sentiment.

In a recent analysis, Professor Mick Dodson said that during his prime ministership John Howard has refused to acknowledge the reality and legality of prior ownership of this land by Aboriginal and Torres
Strait Islander people, that he has persistently denied the truth about the forcible removal of Indigenous children families and communities, that he has refused to engage in reconciliation and some kind of settlement for past injustices and that he has denied the Indigenous view of history concerning the European occupation of this country. We are seeing from this government a policy which will enhance those disadvantages and do little to change the objective conditions for people in the various communities across this country. To quote Professor Dodson, there is ‘a deep seated and personal disrespect for Indigenous people, our cultural rights and obligations’. Racism, he says, ‘has been, and continues to be, a core value of Australian society’. This is being enhanced by this government’s policy position. The Howard government’s actions and words concerning Indigenous Australians continue to divide our nation on the basis of race. It strikes me that this is an opportunity to enhance reconciliation which this country is now turning its back on—an opportunity which we as people should address and which the Labor Party believes ought be addressed. (Time expired)

Senator HUMPHRIES (Australian Capital Territory) (6.30 p.m.)—I want to make a few remarks in this address-in-reply debate about the recent election and about the agenda which the Howard government brings to the 41st Parliament. First of all, though, I want to correct a slight mistake made by Senator O’Brien in his remarks earlier. He referred to the Stanhope Labor government in the ACT as the ACT’s first majority government since the advent of self-government in 1989. It is actually only true to say that the Stanhope government is the first majority government made up of a single party. From 1989 to 1991 there was a majority government made up of a coalition of three parties. I was a member of that government and a minister in that government. I remember it very well. It was not a particularly stable government, but it was a majority government. So what Mr Stanhope has done in this recent election—which, of course, is significant—is not entirely unprecedented.

Very close to the election of the Stanhope government last month was the re-election of the Howard government. That occasion was at least as significant an event in Australian history. It was an occasion where a government, having served three terms in government, sought and obtained a very clear mandate from the Australian people. In the ACT that support for the government was also reflected. The Liberal Party team in the Senate election received a swing of 3.57 per cent. The Liberal Party candidates standing for the House of Representatives in the ACT also received a boost in their primary vote. The ACT has been described as a bastion for the Labor Party, and there are some on the other side of the chamber who might smugly assume that that is the case still, but I would caution them on the basis of this election to think again.

The fact is that the ACT is doing very well; it is thriving. Business confidence is extremely high, mortgage interest rates are low, unemployment is the lowest in the country and our schools are doing extremely well. More than anything else, the citizens of the ACT have the prudent economic management of the Howard government over the last 8½ years to thank for that state of affairs. The ACT has had a strongly growing economy. Employment in particular has a very positive outlook in this territory, because the coalition government has invested heavily in this territory and has invested heavily in a quality public service. Its investment in the Public Service in particular has been responsible for growth in employment in the Public Service in the last four or five years, which has contributed to strong economic performance in the private sector as well. The reason
that the coalition candidates in the ACT did so well in this election, in my opinion, is that voters saw a stark contrast between the continuation of growth and opportunities under the coalition and the prospect of real loss of opportunity, and particularly loss of public sector and private sector jobs, under a Latham Labor government.

The fact is that the Latham opposition went into the election with a very clear policy of cutting Public Service jobs, particularly in Canberra. Their hit list was advertised, if you can call it that, in May this year in an article which appeared in the Melbourne Age. It was supposedly a leaked list of Labor’s targeted Public Service job cuts where Labor would save money. The shadow Treasurer of the day never had the decency to squarely and fairly put in front of the community, particularly not this community in Canberra, exactly what Labor’s plans were for reducing the size of the Public Service. Nonetheless, that list was widely adverted to by Labor politicians as the way in which Labor would pay for their many election promises. That list was devastating from the point of view of the people of the ACT. Labor proposed to abolish Invest Australia, giving $44 million worth of savings but costing 56 jobs in Canberra. They intended—and you would be interested in this, Mr Acting Deputy President Lightfoot—to severely cut the National Capital Authority. In that case, $48 million was to be saved over four years, a 40 per cent cut to the budget of the NCA. Proportionately, that would have meant job losses of something like 30 positions. That would have dramatically and deleteriously affected the operation of the National Capital Authority. It would have made it impossible to maintain the high standard of, for example, the Parliamentary Triangle. A merger of ABARE and the Bureau of Rural Sciences would have cost 60 jobs. The Office for the Information Economy and the Australian Government Information Management Office were to deliver savings of $40 million. At least 30 jobs would have gone there, and probably many more. Youth employment schemes were to be scrapped or restructured to deliver a saving of $364 million.

