INTERNET

The Journals for the Senate are available at

Proof and Official Hansards for the House of Representatives,
the Senate and committee hearings are available at

For searching purposes use
http://parlinfoweb.aph.gov.au

SITTING DAYS—2004

<table>
<thead>
<tr>
<th>Month</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>February</td>
<td>10, 11, 12</td>
</tr>
<tr>
<td>March</td>
<td>1, 2, 3, 4, 8, 9, 10, 11, 22, 23, 24, 25, 29, 30, 31</td>
</tr>
<tr>
<td>April</td>
<td>1</td>
</tr>
<tr>
<td>May</td>
<td>11, 12, 13</td>
</tr>
<tr>
<td>June</td>
<td>15, 16, 17, 18, 21, 22, 23, 24</td>
</tr>
<tr>
<td>August</td>
<td>3, 4, 5, 9, 10, 11, 12, 13, 30</td>
</tr>
<tr>
<td>November</td>
<td>16, 17, 18, 29, 30</td>
</tr>
<tr>
<td>December</td>
<td>1, 2, 6, 7, 8, 9</td>
</tr>
</tbody>
</table>

RADIO BROADCASTS

Broadcasts of proceedings of the Parliament can be heard on the following Parliamentary and News Network radio stations, in the areas identified.

- **CANBERRA** 1440 AM
- **SYDNEY** 630 AM
- **NEWCASTLE** 1458 AM
- **GOSFORD** 98.1 FM
- **BRISBANE** 936 AM
- **GOLD COAST** 95.7 FM
- **MELBOURNE** 1026 AM
- **ADELAIDE** 972 AM
- **PERTH** 585 AM
- **HOBART** 747 AM
- **NORTHERN TASMANIA** 92.5 FM
- **DARWIN** 102.5 FM
FORTY-FIRST PARLIAMENT
FIRST SESSION—FIRST PERIOD

Governor-General

His Excellency Major-General Michael Jeffery, Companion in the Order of Australia, Commander of the Royal Victorian Order, Military Cross

Senate Officeholders

President—Senator the Hon. Paul Henry Calvert
Deputy President and Chairman of Committees—Senator John Joseph Hogg
Temporary Chairmen of Committees—Senators the Hon. Nick Bolkus, George Henry Brandis, Hedley Grant Pearson Chapman, John Clifford Cherry, Patricia Margaret Crossin, Alan Baird Ferguson, Stephen Patrick Hutchins, Linda Jean Kirk, Susan Christine Knowles, Philip Ross Lightfoot, John Alexander Lindsay (Sandy) Macdonald, Gavin Mark Marshall, Claire Mary Moore and John Odin Wentworth Watson
Leader of the Government in the Senate—Senator the Hon. Robert Murray Hill
Deputy Leader of the Government in the Senate—Senator the Hon. Nicholas Hugh Minchin
Leader of the Opposition in the Senate—Senator Christopher Vaughan Evans
Deputy Leader of the Opposition in the Senate—Senator Stephen Michael Conroy
Manager of Government Business in the Senate—Senator the Hon. Christopher Martin Ellison
Manager of Opposition Business in the Senate—Senator Joseph William Ludwig

Senate Party Leaders

Leader of the Liberal Party of Australia—Senator the Hon. Robert Murray Hill
Deputy Leader of the Liberal Party of Australia—Senator the Hon. Nicholas Hugh Minchin
Leader of the National Party of Australia—Senator the Hon. Ronald Leslie Doyle Boswell
Deputy Leader of the National Party of Australia—Senator John Alexander Lindsay (Sandy) Macdonald
Leader of the Australian Labor Party—Senator Christopher Vaughan Evans
Deputy Leader of the Australian Labor Party—Senator Stephen Michael Conroy
Leader of the Australian Democrats—Senator Andrew John Julian Bartlett

Printed by authority of the Senate
## Members of the Senate

<table>
<thead>
<tr>
<th>Senator</th>
<th>State or Territory</th>
<th>Term expires</th>
<th>Party</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abetz, Hon. Eric</td>
<td>Tas</td>
<td>30.6.2005</td>
<td>LP</td>
</tr>
<tr>
<td>Allison, Lynette Fay</td>
<td>Vic</td>
<td>30.6.2008</td>
<td>AD</td>
</tr>
<tr>
<td>Barnett, Guy (5)</td>
<td>Tas</td>
<td>30.6.2005</td>
<td>LP</td>
</tr>
<tr>
<td>Bartlett, Andrew John Julian</td>
<td>Qld</td>
<td>30.6.2008</td>
<td>AD</td>
</tr>
<tr>
<td>Bishop, Thomas Mark</td>
<td>WA</td>
<td>30.6.2008</td>
<td>ALP</td>
</tr>
<tr>
<td>Bolkins, Hon. Nick</td>
<td>SA</td>
<td>30.6.2005</td>
<td>ALP</td>
</tr>
<tr>
<td>Boswell, Hon. Ronald Leslie Doyle</td>
<td>Qld</td>
<td>30.6.2008</td>
<td>NATS</td>
</tr>
<tr>
<td>Brandis, George Henry (5)</td>
<td>Qld</td>
<td>30.6.2005</td>
<td>LP</td>
</tr>
<tr>
<td>Brown, Robert James</td>
<td>Tas</td>
<td>30.6.2008</td>
<td>AG</td>
</tr>
<tr>
<td>Buckland, Geoffrey Frederick (4)</td>
<td>SA</td>
<td>30.6.2005</td>
<td>ALP</td>
</tr>
<tr>
<td>Calvert, Hon. Paul Henry</td>
<td>Tas</td>
<td>30.6.2008</td>
<td>LP</td>
</tr>
<tr>
<td>Campbell, George</td>
<td>NSW</td>
<td>30.6.2008</td>
<td>ALP</td>
</tr>
<tr>
<td>Campbell, Hon. Ian Gordon</td>
<td>WA</td>
<td>30.6.2005</td>
<td>LP</td>
</tr>
<tr>
<td>Carr, Kim John</td>
<td>Vic</td>
<td>30.6.2005</td>
<td>ALP</td>
</tr>
<tr>
<td>Chapman, Hedley Grant Pearson</td>
<td>SA</td>
<td>30.6.2008</td>
<td>LP</td>
</tr>
<tr>
<td>Cherry, John Clifford (3)</td>
<td>Qld</td>
<td>30.6.2005</td>
<td>AD</td>
</tr>
<tr>
<td>Colbeck, Richard Mansell</td>
<td>Tas</td>
<td>30.6.2008</td>
<td>LP</td>
</tr>
<tr>
<td>Collins, Jacinta Mary Ann</td>
<td>Vic</td>
<td>30.6.2005</td>
<td>ALP</td>
</tr>
<tr>
<td>Conroy, Stephen Michael</td>
<td>Vic</td>
<td>30.6.2005</td>
<td>ALP</td>
</tr>
<tr>
<td>Cook, Hon. Peter Francis Salmon</td>
<td>WA</td>
<td>30.6.2005</td>
<td>ALP</td>
</tr>
<tr>
<td>Coonan, Hon. Helen Lloyd</td>
<td>NSW</td>
<td>30.6.2008</td>
<td>LP</td>
</tr>
<tr>
<td>Crossin, Patricia Margaret (1)</td>
<td>NT</td>
<td></td>
<td>ALP</td>
</tr>
<tr>
<td>Denman, Kay Janet</td>
<td>Tas</td>
<td>30.6.2005</td>
<td>ALP</td>
</tr>
<tr>
<td>Eggleston, Alan</td>
<td>WA</td>
<td>30.6.2008</td>
<td>LP</td>
</tr>
<tr>
<td>Ellison, Hon. Christopher Martin</td>
<td>WA</td>
<td>30.6.2005</td>
<td>LP</td>
</tr>
<tr>
<td>Evans, Christopher Vaughan</td>
<td>WA</td>
<td>30.6.2005</td>
<td>ALP</td>
</tr>
<tr>
<td>Faulkner, Hon. John Philip</td>
<td>NSW</td>
<td>30.6.2005</td>
<td>ALP</td>
</tr>
<tr>
<td>Ferguson, Alan Baird</td>
<td>SA</td>
<td>30.6.2005</td>
<td>LP</td>
</tr>
<tr>
<td>Ferris, Jeannie Margaret</td>
<td>SA</td>
<td>30.6.2008</td>
<td>LP</td>
</tr>
<tr>
<td>Fifield, Mitchell Peter (7)</td>
<td>Vic</td>
<td>30.6.2008</td>
<td>LP</td>
</tr>
<tr>
<td>Forshaw, Michael George</td>
<td>NSW</td>
<td>30.6.2005</td>
<td>ALP</td>
</tr>
<tr>
<td>Greig, Brian Andrew</td>
<td>WA</td>
<td>30.6.2005</td>
<td>AD</td>
</tr>
<tr>
<td>Harradine, Brian</td>
<td>Tas</td>
<td>30.6.2005</td>
<td>Ind</td>
</tr>
<tr>
<td>Harris, Leonard William</td>
<td>QLD</td>
<td>30.6.2005</td>
<td>PHON</td>
</tr>
<tr>
<td>Heffernan, Hon. William Daniel</td>
<td>NSW</td>
<td>30.6.2005</td>
<td>LP</td>
</tr>
<tr>
<td>Hill, Hon. Robert Murray</td>
<td>SA</td>
<td>30.6.2008</td>
<td>LP</td>
</tr>
<tr>
<td>Hogg, John Joseph</td>
<td>QLD</td>
<td>30.6.2008</td>
<td>ALP</td>
</tr>
<tr>
<td>Humphries, Gary John Joseph (3)</td>
<td>ACT</td>
<td></td>
<td>LP</td>
</tr>
<tr>
<td>Hutchins, Stephen Patrick</td>
<td>NSW</td>
<td>30.6.2005</td>
<td>ALP</td>
</tr>
<tr>
<td>Johnston, David Albert Lloyd</td>
<td>WA</td>
<td>30.6.2008</td>
<td>LP</td>
</tr>
<tr>
<td>Kemp, Hon. Charles Roderick</td>
<td>VIC</td>
<td>30.6.2008</td>
<td>LP</td>
</tr>
<tr>
<td>Kirk, Linda Jean</td>
<td>SA</td>
<td>30.6.2008</td>
<td>ALP</td>
</tr>
<tr>
<td>Knowles, Susan Christine</td>
<td>WA</td>
<td>30.6.2005</td>
<td>LP</td>
</tr>
<tr>
<td>Lees, Meg Heather</td>
<td>SA</td>
<td>30.6.2005</td>
<td>APA</td>
</tr>
<tr>
<td>Lightfoot, Philip Ross</td>
<td>WA</td>
<td>30.6.2008</td>
<td>LP</td>
</tr>
<tr>
<td>Ludwig, Joseph William</td>
<td>QLD</td>
<td>30.6.2005</td>
<td>ALP</td>
</tr>
<tr>
<td>Lundy, Kate Alexandra (5)</td>
<td>ACT</td>
<td></td>
<td>ALP</td>
</tr>
<tr>
<td>Macdonald, Hon. Ian Douglas</td>
<td>QLD</td>
<td>30.6.2008</td>
<td>LP</td>
</tr>
<tr>
<td>Senator</td>
<td>State or Territory</td>
<td>Term expires</td>
<td>Party</td>
</tr>
<tr>
<td>-------------------------------------</td>
<td>--------------------</td>
<td>--------------</td>
<td>---------</td>
</tr>
<tr>
<td>Macdonald, John Alexander Lindsay (Sandy)</td>
<td>NSW</td>
<td>30.6.2008</td>
<td>NATS</td>
</tr>
<tr>
<td>McGauran, Julian John James</td>
<td>VIC</td>
<td>30.6.2005</td>
<td>NATS</td>
</tr>
<tr>
<td>Mackay, Susan Mary</td>
<td>TAS</td>
<td>30.6.2008</td>
<td>ALP</td>
</tr>
<tr>
<td>McLucas, Ian Elizabeth</td>
<td>QLD</td>
<td>30.6.2005</td>
<td>ALP</td>
</tr>
<tr>
<td>Marshall, Gavin Mark</td>
<td>VIC</td>
<td>30.6.2008</td>
<td>ALP</td>
</tr>
<tr>
<td>Mason, Brett John</td>
<td>QLD</td>
<td>30.6.2005</td>
<td>LP</td>
</tr>
<tr>
<td>Minchin, Hon. Nicholas Hugh</td>
<td>SA</td>
<td>30.6.2005</td>
<td>LP</td>
</tr>
<tr>
<td>Moore, Claire Mary</td>
<td>QLD</td>
<td>30.6.2008</td>
<td>ALP</td>
</tr>
<tr>
<td>Murphy, Shayne Michael</td>
<td>TAS</td>
<td>30.6.2005</td>
<td>Ind</td>
</tr>
<tr>
<td>Murray, Andrew James Marshall</td>
<td>WA</td>
<td>30.6.2008</td>
<td>AD</td>
</tr>
<tr>
<td>Nettle, Kerry Michelle</td>
<td>NSW</td>
<td>30.6.2008</td>
<td>AG</td>
</tr>
<tr>
<td>O’Brien, Kerry Williams Kelso</td>
<td>TAS</td>
<td>30.6.2005</td>
<td>ALP</td>
</tr>
<tr>
<td>Patterson, Hon. Kay Christine Lesley</td>
<td>VIC</td>
<td>30.6.2008</td>
<td>LP</td>
</tr>
<tr>
<td>Payne, Marise Ann</td>
<td>NSW</td>
<td>30.6.2008</td>
<td>LP</td>
</tr>
<tr>
<td>Ray, Hon. Robert Francis</td>
<td>VIC</td>
<td>30.6.2008</td>
<td>ALP</td>
</tr>
<tr>
<td>Ridgeway, Aden Derek</td>
<td>NSW</td>
<td>30.6.2005</td>
<td>AD</td>
</tr>
<tr>
<td>Santoro, Santo (6)</td>
<td>QLD</td>
<td>30.6.2008</td>
<td>LP</td>
</tr>
<tr>
<td>Scullion, Nigel Gregory (1)</td>
<td>NT</td>
<td></td>
<td>CLP</td>
</tr>
<tr>
<td>Sherry, Hon. Nicholas John</td>
<td>TAS</td>
<td>30.6.2008</td>
<td>ALP</td>
</tr>
<tr>
<td>Stephens, Ursula Mary</td>
<td>NSW</td>
<td>30.6.2008</td>
<td>ALP</td>
</tr>
<tr>
<td>Stott Despoja, Natasha Jessica</td>
<td>SA</td>
<td>30.6.2008</td>
<td>ALP</td>
</tr>
<tr>
<td>Tchen, Tsebin</td>
<td>VIC</td>
<td>30.6.2005</td>
<td>LP</td>
</tr>
<tr>
<td>Tierney, John William</td>
<td>NSW</td>
<td>30.6.2005</td>
<td>LP</td>
</tr>
<tr>
<td>Troeth, Hon. Judith Mary</td>
<td>VIC</td>
<td>30.6.2005</td>
<td>LP</td>
</tr>
<tr>
<td>Vanstone, Hon. Amanda Eloise</td>
<td>SA</td>
<td>30.6.2005</td>
<td>LP</td>
</tr>
<tr>
<td>Watson, John Odin Wentworth</td>
<td>TAS</td>
<td>30.6.2008</td>
<td>LP</td>
</tr>
<tr>
<td>Webber, Ruth Stephanie</td>
<td>WA</td>
<td>30.6.2008</td>
<td>ALP</td>
</tr>
<tr>
<td>Wong, Penelope Ying Yen</td>
<td>SA</td>
<td>30.6.2008</td>
<td>ALP</td>
</tr>
</tbody>
</table>

(1) Term expires at close of day next preceding the polling day for the general election of members of the House of Representatives.
(2) Chosen by the Parliament of Queensland to fill a casual vacancy vice Hon. Warwick Raymond Parer, resigned.
(3) Chosen by the Parliament of Queensland to fill a casual vacancy vice John Woodley, resigned.
(4) Chosen by the Parliament of South Australia to fill a casual vacancy vice John Andrew Quirke, resigned.
(5) Appointed by the Governor of Tasmania to fill a casual vacancy vice Hon. Brian Francis Gibson AM, resigned.
(6) Chosen by the Parliament of Queensland to fill a casual vacancy vice Hon. John Joseph Herron, resigned.
(7) Chosen by the Parliament of Victoria to fill a casual vacancy vice Hon. Richard Kenneth Robert Alston, resigned.

PARTY ABBREVIATIONS
AD—Australian Democrats; AG—Australian Greens; ALP—Australian Labor Party; APA—Australian Progressive Alliance; CLP—Country Labor Party; Ind—Independent; LP—Liberal Party of Australia; NATS—The Nationals; PHON—Pauline Hanson’s One Nation

Heads of Parliamentary Departments
Clerk of the Senate—H. Evans
Clerk of the House of Representatives—L.C. Harris
Secretary, Department of Parliamentary Services—H.R. Penfold QC
HOWARD MINISTRY

Prime Minister
Minister for Transport and Regional Services and
Deputy Prime Minister
Treasurer
Minister for Trade
Minister for Defence and Leader of the Govern-
ment in the Senate
Minister for Foreign Affairs
Minister for Health and Ageing and Leader of the
House
Attorney-General
Minister for Finance and Administration, Deputy
Leader of the Government in the Senate and
Vice-President of the Executive Council
Minister for Agriculture, Fisheries and Forestry
Minister for Immigration and Multicultural and
Indigenous Affairs and Minister Assisting the
Prime Minister for Indigenous Affairs
Minister for Education, Science and Training
Minister for Family and Community Services and
Minister Assisting the Prime Minister for
Women’s Issues
Minister for Industry, Tourism and Resources
Minister for Employment and Workplace Rela-
tions and Minister Assisting the Prime Minister
for the Public Service
Minister for Communications, Information Tech-
nology and the Arts
Minister for the Environment and Heritage

The Hon. John Winston Howard MP
The Hon. John Duncan Anderson MP
The Hon. Peter Howard Costello MP
The Hon. Mark Anthony James Vaile MP
Senator the Hon. Robert Murray Hill
The Hon. Alexander John Gosse Downer MP
The Hon. Anthony John Abbott MP
The Hon. Philip Maxwell Ruddock MP
Senator the Hon. Nicholas Hugh Minchin
The Hon. Warren Errol Truss MP
Senator the Hon. Amanda Eloise Vanstone
The Hon. Dr Brendan John Nelson MP
Senator the Hon. Kay Christine Lesley Patterson
The Hon. Ian Elgin Macfarlane MP
The Hon. Kevin James Andrews MP
Senator the Hon. Helen Lloyd Coonan
Senator the Hon. Ian Gordon Campbell

(The above ministers constitute the cabinet)
Minister for Justice and Customs and Manager of Government Business in the Senate
Senator the Hon. Christopher Martin Ellison

Minister for Fisheries, Forestry and Conservation
Senator the Hon. Ian Douglas Macdonald

Minister for the Arts and Sport
Senator the Hon. Charles Roderick Kemp

Minister for Human Services
The Hon. Joseph Benedict Hockey MP

Minister for Citizenship and Multicultural Affairs and Deputy Leader of the House
The Hon. Peter John McGauran MP

Minister for Revenue and Assistant Treasurer
The Hon. Malcolm Thomas Brough MP

Special Minister of State
Senator the Hon. Eric Abetz

Minister for Vocational and Technical Education and Minister Assisting the Prime Minister
The Hon. Gary Douglas Hardgrave MP

Minister for Ageing
The Hon. Julie Isabel Bishop MP

Minister for Small Business and Tourism
The Hon. Frances Esther Bailey MP

Minister for Local Government, Territories and Roads
The Hon. James Eric Lloyd MP

Minister for Veterans’ Affairs and Minister Assisting the Minister for Defence
The Hon. De-Anne Margaret Kelly MP

Minister for Workforce Participation
The Hon. Peter Craig Dutton MP

Parliamentary Secretary to the Minister for Finance and Administration
The Hon. Dr Sharman Nancy Stone MP

Parliamentary Secretary to the Minister for Industry, Tourism and Resources
The Hon. Warren George Entsch MP

Parliamentary Secretary to the Minister for Health and Ageing
The Hon. Christopher Maurice Pyne MP

Parliamentary Secretary to the Minister for Defence
The Hon. Teresa Gambaro MP

Parliamentary Secretary (Foreign Affairs and Trade)
The Hon. Bruce Fredrick Billson MP

Parliamentary Secretary to the Prime Minister
The Hon. Gary Roy Nairn MP

Parliamentary Secretary to the Treasurer
The Hon. Christopher John Pearce MP

Parliamentary Secretary to the Minister for Transport and Regional Services
The Hon. John Kenneth Cobb MP

Parliamentary Secretary to the Minister for the Environment and Heritage
The Hon. Gregory Andrew Hunt MP

Parliamentary Secretary (Children and Youth Affairs)
The Hon. Sussan Penelope Ley MP

Parliamentary Secretary to the Minister for Education, Science and Training
The Hon. Patrick Francis Farmer MP

Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry
Senator the Hon. Richard Mansell Colbeck
SHADOW MINISTRY

Leader of the Opposition                  Mark William Latham MP
Deputy Leader of the Opposition and Shadow Minister for Education, Training, Science and Research Jennifer Louise Macklin MP
Leader of the Opposition in the Senate and Shadow Minister for Social Security Senator Christopher Vaughan Evans
Deputy Leader of the Opposition in the Senate and Shadow Minister for Communications and Information Technology Senator Stephen Michael Conroy
Shadow Minister for Health and Manager of Opposition Business in the House Julia Eileen Gillard MP
Shadow Treasurer                        Wayne Maxwell Swan MP
Shadow Minister for Industry, Infrastructure and Industrial Relations Stephen Francis Smith MP
Shadow Minister for Foreign Affairs and International Security Kevin Michael Rudd MP
Shadow Minister for Defence and Homeland Security Robert Bruce McClelland MP
Shadow Minister for Trade                The Hon. Simon Findlay Crean MP
Shadow Minister for Primary Industries, Resources and Tourism Martin John Ferguson MP
Shadow Minister for Environment and Heritage and Deputy Manager of Opposition Business in the House Anthony Norman Albanese MP
Shadow Minister for Public Administration and Open Government, Shadow Minister for Indigenous Affairs and Reconciliation and Shadow Minister for the Arts Senator Kim John Carr
Shadow Minister for Regional Development and Roads and Shadow Minister for Housing and Urban Development Kelvin John Thomson MP
Shadow Minister for Finance and Superannuation Senator the Hon. Nicholas John Sherry
Shadow Minister for Work, Family and Community, Shadow Minister for Youth and Early Childhood Education and Shadow Minister Assisting the Leader on the Status of Women Tanya Joan Plibersek MP
Shadow Minister for Employment and Workplace Participation and Shadow Minister for Corporate Governance and Responsibility Senator Penelope Ying Yen Wong

(The above are shadow cabinet ministers)
<table>
<thead>
<tr>
<th>Shadow Ministry Role</th>
<th>MP Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shadow Minister for Immigration</td>
<td>Laurence Donald Thomas Ferguson MP</td>
</tr>
<tr>
<td>Shadow Minister for Agriculture and Fisheries</td>
<td>Gavan Michael O’Connor MP</td>
</tr>
<tr>
<td>Shadow Assistant Treasurer, Shadow Minister for Revenue and Shadow Minister for</td>
<td>Joel Andrew Fitzgibbon MP</td>
</tr>
<tr>
<td>Banking and Financial Services</td>
<td></td>
</tr>
<tr>
<td>Shadow Attorney-General</td>
<td>Nicola Louise Roxon MP</td>
</tr>
<tr>
<td>Shadow Minister for Regional Services, Local Government and Territories</td>
<td>Senator Kerry Williams Kelso O’Brien</td>
</tr>
<tr>
<td>Shadow Minister for Manufacturing and Shadow Minister for Consumer Affairs</td>
<td>Senator Kate Alexandra Lundy</td>
</tr>
<tr>
<td>Shadow Minister for Defence Planning and Personnel and Shadow Minister Assisting the</td>
<td>The Hon. Archibald Ronald Bevis MP</td>
</tr>
<tr>
<td>Shadow Minister for Industrial Relations</td>
<td></td>
</tr>
<tr>
<td>Shadow Minister for Sport and Recreation</td>
<td>Alan Peter Griffin MP</td>
</tr>
<tr>
<td>Shadow Minister for Veterans’ Affairs</td>
<td>Senator Thomas Mark Bishop</td>
</tr>
<tr>
<td>Shadow Minister for Small Business</td>
<td>Tony Burke MP</td>
</tr>
<tr>
<td>Shadow Minister for Ageing and Disabilities</td>
<td>Senator Jan Elizabeth McLucas</td>
</tr>
<tr>
<td>Shadow Minister for Justice and Customs, Shadow Minister for Citizenship and</td>
<td>Senator Joseph William Ludwig</td>
</tr>
<tr>
<td>Multicultural Affairs and Manager of Opposition Business in the Senate</td>
<td></td>
</tr>
<tr>
<td>Shadow Minister for Pacific Islands</td>
<td>Robert Charles Grant Sercombe MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary to the Leader of the Opposition</td>
<td>John Paul Murphy MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Defence</td>
<td>The Hon. Graham John Edwards MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Education</td>
<td>Kirsten Fiona Livermore MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Environment and Heritage</td>
<td>Jennie George MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Infrastructure</td>
<td>Bernard Fernando Ripoll MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Health</td>
<td>Ann Kathleen Corcoran MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Regional Development (House)</td>
<td>Catherine Fiona King MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Regional Development (Senate)</td>
<td>Senator Ursula Mary Stephens</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Northern Australia and Indigenous Affairs</td>
<td>The Hon. Warren Edward Snowdon MP</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>
CONTENTS

MONDAY, 29 NOVEMBER

Chamber
Business—
  Consideration of Legislation ................................................................................................ 1
Committees—
  Corporations and Financial Services: Joint—Establishment .............................................. 1
  Telecommunications (Interception) Amendment (Stored Communications) Bill 2004—
    Second Reading ................................................................................................................. 6
Questions Without Notice—
  Health: Asbestos Related Disease ...................................................................................... 23
  Environment: Murray-Darling River System ......................................................................... 24
  Regional Services: Program Funding .................................................................................. 25
  Forestry: Policy ................................................................................................................... 27
  Indigenous Affairs: Deaths in Custody ................................................................................ 29
  Howard Government: Expenditure ....................................................................................... 31
  Environment: Murray-Darling River System ......................................................................... 32
  Regional Services: Program Funding .................................................................................. 34
  Communications: Community Broadcasting ......................................................................... 35
  Regional Services: Program Funding .................................................................................. 37
Questions Without Notice: Additional Answers—
  Iraq ........................................................................................................................................... 38
  Crime: Australian National Child Offender Register ............................................................ 38
Questions Without Notice: Take Note of Answers—
  Regional Services: Program Funding .................................................................................. 39
  Indigenous Affairs: Deaths in Custody ................................................................................ 44
Condolences—
  Haines, Ms Janine, AM ......................................................................................................... 45
Petitions—
  Immigration: Asylum Seekers ............................................................................................. 68
  Anti-Vehicle Mines ................................................................................................................ 69
  Education: Educational Textbook Subsidy Scheme ............................................................... 69
  Immigration: Asylum Seekers ............................................................................................. 70
Notices—
  Presentation ............................................................................................................................ 70
  Postponement ........................................................................................................................ 72
  Leave of Absence .................................................................................................................... 72
  Human Rights: Western Sahara ............................................................................................. 72
Documents—
  Tabling .................................................................................................................................... 73
  Auditor-General’s Reports—Report No. 15 of 2004-05 .......................................................... 74
  Responses to Senate Resolutions .......................................................................................... 78
Committees—
  Scrutiny of Bills Committee—Report .................................................................................. 78
  Membership .............................................................................................................................. 79
Workplace Relations Amendment (Agreement Validation) Bill 2004—
  Report of Employment, Workplace Relations and Education Legislation Committee ........ 80
Telecommunications (Interception) Amendment (Stored Communications) Bill 2004—
  Second Reading ................................................................................................................... 80
CONTENTS—continued

In Committee........................................................................................................................................... 82
Third Reading............................................................................................................................................ 91
Business—
  Rearrangement..................................................................................................................................... 91
Fisheries (Validation of Plans of Management) Bill 2004—
    Second Reading................................................................................................................................. 91
Family Law Amendment (Annuities) Bill 2004—
    Second Reading................................................................................................................................. 93
Bankruptcy and Family Law Legislation Amendment Bill 2004—
    Second Reading................................................................................................................................. 97
Governor-General’s Speech—
    Address-in-Reply............................................................................................................................... 97
Adjournment—
  Tasmania: Victoria Cross Recipients ................................................................................................. 121
  Environment: Goulburn Field Naturalists Society .............................................................................. 124
  Iran ....................................................................................................................................................... 126
  Women’s Services Network ................................................................................................................. 129
  Women’s Services Network ................................................................................................................. 131
Documents—
  Tabling................................................................................................................................................ 132
The PRESIDENT (Senator the Hon. Paul Calvert) took the chair at 12.30 p.m. and read prayers.

BUSINESS

Consideration of Legislation

Senator ELLISON (Western Australia—Manager of Government Business in the Senate) (12.31 p.m.)—by leave—At the request of the Minister for the Environment and Heritage, Senator Ian Campbell, I move the motion as amended:

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

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.

Question agreed to.

COMMITTEES

Corporations and Financial Services: Joint Establishment

Consideration of House of Representatives message resumed from 18 November.

Senator ELLISON (Western Australia—Minister for Justice and Customs) (12.32 p.m.)—I move:

That the Senate concurs with the resolution of the House of Representatives contained in message no. 4 relating to the appointment of the Parliamentary Joint Committee on Corporations and Financial Services.

Senator CHAPMAN (South Australia) (12.32 p.m.)—I move the following amendment to the motion:

At the end of the motion, add “, subject to the following modification:

Omit paragraph (a), substitute:

(a) That the committee consist of 10 members drawn from the House of Representatives and the Senate, with 5 nominated from the Government party, including at least 1 Member of the House of Representatives to be nominated by the Government Whip or Whips and at least 1 Senator to be nominated by the Leader of the Government in the Senate; four nominated from the Opposition party, including at least 1 Member of the House of Representatives to be nominated by the Opposition Whip or Whips and at least 1 Senator to be nominated by the Leader of the Opposition in the Senate; and 1 Senator to be nominated by any minority groups or independent Senators.”.

Senator LUDWIG (Queensland) (12.32 p.m.)—Perhaps it is worth while going through a little of the history of this matter. This proposal has been seized upon by Senator Chapman for no other reason than to resolve some issues he might have with the Parliamentary Joint Committee on Corporations and Financial Services. In my view, what has preceded this motion requires more examination—not our putting a new structure in place or sending the matter off to the relevant procedure committees at this juncture. To effect the change that is being sought by this motion firstly requires legislative change; the legislation has to be amended. Secondly, this has to be done subsequent to the procedure committees of the House and the Senate agreeing to that change.

The amendment proposed by Senator Chapman represents a significant change to the way joint committees are currently structured. The way the joint committees are currently structured, how their membership is split up, is steeped in a long history. The system provides for a number of joint commit-
member to be drawn from the House of Representatives and a number to be drawn from the Senate. To my mind, that is sensible for a joint committee. One would have X number of members from the House and X number from the Senate, and they would then form the joint committee. What is being sought is a change to this longstanding practice, which is reflected across a number of other committees. One wonders whether this change would have an impact upon other joint committees—whether they would seek a similar change. But that should be dealt with in front of any proposed change.

It would be far more sensible to have this matter dealt with in the procedure committees of both houses. Perhaps they could come to a conclusion as to whether there should be any change. One should not suggest change without all parties in here being consulted and without having the benefit of the Clerk’s view and the view of the Procedure Committee on whether the change should occur. To seek such consultation would be a far more sensible process than simply promoting a change and hoping the legislation will catch it up in the next year. With this matter, we seem to be putting the cart before the horse.

I am not taking issue with Senator Chapman. I think his intent in all this is good. As far as has been explained to me—and I am happy to be corrected—there might be some problems with the way this committee operates. Those things, too, might need to be taken to the procedures committees, which could then examine what the underlying difficulty is. We have not heard an outline—the senator might like to provide it—of the issue in question. Is it the case that some people do not turn up to committee meetings, and perhaps need to be chastised? That would be an issue, but I do not think changing the structure of the committee will assist that in any real way. We might make it only a Senate committee, rather than a joint committee, in truth. If there is a problem with how the structure operates—that is, with five members nominated from the House and five nominated from the Senate—Senator Chapman should be able to outline what that problem is and articulate it clearly so that the chamber can make up its mind as to whether any change should be proposed.

What is proposed here, however, is not so much what I would call a joint committee, where you have five members nominated from the House and five nominated from the Senate, but a joint committee based on a mix of government and non-government members; government and opposition. Without receiving further explanation I, for one, would be unable to support it.

If you look at the wording for the structure—if I can use this as a summary of what the amendment seems to be—you will see that it is proposed that members of the committee be drawn from one party, the government; then from another, the opposition; and then some from the minor parties. That does not seem to promote what I would call a joint committee between the House and the Senate. It seems to promote a committee that is in part a joint committee, in that there are members drawn from the House and the Senate, and in part a committee where membership reflects whether or not you are in government.

We could examine that and argue backwards and forwards about those words, but my position is not to argue about the detail. Two threshold issues need to be addressed. Firstly, is there a need for the amendment today? I do not see any need. If it cannot actually be put in place today, I wonder why we are putting it in train now. If there is a requirement for legislative change, let us see the colour of that first. But, even before that, I would have thought the logical thing would have been to follow the usual process of
sending a letter to the Procedure Committee of both houses or the Procedure Committee of one house, which would deal with it on behalf of the other or seek advice from the other. I would have thought that that was a sensible option for dealing with longstanding procedural issues of this nature, especially given that this is of significant import to how joint committees may operate. Secondly, the wording itself should be examined to see whether or not it meets requirements. We need to hear a cogent argument as to why we need to do it today. For all those reasons, notwithstanding the merit of it, Labor is not minded to support this amendment. One wonders why we are putting it to a test today.

Senator CHAPMAN (South Australia) (12.39 p.m.)—by leave—I am proposing a very simple amendment to the structure of the Joint Committee on Corporations and Financial Services. It would mean a very simple change, and it would not require any change to the membership structure of the committee. It would simply allow either the government or the opposition parties, if they so desired, to change the balance of their membership between members from the House of Representatives and members from the Senate. Senator Ludwig said that the proposed change refers to members of the government and members of the opposition rather than to members of the House and members of the Senate. In fact, the existing motion—and Senator Ludwig will see this if he checks it—puts forward by the Manager of Government Business in the Senate refers to exactly that. That is already the way in which this committee is structured; the amendment does not change that aspect. What it does is give greater flexibility to the government and opposition parties in the way in which, subject to the overall requirements of the committee structure, they determine how many members from the House and how many members from the Senate will be on this committee. It does, therefore, provide for there to be more members of the Senate on this committee, if that is the wish of either of the major parties, than is currently the provision.

Senator Ludwig asked the reason for this amendment. It was not so much that members of the House sought to be members of this committee and then decided that they would not be so actively involved. Rather, because of the existing requirements that there be a fixed number from the House, members of the House were appointed to the committee who would not have sought membership, whereas there were members of the Senate—certainly from the government side—who would have sought membership of this committee had the definition of the numbers allowed them to do so, had there been an opportunity for more senators to be appointed to this committee. In effect, members of the House were dragooned onto this committee and then did not take an active interest in it. This amendment seeks to address that problem and that issue in a sensible way.

If the Labor Party still wanted to appoint two members from the House and two members from the Senate to this committee, under my amendment they would be completely free to do that. Equally, if they wanted to vary that membership and have three and one or one and three, this amendment would allow them to do that. Similarly, the existing wording requires that there be three government appointed members from the House and two from the Senate. My amendment would allow two and three or one and four; either way, it would allow flexibility. It would not involve any change to the membership structure, as I said a few moments ago; it would simply allow that flexibility to occur.
To reinforce the reason for this, I recall that Senator Murray part way through the operation of the committee during the last parliament actually called for the committee secretariat to provide details of the attendance record of members of the committee throughout the last parliament, and those details reinforced the fact that both government and opposition members from the House of Representatives had been very tardy with regard to their involvement in the committee. This issue was discussed by the committee. This proposal was discussed informally during committee meetings and subsequently I have had discussions with the Democrats and the opposition about it.

Why should we do it today? The motion to re-establish a Joint Committee on Corporations and Financial Services is before the Senate today. If we pass the original motion, we will have to find some way and some time in the future to introduce this amendment. To give full effect to my intent, a minor amendment to the Australian Securities and Investments Commission Act is required. I have discussed that with the Treasurer and with the government, and it has been agreed that the first Treasury bill next year would have that amendment attached to it. Once that amendment goes through, we will be able to appoint the committee as might be desired by either of the major parties.

Senator Ludwig would say, ‘Why not deal with this proposal at that time?’ The simple fact is that, with the pressure of business in both chambers, the difficulty of getting this proposal back onto the agenda might, I suspect, preclude that occurring. If this proposal passes today what will happen is that at least the two major parties will be able to proceed to select their committee members on the basis of the structure that will apply from February next year, when the ASIC Act amendment will also apply. Should that be different from what is required under the legislation, some interim members can be appointed to get the committee up and running now, so that it can at least operate and get its initial inquiry under way—with the normal process of advertising for submissions and receiving those submissions. By the time it actually gets to the work of the committee—conducting hearings and the like and making those sorts of decisions—the committee membership will comprise people who actually want to be on the committee and want to take an interest in the committee. The members will be people who have expertise and want to do the work, which is very important as far as this committee is concerned.

So the reason for this amendment today is to prevent the process of achieving this worthwhile change to the committee structure becoming unnecessarily long and drawn out. The amendment may well establish a precedent for other committees to follow, but they will only follow that precedent if, in their own circumstances, they believe it is beneficial for their particular committee to have similar flexibility and structure. This committee certainly needs it. It has demonstrated that not only through its operation in the immediate past parliament but also to some extent in parliaments prior to that.

My view is that we should get this part of the process finalised today, so that at least we know the direction in which we are heading with some certainty. I am also quite prepared to—and in fact I give notice that I will—move for a reference to be sent to the procedures committee to the effect that the procedures committee monitor this change, when it is implemented, over a period of time, and report back to the Senate on the effect of the change in operation. I do not believe it is necessary for this matter to go to the procedures committee before it is implemented. The issues are clear. The committee is very
clear on the issues. As I say, they have been discussed in the committee. There is absolutely no need for that sort of delay. We should proceed today with this amendment so that we can, as I say, start the process, but I will be moving for a reference to be sent to the procedures committee to the effect that the committee monitor and investigate the operation of the new structure when it is in place.

Senator BROWN (Tasmania) (12.47 p.m.)—I have listened carefully to both senators who have spoken about the amendment, and the government has brought forward a coherent argument for changing the structure of the Parliamentary Joint Committee on Corporations and Financial Services so that there is no longer a requirement for a five-five balance between the two houses, having regard to the committee membership of 10. But the argument seems based on the failure—of the government at least and maybe the opposition—between them to get five interested members from the House of Representatives to attend this committee. That is a problem for the government and the opposition, and it ought not to be a problem for the parliament as a whole.

It is very important to remember that the Senate and the House of Representatives are equally important in our bicameral system. While the government is arguing that at the moment the problem lies in getting enough interested people from the House of Representatives onto the committee—there may be more interested people from the government benches in the Senate to go onto this committee—the move that is proposed here immediately opens up, again, another avenue for greater power for the executive, as against the Senate. After 1 July next year, when the government will have the numbers. But we do not—

Senator Ferguson—How does this amendment give more power to the executive?

Senator BROWN—It simply means that in future the executive, through this system, will be able, if it wants, to have a greater membership from the house of the executive, which is the House of Representatives, at a time when the Senate may be dominated by the House. One of the important things we in this place know is that the executive—and, indeed, that includes the executive of the opposition—has quite enormous sway over what goes on in this place. The fact that reference has to be made, even by ministers in this place, to the executive before business can proceed, delays the Senate all the time.

What we are talking about here is at the margins, but there is a time-honoured five-five balance between the two houses in joint committees such as this, and we believe that ought to be kept. It may be expedient to the government to have the membership balance changed because there are more government senators who are enthusiastic about matters to do with corporations and financial services than there are government members from the House of Representatives. That is a government problem. That is something for the government to fix.

Senator Chapman—It’s also a committee problem.

Senator BROWN—It becomes a committee problem if the government is uninterested. But, if the government is uninterested to the point where it cannot get members—out of its scores of members in the House of Representatives—either to attend this committee or to be interested in it proceeding, then it should withdraw from it. So we will not be supporting the amendment.
Senator MURRAY (Western Australia) (12.51 p.m.)—I sit on three joint committees which have both Senate and House of Representatives members. Those three are: the Joint Committee of Public Accounts and Audit, the Joint Standing Committee on Electoral Matters and the Parliamentary Joint Committee on Corporations and Financial Services. On the first of those, the Joint Committee of Public Accounts and Audit, members from both the Senate and the House of Representatives attend regularly and in numbers, and they fulfil their obligations to that committee in full. The same is true of the Joint Standing Committee on Electoral Matters. In the last few years it has not been true of the Parliamentary Joint Committee on Corporations and Financial Services, and three senators have carried an extremely heavy load on that committee—and in my view, with a lack of modesty, I guess, those three have acquitted themselves very well.

Caught up in here is a discussion about status, standing and equivalence clashing with the practical reality, the great difficulty the committee has in operating effectively at present. My view is that the chair has come up with a proposal which may resolve that problem. It may not, of course, and we have to recognise that. I think what the chair has essentially put before the Senate is a trial to see if this different arrangement makes for a more effective committee operation. I and my party colleagues very much and fully support a reference to the Senate Procedure Committee. If Senator Chapman or Senator Ludwig were to put up such a reference in these two weeks of sittings, we would support it. There is no reason why such a committee could not report around the time that the suggested legislative change is due to be made, but in the meantime we need to operate effectively, practically and realistically. It is all very well for senators in the debate who are not on that committee to raise issues about principle, standing and status—and I think those are very good points they make—but on the other side of the coin it has been difficult to work effectively in that committee under the existing structure.

I and my colleagues do not oppose a trial. We do not oppose this amendment. What the Senate changes it can change again later on, and we would certainly support the Senate Procedure Committee examining the practical operation of the committee under the new circumstances and coming to a view well before the Senate loses its numbers and its ability to form an independent view of the executive. I am aware of the circumstances and background to this. I do not see a hidden hand behind this. I do not see the hand of the executive’s overmighty power. I do not see its hidden hand in this situation, and the Democrats are not afraid of operating a trial.

Question agreed to.
Original question, as amended, agreed to.

TELECOMMUNICATIONS (INTERCEPTION) AMENDMENT (STORED COMMUNICATIONS) BILL 2004

Second Reading

Debate resumed from 17 November, on motion by Senator Ian Campbell:

That this bill be now read a second time.

Senator LUDWIG (Queensland) (12.56 p.m.)—I rise to speak on the Telecommunications (Interception) Amendment (Stored Communications) Bill 2004. This is the third attempt to clarify the application of the Telecommunications (Interception) Act 1979 to stored communications. The previous two attempts, which formed part of the Tele-
communications Interception Legislation Amendment Bill 2002 and the Telecommunications (Interception) Amendment Bill 2004, were withdrawn by the government after flaws were identified in those bills by the Senate Legal and Constitutional Legislation Committee.

In part, the last bill collapsed after the Attorney-General’s Department and the Australian Federal Police could not agree about the correct interpretation of the existing law. Unfortunately it was fairly clear to the committee this time around that the stand-off has never been resolved. The committee has now examined the current bill and has recommended that it proceed, subject to an amendment mandating a review of the Telecommunications (Interception) Act. The government has now made this commitment, so the opposition can now support this bipartisan recommendation and the bill.

In its bipartisan report, the committee has identified a range of issues that should be considered in any such review. The principal issue, which is referred to in the committee’s recommendation, is whether stored communications should be exempted altogether from the act or whether the exemption should in fact be qualified in some way and, if it were to be qualified in some way, the extent of that qualification. For example, the earlier 2004 bill sought to provide some protection for stored communications which had not yet been accessed by the intended recipient. However, consideration of this issue was complicated by uncertainty about whether current technology enables it to be determined whether the communication has in fact been accessed.

In its most recent report, the committee noted in paragraphs 3.17 to 3.19 the conflicting evidence it had heard on this particular issue. For example, while some witnesses had said it is not possible to know whether emails have been accessed, one witness suggested that, under newer versions of software, ISPs would be able to determine this. It was certainly not clear to the committee whether it was able to be accessed and whether they were to know about that. Because of the significance of this question, the committee specifically recommended that it be examined in detail in any review of the T(I) Act. In part, the distinction between read and unread emails was removed from the current bill because of the concerns expressed by the Australian Federal Police that the earlier 2004 bill would prevent it internally monitoring emails for corporate governance purposes. However, it is pertinent to refer to what the Privacy Commissioner told the committee. The Privacy Commissioner said:

If there is continued uncertainty about whether such activities may contravene the Interception Act, this could be resolved by amending legislation to ensure that while protection is maintained for personal telecommunications generally, e-security and corporate governance measures are permitted.

That is why the committee recommended at paragraph 3.21 of its report that the review of the T(I) Act consider whether this is a more appropriate way to address those specific concerns.

The committee also heard evidence about broader implications of allowing the interception of stored communications using some other form of lawful authority besides the T(I) Act. One of these was the potential for telecommunications carriers to disclose communications, such as copies of customers’ emails, under the Telecommunications Act. The act imposes quite specific obligations on carriers to keep records of these disclosures, and section 309 enables the Privacy Commissioner to check compliance with these obligations. However, the Privacy Commissioner told the committee:
With the work of the Office of the Federal Privacy Commissioner compliance section currently focussed on complaints handling, it is not carrying out audits in a range of areas included under this provision.

It is reasonable to assume that in future the disclosure provisions of the Telecommunications Act will be relied on a lot more because carriers will no longer be able to insist on the production of a TI warrant before granting access to stored communications. When that happens there will be an undeniable need to ensure that records are kept in accordance with that act through an appropriate program of audits. But under this government such audits have ceased altogether, it appears, because of a lack of funds provided to the Privacy Commissioner to allow him to do not only complaints handling but also the wider auditing that you would expect the Privacy Commissioner to do.

In paragraph 3.30 of its report the committee has drawn the government’s attention to this and we hope it is addressed in the course of the proposed review. It is necessary not only to review the TI legislation itself in detail but also to go a little deeper to examine the import of this change and how it would affect other agencies such as the Privacy Commissioner. The government in this instance should be forewarned. This is a matter that we will continue to pursue to ensure that there is open and public accountability in this process. The Telecommunications Act is administered by the communications minister, but the funding of the Privacy Commissioner is the responsibility of the Attorney-General.

Another concern heard by the committee was in relation to the handling and destruction of personal information contained in stored communications that are obtained through some other form of lawful authority. The Privacy Commissioner observed that, while the T(I) Act imposes requirements to destroy information not required for an agency’s functions, the information privacy principles do not contain such an obligation. Again, at paragraph 3.39 the committee recommended that the proposed review consider whether the IPPs do the work that is likely to be required of them following the passage of this bill.

In summary, the committee has recommended that the bill proceed with an amendment mandating the proposed review of the T(I) Act. But in truth the government should not take too much comfort from this recommendation. The committee has stopped far short of giving an unqualified endorsement of the approach proposed in this bill. At paragraph 3.47 the committee said: The Committee notes with concern the arguments presented that if enacted, the Bill will remove privacy protection for those using emails or SMS. The Committee heard competing policy arguments. Those in favour of the Bill argue that a stored email is analogous to a letter (and like a PO Box should be accessible with only a search warrant), whilst those opposing the Bill argue it is more analogous to a phone call, and should be protected by the TI Act like a phone call.

And at paragraph 3.54 the committee concluded: The Committee believes that there is a genuine need to ensure clarity as the application of the TI Act to stored communications. If enacted, the Bill will achieve this clarity, although it will cease to have effect 12 months after its commencement. The Committee regards this as an important check in the process. The Committee believes that if the Bill is enacted, the review that is to take place within this 12 months should be public, and should reconsider the appropriateness of continuing the exemption of read and unread stored communications from the TI regime, as proposed in the Bill. The Committee has identified a range of issues in its report which bear upon this question.

The committee’s inquiry was an important opportunity for all the implications of this bill to be drawn out and put into the public
arena. It is important that these implications now be further examined and responded to in the review of the T(I) Act to properly inform consideration of what longer term arrangements should be put in place after this legislation sunsets in 12 months time. The opposition therefore will not be opposing this bill. The opposition notes that the government has given effect to the bipartisan recommendations of the Senate committee by committing to a review of the T(I) Act. In the light of the substantial privacy concerns raised before the Senate committee we believe this is desirable. We have previously seen numerous legislative reviews put on the backburner or falling by the wayside, and this commitment means that the opposition will ensure the government is held to the commitment which it has given.