Most notoriously perhaps, the then shadow minister for defence, Mr Beazley, flagged the loss of some 3,000 Public Service jobs in defence. When pressed, he ducked and weaved on that figure but the fact is that that sort of figure was being talked about. There was to be $2½ million cut out of cultural institutions in order to fund some kind of bureaucracy to oversee them. The delivery of cultural services on the ground was to be severely compromised by that. Green Corps, job placement, employment and training programs were to be cut back—and the list goes on and on. The ACT community clearly saw that that was an agenda for pain and loss. It was an agenda that would see the prospects of employment, which had been so bright in recent years as a result of a growth in commitments and outlays by the coalition, coming to a real end or being wound back.

Even in the last week of the campaign we had an extreme lack of forthright explanation from the Labor Party about where it was going with those plans. On the very same day that Senator Lundy was telling a gathering of public servants that there would be effectively no net loss of jobs under a Latham government, on the other side of Lake Burley-Griffin her leader was in fact making it clear that there would be serious job losses under a Labor government in Canberra. I do not know how that message was sold to the rest of Australia. Frankly, I do not care how it was sold to the rest of Australia. I know that the people of this territory saw that as an undiluted attack on their future. The support that Labor lost in the Senate in particular in
the election that followed a few days later reflected that concern.

Labor’s plans were compounded by other measures which demonstrated that they little understood what the needs of the ACT community were. During the campaign the Prime Minister made an announcement that would generate a surge in Canberra’s historically low rate of bulk-billing of GP services. That was the announcement that the Medicare rebate would be boosted to 100 per cent of the Medicare scheduled fee, as well as the other measures which have already been announced and put in place. For a standard 15-minute consultation, that is going to mean an additional $4.50 for a visit to the doctor. When the service is bulk-billed, the money goes directly to doctors, encouraging more of them to bulk-bill. Those measures will be of great benefit to Canberrans, more so than Labor’s proposed alternatives which linked a 100 per cent rebate only to those services which were bulk-billed by a doctor. In a community where bulk-billing is low and where historically doctors, for whatever reason, do not bulk-bill as much as in other places in Australia—and I regret that fact but it is a fact of life and always has been in the ACT—to link, as Labor did, 100 per cent of the rebate being paid only to doctors who bulk-billed cut people in this city right out of significant numbers of benefits. People in this city were discerning enough to realise that. Of course, Canberrans have already benefited from the decision to provide a $7.50 incentive payment to GPs who bulk-bill concession card holders and children under the age of 16. That has contributed to a recent lift in the bulk-billing rate. Bulk-billing has now risen by more than three percentage points since those measures were introduced. The distinction between Labor and the coalition on these matters was very clear.

However, perhaps the most conspicuous example in Labor’s policies of their failure to understand the nature of this community came in the announcement of their arts policy. It was particularly unfortunate, given that the shadow minister for the arts at that time was indeed the Labor Senator for the ACT, Senator Lundy. In her address-in-reply speech today she criticised the coalition’s arts policy, which was released during the election campaign. She said the coalition failed to provide ‘a glimmer of hope’ for Australia’s cultural future. She said that Labor issued their arts policy during the campaign. She obviously felt it was a good policy.

I would like to contrast these two policies. The coalition announced that it would build a new home for the National Portrait Gallery and boost funding to the National Museum of Australia and ScreenSound Australia, the national film and sound archive. As for their proposals, Labor were deafeningly silent on these facilities. After years of whining, the best that Labor could offer Canberra’s cultural institutions was the forced merger of some cultural facilities in the ACT and effective on-the-ground funding cuts. They proposed a merger of Old Parliament House with the National Museum and a merger of the National Portrait Gallery with the National Gallery of Australia. I, like many other people in this community, was extremely surprised to hear that Labor were in favour of forced mergers of cultural institutions because I had heard Labor complaining insistently and vociferously over a number of months about the so-called forced merger of ScreenSound and the Australian Film Commission. Incidentally, Labor actually supported the legislation in this place to provide for that merger to take place. But back then they had complained about what it would mean for those institutions and they had
complained about the loss of independence for ScreenSound.