The government has not always carried out the reviews when they were called for or were required. One recent example was the promise of the 2002 review of the Financial Transaction Reports Act, which was meant to result in the publication of an issues paper but was delayed and then swallowed up completely by broader work on the revised recommendations of the financial action task force. This review caused considerable frustration in the business sector. A second example was the promised review of the Privacy Act exemptions for employee records, which previous ministers Peter Reith and Daryl Williams promised would be completed by the time the private sector amendments came into operation in December 2001. Instead, progress has been glacial and in fact the government did not even publish an issues paper until 2004. A third example was the promised review of the Bankruptcy Act offences relating to gambling. This was promised in December 2002 but the government has said nothing about it since. Maybe something has been going on behind the scenes with the government in relation to these matters, but certainly it has not bothered to inform parliament of this.

So there you have three examples in the Attorney-General’s portfolio alone of where legislative reviews have been put on the backburner or have fallen by the wayside. We do not raise these to attribute blame but simply to illustrate the need for vigilance by the government in light of the substantial privacy issues raised in this bill. We expect parliament and government to heed the warning that is contained within that: if they are going to have a review, it should commence at the earliest possible moment and be thorough, appropriate and complete.

**Senator GREIG (Western Australia)**

(1.07 p.m.)—We Democrats find the Telecommunications (Interception) Amendment (Stored Communications) Bill 2004 concerning and believe it has the potential to violate the privacy of many thousands of Australians. The bill will allow ASIO and a range of law enforcement agencies to access the text messages—that is, SMS messages—emails and voice mail messages of Australian citizens without the need for an interception warrant. That for us is the critical point. These proposals were originally introduced by the government as part of its suite of anti-terror bills in 2002 and attracted, rightly, strong criticism from many groups and individuals within the broader community.

I want to begin my remarks today by emphasising that the interception of private communications between individuals is a very intrusive practice. Individuals ought to have the right to communicate privately with their friends, family and loved ones. Similarly, in a business context, Australian workers have the right to communicate privately with their employers, employees, colleagues and clients. Human beings are continually developing new and innovative ways of communicating with one another, and it is
important that Australians have the freedom and the confidence to embrace these new technologies without fear of government surveillance.

The right to privacy imposes a vital limitation on executive power. When that right is eroded, we are left with the slightly Orwellian prospect of the state having power to control the lives of those it governs. In the absence of a bill of rights, there is no constitutionally or legislatively enshrined right to privacy in Australia. However, a number of important protections do exist. Not surprisingly, most of these are contained within the federal Privacy Act. The Telecommunications (Interception) Act also contains an essential protection in that it prohibits the interception of, listening to or recording of telecommunications between individuals. Of course, the act also sets out a number of circumstances in which this prohibition does not apply. In particular, it enables ASIO to intercept telecommunications for national security reasons and law enforcement agencies to engage in interception for the purposes of investigating and prosecuting criminal offences. In each of these cases, an interception warrant is required before any interception is permitted.

Under this bill, however, Australian intelligence and law enforcement agencies will be able to access certain forms of telecommunications—as I have said, SMS, email and voice mail messages—without an interception warrant. The Bills Digest argues: The fundamental issue ... is what privacy regime should apply for emails, text messages and voice mail, as well as for similar forms of electronic communication that may be developed in the future. Should official access to private communications using new forms of electronic technology be allowed outside the type of protocols in the Telecommunications (Interception) Act simply because the communications have reached a point in their transmission where they are deemed by the Bill to be no longer ‘passing over’ a telecommunications system?

We Democrats argue that the answer to that question rightfully ought to be an emphatic no. We see no good reason that electronic communications, such as SMS, email and voice mail, should be treated any differently from telephone calls simply because they can be stored and accessed at a later time. The use of SMS, email and voice mail as forms of communication is increasing rapidly, and the Australian community should be free to reap the benefits of these technologies without fearing government access to their private communications. We Democrats believe these proposed changes will undermine to some extent the fundamental purpose and intent of the Telecommunications (Interception) Act and will enable unjustifiable infringements of personal privacy.

One of the fundamental points that needs to be made about interception warrants is that they provide some degree of accountability in the exercise of invasive powers. For example, law enforcement agencies must satisfy a judge or member of the AAT that a warrant is required for the investigation of a particular offence. The act limits the range of offences in relation to which a warrant may be issued, and the Attorney-General is required to present an annual report to parliament on the number of warrants issued, the cost of implementing those warrants and their usefulness in terms of whether they yield information relevant to the prosecution of an offence. Under these new provisions, law enforcement agencies will be able to access SMS, email and voice mail messages, whether or not they have been received by the intended recipient, without the need for an interception warrant.

What this means in practical terms is that, firstly, there will be no scrutiny of these powers before they are exercised by law enforcement agencies. This is because it will
not be necessary to satisfy a judicial officer that gaining access to private communications is necessary for the investigation or prosecution of an offence. Secondly, law enforcement agencies will now be able to access private communications between individuals for the purpose of investigating even the most minor offences. Thirdly, there will be no parliamentary or public scrutiny of the exercise of these powers because the Attorney-General will have no obligation to report to parliament on their use. What this in turn means is that both the parliament and the community will be kept in the dark about the extent to which law enforcement agencies are accessing private, personal SMS, email and voice mail messages. We find that totally unacceptable.

Even when there are strict reporting requirements in place—as with the existing interception powers—we are seeing a massive increase in spying by law enforcement agencies. The introduction of new powers without any associated reporting requirements can only exacerbate this situation. The annual report on the Telecommunications (Interception) Act for 2002-03 demonstrates that our law enforcement agencies are undertaking more interceptions than ever before. The report indicates that a total of 3,058 warrants were issued to law enforcement agencies in the previous reporting year, representing an increase of 41 per cent over the past two years. Perhaps most disturbing, though, is the fact that Australians are having their phones tapped at a rate some 30 times higher than the rate of phone taps in the United States.

The most important point to make about these figures is that they only represent the number of warrants issued, not the number of interceptions undertaken. In actual fact, each warrant may authorise the interception of tens of thousands of individual phone calls. While the annual report argues that ‘interception continues to be an extremely valuable investigative tool’, the figures reveal that many interceptions do not in fact result in conviction, prosecution or even arrest. There was a decrease not only in the number of arrests per warrant but also in the proportion of warrants which yielded information used in the prosecution of an offence. What is clear here is that hundreds of warrants have been issued and thousands of interceptions have been undertaken which have ultimately had no forensic value. For example, more than 1,500 of the warrants issued last year did not result in any arrests. The report also highlights the enormous cost associated with interceptions, with more than $25 million being spent in connection with the execution of warrants during the past year alone. So the picture which the annual report paints is one of Australian law enforcement agencies undertaking more interceptions and spending more money on them, yet not necessarily obtaining any more information relating to criminal offences.

It is against this backdrop that the government is now seeking to give these law enforcement agencies unrestricted and unaccountable access to SMS, email and voice mail messages after they have been received. There will be no restriction on the types of investigations in which these communications can be accessed and no requirement to report to parliament. But the most fundamental point I want to make here is that these powers are being given not only to law enforcement agencies but also to ASIO, to be used in the performance of its national security functions. Under the current telecommunications interception regime, ASIO exercises its interception powers in a virtual accountability vacuum. ASIO’s entire accountability in this context is limited to scrutiny by the Attorney-General. The disturbing situation that this creates is one in which the power to authorise the extensive bugging of
private conversations between individual Australians rests with the same minister who presided over the ‘truth overboard’ scandal.

We Democrats believe that there is a desperate need for greater accountability in relation to the exercise of telecommunications interception powers by ASIO. At present the Australian community has no idea of the extent to which ASIO is exercising these powers. Given the significant violation of privacy associated with these powers, we strongly believe that some degree of accountability is absolutely vital to guard against their abuse. In advocating this, I am not naively suggesting that ASIO should be treated in the same way as some other government department. Clearly, ASIO, as an intelligence agency, cannot achieve the same level of public accountability and transparency as we would expect from other government departments, but it should not be free from any accountability in relation to its interception powers. We believe that ASIO should be required to provide parliament with basic information about its use of interception powers—for example, the number of warrants issued to it by the Attorney-General. We do not believe that this would impinge upon ASIO’s ability to promote and protect Australia’s national security.

While the Democrats strongly oppose the provisions of this bill which facilitate access to stored SMS, email and voice mail communications without a warrant, we know that Labor supports them and that they will therefore soon become law. As I have said, accessing private communications without the knowledge of the individuals involved is a very intrusive practice. We believe that this is unjustifiable in all but the most exceptional circumstances. Where the government does engage in this practice, it must be clearly accountable, at least to parliament. This bill reduces accountability and radically extends the circumstances in which the government can lawfully access private communications between individuals. We Democrats do not support these moves and we will not be supporting the bill in total. Before I close, Mr Acting Deputy President, I point out that my colleague Senator Stott Despoja, who has a strong interest in this area particularly as it relates to privacy and, as you may know, is on leave owing to travel restrictions, asks that her speech on this bill be incorporated in *Hansard*. I understand that the protocols have been observed in terms of circulating it to the relevant whips. I seek leave to incorporate Senator Stott Despoja’s second reading contribution.

Leave granted.

**Senator STOTT DESPOJA** (South Australia) (1.19 p.m.)—*The incorporated speech read as follows—*

The Telecommunications (Interceptions) Amendment (Stored Communications) Bill represents yet another initiative of the Coalition Government which has massive implications for the privacy of Australians.

“There is no greater threat to the privacy of Australians than the Coalition Government’s invasion of our communications. The Coalition is taking away our rights to privacy with no safeguards against abuse, under this bill it will be a simple task to access the private correspondence of any Australian. The Coalition is bungling our communications and I do not believe it will be able to protect us from this invasion of our privacy. The privacy of our communications is a fundamental right and a fundamental right of a free society. Without the freedom to communicate in private, there can be no true freedom of speech, no true freedom of the press, and no true freedom, as all of these freedoms depend on the ability of the individual to communicate their ideas, thoughts and concerns to others without fear of retribution.”

This was the view advanced by the Australian Privacy Foundation in its submission to the Senate Committee inquiring into the Bill. This is also a personal conviction.

It has been disturbing to watch this vital foundation of democracy crumbling at the hands of the Howard government.

Legal safeguards for the protection of private information are limited in Australia. Our federal Constitution and the Constitutions of the six States contain no express provisions relating to privacy, or any human rights for that matter. Similarly, the protection afforded by the common law is minimal.
Australia lags behind the rest of the developed world in this sense so there is a very real need to protect the right to privacy through legislation.

The proposed amendment to the Telecommunications (Interceptions) Act will allow law enforcement agencies to access all forms of ‘stored communications’ - including emails, SMS, pager messages and voicemail, without having obtained an interception warrant or any warrant at all.

This Bill clearly represents an enormous intrusion on the private lives of Australians.

There has been a clear general trend throughout the term of office of the current Federal Government to chip away at the privacy of individuals through the legislative process and also through international initiatives. The very fact that this Bill has been re-introduced so rapidly following the Government’s re-election does not bode well for privacy protection during its next term in office.

This Bill was first introduced as part of a package of anti-terrorism Bills in 2002. Since that time, the Government has tried to create the impression that the powers conferred by this Bill are necessary in order to effectively combat terrorism.

However, when we look at the most recent report on the Telecommunications (Interception) Act, it emerges that only 4% of interception warrants during the last year related to terrorism.

Supporters of this Bill have argued that if the Act remains unamended, law enforcement agencies will be restricted in their efforts to gather information essential to effective law enforcement and the protection of Australia. However, there is little evidence to support this argument.

In actual fact, the current regime enables law enforcement agencies to access stored communications by obtaining an interception warrant. This process is designed to prevent abuses of power and ensure that privacy violations are limited to specific, limited and justifiable circumstances.

The Bill before us proposes to tip the delicate balance between national security and the right to privacy, once again, in the Government’s favour.

The proposed amendment will create an artificial distinction between ‘traditional’ telephone communications and ‘stored communications’.

In today’s fast-paced society an increasing amount of communication is occurring by way of email, SMS, pager messages and voicemail. These mediums are increasingly being embraced as preferred modes of communication. The law should not be altered to discriminate against the communication choices of a law-abiding individual but must continue to protect all forms of private communication from unwarranted interception.

According to the Australian Privacy Foundation, by facilitating access to private communications under the Telecommunications Act, rather than the Telecommunications (Interception) Act, this Bill will result in a much wider range of agencies, such as the ATO, Centrelink, Customs, the Australian Securities and Investments Commission and the Department of Immigration, gaining access to stored communications.

The privacy rights of innocent third parties will also be open to violation with the passage of this bill.

In evidence before the Senate Legal and Constitutional Committee, the then-Acting Privacy Commissioner, Timothy Pilgrim, explained:

“By removing stored communications from the protections of the Interception Act, important privacy protections relevant to the privacy of third parties will no longer apply.

In the absence of this protection... the handling of personal information of third parties by law enforcement and other investigative agencies will be limited to a lesser accountability framework under the Telecommunications Act.”

Mr Pilgrim also highlighted the fact there will be no obligation to destroy information that is no longer relevant and, therefore, information about third parties could be retained indefinitely by law enforcement agencies.

In closing, I would like to make the point that it is important to view this Bill in context—this is not an isolated threat to the privacy of Australians. In fact, this Bill comes at a time when we are witnessing an unprecedented assault on the right to privacy in this nation.

This assault dates back to 1997, when the Howard Government implemented budget cuts to the Of-
Office of Privacy Commissioner—removing vital funding which has never been fully restored. Today, limited resources continue to inhibit the ability of the Privacy Commissioner to fulfil her mandate. The office weighed down by a backlog of cases as its resources have become inadequate to deal with the increasing number of privacy complaints.

I understand that the Privacy Commissioner simply cannot deal with all complaints received by her office and has had to identify a limited number of priority areas for action.

The funding challenges plaguing the office of the Privacy Commissioner are exacerbated by the limited reach of the Commonwealth Privacy Act, which takes a "soft touch" approach to privacy protection. The Act has been criticised for falling short of international standards and is notoriously difficult to enforce. Initially restricted to the handling of information by Commonwealth agencies, the Act was eventually extended to the private sector in 2000, with a number of exemptions—notably, political parties.

The exemption of political parties from the privacy protection regime has enabled the Coalition and Labor to maintain extensive databases containing detailed information about individual voters, including their political views. Information is entered onto these databases without the knowledge or consent of the individuals concerned, and they have no right to access that information or correct it if it is inaccurate.

Another front on which the privacy of Australians is being threatened is identification reform. The Australian Passports Bill, introduced during the last Parliament and likely to make a comeback, sought to facilitate the use of new ID technologies in relation to Australian passports. The Bills Digest in relation to that Bill warned that it could:

'make the passports system a process by which the Commonwealth could obtain and centralise a large amount of personal information about Australian passport-holders which could be put to a very broad range of uses with minimal parliamentary scrutiny.'

While the Bill did not expressly identify the type of technology proposed, the Minister has indicated that the Government intends to introduce a biometric system for passports. The Australian Privacy Foundation cautioned that this technology, coupled with the range of ways in which the government could use the information, could transform Australian passports into de facto "Australia Cards".

I was disturbed to read an article in the Bulletin in May of this year, which suggested that—far from introducing a de-facto Australia Card—the Government was exploring the possibility of introducing an actual identification card for all Australians, using smart-chip technology.

That article reported that Peter Solomon, a former Liberal powerbroker and current head of a company which produces smart-chip technology, was claiming that "the PM and several senior cabinet ministers have backed the proposal and believe the public is ready to accept the idea."

According to Mr Solomon, a national ID card will be implemented in stages over the next few years, commencing with the introduction of the already-announced HealthConnect Card.

Mr Solomon is quoted as saying:

"Once we have the health card in place, we can add Medicare details, tax file number, driver's licence and police data, superannuation details, all aspects of social security—the basis of a truly multifunction card."

"It will rapidly become an apolitical issue, and it will not be a very difficult task to convince society on the question of civil liberty."

I acknowledge that the Prime Minister has denied meeting with Mr Solomon, however Attorney-General, Phillip Ruddock has admitted meeting with him.

If there is any substance to Mr Solomon's comments, they are incredibly disturbing and I take issue with his view that this will rapidly become an apolitical issue—it will not. There are many within the community who greatly value their right to privacy and will not permit unjustifiable violations of this right without a fight. Indeed, I have received correspondence from such constituents in recent weeks.

What concerns me in relation to this issue is that, following the changeover of the Senate next year, the Government will have the opportunity to get
radical changes such as these through the Parliament. For this reason, it will be vital for the community to keep a careful watch on the Government’s plans and to campaign hard against unacceptable proposals.

In closing, I would like to make the point that the privacy of Australians is not only being threatened at a national level, but also at an international level.

According to a report of the European Parliament in 2001, Australia, along with the USA, UK, Canada, and NZ, is a participant in a global network for intercepting communications under the UKUSA agreement. The report affirms suspicions that the purpose of this system, code-named ECHELON,

‘... is to intercept private and commercial communications, and not military communications’.

This same report specifically identified Australia’s involvement in ECHELON and the location of the relevant bases at Geraldton and Pine Gap. It stated that the Australian Government has ‘full knowledge of all activities’ at Geraldton and sets the daily agenda for its operation.

According to evidence provided by Professor Desmond John Ball to the Joint Standing Committee on Treaties on 9 August 1999, the activities at Geraldton include ‘monitoring emails, other electronic communications, data flows, transactions from banks...and fax traffic’ and the interceptions at Pine Gap can include ‘even private communications’.

A report on the Sunday program on Channel Nine on 23 May 1999, quoted Mike Frost, a former Canadian CSE spy as saying:

‘there are concerns even inside DSD that Echelon’s intrusive surveillance powers are not restrained by an Act of Parliament. The operational powers of DSD are tasked by a directive of government politicians in cabinet...and neither you nor I will ever be allowed to know what those operations are.’

The European Parliament also reports that ECHELON allows for the sharing of intercepted private communications with member nations such as the United States. In practice, this means a private telephone conversation between two civilians, intercepted by the Geraldton station in Australia can be listened to by the Secret service in the United States, the United Kingdom, New Zealand and Canada.

The intrusive powers of ECHELON are almost incomprehensible. This is a system which not only monitors intimate communications between individuals and confidential communications between colleagues and corporations, it also traverses the boarders of sovereign states and represents the beginning of a truly global system of surveillance. It totally disregards a person’s right to communicate freely, a right which is the pillar of any free and democratic society.

A culmination of all these privacy intrusions reveals a Federal government that is moving closer and closer towards a community which is subject to constant surveillance. This trend needs to be stopped. It is clear that the Government is avoiding proper accountability to the Australian public. This Bill only reinforces the ambition of Federal Government to increase the sweeping power of the Executive over people’s lives. This aspiration comes at a high cost. It will rob the Australian people of their civil liberties, their right to communicate freely and their right to privacy.

Senator BROWN (Tasmania) (1.19 p.m.)—The Greens have considerable alarm over the Telecommunications (Interception) Amendment (Stored Communications) Bill 2004, notwithstanding the fact that it has essentially got the imprimatur of the Senate Legal and Constitutional Legislation Committee. I want to be the devil’s advocate in this matter. It is important that the Greens take that role in the Senate when it comes to the question of privacy and civil liberties affecting every Australian in a period when we have the unprecedented passage of legislation through this parliament truncating those freedoms and rights in the name of law and order and/or protecting citizens against such evil entities as terrorism. Currently, to tap someone’s phone, specified law enforcement agencies must be investigating serious offences and get an interception warrant under the Telecommunications (In-
terception) Act 1979—the T(I) Act. Warrants can be issued by judges and selected Administrative Appeals Tribunal members or, in the case of ASIO, the Attorney-General. Any interception that is not authorised by an interception warrant is an indictable offence, with a maximum penalty of two years jail.

Warrants can only be obtained by specified agencies. However, as we heard earlier, as the T(I) Act was developed prior to the development of new communication technologies, it is not clear that it does cover new communication modes such as email, SMS and voice mail. That has created legal problems and questions concerning—and some tension between—law enforcement agencies and service providers. The TI amendment bill 2004 would exempt from the scope of the act any interception or access to so-called stored communications of the sort I have just mentioned. Law enforcement agencies will then be able to access the stored communications by obtaining ordinary search warrants and serving them on telecommunications and Internet service providers. The bill will mean that not only police agencies but also civil agencies currently not empowered to tap phones—agencies such as Customs, Immigration and ASIC—and even employees of telecommunications companies, will be able to snoop on people’s email, SMS and voice mail.

The bill has a sunset clause of 12 months, during which time the Attorney-General’s Department will conduct a review of the telecommunications interception scheme. At this juncture I want to add that Attorney-General’s have been looking at this matter for much longer than 12 months. Of course they will review this legislation in the wake of it being passed, but I do not have confidence that that review will come from the point of view of the protection and enhancement of the rights of citizens, given that the legislation comes from a government that has been serially involved in putting legislation to this place which cuts across the rights of citizens in the interests of its political point of view and the furtherance of its political aims. I think a review in 12 months time by the Attorney-General’s Department will simply rubber-stamp the passage of this bill today; it will not be independent and it will not be authoritative. It will not give me any confidence that, if this legislation is unnecessarily being abused, we will hear about that or see some measure put in place to offset that abuse.

Legal organisations and civil liberties groups have been concerned about the lowering of the bar of accountability for interceptions and a significant widening of the scope of who can intercept communications. We have a list of potential concerns from such organisations. I want to flag at this point that I will be asking for a committee to look at the legislation. Unless the minister, who is not here at the moment, is able to respond to these points, I will be seeking a response, serially, to the points that have been raised. Some of them may be off line and some of them may be easily countered. I suspect, however, that not all of them will be easily answered by the minister. The function of the Senate, and in particular Senate committees, is to get clear-cut responses to questions like those arising out of the concerns I am about to enumerate. Will it no longer be illegal under the T(I) Act for any person to access another person’s email, SMS or voice mail? Will employees of telecommunication providers be able to intercept and spy on their customers’ email, SMS and voice mail without committing an offence? I note here that the existing restrictions were enacted in 1995, addressing the concerns that arose from the Austel inquiry into cases of Telecom taping customers’ calls.

According to the Attorney-General’s Department, the Australian Federal Police and
other agencies may be able to access stored communications by remote access—for example, Internet connection. Previous drafts of the bill—the 2002 and 2004 bills—would have required an interception warrant. Why is that not required now? Undelivered communications will have less privacy protection than would a letter seized from an Australia Post PO box, as we have heard from Senator Ludwig. Why is that? Commonwealth, state and territory law enforcement agencies will gain vastly expanded powers to encroach on people’s privacy as the interception of stored communications will no longer be limited to the investigation of serious crimes. That is a very concerning proposition I am putting to government: is it true that the powers will go to state and territory authorities? Is it true that the intercepted stored information will go to a whole range of federal authorities? Which ones? What are the safeguards to ensure the contained use of that interception and the information that arises from it? What is the limitation on the need? I know that the minister is likely to say, ‘Look at other legislation,’ but, if it is not limited to the investigation of serious crimes, where is the limitation? If it is limited to the investigation of serious crimes, why not accept the TI search requirements that are currently in play?

Civil agencies, including the Australian Taxation Office, the Australian Securities and Investments Commission, AUSTRAC, Customs and Immigration, will, for the first time, gain the power to intercept communications. Is that so? How long is that list? Can the government please tell us? Is it the case that private businesses and individuals might gain the right to access other people’s email, SMS and voice mail by obtaining and exercising a civil search order in the course of legal proceedings? Internet service providers or universities could be forced to allow access to stored communications without the knowledge of the person whose communications are being accessed. Is that the case? If it is not, where are the safeguards in this legislation? The government’s argument that email, SMS and voice mail are not like telephone calls does not convince me. Access to email is potentially far more intrusive than a search of someone’s home—and it can be conducted in secrecy in a way in which a search cannot. Ordinary search warrants are far less rigorous and accountable than interception warrants. In many cases police and other government officers can issue such warrants. They do not necessarily prevent secondary disclosure and do not have requirements to ensure that the privacy of third parties is not unduly infringed. That raises, again, the question: why not, in important matters like the invasion of privacy through access to stored communications, have the more rigorous requirement for warrants under TI legislation?

Similar changes to UK, USA and New Zealand laws to address changes in technology have been made but have ensured that an interception warrant is required, with its higher requirements for explanation and accountability. We are concerned about all of those matters. I would like to hear a ministerial response that will put the fears to rest; I cannot see in this legislation where it exists. As I said, I think these matters are so serious that they do require a committee to be established to allow the government the time it might need to answer the questions I have raised.

Senator BUCKLAND (South Australia) (1.31 p.m.)—As has been mentioned by my colleague Senator Ludwig earlier today, the Telecommunications (Interception) Amendment (Stored Communications) Bill 2004 is a third attempt to clarify the application of the Telecommunications (Interception) Act 1979 to stored communications. It is a third attempt to get right what the Attorney-General has so obviously struggled with. It is a third
attempt to resolve a legal challenge that at times has looked like it has overwhelmed the Attorney-General. As has already been mentioned by my colleague, the previous two bills with the same intent as this bill—the Telecommunications Interception Legislation Amendment Bill 2002 and the Telecommunications (Interception) Amendment Bill 2004—were withdrawn by the government after very serious flaws in the bills were identified by the Senate Legal and Constitutional Legislation Committee. These flaws were not just technical glitches; they were fundamental legal problems that, if ignored, would have been serious roadblocks to effective law enforcement operation in this country. They would have made the already very difficult job of investigating and prosecuting crime that much harder, and they very possibly could have led to the abandonment of ongoing criminal investigations.

In part, the last bill collapsed after the Attorney-General’s Department and the Australian Federal Police could not agree about the correct interpretation of existing law. Unfortunately, it was fairly clear to the committee this time around that the stand-off was never resolved. When two senior Commonwealth government agencies like the Australian Federal Police and the Commonwealth Attorney-General’s Department are incapable of agreeing on the interpretation of existing law which is the subject of a bill, it is a clear indication of a stunted process of legislative development by the Attorney-General. Both the Attorney-General’s Department and the Australian Federal Police answer to the Attorney-General, yet he was unable to secure agreement between these two agencies before bringing this bill and its two predecessors into parliament. This sort of division among the Attorney-General’s own agencies is regrettable. But it is in some senses understandable because it is a complex and novel area of law and, as such, there is always going to be some division of opinion about the actual contours of the law in totality.

However, what makes the Attorney-General’s conduct so regrettable is that he had the hide to stand up in the other place in June of this year and criticise the opposition for referring this bill to the Senate Legal and Constitutional Legislation Committee. In one of the most hypocritical and ill thought out speeches to grace the pages of Hansard, the Attorney-General told the other place:

That is really why I am disappointed that, while the amendments have been applauded because they meet urgent operational needs, the potential for delay in the Senate is nevertheless foreshadowed.

The Attorney-General then went on to claim that the bill was:

... an opportunity for the opposition to retain—I hope—some credibility when it comes to matters of national security. It is not enough to suggest that you are supporting stronger intelligence and security law enforcement agencies if you put roadblocks in the way. So I would like you to have another look at it, if you can, and to see whether or not this bill can be approved in the Senate during the course of this week.

Of course what is so absurd about this statement of the Attorney-General is that the only roadblock in the way of this legislation was, and has always been, the incapacity of the Attorney-General himself to draft a bill that his department and agencies in his portfolio could agree upon. It is this incapacity that has stalled this bill, and it is this incapacity that has meant that the Australian Federal Police have not been able to benefit from the operation of this bill until now. It is simply astounding that the Attorney-General could stand up in the other place and lecture the opposition about credibility, when his agencies, his own department, and even senators from his own party, consistently rejected all of, or parts of, the bills he submitted to this place for debate.
The only roadblock is the Attorney-General’s lack of legal capacity and the only person who seems to be short of credibility is the Attorney-General himself. He has been shepherded through this process by the hard work of the Senate committee and the experts and interested parties who took part in the inquiry process. The committee has now examined the current bill and has recommended that it proceed subject to an amendment mandating a review of the T(I) Act. The government has now made this commitment, so the opposition now supports this bill.

In its bipartisan report, the committee has identified a range of issues that should be considered in any such review, and the opposition believes it is worth while identifying those areas now so as to ensure these areas are contained in the review. The principal issue, which is referred to in the committee’s recommendations, is whether stored communications should be exempted altogether from the act or whether the exemption should be more qualified. For example, the earlier 2004 bill sought to provide some protection for stored communications which had not yet been accessed by their intended recipient. However, consideration of this issue was complicated by uncertainty about whether current technology enables it to be determined whether the communications have in fact been accessed. In its most recent report, the committee noted in paragraphs 3.17 to 3.19 the conflicting evidence it had heard on this issue. For example, while some witnesses had said it was not possible to know whether emails have been accessed, one witness suggested that, under newer versions of software, ISPs would be able to determine this. Because of the significance of this question, the committee specifically recommended that it be examined in detail in any review of the T(I) Act.

It is just this sort of uncertainty that highlights the stupidity of the Attorney-General’s earlier comments—namely, that the Senate committee was a roadblock in the way of the implementation of this bill. Here we have a situation where the original bill, without the benefit of the Senate committee process, made distinctions between forms of stored communication that were technically impossible to enforce. The Attorney-General had drafted an ill thought out bill. The faults in the bill were then identified by the Senate committee. They have now been corrected and we are in a position to move forward with the bill. Yet the Attorney-General chooses to question the opposition’s credibility for sending the amended bill to a Senate committee to ensure this government has finally got it right after three tries.

In part, the distinction between read and unread emails was removed from the current bill because of the concerns expressed by the AFP that the earlier 2004 bill would prevent it internally monitoring emails for corporate governance purposes. However, as the Privacy Commissioner told the committee:

If there is continued uncertainty about whether such activities may contravene the Interception Act, this could be resolved by amending the legislation to ensure that while protection is maintained for personal telecommunications generally, e-security and corporate governance measures are permitted.

That is why the committee recommended at paragraph 3.21 of its report that the review of the T(I) Act consider whether this would be a more appropriate way to address those specific concerns. The committee also heard evidence about broader implications of allowing interception of stored communications using some other form of lawful authority besides the T(I) Act. One of these was the potential for telecommunications carriers to disclose communications such as copies of customers’ emails under the Telecommunications...
The act imposes quite specific obligations on carriers to keep records of these disclosures, and section 309 enables the Privacy Commissioner to check compliance with these obligations. However, the Privacy Commissioner told the committee:

With the work of the Office of the Federal Privacy Commissioner’s compliance section currently focussed on complaint handling, it is not carrying out audits in a range of areas, including under this provision.

It is reasonable to assume that in future the disclosure provisions of the Telecommunications Act will be relied on a lot more, because carriers will no longer be able to insist on the production of a TI warrant before granting access to stored communications. When that happens, there will be an undeniable need to ensure that records are kept in accordance with that act through an appropriate program of audits. But under this government such audits have ceased altogether for lack of funds. In paragraph 3.30 of its report, the committee has drawn the government’s attention to this, and we hope it is addressed in the course of the proposed review. The government has been warned.

The committee’s inquiry was an important opportunity for all the implications of this bill to be drawn out and put into the public arena. It is simply outrageous that the Attorney-General should stand up in the other place and question the opposition’s credibility because we allowed this bill to significantly benefit from the committee process. This sort of opportunistic behaviour is all too familiar from the Attorney-General, whose disgraceful attempt to politicise the massacre of school children in Beslan during the election campaign was, without doubt, a new all-time low in Australian political history. These sorts of silly, bullyboy tactics are not only an assault on the dignity of this place but also ineffective and counterproductive and will always be rejected by the opposition. They belong in the playground, not parliament, and the Attorney-General would do well to try to remember that.

It is important that these implications now be further examined and responded to in the review of the T(I) Act. The opposition note the government has given effect to the bipartisan recommendation of the Senate committee by committing to a review of the T(I) Act. In light of the substantial privacy concerns raised before the Senate committee, we believe this is desirable. We have previously seen numerous legislative reviews put on the backburner or fall by the wayside. This commitment means the opposition will ensure the government is held to the commitment it gave in this place.

Senator KIRK (South Australia) (1.45 p.m.)—I also rise to speak on the Telecommunications (Interception) Amendment (Stored Communications) Bill 2004. As we have heard here today, this bill is the third attempt to clarify the application of the Telecommunications (Interception) Act 1979 in relation to stored communications. As other speakers have highlighted—in particular, Senators Ludwig and Buckland—the previous two attempts by the government, which formed part of the Telecommunications Interception Legislation Amendment Bill 2002 and the Telecommunications (Interception) Amendment Bill 2004, were ultimately withdrawn by the government. The reason for their withdrawal was, as we have heard, that significant flaws were found in these bills by the Senate Legal and Constitutional Legislation Committee.

We have heard that, in part, the last bill to be considered here collapsed after the Attorney-General’s Department and the Australian Federal Police could not agree on the correct interpretation of the existing law. It is quite an extraordinary situation when you have two agencies of government not being able
to come to any sort of agreement about the operation and interpretation of the existing law in Australia. Unfortunately, it was quite clear to the committee this time around, as demonstrated in its report, that this stand-off between the Attorney-General’s Department and the Australian Federal Police was not resolved. The committee that I have referred to, the Senate Legal and Constitutional Legislation Committee, has now examined the current bill—the one we have before us today—and has recommended that the bill proceed. But this is only subject to an amendment that mandates a review of the Telecommunications (Interception) Act. Fortunately, the government has now made this commitment—it has agreed to such a review of the act. As a consequence it is now the view of the opposition that the bill should proceed and should be supported here.

As I mentioned, this is the third attempt to resolve a legal challenge that, at times, even looked beyond the capabilities not only of the Attorney-General’s Department but also the Attorney-General himself. The flaws that were found in the two earlier bills I referred to were not simple, small technical glitches but were in fact fundamental legal problems. If these legal problems had been ignored then this would have led to a situation where there quite possibly could have been serious impediments to the effective law enforcement operation in Australia. The flaws, had they remained, would have made the already extremely difficult job that our law prosecutors face even more difficult and could have, as other speakers have said, led to the most unfortunate and unsatisfactory situation of the abandonment of ongoing criminal investigations—not something any of us would tolerate.

As I mentioned before, the last bill did collapse due to the failure of the Attorney-General’s Department and the AFP to come to some kind of agreement as to the interpretation of the existing law. As other speakers have said and as I wish to emphasise here today, where you have two senior Commonwealth government agencies like the AFP and the Attorney-General’s Department incapable of agreeing on the interpretation of existing law—in this case, telecommunications interception legislation—does make you wonder just what is happening to legislative development in this country and, in particular, in the Attorney-General’s office.

As I have indicated, the Senate Legal and Constitutional Legislation Committee have now examined the current provisions that are before us today and have recommended that the bill proceed. It is for this reason that the opposition now supports this bipartisan recommendation and the bill. The report of the committee was a bipartisan report. It identified a range of issues that should be considered in any such review of the Telecommunications (Interception) Act. Other speakers—in particular, Senator Ludwig—have comprehensively set out the recommendations of the committee and the issues that they see as being significant. As I understand it, the principal issue was whether or not stored communication should be exempted altogether from the act or whether the exemption should be more qualified. I will not go into detail in the time that I have available to me today. The report speaks for itself, and Senator Ludwig has very clearly and articulately put before the Senate today, in his own words, the recommendations of the committee and how they saw that changes needed to be made.

To summarise the committee’s report, the committee recommended that the bill proceed provided there is an amendment mandating the proposed review of the Telecommunications (Interception) Act as a whole. As other speakers have said, the government should not take too much comfort in this recommendation. The committee did, in fact,
stop far short of giving any sort of unqualified endorsement of the approach proposed in this bill. In various paragraphs of the committee’s report the committee offered only qualified support of the bill.

The process this bill has gone through is a very good example of the work of the Senate Legal and Constitutional Legislation Committee. It is a good example of the way Senate committees are able to work to scrutinise legislation, to identify where there are major flaws and to make recommendations such as those in the committee’s report in this case. This inquiry, as are all the committee’s inquiries, was a very important opportunity, I believe, for all of the implications of this piece of legislation to be drawn out and to be put into the public arena. It is very important that the implications identified by the committee in its report be further examined and responded to in the review of the Telecommunications (Interception) Act recommended by the committee. It is important in order to properly inform consideration of what the longer term outcomes should be. What longer term arrangements should be put in place after this legislation sunsets in 12 months time?

As I indicated, the opposition supports this bill. It is noted that the government has given effect to the bipartisan recommendation of the Senate committee and has agreed to a review of the Telecommunications (Interception) Act recommended by the committee. It is important in order to properly inform consideration of what the longer term outcomes should be. What longer term arrangements should be put in place after this legislation sunsets in 12 months time?

As I indicated, the opposition supports this bill. It is noted that the government has given effect to the bipartisan recommendation of the Senate committee and has agreed to a review of the Telecommunications (Interception) Act recommended by the committee. It is important in order to properly inform consideration of what the longer term outcomes should be. What longer term arrangements should be put in place after this legislation sunsets in 12 months time?

However, it is quite offensive for the Attorney-General to question the opposition’s credibility for sending the amended bill to a Senate committee in order to ensure that the government has finally got the legislation right when, as I have emphasised here today, it has taken three attempts to do so. In my view and in the view of the opposition it is really quite outrageous for the Attorney-General to stand up in the parliament and question the opposition’s credibility in this regard. After all, we allowed this bill to significantly benefit from the committee process. It is always the intention of the opposition to ensure that the legislation that comes into this place and that is passed by the Senate is the best legislation that it can be in the circumstances. The role of the Senate Legal and Constitutional Legislation Committee was, as always, vital in this process. It is through the work of the committee that we have a piece of legislation that can pass the Senate. I hope that the government adheres to its commitment that there be a full-scale review of the Telecommunications (In-
terception) Act. For our part, the opposition will be ensuring that the government is held to the commitment it has given to the Senate.

Senator ELLISON (Western Australia—Minister for Justice and Customs) (1.58 p.m.)—In the little time remaining before question time I will start the reply on behalf of the government to the second reading debate on the Telecommunications (Interception) Amendment (Stored Communications) Bill 2004. A number of issues have been raised. A question was raised by Senator Greig about the number of warrants that have been issued. In relation to that I can say that the annual report on the Telecommunications (Interception) Act records a 22 per cent increase from the previous reporting year in the number of warrants issued to law enforcement agencies. The annual report also shows a much larger increase in the number of prosecutions commenced on the basis of information obtained through the execution of telecommunication interception warrants, which would demonstrate the usefulness of these warrants in relation to the prosecution of criminal offences. Those people targeted by law enforcement agencies in their investigations into serious criminal offences are becoming more sophisticated in their use of telecommunications technology. The increase in the number of interception warrants reflects the increasing use by targets of multiple services, mobile phones and prepaid services. The increase of 22 per cent in relation to the issuance of those warrants is therefore something that you would expect in this environment and it has certainly led to a 59 per cent increase in the number of prosecutions. The act contains safeguards to ensure that interception warrants are issued sparingly and as an investigative tool of last resort.

A number of other matters were raised by senators during the second reading debate. Senator Greig raised concern about privacy issues, and Senators Buckland and Kirk raised an issue in relation to the Australian Federal Police and the AGD. Mr President, I seek leave to continue my remarks later.

Leave granted; debate adjourned.

QUESTIONS WITHOUT NOTICE

Health: Asbestos Related Disease

Senator WONG (2.00 p.m.)—My question is to Senator Coonan, the Minister representing the Minister for Revenue and Assistant Treasurer. I refer the minister to an interview with ASIC Chairman Jeffrey Lucy on Business Sunday yesterday, where Mr Lucy indicated ASIC would be seeking additional funds to successfully complete its investigation of James Hardie. Given the importance of this matter to thousands of Australian workers and their families, why has this situation been allowed to arise? Why has the Howard government failed to fund ASIC to fulfil core obligations such as investigating serious alleged breaches of the Corporations Law? Does the minister find it acceptable that the Chairman of ASIC has to go cap in hand to the government in order to investigate James Hardie properly?

Senator COONAN—I thank Senator Wong for the question. As I alluded to recently—in response, I think, to an earlier question by Senator Wong—these matters relating to James Hardie have been the subject of a significant investigation by Mr Jackson QC and have been the subject of ongoing speculation in relation to the future funding of the foundation and the board’s ability to come to some accommodation in respect of the matters that relate to properly compensating victims. What I have said is that this government certainly shares the community concerns about the difficulties faced by victims of asbestos disease and their families and certainly wishes to ensure that they are treated fairly. The government remains of the view that James Hardie should
honour its obligations to fully compensate asbestos victims. The government considers that James Hardie should guarantee the claims of asbestos victims in the event that the foundation is not able to pay claims put forward and goes into provisional liquidation. Aside from those general comments, the matter is subject to an ASIC investigation. If indeed it is the case, I will bring the comments of Mr Lucy to the attention of the minister. If there is anything further I can add, I will inform the Senate.

Senator WONG—Mr President, I ask a supplementary question. The minister has failed to indicate whether or not the government will make a clear and unequivocal commitment to properly fund ASIC. The Chairman of ASIC has indicated that more funds are required to investigate James Hardie. Why will the minister not give a clear and unequivocal commitment that ASIC will be funded sufficiently so as to allow the Hardie investigation to proceed?

Senator COONAN—As Senator Wong well knows, and as those listening to question time know, the government has properly funded ASIC for many years. Some further consideration is needed of what amendments may be required to the Corporations Law. Whether criminal investigations and criminal charges should proceed is a matter for ASIC to determine. In the HIH matter, when ASIC came forward and asked for funds to undertake prosecutions once it had investigated everything, further funds were provided to ASIC. This is a matter that the government takes seriously. ASIC is always properly funded for appropriate action.

Environment: Murray-Darling River System

Senator FERGUSON (2.04 p.m.)—My question is directed to the Minister for the Environment and Heritage, Senator Ian Campbell. I ask: will the minister inform the Senate how the Howard government is meeting its commitment to restore 500 gigalitres of water to the River Murray? I further ask: is the minister aware of any alternative policies?

Senator IAN CAMPBELL—I thank Senator Alan Ferguson, a South Australian Liberal senator, for a question that concerns one of the most important environmental assets of Australia. Regardless of where you live, the health of the Murray-Darling Basin, and the health of the Murray in particular, is ultimately a test of how well this generation can deal with important environmental issues. As Senator Ferguson knows better than most in this place, through the Living Murray initiative, through a cooperative arrangement with the states in the Murray-Darling Basin, the government has committed to return environmental flows to six so-called icon sites. I say ‘so-called’ because I think the word ‘icon’ is getting slightly over-used these days, but these are important sites. The Barmah-Millewa forest, the Gunbower and Perricoota forests, the Hattah Lakes, the Chowilla flood plain, the Murray mouth and the Murray channel itself are all vital parts of the natural ecosystems of the Murray-Darling Basin. The government, in cooperation with the states and the Australian Capital Territory, is committed through the Living Murray initiative to funding of $500 million for the objective of restoring 500 gigalitres of environmental flows to that river.

Here in this building on Friday we reached what can only be called a historic agreement with the states and the ACT to identify the first series of projects—projects that I can announce will deliver 245 gigalitres. That work can start almost immediately—as soon as the states have agreed with the Commonwealth on the National Water Initiative. The 240 gigalitres will come from four major projects within the basin—two in New South Wales and two in Victoria. The
New South Wales government, through its minister, Bob Debus, was also pushing for a project on the Edward River, which would deliver a further 19 gigalitres—a project that the federal government is very keen on. We hope to iron out some minor accounting difficulties—how you account for water—and see that extra 19 gigs come into the River Murray.

This will create immediate benefits and address the problems of the river red gums, which have been made well known to Australians through news media over recent weeks. It will assist in all of those very important wetlands—wetlands that are internationally recognised through Ramsar listing—and can achieve great results. It is vital that the Labor state governments re-engage in and recommit to the National Water Initiative. It is very important for the long-term environmental health of these wetlands that the states and the Commonwealth have an agreed set of principles on how to account for water, how to manage water and how to set up water trading. Without that National Water Initiative, the other efforts on the Murray River and on many hundreds of other rivers around Australia simply will come to naught. I encourage those in the Labor Party here in Canberra to work on their state counterparts. I ask people like Senator Wong and Senator O’Brien to push their state premiers and other Labor senators to put pressure on their state counterparts. I know there is stress in the relationship at the moment, but the Murray River is more stressed and I think they should put politics aside and work for the health of the Australian environment.

Regional Services: Program Funding

Senator O’BRIEN (2.08 p.m.)—My question is to Senator Ian Campbell, the Minister representing the Minister for Transport and Regional Services. Can the minister confirm that the $408 million Regional Partnerships program is a discretionary program, with funding grants under this program made completely at a minister’s discretion and that currently that minister is the Deputy Prime Minister, Mr Anderson? Does the discretionary nature of this decision making mean proposals which may meet the assessment criteria are not guaranteed funding? Does it also mean that proposals that fail to meet the assessment criteria may be funded? Of the more than $149 million which has been pledged or granted under the Regional Partnerships program, can the minister confirm whether grants or pledges have been made for projects which failed to meet the program’s assessment criteria?

Senator IAN CAMPBELL—I appreciate the question from the Australian Labor Party, on issues to do with supporting the regions. The Australian Labor Party has a reputation not only out in the country, out in the bush, out in the regions, but also in the capital cities of being very focused on inner suburban issues. I think it is very important for the people of Australia—and Senator O’Brien has assisted the government in this regard—to focus on just how the government are committed to people who live in the regions, who live outside metropolitan areas. We as a government have deliberately set out to deliver—and have achieved some success in delivering—assistance for people living outside the metropolitan areas through a whole series of programs, not only supporting a strong economy but also looking at regions that need specific assistance. For example—and Senator Kerry O’Brien may not be aware of this—we set up a set of area coordinating councils across the country, which are groups from the community who assist the minister in bringing forward projects and assessing those projects.

There has been criticism levelled at this. Some of the figures that would make coalition members and senators proud show that
under the Regional Partnerships program there have been many hundreds of projects put forward, most of them from coalition seats. That is because, firstly, the coalition holds more seats out in the regions. Labor has basically departed that territory. When these projects are assessed—as Senator O’Brien knows—there is a proper assessment process but there is discretion. Of the projects put forward, the approval percentages for projects from ALP electorates and those from coalition electorates are virtually identical. The assessment process is a rigorous one. That is not to say that programs and projects that come forward and are given an assessment cannot be reassessed if further information comes forward, and I think that is quite normal. I also make the point that there is an important accountability mechanism in having the minister ultimately make the determinations. Peter Austin wrote in the *Land* newspaper I think just last week:

ABC Television’s *7.30 Report* sought to make much of the hardly startling revelation that it was the minister, principally John Anderson, not the bureaucrats, who had the final say on where and who got what. All I can say is, ‘Thank God for that.’ At least this ensures that when a coalition government is in power rural and regional areas will get a fair slice of the pie.

The other thing that is interesting to point out is that, while Senator O’Brien is going around criticising the coalition for looking after regional areas, he himself is pretty good at using his discretion to give grants. During the election campaign, Senator O’Brien turned up on 21 September and announced a $1 million grant for a national centre for democracy at the Eureka Centre in Ballarat. Only a few days later he turned up a little bit further north, announcing $1.5 million for a turtle interpretation centre, not to mention $3 million for a sporting complex in Thuringowa and $6 million to upgrade the Rockhampton showground. Senator O’Brien shows that he can use his discretion. He shows that the Labor Party are quite adept at handing out funds for projects in communities without any assessment at all. *(Time expired)*

**Senator O’BRIEN**—Mr President, I ask a supplementary question. Firstly, the minister can check the records and will find that he will need to correct that statement because it is wrong. Secondly, the minister has failed to answer my question and I ask him to address it in answer to this supplementary question. Can he confirm whether grants or pledges have been made for projects which failed to meet that program’s assessment criteria? In relation to the application of the assessment criteria for the Regional Partnerships program, I refer the minister to Deputy Prime Minister Anderson’s claim that all regional partnerships funding proposals are subject to ‘rigorous and independent process’. Can the minister confirm that, in addition to exercising discretion on the expenditure of all Regional Partnerships program grants, the Deputy Prime Minister also acts as the final decision maker on any review of his own decisions? How can these arrangements possibly constitute a rigorous and independent decision-making process?

**Senator IAN CAMPBELL**—Senator O’Brien clearly does not understand that you can have a rigorous independent assessment process, you can have people in regional Australia putting forward projects and you can, after independent and rigorous assessment, go back and say, ‘Look, we think you have got some deficiencies in these projects.’ This happens all the time. The trouble with Labor here in Canberra—and Labor in many other places—is that they are not prepared to help the regions. We do not only accept projects from the regions and fund them but, if assessments are made that the projects that come forward need some assistance, we give it. If we need to increase and improve the
governance of the local bodies, we do that. We work with the regions. We do not just say, ‘Forget it, you’re not good enough, your project’s no good, go away and try somewhere else,’ we actually work with the regions. We work with people in local areas, we work through committees, we work through regional structures, we empower the regions, while Labor says, ‘Go and be blown, we don’t even want to hear from you.’ You name one regional project that you would defund.