What did we see when the arts policy was released by Labor in the dying days of the campaign? What we saw was not one but two forced mergers of institutions that were arguably not really very much alike and whose missions in each case would be compromised by virtue of that arrangement. It was an unwelcome arrangement. The chair of the board of the National Portrait Gallery was vociferous in her criticism of those arrangements. She said that she was dismayed by the policy and was convinced that Senator Lundy’s proposals would mean the end of the National Portrait Gallery. That demonstrates, among other things, that Labor, for all of the three years it had to prepare its arts policy, did not appear to be interested in consulting with any key stakeholders before that policy went into the public domain.

The fact is that the coalition comprehensively trumped Labor on arts policy. When you look around this city at institutions like the National Portrait Gallery, the National Museum of Australia, extensions to the Australian War Memorial, facilities like Commonwealth Place and Reconciliation Place and other things which have been done in this city in the last few decades, you realise that the policy that the coalition put forward in this election was a continuation of a pattern of endowing Canberra with the sorts of institutions which behove a nation like ours. The coalition has built in this city a number of cultural institutions and other institutions serving the national interest which reflect its commitment to Canberra as a real national capital.

I know that members opposite will be quick to point the finger and say, ‘The coalition doesn’t trust Canberra. The coalition doesn’t like Canberra. The coalition doesn’t believe in Canberra.’ But the coalition has done what it needed to do to make this a city reflective of the diversity and the strength of Australian culture. It has invested in institutions based here in a way which Labor never has. I remind those opposite that in 13 years of government between 1983 and 1996 Labor added nothing—not one thing—to the cultural institutions of this city. It took the Howard government only a matter of a few years to fund, build and open the National Museum of Australia. So next time we hear those complaints about the anti-Canberra coalition, senators might like to reflect on the real record of the coalition in this city.

There are, however, further challenges facing this city which I hope will be addressed in the coming term of government. In particular, I think we need to look at the role of the federal government in supporting the growth and development of Canberra. Canberra has become far more independent of the workings of federal government in recent decades. Its public sector is now smaller than its private sector. There is now something like 60 per cent of the work force working in private enterprise and 40 per cent in the Public Service as opposed to approximately a reversal of that position two or three decades ago. But Canberra is still very much affected by decisions of the federal government. Belconnen and Tuggeranong were very much communities that were developed and which grew as a result of the location of departments and agencies of the Commonwealth government within those townships in such a way as to facilitate the growth and development of those places as business entities and as places to live.

I believe that there is a role for the federal government to do this again, particularly with respect to the newest township in Canberra—Gungahlin. Gungahlin has surged in the last 10 years from a township with a population of about 5,800 to about 30,000 today. It is projected to have a population of
90,000 within the next decade. It will ultimately be, on present projections, the largest township in the ACT. Unfortunately, to date, it has not had a large employment base to go with that growth. Employment bases are important to provide, obviously, the opportunity for employment within the township but, more importantly perhaps, the chance for service businesses within those townships to be able to grow and be servicing both the local population and the people who work in the township. There are other services which are necessary, but I believe that if there is a commitment to providing an employment base in Gungahlin those other services will naturally and inevitably flow. I certainly discussed the issue of support for an employment base in Gungahlin, created courtesy of the Commonwealth, with colleagues in government and I intend to do more of that in the course of the 41st Parliament.

I think the record shows that the stronger result in the ACT for the coalition in the Senate compared with the national average was no accident. It was not the case that there was a rush of blood to the head; it was a very calculated and deliberate decision on the part of ACT residents to send a very clear signal that they did not welcome the approach taken by the Labor Party.

Debate interrupted.

**DOCUMENTS**

**The ACTING DEPUTY PRESIDENT (Senator Lightfoot)**—Order! It being 6.50 p.m., the Senate will proceed to the consideration of government documents.

**Consideration**

The following government documents tabled earlier today were considered:

adjourned till Thursday at general business, Senator Buckland in continuation.


Crimes Act 1914—Controlled operations—Report for 2003-04. Motion to take note of document moved by Senator Buckland. Debate adjourned till Thursday at general
business, Senator Buckland in continuation.