**Forestry: Policy**

Senator WATSON (2.16 p.m.)—My question is directed to Senator Ian Macdonald, the Minister for Fisheries, Forestry and Conservation. Will the minister outline to the Senate the Howard government’s proposals for a sustainable, progressive forest industry in Tasmania, that not only protects jobs but communities and Australia’s old-growth forests? Is the minister aware of any alternative policies?

Senator IAN MACDONALD—Senator Watson, as a great supporter of the Tasmanian forest industry, will know that Australia has a very progressive, world-class, sustainably managed, profitable forest industry that is environmentally friendly and supports over 100,000 jobs in this country. It supports the fourth largest manufacturing industry in Australia, it supports hundreds of rural communities and it supports the homes, lifestyles and aspirations of many of our fellow Australians who actually work in the industry.

Over the last three years, I—like you, Mr President, like Senator Watson and like other Tasmanian Liberal senators—have got to know those workers in the Tasmanian forest industry. They are great Australians, hard workers and committed people. They are certainly not the ‘vandals’ that Mr Albanese, Labor’s environment spokesman, said they were. From the day Mr Latham showed that he was captive to the loony left of the Australian political scene, with his much publicised magical mystery tour to Tasmania with Senator Brown, the writing was on the wall for the Tasmanian forest industry and its workers so far as Labor was concerned.

It is no wonder that Michael O’Connor from the CFMEU, who really understands the industry, was beside himself at Labor’s proposals. Labor’s disastrous antiforestry policy would have destroyed workers’ jobs—and this policy was Mark Latham’s, and Mark Latham’s alone. It is no wonder that Senator Conroy tries to dissociate himself from Mr Latham. It is no wonder that Dick Adams does and Scott McLean from the CFMEU does. Worst of all, Mr Latham will not admit that he was wrong on his forestry policy. He blames everyone else. He blames Mr Lennon. He blames the CFMEU. He blames other premiers. He blames the workers. He even blames Dr Frankenstein for that particular policy!

By contrast the coalition have a very environmentally sound but progressive, pro-forestry policy. We have committed some $52 million of investment to that industry, and the mere fact of the coalition win in the election encouraged a lot of businesspeople in Tasmania to commit to further investments in the forestry industry, and that will mean even more jobs. Under the Howard government’s proposals for the Tasmanian forests, 170,000 hectares of old-growth forest will be added to the reserve system, giving an absolutely fabulous outcome for the environment and for the comprehensive, adequate, representative reserves under the regional forest agreement. There will be no job losses under the coalition’s policy. We actually look after workers in this country. We want to help them. We want to help them aspire.
As well, under the Howard government’s proposals there will be assistance for new investment in country sawmills, there will be funding to improve the recovery of sawlogs from various mills, there will be assistance for the softwood industry, there will be further help with skills development and industry training. I conclude by thanking the Tasmanian Liberal senators for their contribution to this very important policy that looks after workers’ jobs. It is an area that has been abrogated by the Labor Party and it is an area that the Tasmanian Liberal senators picked up. We do support workers’ jobs. We realise that you can have a progressive, environmentally sound forest industry that does look after workers’ jobs.

**Regional Services: Program Funding**

Senator **GEORGE CAMPBELL** (2.20 p.m.)—My question is addressed to Senator Ian Campbell, the Minister representing the Minister for Transport and Regional Services. Of the six projects funded under the $27.5 million national icons program, detailed on page 9 of the government’s *Investing in stronger regions* election policy document, how many actually made formal applications for their funding? When were applications submitted and in what format? When did the government seek public applications for this funding and by what means? Other than the successful six, how many other applications were received but were unsuccessful? Were the projects measured against the criteria listed in the 2004 budget papers for Regional Partnerships grants or, alternatively, are approvals and funding left to ministerial discretion?

**Senator IAN CAMPBELL**—I thank Senator George Campbell for his question. I do not have the specific details on each one of those projects, but I make the point—and perhaps Senator George Campbell should have listened to the previous answer; I forgive him for not listening—that there is an assessment process but ultimately the minister makes the decision. What we have here is Senator George Campbell again attacking the coalition for a program that has been very successful. It has delivered jobs and growth opportunities for regional parts of Australia, parts of Australia that were consistently ignored by Labor during their 13 years in power.

Labor were consistently and quite correctly criticised during those 13 years for basically concentrating on the inner suburbs of Sydney and Melbourne, the ACT and the triangle in between. We now have an example of Labor, in a large amount of political disarray themselves, again criticising a program that has delivered millions of dollars and many successful projects but, very importantly, long-term improvements in the governance structures of regional organisations that see more and more Australians getting involved in regional organisations, engaging through local councils and area coordination committees, engaging between the three levels of government and putting forward projects that assist regions, tourism and employment outside the capital cities. That is the whole reason for the program.

Of course, Senator George Campbell does not like that idea. He would rather the government spent its money up and down the cappuccino strip. He would much prefer the federal government to focus its attention in metropolitan areas. He would like to continue with the old Labor way of totally ignoring what people out there in the regions contribute to this great nation. The regions of Australia are in fact the heart and soul of this nation. It is where most of the export income is produced in Australia, yet the Labor Party, through this constant criticism of the process of delivering support to regional Australia, show that they have learnt nothing at all from the last four election defeats. What they
want to do is criticise people in the regions and criticise programs that help people in the regions. All they want to do is beat up on them.

I suggest, Mr President, that Senator George Campbell gets out to the regions, has a look and talks to some of the people who have benefited from these programs rather than listen to the whingers and the whiners in the capital cities who think the coalition government is giving too much money to the regions. We believe that these programs are being effective. We think that they are empowering local communities and that they are delivering. I suggest to Senator George Campbell that over the summer break, rather than hanging out in the coffee shops, rather than hanging out on the coastal strip, he actually gets out there, gets his boots a bit dirty and talks to some people in regions who have actually benefited from these programs. He can then come back to the estimates process and ask some informed questions about the program, not this gobbledegook he has been handed by someone to ask.

Senator GEORGE CAMPBELL—Mr President, I wish to ask a supplementary question. Before I ask the supplementary question, I indicate that I asked the minister a number of specific questions which he indicated he did not have the answers to. I draw his attention to those specific questions and ask him to get the answers and provide them to the Senate rather than the ramblings that we have just listened to for three minutes. In addition, Minister: what level of priority were the six projects accorded by the area consultative committees established by the Howard government to advise government on the relative merits of grants? Were ACCs formally consulted before announcements of funding were made for the six regional icon projects? Given the public statement from Eidsvold Shire Council CEO Peter Anderson that a letter to the Deputy Prime Minister and a conversation with some government members was all it took to get the nod for the $4 million R.M. Williams Bush Centre, how can the Australian public have any confidence in this decision-making process and in government accountability?

Senator IAN CAMPBELL—Here we have Senator George Campbell beating up on a grant to the R.M. Williams Bush Centre. Most Australians, whether they live in the country or in the city, regard R.M. Williams as a great Australian and a legend. When we go along and announce a grant to the centre, what does this city slicker senator do? He beats up on it. The coalition has processes. It has area consultative committees. But I repeat my invitation to Senator George Campbell: go and talk to the people who support this centre, go to Tamworth and talk to the people who support the equine centre and try to find someone who detracts from it. Rather than hanging around the centre of Canberra and the centre of Sydney sipping on cappuccinos, go there and talk to some real people, go there and consult with some real people and then come back in the estimates committee and ask some informed questions. He does not know what he is talking about.

Indigenous Affairs: Deaths in Custody

Senator RIDGEBAY (2.27 p.m.)—My question is to the Minister for Justice and Customs, Senator Ellison, and relates to recent events on Palm Island, Far North Queensland, and Aboriginal deaths in custody. Is the minister aware that the rate of imprisonment of Indigenous people has increased at a rate disproportionate to that of non-Indigenous people and that Indigenous people are now 15 times more likely to be imprisoned than their counterparts in the broader community? I refer the minister to two recent race riots, one in Redfern in February of this year and the Palm Island one, that were both directly related to Aboriginal
deaths in custody and anger over police relations. Can the minister explain why little progress has been made in the last eight years to address the high incarceration rates and the disproportionate number of Indigenous deaths in custody? Does the minister recall his government’s commitment to the development of a National Indigenous Justice Strategy? What progress has been made there and why has little been done to release a comprehensive and full strategy that addresses these issues?

Senator ELLISON—At the meetings that I have attended of Australian police ministers and the Standing Committee of Attorneys-General, the National Indigenous Justice Strategy has been a standing item on the agenda for discussion. Progress has been slow—I agree with Senator Ridgeway—but this is the responsibility of all governments in Australia, not just the Commonwealth. The incident on Palm Island is a matter for the Queensland government and Queensland law enforcement. Having said that, though, we are keen to work with the state and territory governments in resolving the issues that Senator Ridgeway has mentioned.

We have a ministerial task force on Indigenous affairs which is coming up. As you know, we face a new landscape in relation to Indigenous affairs. We are not looking at the past. We simply had responses with regard to funding and really did not look at a grassroots approach, if you like. One of the examples of this grassroots approach, which I think has merit, has been in the Northern Territory. We have continued to support the Aboriginal juvenile justice diversion program up there. I think it is with that sort of program that we can achieve some success.

Certainly, justice issues will continue to be at the forefront of our ministerial task force on Indigenous affairs and we will continue to work on these issues. When you look at the fact that the inquiry into Aboriginal deaths in custody was some years ago, progress has been slow, but we will continue to work at it. I think that the answer lies in on-the-ground programs in relation to things like juvenile diversion and targeting drug abuse and substance abuse, including alcohol. That entails a much broader response than simply looking at just incarceration in a rather narrow sense. So my answer also reflects or represents other areas of government—in fact the whole of government—and that is how we are approaching Indigenous affairs with the new ministerial task force.

Senator RIDGEWAY—Mr President, I ask a supplementary question. I am aware of the minister’s response to these particular issues, but isn’t it true that the current Commonwealth government removed the requirement of all Australian governments to report annually on the implementation of the recommendations of the royal commission into Aboriginal deaths in custody? After the tragic recent deaths in custody in Redfern and on Palm Island and the resulting riots, will the government now commit to re-instigating the annual reporting requirements of state and Commonwealth governments on the implementation of the recommendations of the royal commission? It seems to me to be particularly important given that the incarceration rates are increasing and that there is a need to ensure that leadership is shown at the federal level. Will the government commit to re-instigating annual reporting by state and territory law enforcement agencies?

Senator ELLISON—We have no problem with annual reporting by state and territory governments on deaths in custody. As I recall it, with the exception of the last Police Ministers Council and the last Standing Committee of Attorneys-General, which I was not present at, there have been those reports. I will take the matter up with the
Attorney-General’s Department and ascertain where those reports are at. Also, if there is anything further to add, I will provide that information to the Senate. In relation to COAG, we have addressed this at a very senior level with our COAG trial sites across Australia—and there are 10 of them—and this is part and parcel of those trials that we are conducting.

Howard Government: Expenditure

Senator CARR (2.32 p.m.)—My question without notice is to Senator Hill representing the Prime Minister. In the light of the requirements of the caretaker conventions, can the minister detail what cabinet processes underpinned the authorisation of government announcements during the election campaign? Can the minister confirm that the Expenditure Review Committee scheduled to meet tomorrow, Tuesday, 30 November, will consider authorising additional estimates expenditure in order to fund recent election commitments? Is it the intention of the government now to retrospectively seek to legitimise grants worth $27.5 million announced as part of the ‘regional icons’ program to sites in marginal National Party seats or in former National Party seats now held by Independents? Will this retrospective authorisation include the R.M. Williams Bush Centre in Eidsvold, Queensland, which received a commitment of $4 million without even putting in an application?

Senator HILL—I think Senator Carr is a little confused in relation to process. Since the year dot governments and oppositions have made promises during election campaigns. Often those promises are related to infrastructure development, tourist development and the like. If they are successful, we would hope the relevant party would seek to implement its promises, and to implement its promises it would require funding through the orthodox means. There is nothing extraordinary about that.

As Senator Campbell has indicated, the Labor Party, which was hopeful of winning government in the last election, made a number of promises to its constituency. Some were made specifically by Senator O’Brien, and I can list others that were made. There was one in relation to the Rockhampton showground, where a $6 million upgrade was promised by Labor. An Illawarra multimedia design and technology centre was promised by Labor in the then Greens seat of Cunningham. In fact Labor upped its offer between the by-election and the general election—$9 million in the by-election, $12 million in the general election. There is nothing illegitimate in that. If Labor had won the election, presumably it would have then sought to fund its promises. So, if the coalition has made promises to regional Australia during the election, you would expect the coalition in government to fund its promises. It is not a surprising thing that it would make promises to regional Australia because the coalition, as has been said, has a deep commitment to rural and regional Australia. It also recognises the disadvantages that it suffers and the importance of public support in order to build its competitiveness. So you would expect the coalition in government to fund its promises and meet its commitments, and that this government will do.

Senator CARR—Mr President, I ask a supplementary question. I ask that the minister’s attention be drawn to the requirements of the ministerial code of conduct, particularly to page 11, which says: Ministers should not exercise the influence obtained by their public office ... to gain any improper benefit for themselves or another. Does the Leader of the Government in the Senate recall Senator Sandy Macdonald stat-
ing that voters in the seat of New England will suffer a lack of access to ministers and to project funding because they did not vote for the National Party candidate in that seat? Does Senator Macdonald have the full backing of the coalition government when he points out to voters that ministerial doors will be closed to their parliamentary representative because they failed to vote for the National Party?

Senator HILL—As the Prime Minister has said, we seek to represent all Australians and, as Senator Ian Macdonald has said most clearly today, we certainly represent the blue-collar workers of the forest industry in Tasmania far better than the ALP, and it seems that the ALP’s own union base recognises that. Certainly during an election each side will make promises that they believe will be in the interests of that constituency and if they are elected they will seek to implement them through the normal financial means and the passage of necessary appropriations. That is what has happened in this case.

Environment: Murray-Darling River System

Senator LEES (2.36 p.m.)—My question is to Senator Ian Campbell, the Minister for the Environment and Heritage. It follows on from a question from Senator Ferguson earlier in question time regarding the 500 gigalitres of water that will be available for environment flows in the Murray. I ask the minister: what is the timeline for the completion of the four projects you mentioned that will free up 240 gigalitres? When will the 240 gigalitres be available for the red gums and for the environment? Will it be as soon as we have good rains, or will we have to wait until the four projects are completed? What is the timeline for the remainder of the 500 gigalitres? When will that be available for use for the environment?

Senator IAN CAMPBELL—I thank Senator Lees for the question. Senator Lees is someone who has taken a long-term interest in this issue, and it is appropriate that both Senator Ferguson from South Australia and Senator Lees should draw attention to this. The government, through the Living Murray partnership with the states and the territory in the Murray-Darling Basin, can be quite proud of the achievement that did take place last Friday in this building. As Senator Lees and Senator Ferguson would know, there are a number of stumbling blocks between achieving the agreement on Friday and the delivery of the water. Senator Lees, of course, has identified one of them: we need it to rain. You cannot just create water in this world. Mr Garrett and Mr Latham went along to the riverbank of the Murray during the election and stood at a site made famous a generation earlier by Mr Hawke and Mr Richardson—who promised to plant a million trees, a billion trees or whatever it was at the same site—and they promised to create 1,500 gigalitres of water. They did not say how you would pay for it. They did not say how they were going to make it rain. They made this bizarre promise based on no science and based on no funding. But it was appropriate that they chose that site because, of course, it was proved to be a site good for illusions and political rhetoric but not much good for delivering for the Murray. So that is the first prerequisite: we have got to have the rain.

In terms of the delivery of the projects, the great thing that was achieved on Friday was that the projects were signed off on by the government. They have now been placed on a register and will be available for investment by the partners. Up to $500 million can go into those projects. We expect that they shall cost around $179 million. As I said, they will deliver 240 gigalitres. In terms of the practical project delivery, a number of the
projects reduce evaporation. They will involve major piping work. For example, the Darling anabranch project is a major piping project which will see available water delivered to where it is needed. It can be delivered to some of those key wetlands, help restore water flows to the wetlands and, of course, help to start watering those red gums that require a fairly regular cycle of flooding. That work can begin.

We do need the National Water Initiative to be recommitted to by the states. We are hopeful—and I say this quite earnestly—that the states will recognise that we do need to put the politics of the pre 9 October period behind us. The environmental needs of the river far outweigh the petty political fights that occurred prior to 9 October. The National Water Initiative does underpin the whole future of water, particularly in this basin. We need to ensure that water is properly valued, that it is properly accounted for. The South Australians, for example, are very concerned that the gigalitres that are identified can actually be delivered. The South Australian government want to see that properly accounted for. There is no use governments putting up promises of gigalitres if they are not delivered. So there needs to be a proper accounting framework, and the National Water Initiative can do that.

In terms of the project timeline—and this is what Senator Lees is very concerned about—I will get for her the details of the rollouts of the projects. Some of them are simple allocation and reallocation processes that can happen immediately. Projects like the Darling anabranch program are massive engineering projects that will take longer, but I will get for Senator Lees and the Senate an indicative timeline for all of those projects so that we know when the water can physically be delivered.

**Senator Lees**—Mr President, I ask a supplementary question. I ask the minister if he is aware that in 2000 a number of these areas that were not flooded could have been, and the red gums could have had a drink in a number of other areas down the river. I ask him if he is aware that the decision was made to actually drop the lock gates all the way down the river and simply flush the water through. Is there an agreement in place to raise the lock gates, not to lower them, next time there is a decent flood? If there is not an agreement, Minister, then who is it that will make the decision to give the red gums a drink if and when the water is available? As well as providing to the Senate a timeline for the completion of the various projects, can you provide us with a timeline for the availability of water for these gums, which have in some cases been without water now for seven and eight years? They are not going to last another seven or eight; indeed, they are probably not going to last another two.

**Senator Ian Campbell**—I think Senator Lees is right: they certainly need a drink. As much as these trees have learned to adapt to a drought and a flood environment which typifies much of the area, it is very important that we get water to them in appropriate amounts. The Murray-Darling Basin Commission will make the decisions on how the water is managed. I think the great thing about the Living Murray initiative is that it has identified the six sites and—as Senator Hill quite properly intimated by way of interjection—you have got to ensure that you look after the Murray mouth, you have to look after the channel and you have to look after these other very important Ramsar listed wetlands. So you need the experts at the commission to determine how you deliver the water to those six icon sites. They are the people who have got the skills to do that. Clearly a decision was made in the last flush to flush it down the channel for what-
ever reasons were applied at the time. You have made the good point that we need to share the water more sensibly next time. (Time expired)

**Regional Services: Program Funding**

**Senator FORSHAW** (2.43 p.m.)—My question is to Senator Ian Campbell, the Minister representing the Minister for Transport and Regional Services. I refer the minister to the government’s decision to contribute $6 million through Regional Partnerships funding to the Australian equine and livestock centre project in the electorate of New England. Can the minister confirm that the Deputy Prime Minister subjected—

**Senator Boswell interjecting**—

**Senator FORSHAW**—Maybe you will be an exhibit in the museum. Can the minister confirm that the Deputy Prime Minister subjected an earlier application for funding to independent assessment by Professor John Chudleigh and that this independent expert rejected funding for the project, based on concerns about its financial viability? I ask, Minister: what changed in the financial viability of the same project between the 2002 and 2004 applications? Why did the Deputy Prime Minister not subject the project’s revised 2004 application to an independent assessment, as he had required of the earlier 2002 application?

**Senator IAN CAMPBELL**—The simple answer—and it would be very hard for Senator Forshaw to understand this because he, like Senator George Campbell, refuses to go and engage with regional communities and actually talk to them and get to know the project himself—is that the project has been reworked.

**Opposition senators interjecting**—

**Senator IAN CAMPBELL**—A lot of work was done on the project. What happens in regional communities is that they will come forward with a project like the equine centre; they will put it forward and we will have it assessed. There were problems found when that assessment was made so we gave the local community feedback and they reworked it. They worked hard. Here is an example of a regional community working hard to try to deliver something for the regional community, and they have worked through the area consultative committee over those intervening years. The New England North West ACC issued a press release on 25 November 2004, and in it it has given its reasons for its endorsement of the project and its support for the project that it supported all the way through. So this is an example of the local community working to actually get the project up. If there were concerns about the viability of the project in 2001, those concerns have been addressed, and that is why the project has been approved.

We believe that the project is a winner. That is why we have supported it. That is why the government have got behind that local community, as we have done with the R.M. Williams centre and as we have done with a number of these other so-called icon projects. That again demonstrates that the coalition are prepared to work with regional communities. We are prepared to work with local communities that are prepared to back an idea, to do the hard work to ensure that they have got the governance structures in place to make these ideas work, to try to ensure that Australians in the future can go to some of these places and get an understanding themselves of what happens out in regional Australia. What a wonderful thing for the community to have an R.M. Williams centre and what a wonderful thing for Tamworth to have an equine centre so that Australians in the future who move further and further away from our rural, remote and regional past to live on the coast can, from time to time, visit the regions, visit the coun-
tryst and realise what was the foundation and the backbone of this nation in years gone by.

Senator Coonan—And ride into the sunset.

Senator IAN CAMPBELL—As Senator Coonan says, they can ride a horse, learn about horses and learn about Australians—just as the Leader of the Opposition did. What a wonderful thing that Mr Latham went down to Eureka the other day and learned a bit about the past. He was trying to reconcile with Steve Bracks on the day. He was struggling to do that, but at least he got outside the city and at least he went and saw a bit of regional Victoria, and I commend him for doing that. Senator Forshaw and Senator George Campbell should go to R.M. Williams, buy themselves a pair of boots, go and get them dusty over the summer break and then come back. If Senator Forshaw wants to can the R.M. Williams centre, if he wants to put the kibosh on the equine centre and if he wants to knock off some of these icon projects, he should get up and say that Labor will not fund them. You can create some savings for your next election straight-away! Rather than just pick and whinge and whine, go and do something constructive; these regional communities are. Labor is still stuck in this whingeing, whining, negative mode. I do not think people in the regions are going to like that very much.

Senator FORSHA W—Mr President, I ask a supplementary question. I note that the minister did not address the question, which was: why was it not good enough or important enough to have an independent assessment of the subsequent application if it was important enough the first time around? The minister mentioned the area consultative committee. I ask: what role did the Deputy Prime Minister and his office play in the decision by the New England area consultative committee to release confidential papers designed to dampen growing public concern about the decision-making process leading to the grant of $6 million to the equine and livestock centre in Tamworth? I further ask: will the minister now instruct the New England area consultative committee to release all papers it holds in relation to this funding proposal, and will the minister also release all papers held by his office and his department relating to this equine centre scandal?

Senator IAN CAMPBELL—It suits Senator Forshaw to try to confuse the process of approvals and assessment with the approvals process for this centre. It was well known to the government and it was well known to the minister—it was well known—that we had gone back and sought more information, that we had sought for the program to be reworked. The minister and the government made the decision that during the election we would announce it as part of a new series of election commitments, just as the Australian Labor Party went to a whole load of places up the coast to announce a turtle interpretation centre, a national museum for Indigenous culture in Cairns and a national centre for democracy in Ballarat. In fact, you ask Mr Latham to submit his paperwork on the Murwillumbah to Casino rail line. Here is a project that the opposition promised, on the run, $150 million for in northern New South Wales when the project cost only $25 million over six years. They were going to give the New South Wales state Labor government a $125 million tip. I suggest the opposition go through a little bit more diligence in selecting their programs than they did in the last campaign. (Time expired)

Communications: Community Broadcasting

Senator SANTORO (2.50 p.m.)—My question is to the Minister for Communica-
tions, Information Technology and the Arts. Will the minister please advise the Senate of the government’s commitment to the community broadcasting sector. Is the minister aware of any alternative policies?

Senator COONAN—I thank Senator Santoro for the question and also for his strong interest in communications. As this side of the chamber would be aware, the Australian government is a strong supporter of the community broadcasting sector. More than any previous government, this government has demonstrated a commitment to a healthy and vibrant community broadcasting sector. This government has done a great deal over the past 8½ years to support the sector and make it more sustainable, because the government acknowledges the enormous number of volunteers who participate in community broadcasting, the range of specialist needs that it caters for, including ethnic, Indigenous and print handicapped services, its delivery of training in broadcasting skills and, of course, the very important reach it has into rural, regional and remote areas of Australia.

Since the government has been in office it has significantly increased funding above the levels provided by previous governments. In addition, the government recently reinforced its commitment to the sector by promising to increase funding to it by $8.2 million over four years, including a significant funding boost to establish a broadcast training and development fund. This commitment from the government is in very stark contrast to the ALP. Their former spokesman, Mr Lindsay Tanner, talked about community broadcasting during the recent election campaign but failed to come forward with any funding commitment at all. It was just Labor rhetoric. It certainly has not improved since the election. We have heard very little about the communications portfolio from Labor’s new spokesman Senator Conroy, and now we know why. Senator Conroy has been far too busy prosecuting his jihad against his leader to worry about community broadcasting. He came out yesterday seeking a truce hoping to hang onto his frontbench position. He was forced to make a humiliating, indeed a grovelling, public apology for his disloyalty to Mr Latham. Senator Conroy now proposes to devote himself to his shadow portfolio tasks. That is welcome news, and it is not before time. Senator Conroy has a great deal to learn about communications. He certainly does not understand community broadcasting or the broadcasting sector in general.

I recently heard Senator Conroy debating anti-siphoning issues on 2GB with Philip Clark and coming off second-best in spectacular fashion. He was making all sorts of ill-informed and populist comments on anti-siphoning, suggesting community broadcasters should be bidding for major sporting events and being told by Philip Clark to ‘stop banging his head against a wall’. Philip Clark ended the interview with this comment, he said, ‘Give me a break. You’re going to have to go and spend some time in the industry. You should come up here as a work experience person for a while. All right?’ Senator Conroy said, ‘Thanks, Philip.’ Not a bad idea really—coming for a bit of work experience. If Senator Conroy wants to take Philip Clark up on his generous offer, I am sure that many of us on this side of the chamber would be very happy to give him a reference so that he can take up the opportunity to do some work experience—because he certainly will not get a glowing reference from Mr Latham, who he has described as Frankenstein’s monster. Let us hope that Senator Conroy, when he has had an opportunity to apologise, takes Philip Clark up on his offer and decides to do some work experience and learn something about communication.
Regional Services: Program Funding

Senator STEPHENS (2.55 p.m.)—My question without notice is to the Minister for the Environment and Heritage, representing the Minister for Transport and Regional Services. Minister, can you confirm that the Deputy Prime Minister’s own electorate of Gwydir has been awarded more than $2 million in funding under the Regional Partnerships program? Can you confirm that the projects include a $1.1 million grant for the construction of an ethanol plant in Gwydir, announced on 17 August this year? Can the minister advise if the Department of the Environment and Heritage or any of its agencies were consulted in the assessment process? Can the minister explain what role the Deputy Prime Minister had in the promotion, assessment and allocation of funding for this project?

Senator IAN CAMPBELL—Here again we have the Labor Party criticising a project and criticising funding which will significantly help a regional community in Australia. The application that the senator refers to was recommended under the Namoi Valley Structural Adjustment Package by the New England Northwest Area Consultative Committee and the Namoi Valley Structural Adjustment Package Advisory Committee in June 2003. The Namoi package has been funded through the Regional Partnerships program, as the senator referred to. It was the Minister for Local Government, Territories and Roads, Mr Lloyd, who agreed to provide a grant under the Regional Partnerships program of $1.1 million to facilitate the establishment of an ethanol biorefinery plant in Gunnedah.

We believe the project will lead to the employment of an estimated 500 construction workers in the establishment phase and result in 50 new permanent employees. It is also anticipated that establishing a plant such as the one proposed will result in: an expansion of the local economy by about $169½ million, about $30½ million of extra household income, the creation of 694 permanent new positions throughout the economy and additional revenue for local grain farmers by increasing demand by 300,000 tonnes per year. This is an outstanding example of a regional partnerships project supported by the local community. I would like to say, wearing my hat as the environment minister, that we in the government believe it is very important that we do move to these alternative fuels. The government have helped support the biofuels industry more than any other government in the past. Not only do you get the benefit of using biomaterial and turning it into fuel which replaces fossil fuels—which is a win for the environment—but you also do it in a regional area, which can assist regional communities in the way that I have outlined.

It does not surprise me that yet another Labor senator has got up to criticise a significant regional investment, which will create all of those positive outcomes for the local economy and the national economy. Once again I suggest to Labor senators that, rather than wallow in their depression over the summer, they do something positive for themselves and do something positive for the community—get out and look at some of these regional programs, talk to some of the people in regional areas and look at how successful this Regional Partnerships program has been. That would be a far better use of Labor senators’ time than wallowing in their own despair. These are all good projects. They are good for Australia, they are good for the economy, they are good for regional communities and they are good for building employment—particularly in areas that have been subjected to higher rates of unemployment than many other parts of Australia. We are very proud of this project.
amongst all of those Regional Partnerships projects. Rather than whingeing, whining, carping and despairing about these projects—rather than kicking regional economies and abusing area consultative committees and the personnel who put their hard work into building up their regional communities—I encourage the Labor Party to do something positive for a change.

Senator STEPHENS—Mr President, I ask a supplementary question. I thank the minister for his answer, but there was a part of the question that he did not respond to, which was whether his department or any of its agencies were consulted in the assessment process.

Opposition senators interjecting—

Senator STEPHENS—I ask that because we need to understand why funds for this project were not granted under the government’s $37.6 million biofuel capital grants scheme, administered by the Department of Industry, Tourism and Resources. Given that there was an existing and more appropriate source of funding for this ethanol plant, why was it funded through the Regional Partnerships program?

Senator IAN CAMPBELL—I could not hear the whole question because the senator’s colleagues wanted to interject and criticise as usual. Senator Stephens is clearly concerned that a project that bid for a biofuels infrastructure grant right across Australia that missed out under the program that Senator Stephens referred to. Should that mean that they miss out on every other program? Of course not. The coalition will work with proponents of projects in regional Australia to ensure that we deliver good results. If it is under this program as opposed to another one, that is a good result for Australia, a good result for the local community and, might I add, a good result for the environment.

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

QUESTIONS WITHOUT NOTICE: ADDITIONAL ANSWERS

Iraq

Senator HILL (South Australia—Minister for Defence) (3.01 p.m.)—I have some further information in response to a question asked by Senator Nettle on 18 November 2004 in relation to Fallujah. I seek leave to have the answer incorporated in Hansard.

Leave granted.

The answer read as follows—

Senator Nettle asked the Minister for Defence upon notice on 18 November 2004:

Can the Minister confirm the number of ADF personnel operating under the control of the US military who were engaged in the military assault in Fallujah?

Senator Hill—The answer to the Honourable Senator’s question is as follows:

Defence does not believe that any Australians serving with US forces on third country deployments were involved in combat operations in Fallujah.

Crime: Australian National Child Offender Register

Senator ELLISON (Western Australia—Minister for Justice and Customs) (3.02 p.m.)—During question time on 18 November 2004 Senator Ludwig asked me a question regarding CrimTrac and the Australian National Child Offender Register. Following further advice by CrimTrac, I wish to inform the Senate that, in addition to New South Wales having passed legislation in relation to this, the Victorian government has passed such legislation. The Commonwealth gov-
ernment looks forward to other state governments following suit so that we can have a truly national child protection register.

QUESTIONS WITHOUT NOTICE

Regional Services: Program Funding

Senator CARR (Victoria) (3.02 p.m.)—I move:

That the Senate take note of the answers given by the Minister for the Environment and Heritage (Senator Ian Campbell) and the Minister for Defence (Senator Hill) to questions without notice asked today relating to the Regional Partnerships program.

The fundamental principles of good policy administration and good program delivery are outlined in numerous Australian National Audit Office reports and various pieces of legislation, such as the Administrative Decisions (Judicial Review) Act and of course the Public Service guidelines. They might be summarised in these broad terms: a program should have a clear policy rationale, the funding should be open, arrangements should be transparent, all the necessary probity arrangements should be in place, selection should be based upon merit, administrative practice should be applied consistently across the program, everybody who is affected by the program should have a fair chance to apply for money, there should be value for money, there should be some measures in place to protect taxpayer interests and there must always be a paper trail so that the proper audit arrangements can take place. With regard to the payment of program moneys, the standard procedure of the Australian Public Service—one which now has an international reputation for excellence in this regard—is that contracts should be subject to audit, that all decisions are renewable and that decision makers themselves should not be subject to allegations of conflict of interest. The Public Service guidelines spell out these principles in terms of the values and the code of conduct of the Australian Public Service.

When we look at the Regional Partnerships program, we note that those fundamental principles have been placed under attack by this government. A number of very serious questions arise as a result of the government’s failure to set in place the necessary administrative protections on probity, the necessary administrative protections to ensure that decisions are based on merit—so that it is not possible to argue that decisions are based on bias—and the necessary accountability practices. This $408 million program has now been subject to some pretty basic assaults with regard to the fundamental principles of public administration in this country.

We have a simple proposition: were projects properly advertised? Was it possible for people in these regions to know that money was available? Was it possible for citizens in these regions to apply to the Australian Public Service, through proper program guidelines, to ensure that moneys were made available on the basis of merit? What we have seen to date is a series of allegations about hand-picked committees determining the allocation of public dollars on the basis of political prejudice not on the basis of administrative merit. We have some very serious questions being raised about government expenditure, at least in the case of $27 million. In the run-up to the last federal election a series of actions was taken by a political party—during an election campaign—and now through the ERC the government is seeking to legitimise those actions. A vote-buying spree was undertaken on behalf of the National Party to try to protect the interests of one political party within this parliament. In six regional projects—dubbed the so-called national icons—some $27 million of public money was made available for the
political interests of a party in this parliament.

That is why people are saying that running right through this there is the smell of an enormous rat. That is why the case for a Senate inquiry is broadening; the case is strengthening. What we have seen, in New England in particular, is members of this parliament, on behalf of the government, saying that some members of this parliament are illegitimate and not able to fulfil their obligations as members of parliament to represent their constituents; that the government would close doors to some members of parliament when it came to undertaking their job to represent the people of their electorate. In the case of the R.M. Williams Bush Centre in Hinkler, money was made available, without application—from the local political apparatchiks. Individual projects are being funded on the basis of political prejudice, not merit. That situation is intolerable in any modern society with proper administrative practices.

(Time expired)

Senator BOSWELL (Queensland—Leader of The Nationals in the Senate) (3.07 p.m.)—I can certainly understand the tactics of the Labor Party, who are in absolute disarray. It is quite embarrassing—there is leak after leak, story after story; one by one there are attacks on their leader. It is like the proverbial sieve over there. So to take a bit of pressure off they have got to find a red herring. I would not mind that, because that is probably a legitimate tactic, but you would think that with all the people in caucus they could come up with a singular idea of how they could do it themselves. It is the sad fact of the Labor Party that they have sunk to such a low that they have to depend on an Independent to give them some idea of how to attack. The once great Labor Party, which did have a few tactics and a few ideas to string together an attack against the government. It is a pretty sad indication of where the Labor Party are at the moment. They have sunk to the absolute depths. They cannot back their leader and they cannot find an idea with which to attack the government. They cannot even find a red herring to draw across the trail to offset some of their own problems. It is pretty sad that the Labor Party have sunk to such a low.

When John Anderson took over the leadership of the National Party—and many of you may be able to remember his first speech—he said that there were two Australias. One was the Australia of the regional areas, which were not progressing at the same pace as the cities of Sydney, Melbourne or Brisbane. He said that it was incumbent upon us as the National Party and the coalition government to give the people in regional and rural areas a bit of a leg-up, because the benefits of a good economic environment were not being distributed equally across all sectors of the community. So we brought in programs such as the Regional Partnerships program, the Sustainable Regions Program and the Roads to Recovery program. This was to share the good times between regional Australia and the cities, whose economies were moving at such a rapid rate and getting in front of the regional and rural communities.

Having done that and having put X amount of money into it, all we get is rejection by the Labor Party—a complete walking away from the regions and rural areas of Australia. We have seen this time and time again. Then Labor wonder why in Queensland we got four out of the six senators up. I can tell you why: because you have completely walked away from rural Australia. You got 23 per cent of the vote in Kennedy, a seat you controlled a couple of years ago. A couple of years ago you had that seat and now the best you can muster is 23 per cent.
You wonder why you were absolutely done over like a duck dinner in the Senate. It was because you walked away from rural and regional Australia—and you are doing it again today. We put programs up to equalise economic opportunities across Australia and you keep coming in here and knocking them. The results are going to be the same—you will get a low Senate vote next time.

Let us get back to the basics of this. Mr Windsor, the Independent, made an allegation—it was more than an allegation; it was an absolute challenge—that Senator Sandy Macdonald and the Leader of the National Party offered a bribe to Mr Windsor to take him out of the seat one way or the other. I know John Anderson and I know Sandy Macdonald and I know that they would never ever do anything like that. I know them well and they would never offer any sort of incentive. Mr Windsor’s claims and his allegations have been proved absolutely untruthful by the Federal Police—they have been rejected by the Federal Police. He did not have a feather to fly with. His allegations were completely rejected. So to get himself out of a bit of strife—to draw a red herring across the track and to take some pressure off himself—he comes up with these further allegations of impropriety. Mr Windsor offered $40 million to a medical scheme in his electorate if he were to take the balance of power. I see no difference in that. In fact, all of the grants that are given under these Regional Partnerships have gone through a process through the ACCs.

Senator O’BRIEN (Tasmania) (3.12 p.m.)—I see the National Party have been given the job of defending the National Party minister who guards that little war chest—the Regional Partnerships program. We heard during question time that there was a project to fund an ethanol plant in the Deputy Prime Minister’s own electorate and we heard Senator Ian Campbell say that even if there are projects that fail to find sufficient funds in the capital grants program for ethanol projects they can go to Mr Anderson and seek some extra funds from there. That means one of two things: either Regional Partnerships was set up as an overflow fund for the National Party to pork-barrel their electorates or that is an admission that the funding for the ethanol projects that were supposed to be in rural electorates was insufficient. It cannot be anything but one of those two.

Let us have a look at this Regional Partnerships program. It comprises $408 million over, I think, four years. It followed on from a number of other regional programs. I was part of a Senate inquiry that looked into the funding of a metal profiling plant in Eurobodalla Shire. Arising from the Senate committee’s recommendations, the government said that they would adopt all of the procedural recommendations for appropriate scrutiny and appropriate propriety of the funding of the Regional Partnerships program. They accepted recommendations for a proper assessment process and a proper approval process. What have we got? We have got a program where now $149 million has been pledged or granted. We have got some projects that have been pledged funds that have not even put in an application. We have got a process where the Deputy Prime Minister will be the final decision maker on the application and will be the final decision maker on any review. Talk about appealing to Cæsar! The Nationals are so committed to appropriate process that they have a circular appeal process going back to the original decision maker.

This is not what the government agreed and promised they would do when they implemented the Regional Partnerships program. What have we seen with this program? We have seen projects that have been promised money and then promised an additional amount of money. The government have
said, ‘Let’s get our candidate across the line.’ I think it was the Tumbi Creek project on the Central Coast to which the Prime Minister promised an amount of money and then promised the same amount again. As I understand it, there was no second application. How does that stand up in terms of propriety? How does that stand up in terms of the appropriate processes being applied to taxpayers’ money?

It is all right for the government to suggest that you can make promises in an election campaign. Oppositions always do. But if the government has an existing program with a set of procedures and guidelines and has made promises to the public and parliament that it will follow appropriate process it is not then open to the government to say: ‘Yes, but that doesn’t count in an election campaign. We’ve got a program. The parliament has approved funding for the program. We’ve put in place guidelines. We’ve put in place processes for funding of projects. But when it comes to the election campaign, it is whatever it takes and we don’t care about that process.’ That is what this government is saying about the Regional Partnerships program.

Senator Carr is right. There is $149 million in project grants and pledges and a whole lot of breakdown in the process applying to them. This Senate, I believe, must review the expenditure or promises of expenditure under that program. The government should be wholly open to such a process because it has got to make itself available for scrutiny. It cannot hide behind the secrecy of its departments. This Senate should ensure that we get to the bottom of those applications and discover which are proper and which are not, and, for that matter, which applications coming from rural and regional areas should have been funded but got passed over because they did not suit the political needs of The Nationals. (Time expired)

Senator McGauran (Victoria) (3.17 p.m.)—I, too, like my colleague Senator Boswell, can understand the pretty tough week or two that the Labor Party have had with regard to internal leadership problems and self-confessed jihads going on inside the Labor Party. So their morale and political judgment are going to be at a very low ebb. To be truthful, ours was after our fourth defeat, in 1993, too. But I can assure you that what we did not do after 1993—and what I do not understand the Labor Party doing—was hitch ourselves to the most discredited claims, such as were dished out several weeks ago by the member for New England, and Independent parliamentarian, Mr Windsor. What a desperate state you have reached on the other side. You must know it yourselves—some of you must know it over there. What a desperate state you have reached when you come into this parliament and take up the discredited if not foolish claims of the Independent member Mr Windsor.

Even after Mr Windsor’s claims, since they were first made in parliament, were found to be baseless and false, if not lies—claims that were in essence just full of spite and hate and ahead of the facts—even after all of that, you still take up his cause. That is the basis of your questions at question time today. Never mind the gravity of Mr Windsor’s claim against the Deputy Prime Minister, a man known for his integrity. My colleague next to me here, Senator Macdonald, is also known for his credibility. I would stand up his credibility, honesty and public performance against Mr Windsor’s any time. I would have done this even before these claims were made it but surely I would do it now.
The gravity of claims of corruption in this parliament can never be taken lightly. But, regardless of the gravity of that claim—and it has since been proven false—you take up his cause today, unashamedly. You take it up regardless of the fact that the DPP rejected the need to pursue any investigation further, which totally exonerated the Deputy Prime Minister and Senator Macdonald, and regardless of the Federal Police’s own report exonerating the Deputy Prime Minister and Senator Macdonald and finding that the very witnesses that Mr Windsor relied upon, the two members of his campaign committee, did not corroborate Mr Windsor’s claims. So he was utterly friendless. Not even those that Mr Windsor relied upon could back his claims, let alone the so-called friend that Mr Windsor seeks to claim—Mr Maguire. He not only could not support Mr Windsor’s claims but utterly rejected them, was offended by them and could not believe that a friend of 10 years would say that or use him to that extent for political pursuit only.

I would like to refer to the most important statement made by Mr Greg Maguire on Friday the 19th—last Friday—which puts this whole matter in perspective. I would have thought the Labor Party would have got hold of this press statement by Mr Maguire so as to distance themselves from the discredited member for New England, who owes this parliament an apology, let alone the Deputy Prime Minister and let alone my colleague Senator Macdonald. Of course he owes them an apology. He owes the people of New England an apology. He promised so much when he came in here, pontificating how he was an Independent, separate from all the dirty politics that go on. He said: ‘Look at me. I am Mr Morality. I will bring a clean slate to this parliament. I will represent my people of New England,’ hovering above what he thought was the dirt of politics. He just got right down into the gutter—somewhere, I would say, no-one from the government has ever gone. When you make a claim of corruption, you are right in the gutter and you had better be right. He is wrong and he has been proven to be wrong.

Time does not permit me to refer to Mr Greg Maguire’s comprehensive statement not only rejecting Mr Windsor’s claims but calling upon him to make an apology to Mr Maguire personally with regard to using his friendship in parliament as he has. Mr Windsor owes my colleagues an apology and he owes the parliament an apology. He has let down the people of New England. I think the editors of the newspapers that have so propped up this puffed up, flush-faced member for New England ought to demand an apology.

(Time expired)

Senator STEPHENS (New South Wales) (3.22 p.m.)—I rise in this debate to take note of the answers to questions without notice today to defend our interest in the Regional Partnerships program and to draw attention to the extent to which it has been abused during the last few months in particular. We have heard from previous senators about the scope of the funding. We know that $40 million was committed through that program during the election campaign, which was an extraordinary commitment. The Slim Dusty Centre in Kempsey, which is a very meritorious program located in the electorate of the Deputy National Party Leader, Mark Vaile, was seen to be a bit of an aberration to the whole process because Lyne is safe National Party territory. We have discovered that some of these projects that were approved during that time and much of $100 million spent under the Regional Partnerships program have been much more carefully targeted throughout the election campaign. We have seen a range of projects funded, such as the $7,000 coin-operated telescope opposite Hinchinbrook Island and an $8 million science and tech-
nology precinct in Mackay. We have seen $6.5 million spent in Hinkler on an aviation hall and the R.M. Williams Bush Centre, and an $8 million technology centre in Dawson. We have $5 million for a rodeo park and more than $1 million for a milk-processing project in Kennedy. Then there was $8 million in Bass in Tasmania for a variety of projects, including a synthetic bowling green, a swimming pool and a bike track. We had over $1 million committed to various projects in Eden-Monaro, which is often considered a litmus test seat for federal elections. There was a similar amount committed to McEwen, a marginal Liberal seat in Victoria.

The Minister for Local Government, Territories and Roads has the final say for these projects, but above all Mr Anderson has the final say and he says that he stands by the process that was undertaken. We on this side have had a range of concerns about the Regional Partnerships program over a long period of time. It is described in the guidelines as a ‘discretionary grants program’ that focuses on projects aimed at strengthening growth and opportunities by investing in projects that strengthen and provide greater economic opportunities and social participation in the community, improving access to services, supporting planning and assisting structural adjustment for communities.

Let me just tell you about one of the projects that has been funded most recently. I do not try to cast doubts on the veracity of the guidelines, which I am sure this project addressed. An announcement from Minister Tuckey said that the Wheatbelt Area Consultative Committee was successful in its application for funding for a 40-metre leaning tower of Gingin, modelled on Italy’s famous Leaning Tower of Pisa. The tower will be a central icon of a complex, of stage 2 of the gravity discovery centre, which includes a cosmology gallery, treetop walk and world-class telescope. What we really have here is a program that is about supporting those electorates and those communities that are going to help sustain the government in government. We on this side have a very serious concern about the due processes of the Regional Partnerships program. We are not going to rest until we get some answers to issues of transparency in government and to the kinds of concerns that have been raised by Mr Windsor, including the conditions that he suggested were attached to the $6 million of government funding for an equine centre in his own electorate which included him being removed from that body. We anticipate that this is an issue that will continue to be of great interest to the Australian electorate.

Question agreed to.

Indigenous Affairs: Deaths in Custody

Senator RIDGEWAY (New South Wales) (3.28 p.m.)—I move:

That the Senate take note of the answer given by the Minister for Justice and Customs (Senator Ellison) to a question without notice asked by Senator Ridgeway today relating to Aboriginal deaths in custody.

I am somewhat concerned about the dismissive way in which the Minister for Justice and Customs regards this issue. The minister was prepared to acknowledge that little progress has been made over the last eight years in dealing with high incarceration rates and Aboriginal deaths in custody. There is no excuse for the Commonwealth government to not show leadership on this issue when you consider the circumstances in relation to Palm Island and what has happened over the past few days and, certainly, the response by the Premier of Queensland, Peter Beattie, in declaring a state of emergency and the consequences that that has had for the entire community. Australia needs to understand that what we have seen in not less than 12 months is the second race riot in this country because of the nature of poor relations be-
tween Aboriginal communities and police. We ought not forget that a lot of this comes about largely as a result of the endemic poverty that exists within communities right across the country.

This parliament needs to take more leadership on this issue, and guarantee that the state and territory governments and the Commonwealth report on these issues. We are talking about an incarceration rate that is 15 times higher than it is for the rest of the population and, since the royal commission in the 1990s, deaths in custody have also increased. We have to ask: how is that sustainable? It is not enough to continue to beat up Aboriginal communities and to suggest that the problem lies with them, when the government deals with the issues after the fact, rather than investing the resources to ensure that young people do not end up in juvenile detention centres and do not become subjects of the criminal justice system.

The facts of this issue come down to recommendation No. 1 of the royal commission in 1990. Elliott Johnston QC, who was the commissioner at the time, made it clear that Commonwealth leadership and annual reporting by state and territory governments were needed. The current government removed the requirement for state and territory law enforcement authorities to provide reports about what they were doing to implement the recommendations of the royal commission. Australia deserves better than this. This parliament is entitled to an answer about why these issues have still not been resolved. Today’s Australian talks about the tragic circumstances of what occurred. Tony Koch, a senior journalist with the Australian, says:

It is incredible to see tactical response police in full gear—riot shields, balaclavas and helmets with face masks, Glock pistol at the hip and a shotgun or semi-automatic rifle in their right hand—walking the streets and arresting unarmed and unresisting Aborigines.

Let us consider the circumstances. We are talking about people rioting and a week of public meetings which followed the death of a local Aboriginal man. He was found dead inside a police cell on the island at 11.20 p.m. on Friday, 19 November, an hour after he had been locked up—for what? For ‘causing a public nuisance’. That is the extent of it. He was walking along the street, drunk and singing, and an hour later he was dead from internal injuries. Two Aboriginal men said at the time that they had given statements about him being punched and beaten by police. We need more than just the report of the initial autopsy inquiry, which suggested that his death was not the direct result of the use of force—which document no-one was prepared to release to the public so that people could make up their own minds.