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


Sydney Airport Demand Management Act 1997—Quarterly report on the maximum movement limit for Sydney Airport for the period 1 April to 30 June 2004. Motion to take note of document moved by Senator Buckland. Debate adjourned till Thursday at general business, Senator Buckland in continuation.


Final Budget Outcome 2003-04—Report by the Treasurer (Mr Costello) and the Minister for Finance and Administration (Senator Minchin), September 2004. Motion to take note of document moved by Senator Buckland. Debate adjourned till Thursday at general business, Senator Buckland in continuation.

Australian War Memorial—Report for 2003-04. Motion to take note of document moved by Senator Buckland. Debate ad-
journeyed till Thursday at general business, Senator Buckland in continuation.


Department of Foreign Affairs and Trade—Reports for 2003-04—Volume 1—Department of Foreign Affairs and Trade. Motion to take note of document moved by Senator Buckland. Debate adjourned till Thursday at general business, Senator Buckland in continuation.


Civil Aviation Safety Authority Australia—Corporate plan 2004-05 to 2006-07. Motion to take note of document moved by Senator Buckland. Debate adjourned till Thursday at general business, Senator Buckland in continuation.


Department of the Prime Minister and Cabinet—Report for 2003-04. Motion to take note of document moved by Senator Buckland. Debate adjourned till Thursday at general business, Senator Buckland in continuation.


Repatriation Commission, Military Rehabilitation and Compensation Commission, Department of Veterans’ Affairs and National Treatment Monitoring Committee—Reports for 2003-04. Motion to take note of document moved by Senator Buckland. Debate adjourned till Thursday at general business, Senator Buckland in continuation.


Aboriginal and Torres Strait Islander Services—Report for 2003-04. Motion to take note of document moved by Senator Buckland. Debate adjourned till Thursday at general business, Senator Buckland in continuation.


Aboriginal Legal Rights Movement Inc.—Native Title Unit—Report for 2003-04.


Australian Government Solicitor—Report for 2003-04. Motion to take note of docu-
ment moved by Senator Buckland. Debate adjourned till Thursday at general business, Senator Buckland in continuation.


Special Broadcasting Service Corporation (SBS)—Report for 2003-04. Motion to take note of document moved by Senator
Buckland. Debate adjourned till Thursday at general business, Senator Buckland in continuation.


Acts Interpretation Act—Statement pursuant to section 34C(6) relating to the extension of specified period for the presentation of a report—Department of Transport and Regional Services—Report for 2003-04.


Australian Institute of Aboriginal and Torres Strait Islander Studies—Report for 2003-04.


The following government documents were tabled:

Advance to the Finance Minister—Statement and supporting applications for funds for June 2004.
APEC—Australia’s individual action plan 2004.
Australian Institute of Aboriginal and Torres Strait Islander Studies—Report for 2003-04.
Australian Institute of Criminology and the Criminology Research Council—Reports for 2003-04.
Corporate governance—Review of the corporate governance of statutory authorities and office holders—
Government response.
Crimes Act 1914—Reports for 2003-04—
Assumed identities—Australian Federal Police.
Controlled operations.
Department of Finance and Administration—Report for 2003-04.
Tobacco Research and Development Corporation—Report for 2003-04. [Final report]
The following documents were tabled by the Clerk:
Civil Aviation Act—Civil Aviation Safety Regulations—Airworthiness Directives—Part—
107, dated 8 and 9 November 2004.
Higher Education Support Act—
Commonwealth Grant Scheme Guidelines—Amendment No. 1.
Notices of approval of a higher education provider under section 16-50, dated—
29 October 2004—Marcus Oldham College.
1 November 2004—Monash International Pty Ltd.
9 November 2004—
Australian Lutheran College.
Harvest Bible College Inc.
The Australian Institute of Music Limited.
15 November 2004—
Adelaide College of Divinity Incorporated.
Oceania Polytechnic Institute of Education Pty Ltd.
Superannuation Industry (Supervision) Act—Request from Minister to APRA, dated 3 February 2004.

Indexed Lists of Files
The following documents were tabled pursuant to the order of the Senate of 30 May 1996, as amended:

Indexed lists of departmental and agency files for the period 1 January to 30 June 2004—Statements of compliance—
Australian Public Service Commission.
Communications, Information Technology and the Arts portfolio agencies.
Department of Education, Science and Training.
Immigration and Multicultural and Indigenous Affairs portfolio agencies.
Office of the Official Secretary to the Governor-General.