This is an important issue and it requires leadership from the minister for justice and the federal government. The situation is unsustainable. This government has to ensure that the state and territory governments meet their obligations under the royal commission, whose recommendations will guarantee that needless deaths like the ones that have occurred this year will not happen in the future. It is not enough to act after the fact. We have to make sure that this does not occur again. The Beattie government must give answers.

Question agreed to.

CONDOLENCES
Haines, Ms Janine, AM

The PRESIDENT—It is with deep regret that I inform the Senate of the death on 20 November 2004 of Janine Haines AM, a senator for the state of South Australia from 1977 to 1978, and from 1981 to 1990, and Leader of the Australian Democrats from 1986 to 1990.
Senator HILL (South Australia—Leader of the Government in the Senate) (3.33 p.m.)—by leave—I move:

That the Senate record its deep regret at the death, on 20 November 2004, of Janine Haines, AM, former senator for South Australia and Leader of the Australian Democrats, and places on record its appreciation of her long and meritorious public service and tenders its profound sympathy to her family in their bereavement.

Janine Haines was born on 8 May 1945 in Tanunda, South Australia to Francis Carter, a policeman, and his wife Beryl, a school teacher. She was educated at Brighton High School in South Australia and attended the University of Adelaide, where she received a Bachelor of Arts, and the Adelaide Teachers College, where she received a Diploma of Teaching. She went on to become a teacher of English and maths at high school level before entering politics.

In 1975 Janine Haines stood for the Senate on the Liberal Movement ticket. She was not elected at that time but she was later chosen by the then Premier of South Australia, Don Dunstan, to fill a casual vacancy in the Senate following the retirement of Steele Hall in 1977. Janine Haines became the first senator—and also the first woman senator, obviously—for the Australian Democrats. Her first term as a senator expired on 30 June 1978. She was then elected to the Senate in 1980, taking up the position on 1 July 1981. She was re-elected in 1983 and 1987. Janine Haines was appointed the Leader of the Australian Democrats in March 1986 on the retirement of Don Chipp, becoming the first woman to lead a political party in Australia. She held the position until March 1990, when she resigned from the Senate to contest the House of Representatives seat of Kingston and she was defeated by the incumbent member, Gordon Bilney.

Throughout her life in parliament Ms Haines was always an advocate for gender equality and women’s issues but she also maintained a strong interest in a wide range of issues affecting the Australian community. In her first speech to the parliament she said that it was not her intention to restrict herself to so-called ‘women’s issues’ or to put only the woman’s point of view, but that she intended to concern herself with as many issues as possible affecting the people of Australia and, in particular, South Australians. She was the Australian Democrat spokeswoman for what she called the ‘social justice’ portfolios—health, social security, housing and construction, community services and women’s affairs—as well as their spokeswoman for Finance, Attorney-General’s, Special Minister of State and Prime Minister and Cabinet portfolio issues.

During her time as a senator and party leader she was a key figure in the Senate’s consideration of a wide range of legislation. Among her political achievements she listed negotiating changes to sex discrimination legislation and to the Hawke government’s Medicare system, her determined public opposition to the Australia Card and her stewardship of the Australian Democrats through one of their most successful periods. During her time as a senator Ms Haines was a member of a number of Senate committees, including the Senate Committee on Private Hospitals and Nursing Homes, the creation of which she strongly supported; the Standing Committee on Social Welfare; the Joint Committee on the National Crime Authority; and the Joint Select Committee on an Australia Card. She travelled overseas to represent the Australian parliament with parliamentary delegations to Italy, Spain, Greece, Cyprus and New Zealand.

After leaving politics Ms Haines remained active in the community. She wrote a book, Suffrage to sufferance: a hundred years of women in politics; she served on the council of the University of Adelaide; she was the
President of the Australian Privacy Charter Council; she travelled the country speaking on a range of issues; and she engaged in radio, newspaper and consultancy work. In the 2001 Queen’s Birthday Honours, she was appointed a Member of the Order of Australia for services to the Australian parliament and to politics, particularly as a parliamentary leader of the Australian Democrats, and to the community.

On a personal note, as I was with Janine Haines in the Senate for some nine years—and while I did not know her closely I guess in this environment you get to know your colleagues reasonably well—I remember her as others have described: feisty, confident, always clear in her objectives, determined, honourable, reliable and very honest to her personal beliefs and priorities. Certainly she was a significant contributor to the case for third parties within this chamber. Following on from former Senator Chipp and the larger-than-life image that he portrayed was quite a challenge in itself. There is no doubt that she made a significant contribution to Australian political and public life. I regret that I was unable to attend her funeral, as I was attending another funeral—it seems to unfortunately be the season—but I was pleased that Senator Minchin, my deputy leader here, was able to represent the coalition.

I also wanted to make mention of the fact that Senator Vanstone and Senator Patterson, two female ministers, wanted to make a contribution to this debate but were unable to do so because of other duties. They nevertheless wanted to each be personally associated with these words and to express their sympathy to her family. On behalf of the government as a whole, I extend to Janine’s husband, Ian, her daughters, Bronwyn and Melanie, and to her other family members and friends our most sincere sympathy in their bereavement.

Senator CHRIS EVANS (Western Australia—Leader of the Opposition in the Senate) (3.40 p.m.)—On behalf of the opposition, I indicate that I wish to support the condolence motion moved by Senator Hill on behalf of the government on the death of former senator Janine Haines. I should say at the outset that I did not know Ms Haines personally, but I do remember her well as a public figure and admire her contribution to Australian political life.

Janine Haines was born in South Australia in 1945. She studied at the University of Adelaide and at Adelaide Teachers College before becoming a teacher of maths and English. In 1977, in a quirk of Australian political history, she was appointed to the Senate by the South Australian parliament to fill a casual vacancy created on the resignation of senator and former South Australian Premier Steele Hall. She and Steele Hall had stood on the same Liberal Movement Senate ticket in 1975. In 1977 Hall made a deal to rejoin the Liberal Party and stand for the House of Representatives, thus resigning his Senate seat. Janine Haines was chosen to complete his term. Of course, by 1977 the Liberal Movement had mostly faded away and many of its members, including Ms Haines, had joined the Australian Democrats.

Even though there were only a few months remaining in her term, Senator Haines showed great commitment to her new role. Her first speech to the Senate, delivered on 22 February 1978, focused on education, the status of women and Indigenous issues. These early words on the public record displayed a concern for the wellbeing of the individual and a clear commitment to social justice. To use her own words, she had ‘a compassionate concern for each individual Australian’.

It was also clear that Senator Haines would not shy away from dealing with con-
tentious issues, nor would she avoid controversy. In addressing the issues of pornography and the portrayal of women during that first speech, she was more than willing to ruffle some senatorial feathers. Throughout her parliamentary career she did not lose that outspokenness in support of her beliefs. The frankness she showed in her first speech and throughout her time in the Senate was a characteristic she also admired in others. In reflecting on the death of former senator Jim Keeffe in 1988, Senator Haines said:

Perhaps he—

that is, Senator Keeffe—

was unaware of the fact that this place has a tradition whereby speakers in their maiden speeches keep things fairly non-controversial. Maybe he simply did not care or was just unimpressed by the fact that that tradition existed, because his maiden speech was certainly not one of the pious sort that from time to time we hear in this chamber. I think he set the scene in that maiden speech for the future outspokenness that was to be a characteristic and a significant element of his political career.

I think those words aptly describe Janine Haines’s own style in the Senate.

She was elected to the upper house for the Australian Democrats in 1980, beginning her term in July 1981, and was subsequently re-elected in 1983 and 1987. She served on a large range of committees. During her time in parliament she was her party’s spokesperson on a number of portfolios, including social security, health, legal and foreign affairs, and treasury. Of course, in her public life she is best remembered for her leadership of the Australian Democrats. She was deputy leader under Don Chipp from August 1985 and then parliamentary leader from 1986 and occupies a unique place in our history as the first female leader of an Australian federal political party. She was one of those many talented and determined women who have worked hard to break through into areas which have been traditionally dominated by men. Her passing reminds us that there still remains much work to be done in that area.

She continued to serve as her party’s parliamentary leader until 1990. In that year she made the courageous and determined political decision to resign her Senate seat and stand against Gordon Bilney in the marginal Labor seat of Kingston. Her showing in Kingston was impressive—and very worrying for the Labor Party at the time—but it was ultimately unsuccessful.

Janine Haines’s legacy is not just defined by her place as Australia’s first female party leader. She was also effective in using the Senate to pursue the wishes of her constituency. She clearly understood the potential of the Senate. At the same time, she was sufficiently pragmatic to appreciate the Senate’s position in our political system. In 1988, when she was considering running for Hindmarsh, she said:

... getting someone in the Reps is important because that’s where the media focus is. Our major problem is not getting a media focus. The work we do, the amendments we move, the bills that pass or fail without us drift past because no media covers the Senate.

Former Labor senator Rosemary Crowley informed me of Janine Haines’s prominent role in establishing the Select Committee on Private Hospitals and Nursing Homes. She recalls that Senator Haines was instrumental in lobbying for the formation of that committee after public outrage over a number of deaths following tonsillectomies performed in privately owned hospitals. Ten years after entering the Senate, Ms Haines listed her involvement in establishing that committee as one of her proudest achievements. As Rosemary Crowley reminded us last week:

Janine was extremely good at picking up an issue important to the community and bringing it to policy prominence.
As well as her work on the Select Committee on Private Hospitals and Nursing Homes, Janine Haines was also proud of her role in the ‘no tax on necessities’ controversy and in securing changes to the first Medicare legislation and the Sex Discrimination Act. She was undoubtedly skilled at using the procedures and mechanisms of the Senate to deliver outcomes for those who elected her to this place.

As I mentioned earlier, her commitment to the work of the Senate is undeniable, despite her tilt at a seat in the House. In 1985, following the death of James Odgers, Clerk of the Senate and author of Australian Senate Practice, she spoke of her personal connection to the man whose name is so closely linked with this chamber and of her affection for the place itself. To quote her words:

Jim Oders transmitted to me the love and respect he had for this place. Some colleagues here may not appreciate that he was largely responsible for my wanting to continue with a political career in the Senate as distinct from anywhere else.

I am sure that will be music to the current Clerk’s ears.

Given that love of the chamber and of her party’s role, I believe that Janine Haines would have been disappointed at the Democrats’ recent loss of four senators. In her valedictory speech on 22 December 1989, she said:

... the Senate does operate to put a brake on any sort of dictatorship that could occur if both Houses were held by the same political party ...

I think she would also be concerned about the loss of the non-government majority in the Senate from 1 July next year.

In addition to working to build up the role of the Senate, Ms Haines was also effective in building up the profile of her party—through her time as Democrats leader, but most particularly in her campaign for Kingston. She was able to draw a strong vote for the Democrats from both Liberal and Labor supporters and was noted for her ability to clearly stake out the middle ground between the Labor Party and the coalition. Nationally, she was a formidable political vote winner.

Janine Haines could be frank and outspoken and was acknowledged for her unique sense of humour. With that characteristic grin, she ended her valedictory speech with the words:

I wish everybody here a joyous Christmas and a very happy New Year. Should an election befall us before we meet again, could I say that I hope everybody gets what they deserve.

Her electoral loss in Kingston in 1990 does not detract from Janine Haines’s legacy. Her strategy to raise the profile of her party was very effective and yet she ended up without a seat in parliament. The national political scene lost one of its major figures, a woman who was widely described in the media last week as a trailblazer. No doubt Ms Haines could have engineered a return to the Senate after losing Kingston, but by not doing so she showed great integrity.

In her later years I am sure that Senator Haines rose to life’s challenges with the same integrity and wit with which she approached her parliamentary duties. In public life, her role as this country’s first female party leader, her distinctive style and the example she set to other women, as well as her contribution to the development of the role of the Senate and to her party, will shape our memory of her and her place in Australia’s history. To those who knew her best, to her husband, daughters, grandchildren, family and friends, and to her Democrat colleagues, I offer, on behalf of Labor senators past and present, our most sincere condolences.
quote the Democrats’ founder, Don Chipp, Janine Haines was the best leader in our party’s history. She is widely acknowledged as the first woman to lead a political party in federal parliament. However, perhaps the most positive aspect of her legacy is not that she was the first woman to get there but that she blazed a trail that allowed and, indeed, encouraged so many to follow her.

One quote from Janine Haines that I think is quite appropriate comes from not long before she finished up here, when she was speaking in a debate on a piece of legislation. She said:

"Talk is cheap practically anywhere, but it is particularly cheap in this place, where it is the actions that count."

There is no doubt that the actions of Janine Haines in this parliament—in this Senate—did count and continue to count. Nearly 15 years after she moved out of parliament, the actions and decisions she took continue to have their impact on the lives of many people in a positive way. I think for all of us that is the most we could look for at the end of our time, however long or short it might be, in this chamber—that our actions have counted in a way that has led to an improvement in people’s lives. Janine Haines’s actions have led to a quite enormous improvement in so many people’s lives.

Janine Haines was a key reason that I decided to join the Democrats back in 1989. I do not quote myself very often, but in my own first speech in this place, back in 1997, I said:

"If I had to pick a single Democrat out of the pack, I would probably go to one of my original inspirations, Janine Haines, whose insightfulness and originality I found very inspiring and nearly as appealing as her sense of irreverence which she managed to maintain.

The extent of her impact on so many Democrats is revealed by how many times she continued to be referred to by Democrat senators in this place many years after she had departed. She was noted as having a similarly major impact by former Democrat senator Dr Karin Sowada in her first speech, and she is frequently cited by another of my colleagues, Senator Natasha Stott Despoja, as a key reason that she was inspired to join the Democrats.

Janine Haines seemed to embody the reality that moving away from a two-party system would make our democracy more vibrant and dynamic. Many people appreciated her irreverence and her willingness to make comments that were what is frequently called ‘courageous’ and outside the safe cliches which dominate political discussion. The first time I met Janine Haines was at the Democrats’ launch of our Queensland candidates for the 1990 federal election when she was party leader. Despite making her ultimately unsuccessful and very difficult run for a lower house seat in the electorate of Kingston, she also had to campaign around the country to help our candidates, particularly our Senate candidates, at that election. I was standing on the edge of the function and Janine specifically came over to say hello and speak to me. Rather than the usual sorts of questions—how long I had been a member, why I had joined and those sorts of things—Janine started talking to me about how boring these sorts of events often were and how often she could think of a lot of better things to do with her time but that they were really important because they were a good morale boost for people. Then she walked over and gave one of those rousing speeches that was a big morale boost for a whole lot of people—and, of course, the campaign was successful for us in Queensland, with the election of Cheryl Kernot for the first time.

The only other time I met her was in 1992 when she was visiting Brisbane. I was keen
to talk with her at length and ask her all her ideas about what we should be doing now as a party and where we should be going. But as she repeatedly did upon moving out of the parliamentary arena, she was quite reluctant to be making pronouncements or providing extensive advice about what we should be doing as a party. Unlike a few other former Democrat senators after they had moved out of this place, she actually refrained from providing regular gratuitous advice to us about what we should be doing and how we always did things better back in her day. She very much played the role of saying that she had served her time and was leaving it up to those who followed to do it as they saw fit. In some ways it is a great shame that clearly in many respects we have not been able to do that as a party as successfully as she did in her time in this Senate.

In 2002 the Democrats marked the 25th anniversary of Janine Haines’s entry into the Senate by establishing an annual Janine Haines lecture. The first lecture that was given at the time by Professor Marion Simms examined the changing role of women in politics, and of course Janine Haines played a key role in the improvements and the continuing positive development of the role of women in politics. Just this year, with the third lecture in that series, Lowitja O’Donoghue, giving a very important speech in Adelaide, continued to build on some of those important issues. It certainly is a positive sign and, again, recognition by our party of the important role that we believe Janine Haines played and the important legacy that she leaves not just for our party but for politics in Australia more broadly. As Janine herself said in her first speech in this place, she was not going to stick just to so-called women’s issues or women’s opinions. While she remained strongly committed to encouraging women across all walks of life to not just get involved in politics but to seek opportunity in all areas they chose to pursue, she did speak and act on a whole range of other issues.

The achievements and actions of Janine Haines in the Senate and, indeed, in her time beyond the Senate are too many to list in a short speech. In looking through her vast contributions, one is struck by how many issues she fought for then that still continue to be relevant decades later. As has been mentioned, in her first speech in this place in 1978 she spoke on the rights of Aboriginal people and the continuing disadvantage that they faced. As we heard in this chamber just a short time ago, that sadly continues to remain a blight on our nation. She spoke about the rights of women. Interestingly, this included a strong criticism of the availability of pornography and its impact on attitudes towards women. And she spoke about the importance of education.

In 1982 Janine Haines introduced a bill to implement the UN International Convention on Civil and Political Rights. Over 20 years later, in some areas those civil and political rights at law have actually been reduced further. Included in that bill was a right against discrimination on the grounds of sexuality, and all Democrats continue to remain frustrated that more than 20 years on we still have entrenched discrimination in federal law on the grounds of sexuality. I noted in the clippings that were put together by the library a relevant article about the fight to have child-care facilities in the parliamentary triangle back in the 1980s. Some things continue. I also noticed her frustration with members of the media—and no doubt her endearing affection as well. She spoke on one occasion about the frustration of getting the actions and the substance of the Democrats’ policies, amendments and legislative record acknowledged by the media. Indeed, one of the reasons she gave for running for the House of Representatives was the obses-
sive focus on what happens in the House of Representatives, despite the significance of the real debates and the real amendments to legislation that happen in the Senate.

In the November 1988 Bulletin she talked about the problem of not getting a media focus on the work we do, the amendments we move and the bills that pass or fail with or without us, which drift past because no media covers the Senate. That is a frustration that I think many of us would repeat today. Indeed, musing aloud, she spoke once about the need to perhaps stand in the middle of Sydney’s Martin Place and progressively take off pieces of clothing as she announced legislative issues and what we had done in the Senate that day as a way of trying to get media coverage. It beats bungee jumping, I suppose. Either way, I think the frustration continued.

I did note what she said in an interview after she had failed in her tilt at the seat of Kingston. The journalist commented that perhaps she would be feeling good now that she did not have to deal with so many politicians and asked, ‘Are politicians the most annoying people in the world?’ Janine answered, ‘No, journalists are.’ I would not say that myself of course but it was perhaps an indication of the frustration that she felt. Indeed, in her final valedictory comments that have been referred to she did give thanks to the journalists, saying:

The journalists who periodically and in very small numbers cover the Senate from the press gallery also deserve our thanks, inasmuch as they are ever able to follow anything that ever happens in this place. A journalist described the Senate to me a week or so ago as the ‘B-grade chamber’. I suspect sometimes it turns into a horror movie but more often than not it does a far better job than most journalists and most members of the public are aware.

Perhaps it is in some way fittingly ironic that, as usual, there were vast hordes of jour-

nalists—40 or so—who poured into the House of Representatives today to watch the sideshow that passes for question time over there, and we have a single noble and very hardworking journalist in the press gallery in the Senate now to witness the debate on the motion of condolence regarding the impact and work of an extremely great Australian.

I attended Janine’s funeral, as did a number of my colleagues, in Adelaide last Friday. The wide spectrum of people there was an indication of the enormous impact she had, particularly as a South Australian, and it was a continued recognition of her crucial role. It was interesting to see some of the people who were there, including Steele Hall. As has been mentioned, it was his resignation from the Senate that led to Janine Haines initially taking up her seat in the Senate and filling a casual vacancy. But it was when she got re-elected in the 1980 election and came back in here to the Senate that she really made her mark. It is virtually impossible to list all the areas that she covered, all the areas she made an impact upon. They certainly were not just women’s issues. She also ensured that women’s perspectives were continually raised and that the impact on women was continually acknowledged, assessed and addressed in the different pieces of legislation that came up.

Despite the focus on her charisma and her wit, she was not just somebody who was entertaining to talk with or listen to; she was someone who was very active and effective in the hard-nosed policy area. She was a regular contributor in areas to do with taxation. She was continually talking about issues to do with poverty and the impact of different pieces of government economic legislation on poorer families and poorer people in the community. In a matter of public importance debate on taxation late in 1989, she talked about the growing inequality in Australia between rich and poor and
between different families. It is a sad reality that the inequality she detailed then is, 15 years later, even greater.

Not long after she was re-elected to the Senate and took up her seat in 1981, she was a key player in the very contentious and drawn-out debate on sales tax and she argued the Democrats’ strong stand against imposing a tax on the necessities of life, in particular clothing and footwear, books, newspapers and building materials. This was an approach that she continually took throughout the 1980s in her time in the Senate. In the final month of Senate sittings in 1989, she was still debating sales taxation legislation and attempting to ensure that the tax treatment of equipment for disabled people, in particular disabled children, was modified to provide more assistance to them. She also had a strong impact on nursing home policy. She was a key contributor to strengthening the sex discrimination legislation that went through the parliament in the 1980s. She was a key opponent of the Australia Card. She was vocal in opposing the reintroduction of tertiary fees.

In another sign of how sometimes some things do not change, she spoke in frustration about the lack of recognition for the work the Democrats had done in the area of the environment. I note an article from 1989 in which she expressed concern at the increasing support for independent environmental candidates in the Tasmanian elections. It expressed the frustration of the years of often fruitless effort in getting environmental issues on the political agenda when, once they were in the public eye, that was credited to the rapidly rising Green Independents. Some things do not change even after 15 years. It is a fact that the 1990 election—the one that is often referred to as the one where the Labor Party got back into government on the preferences of the so-called green vote—was one where the vast majority of that vote was a Democrat vote. That was, and remains, the largest ever primary vote that the Democrats achieved in a federal election. In that sense, as well, Janine Haines remains the most successful minor political party leader in an electoral sense across the spectrum.

I want to return to her final comments in this chamber, valedictory comments made at the end of December in 1989—the usual comments that people make in this chamber at the end of every sitting year—with the possibility, and the reality as it turned out, of an election being called in the new year. She spoke these words in the very place I am standing now, reaffirming the importance of the Senate operating as a brake on any sort of dictatorship that could occur if both houses were held by the same political party. She said:

... it would simply be a two-House version of Queensland and I do not think anybody ever wants to see that happen.

Sadly, we are about to see that happen. That is a particularly unfortunate situation and it is particularly crucial we try to ensure that it does not become some sort of elected dictatorship, and certainly the Democrats will continue to work to ensure that that does not happen.

Janine Haines was first elected to this place in 1981, which was when the Democrats first held the balance of power, and it is quite clear from looking at the debates of that time that this was something that the then government was not that keen on. The government was not pleased to see the Senate operating in a way that prevented legislation being railroaded through. I hope that, after 24 years of having a Senate not controlled by the government, perhaps governments can now accept that it is not such a bad thing to have legislation examined and improved, and occasionally defeated. Certainly we need to remember how important
and how effective the Senate was during Janine Haines’s time and after in preventing a sort of elected dictatorship and in being a brake on the extremes of government. As Senator Evans said, in her final words in this chamber Janine Haines said:

Should an election befall us before we meet again, could I say that I hope everybody gets what they deserve.

I do not think Janine Haines got what she deserved, but as she said elsewhere, ‘If life wasn’t meant to be easy, politics certainly wasn’t meant to be fair.’ If you expected that it was, you would be bound to be disappointed. I know that she was disappointed that she did not succeed in her tilt at Kingston. Nonetheless, she got on with life and continued to make a strong contribution in many areas. It is indeed a great tragedy that the very significant contribution she was continuing to make was cut short not just by her premature death but by significant illness in the final years of her life. On behalf of all Democrats I pass on our condolences to her family—to her husband, Ian, to her daughters and their husbands and to her grandchildren—on their great loss. I think they can be proud of their family member and loved one Janine Haines. Few would be the people who have made such a contribution, and to have done so whilst having such a successful and loving family is an amazing achievement that should be widely recognised.

Senator BOSWELL (Queensland—Leader of The Nationals in the Senate) (4.10 p.m.)—It is a very sad day particularly for the Democrats but also for people like me who have sat opposite where Senator Murray is sitting now. I think at some stage I sat next to Janine Haines in the parliament for a number of years before she moved down to the front bench. I always found her to be a very delightful lady, a very good colleague and quite a friendly person. We used to have a few little jokes between us as we sat there before she moved to the leadership of the Democrats.

I remember when former senator Don Chipp resigned and Janine Haines took over the leadership role of the Democrats. This was the start of a long list of women leaders: former senators Janet Powell and Cheryl Kernot and Senator Meg Lees and Senator Stott Despoja—all were very capable leaders but Janine Haines had a special place, possibly because she was the first woman to lead a political party. She must have had a lot of courage because she was prepared to put her money where her mouth was and she took a huge risk to go into the lower house. She must have understood the risks but she saw the need to further lift and promote the Democrats so as to have a presence in the lower house. Unfortunately for the Democrats, they lost a good leader in the 1990 election. But, whilst she lost her own seat, she got a very high vote of about 26 per cent. In that election when she was running for the lower house she also got the Democrats into the highest position they had ever been in, which I think was around 12.6 per cent. I think there was quite a large class of Democrats after the 1990 election.

She had different views from us. I know we joined forces on the proposed Australia Card but we had basically different views. Nevertheless, that is what you expect in the Senate: to come in here and meet different people with varying views. She fought very hard for what she believed in and she made a large contribution on those views she had. She was successful in promoting a lot of her ideas and getting them into legislative form.

It is very sad when someone leaves us so early; it is also sad when you know them personally. It does not often happen here that you know the people who have passed away. On behalf of the National Party, my National Party Senate colleagues and my National
Party colleagues in the House, I extend our condolences to the family of Janine Haines, to her two daughters and to her grandchildren. We wish them all the best at this very sad time.

Senator LEES (South Australia) (4.13 p.m.)—We are all enormously saddened by Janine’s passing, particularly, as Senator Boswell has just said, at such a young age. I would like to note that former senators Vicki Bourne and John Woodley would like to be associated with this tribute and the motion of condolence this afternoon. Janine was an extraordinary woman. When you look back through the press clippings of the time that she was in the Senate, through the clippings of the 1990 election, when she lost and left, and then through the most recent clippings since her death on 20 November, there is just accolade after accolade. She is described as being strong, confident, honest, feisty, compassionate and smart. Indeed I could find virtually no criticisms, and I think that in itself is an extraordinary achievement.

Janine will be remembered as a trailblazer, a feminist and a very astute leader. For 10 years she was a very capable, strong and determined legislator. Again, going back to those press clippings, she was often controversial but she was always caring. She left an indelible mark not just on the Democrats and the Senate but on the nation as a whole.

In a press release that she put out on the 10th anniversary of her entry into the Senate she lists a number of achievements she had already attained by 14 December 1987, including:

- her successful lobbying for the formation of the Senate Select Committee on Private Hospitals and Nursing Homes.
- the successful negotiation of major changes to the first Hawke Government’s Medicare system.
- her strengthening of the Sex Discrimination Legislation.
- her involvement in the sensitive Justice Murphy enquiry on behalf of the Democrats.
- continuing public and party support through four Leadership ballots within 18 months.
- her stewardship of the Democrats through their most successful election campaign ever.
- her determined public opposition to the Australia Card.

I notice also in the press release, which reminds me more of her personality, she put at the end:

Janine counts as a personal triumph her (mostly) successful attempts to curb her vitriolic tongue and quick temper—she still doesn’t suffer fools gladly (or at all!) but at least it doesn’t show as much.

I think that sums up the person whom we remember in Janine Haines.

I want to put on the record the process by which she became a senator. Some people work very hard within political parties, ministers’ offices and unions and in all sorts of ways to get themselves through the processes and into parliament. But for Janine it was largely through a mixture of an accident, her passion for justice and also the simple fact that she liked to keep busy. Like many women teachers in the early seventies she was forced out of teaching and into the home to look after her daughters. While she found that very fulfilling, it did not keep her busy enough. So she went and started a master’s degree. But a whiplash injury meant that poring over microfilm and spending long hours in a library simply was not possible anymore.

She tried to find something to do. She volunteered to work in the office of Robin Millhouse, a Liberal Movement member.
When the Liberal Movement ticket for the Senate was put together in 1975 Janine was asked to be No. 3 on that ticket. The record reads that she first stood for the Senate in 1975 as a No. 3 Liberal Movement candidate on the Liberal Movement ticket behind Steele Hall, who was elected. Former Senator Hall resigned from the Senate to contest the seat of Hawker in 1977 as a Liberal. By this time the Liberal Movement had officially merged back into the Liberal Party. As I read through various minutes of meetings it seems it was by a majority of only one vote. That was the decision and most of them went back into the Liberal Party. Some did not. They were joined by other progressive individuals who formed the new LM, and Janine was one of those.

Later that year the new LM and the Australia Party merged to form the Australian Democrats. There was a dilemma as to who should fill the vacancy when Steele Hall resigned because the party had disappeared. The Electoral Act by then required that someone from the same party at the time of a senator’s election should fill the vacancy. The decision of the Dunstan state government was that they would go back to the original ticket. They could not go back to No. 2 on the ticket, Michael Wilson, because by then he was a member of the state lower house so that left No. 3 on the ticket, and that was Janine.

At the 1977 election Janine had been selected by the state of South Australia and formally appointed to the Senate. But, by the time all that happened, the Democrats had preselected their Senate ticket. She had not nominated and did not stand at the election because there were others on the ticket. I think from memory it was led by Ian Gilfillan, who is now in the state upper house. He was unsuccessful, but two Democrats were elected—Don Chipp in Victoria and Colin Mason in New South Wales. They began their term the day after Janine’s first term expired on 30 June 1978. She made the decision then, with her husband Ian, that she enjoyed politics and wanted to go on. It was agreed that Ian would work with her to build the Democrats. He was a very important part of the party as well at this stage.

The records show that she was a member of the state council, she was a publicity officer and she served on campaign committees, gradually building the party, putting it together, getting ready to stand in the preselection in which she was successful in 1980. I met her at about this time when she first came down to Mount Gambier, trying to work on branch development throughout the state. At that stage she encouraged me to stand as a lower house candidate, which I did not do. It is now all history. Janine became the first woman to lead a political party and that, too, did not come easily. As I read from her press release, within a period of less than two years she fought four leadership ballots—for the deputy leader and then leader, taking that position when Don Chipp retired and turning the ‘Chippocrats’ into the Democrats.

She was an enormously important role model for all women, not just those who were interested in political life. In the last few days I have met women in local government as well as state government who were inspired by Janine, so not just women in federal politics but women in state and local government politics as well. It goes beyond that. It goes to women who continued their careers in a whole raft of fields, having the confidence to keep going and in particular to seek promotion.

After she led from the front at the 1990 election and she was not successful she did what many people regretted—that is, she left politics. That is the only time, looking through all the press clippings, that I found
people were not happy with her decision. Indeed, there were some quite strong criticisms both publicly and privately of her at that time for not continuing or at least not agreeing to work and stand for the following election. She said she would go, and go she did.

Janine did quite a lot, particularly in those early years. By 1992 she had written a book. She was travelling back and forth to Melbourne to host a Melbourne radio program. She was out on the speakers circuit where she was very active for many years. She wrote a weekly column for the *Sunday Herald* and book reviews for the *Sydney Morning Herald*. She was a deputy chancellor of the University of Adelaide from April 1997 to April 1999. A special tribute to her can be found at Old Parliament House, where a room is set out with even her trademark glasses on the desk. In 2001 her service to politics was recognised in the Queen’s Birthday Honours List, and she was awarded an AM.

In a rare but typically forthright interview given in the aftermath of the 1990 election—as you read the article you realise that the journalist had great difficulty getting her to sit still and concentrate on the interview at hand—she said:

I have no regrets about anything I did in my whole life. I have no regrets about anything I failed to do except win in the last election.

Over the years Janine was loved and supported enormously by her family and friends, in particular by her husband, Ian, who is devastated by this loss. Above all else, Janine was a devoted wife to Ian, her loving husband of 37 years. In particular I want to extend my condolences to Ian, to Janine’s daughter, Bronwyn, and Bronwyn’s husband, Phillip, and to their children, Matthew and Sophie, who have lost nana. My condolences go to Melanie and her husband, Brad, and to little Max, who has also lost his nana.

**Senator ALLISON** (Victoria) (4.23 p.m.)—I am pleased to join the condolences for Janine Haines. Although I did not know her well, as a voter and a constituent I was very interested in her career. Like others who have spoken about Janine, she was instrumental in persuading me to support the Democrats and ultimately to join. I pass on my condolences to Ian—Janine’s husband of some 37 years, I understand—and to her two daughters, Bronwyn and Melanie, her three grandchildren and the rest of her family.

I thought I would start by quoting from Janine’s first speech. It was called her maiden speech but it was in fact a speech on the address-in-reply, which is timely I thought. She said:

I will endeavour to uphold the dignity of the Senate, to pursue the interests of my home State of South Australia, and to add, if possible, to the ever increasing regard in the community for women parliamentarians already engendered by that small but effective group which graces this chamber. However, it is not my intention to restrict myself to so-called women’s issues or to put only the woman’s point of view, whatever that is. On the contrary, I intend to concern myself with as many issues as possible affecting the people of this nation and South Australia in particular.

The results of the recent election surprised everyone with regard to the size and uniformity across the country of the coalition victory. That victory has led members of the Australian Labor Party to beat their collective brows and to ask themselves and the general public where they went wrong.

Before government members become too carried away with congratulatory back thumping they should realise exactly what their support is in real terms. On 10 December 1977 the Liberal Party of Australia polled for the House of Representatives 38.1 per cent of the national vote, the Australian Labor Party 39.7 per cent, the National Country Party 10 per cent and the Australian Democrats 9.4 per cent.
I use that quote from her first speech because I think it was typical of her approach to this place. She was down to earth. She was not afraid to challenge either side of this chamber. I think that, apart from anything else, she was someone who called it like it was and was very articulate in doing so.

She was much too young to suffer a long illness and to die at 59, but I think she leaves an amazing legacy in this place. The Parliamentary Library, I am told, and many of the processes in this place were the result of Janine’s work. At the point at which she had balance of power in this place—which I gather was most of the time that she was in the Senate—she was able to argue effectively that, for a small party with very few resources, she was not likely to be able to deal with government legislation without assistance. Thanks to her efforts, we have not a library that is just full of books but a library with experts who can provide senators in this place with very sound analyses of legislation and general issues in the community. So we can thank Janine today for that. As I said, the Senate processes, which have evolved over time to provide more accountability in this place, giving us a greater level of scrutiny over government activities and legislation, were due in large part to her efforts.

I first met Janine—even though I felt I knew her—in 1996, at the time of the federal election. She came to Melbourne to assist Cheryl Kernot and me in the launch of our federal campaign. It was an enormously successful event, made so by her presence. She was someone who was very much respected, not just by our party but by the media at the time. I will remember very fondly that day.

Since that time I have met her a few times, but I have had occasion to meet her more through the Hansard. The 25th anniversary of the Democrats occurred a couple of years ago, and when I looked back through Hansard to find some quotes to use on that occasion I became fascinated by what she said and the way she said it. I was enormously impressed by her ability as a parliamentarian, as a great wit and as someone who was as sharp as a tack in this place.

She was a fantastic role model for women—the first leader of a political party in this country. Mind you, the Democrats are still the only party to produce a female leader. However, I think what was important to women in terms of her being a role model was that she was not only the first leader but the first successful leader. Had she been a dud I think that would have been a major problem for women, but she was certainly anything but that. In fact, I would argue that she left most men in leadership positions in the dark.

Janine was critically important to the development of the Democrats as the party to be trusted with the balance of power. She was arguably our best leader. She was enormously popular. She was a straight talker—feisty but grounded in commonsense, and the combination of those two characteristics made her very good in the media. She spoke directly to people through the media and when talking to them face to face. Her loss to the Democrats and the federal parliament when she failed to win the seat of Kingston was enormous but, as was typical of her, she had made a promise to the Australian people that she would not come back to the Senate if she lost her bid for Kingston and she honoured that promise and did not return. At the time I remember feeling that she should not have made that promise, but she was a person of her word and was determined in such things.

Janine was fearless in criticising government but was very keen to work with government to pass good legislation. As I read through the Senate Hansard, there were
many occasions on which she chided the coalition when they opposed the legislation being put forward by Labor and occasions on which it was the other way round. She had no time for the humbug of this place and no time for wasted debating. She was keen to get on with the job and to see that legislation could be passed, and passed with good debate. One of her favourite topics was the hypocrisy of men and male attitudes to women, including the double standards on sexual behaviour both in the parliament and outside.

She was a consummate parliamentarian—an intelligent, passionate, quick-witted woman. At her funeral, her brother talked about how clever and bookish she was as a child. She was also very rebellious and questioning. As Janine said, in her family she was weaned on equal rights. Although she made it clear that she did not speak for women, she spoke very much as a woman and she raised women’s issues. As a former teacher, she was very down to earth and an expert on education, particularly the education of girls.

Janine was a strong environmentalist. As I look again through the speeches she made during her career, she was concerned about issues like uranium mining, particularly the Ranger uranium mine in a World Heritage area. Much of what she said then is what we say now. She was a passionate environmentalist indeed.

To say that she was a feminist, I think, is an understatement. She lived equality in her personal life. She was brought up in a family that shared household tasks—a family where equality was an expectation. Her husband, Ian, looked after her daughters when she came into the parliament. I gather she was criticised heavily for abandoning her wifely duties in doing that but, in true style, she was able to counter those criticisms. She had a rapier-like wit and a great capacity to shock, which cut through, I think, the prejudices and the nasty treatment of women that she struck both when she entered politics and from outside. In her book *Suffrage to Sufferance*, she said:

The fact is that women often have to be tougher if not smarter than men to survive in politics and it goes without saying that they have to be tougher as well as smarter in order to succeed. She was certainly both.

One of the reasons for writing this book was to remind all of us, both men and women, how hard the struggle for equal treatment, in and out of the world’s parliaments, has been for women everywhere. There has been remarkably little change throughout history in the words and pictures used to describe women who buck the system. Traditionally they have been depicted as sour-faced, unattractive, barren and humourless. Unable to win a man, they have turned their attention to becoming surrogate men and grasped at male power in order to take away their fun. Thus there were real fears expressed during every debate on female suffrage that such a move would lead to tougher rape laws, reduced drinking hours, punishment for the clients of prostitutes, closure of brothels, and the breakdown of the orderly society men had come to know and love over hundreds of years.

Back in 1978, it was common for men to display in their workplace their favourite calendars of semi-naked women in suggestive poses. Typically these calendars would be handed out by tyre manufacturers or local hardware shops. Now and again you still get a glimpse of these calendars in places like your local mechanic’s workshop, but the practice is, I am glad to say, now rare. And it is rare because women like Janine dared to suggest that, if the boot were on the other foot, men too might be offended. She told the *Sun-Herald* that she would like to plaster her Parliament House office with nude centre-folds of men, which she would collect from a well-known magazine for women so that men would be confronted by these images—so that, in her words, ‘when the men opened
the door, that would be the first thing they’d see.’ Of course, there were no magazines that included male centrefolds for the pleasure of women, but the concept was enough to drive home the point that such images were inappropriate in the workplace, that they objectified women and that men would not tolerate being confronted by images of their own gender in the same way.

Dignity and integrity marked Janine’s career, but she was also very aware of the political machinations of her opponents. In an interview within two days of taking over the party leadership in August 1986, with respect to the dilemma of her position as a woman in Canberra, she said: ‘I’m damned if I do and damned if I don’t.’ Referring generally to male federal politicians, she went on to say:

If I raise questions of pornography, child abuse, incest, domestic violence, they say I’m obsessed with sex.

If I raise equality of opportunity, difficulties women face, they say I’m a man-hating feminist. If I’m flippant about myself, it’s lack of confidence. If flippant about them, I’m a sarcastic bitch. If I make strong statements, I’m aggressive. If not, I’m weak. If I’m angry, I’m emotional.

... ... ...

We are constantly being trivialised, patronised, decried and stereotyped. We are depicted as mothers, grandmothers, wives and daughters. We are described in terms of size, age and hair-colouring. Our comments are edited into idiocy. We are considered mindless twits with nothing of value to offer the community outside the kitchen and the bedroom.

That gives us a glimpse of the wit of Janine and the way in which she used it to great effect in the parliament.

It is also important to talk about the way she wanted to see politics conducted in this place. In the second reading speech to her Human Rights Bill 1982 she called on political parties to get away from normal adversarial politics and to work together for the advancement of human rights in Australia. She said:

If ever there was a case for a matter of principle to override the considerations of party politics, it is the case for human rights.

She called the absence of constitutional or legislative protection of human rights in Australia ‘a national disgrace’. Some would say that it still is. I want to finish by quoting her again. She said in 1986:

I’m a rather boring person. I’m very private ... I don’t like the limelight. And I’ve never been able to accept a compliment graciously.

Janine, if you are able to listen to us today, I hope that the compliments that have poured out for you are acceptable to you. As someone who did not know you well, as I said, I value very much the contribution you made to the parliament and to the people of Australia.

**Senator Murray (Western Australia)**

(4.38 p.m.)—I was honoured to be at Janine Haines’s state funeral and I was impressed by the courtesy and generosity shown by Premier Mike Rann, who spoke at the funeral. Senator Lees, who is present in the chamber, gave a eulogy, as did Janine Haines’s brother. All political parties were represented and there was genuine respect for and a proper send-off given to a woman who was not just a great South Australian but one who rightly won the accolade of a great Australian. Indeed, that was recognised by her being appointed a Member of the Order of Australia in 2001. She leaves behind—far too early, frankly—her husband, Ian, and a lovely family, I thought: her daughters, Bronwyn and Melanie, their husbands and three grandchildren.

In these circumstances her very longstanding husband, Ian, deserves a special mention. He has been through what many carers go through towards the end of a long, drawn out illness. I can only imagine the great trauma
and great difficulty. I know Ian better than I knew Janine, and I can only think that her life was greatly enhanced by having a man like that by her side to support her in both her family and personal life and her public and political life. Like all Democrats I am very conscious of the contribution Janine Haines made to advancing the cause of liberal humanism. I have admired her commitment and her aggression—humorous aggression, but nevertheless aggression—in making sure those ideas were properly presented and available to the people of Australia over the decades she was in public life.

Janine was in representative politics for 13 years. She was succeeded by Senator Lees, who is in her 15th representative year. It is unusual, frankly, for any Democrat politician to even get to 13 years of political life. It is extremely difficult for a minor party to get representation in parliament and for those who are elected to be re-elected. Democrats and other minor party representatives have found over time that there is no such thing as a safe seat; we are all in unsafe seats. The great thing I liked about Janine Haines was that she did not give a toss about that. She just fought the battle because she enjoyed the battle, thought it worth fighting and was prepared to take the bruises and losses with great courage.

This morning my office contacted former senator the Reverend John Woodley to find out what he loved most about Janine Haines. He said what he loved about her was her ability to be enthusiastic with the members and their ideas. He described her as a great encourager of people. We heard that theme picked up by Senator Bartlett earlier. It is a side that does not come out that much in remarks about Janine Haines, because many of the remarks about her are of her public advocacy and the political life in the Senate in which she was publicly on the record. But her private work as a very hardworking motivator of ordinary—and some extraordinary—members of the party deserves the recognition that Senator Bartlett, former Senator Woodley and Senator Lees have accorded her.

In political terms only former senators Don Chipp and Janine Haines have led the Democrats into election battle more than once. There is a story of survival in that statistic alone. The Democrats constitution includes the right of members to choose their party leader. That well-intentioned provision has at times produced leadership churning and terrible instability, but not in the early days. For 13 years, from 1977 to 1990, the Australian Democrats had just two leaders: Don Chipp and then Janine Haines. In the next 14 years, from 1990 to 2004, the Democrats have had nine leaders including soon to be leader, Senator Allison, and a couple of interim leaders. So she was in the party at a time of greater stability in the public presentation of the Democrats, but of course internally it was far from that picture.

It is important to look at her leadership in two periods: from 18 August 1986, when she first became leader, to early 1989 and then from 1989 to 1990 when she lost her seat and the leadership on 24 March 1990. In that first period of leadership, Janine had to fight no less than four leadership ballots in a row. I am aware that former Senators Siddons and Vigor were part of those contests. I do not recall enough of Democrat history to know if any other leaders had to fight as many challenges—I suspect Senator Lees did.

Janine Haines then went on to an unexpectedly early election just months after finally nailing the last internal leadership ballot. Bear in mind that here is a tough, capable political operator able to see off the challenges internally. The election that she first had to contest was a double dissolution and, to be truthful, if that election had been a
normal half-Senate election, it may not have been as flash for the Democrats in terms of seats won. Nevertheless, the Democrats achieved 8.5 per cent in the Senate in that 1987 election. To put that into perspective, Senator Lees, her successor, got 8.48 per cent 11 years later in 1998; so it was not an extraordinary result. After that 1987 election Janine’s polls and popularity soared as the public got interested in her and got used to her. I think there is a lesson there that leaders need to be in harness for some time. In the 1990 election, this remarkable woman delivered a 12.6 per cent Senate result, the highest the Democrats ever achieved, and 11.3 per cent in the House of Representatives, also by far the highest the Democrats ever received. Again, to put that in perspective, three years later in 1993, under the leader John Coulter, the House of Representatives Democrat vote plunged from 11.3 per cent to 3.8 per cent.

The decision of the Democrats’ Senate leader, Janine Haines, to go for election in the South Australian seat of Kingston was— I am advised and I think it is accurate—in reaction to Janine’s own very cold, very down-to-earth analysis of the state of the party and its prospects. She thought that without creating the drama of a high-risk strategy such as that the Democrats’ future might have been bleaker and things might end abruptly. Liberals whom I know and respect say that at the time Mayo would have been a better choice for her and she might well have succeeded there, but of course that is a matter of history now and she did not succeed. Sadly, the strategic shift from the Democrat Senate leader to the House of Representatives election—it is probably too long to detail the pros and cons here—necessitated giving her opponents 14-months notice of her intentions which was long enough for some very capable opponents to queer the pitch in Kingston. She might have done better than the 26 per cent she achieved because the Liberals were certainly determined to defeat her, and that of course is a recognition of her quality and character. You do not put a lot of effort into knocking off an opponent unless you really fear them, and they certainly did respect her ability. But she achieved her goal, which was not just the survival of the Democrats, who are still here 14 years later, but the reaffirmation of their strength.

I have taken a little time to sketch out a more political perspective because I think in the circumstance of condolence it is important to place a great person like this—with all the remarks my colleagues in the Senate have made—into the full range of how it was at the time. I will conclude on a personal note. The times that I met her I was delighted to meet her. She was a charming and interesting person, and particularly wise to go with her wit and her ability, and I am sorry to see her pass so early.

Senator WATSON (Tasmania) (4.50 p.m.)—I rise in support of this motion and to take this opportunity to add my condolences to the family and friends of one of our more respected and successful former colleagues, Janine Haines. Janine’s term as a senator was completely within my time in this parliament, so I saw her arrive as a fresh and inexperienced novice. I also saw her grow in confidence and in leadership qualities as she successfully faced the challenges of politics and of life.

Janine Haines saw herself as a member of a mainstream political party and she presented herself in a very positive way, not only in her usually impeccable attire but also in the way she approached the processes of parliament, the media and the public. Accordingly, she was seen as a very acceptable new leader of her party following the retirement of Don Chipp—a role that she carried out with great credit to the Australian Democrats until she took on the logical next
step of growth that she wanted in her party: to seek representation in the House of Representatives. Perhaps unfortunately for the Democrats, her leadership was probably too brief, but her contributions were certainly the major reason that the Australian Democrats were a credible and positive third force in Australian politics in the late 1980s.

Janine Haines promoted respect for her party’s position, public support for their third-force role, and she carried out her role with dedication, dignity and enthusiasm. To overemphasise her role in breaking some moulds for a female politician would be to belittle and perhaps risk patronising her contribution. Janine Haines knew she had a task to face and to my knowledge she never considered being a female to be any sort of restriction in that task. She was a very able contributor to the parliamentary process, and she will be remembered as a very positive influence for her party and on this Senate. I wish to take this opportunity to add my personal condolences to Janine Haines’s family on the loss of this very good person at far too young an age. Those who knew her will be left with many good memories.

**Senator CHERRY (Queensland) (4.53 p.m.)**—Janine Haines, to my mind, epitomised all that a Democrat, indeed a parliamentarian, should be. She was intelligent, conscientious, principled, irreverent, witty, a brilliant communicator and a brilliant parliamentarian. She was inspiring, entertaining and effective all at the same time. And, as others have said, she was a trailblazer. In 1977, she became only the 17th woman to sit in the federal parliament since 1901 and the first Democrat. In 1981, she became the first Democrat elected from South Australia. In 1986, she became the first woman to lead a federal parliamentary party when she was elected to lead the Democrats. In 1990, she became the most successful third-party leader in Australian history, winning 12.6 per cent support for the Democrats. And, at the age of 44, her brilliant political career was over, although her career as a communicator and advocate continued.

Janine Haines left a strong record on legislation. Along with Susan Ryan she helped push the landmark Sex Discrimination Act through a sceptical parliament. She won many amendments strengthening the original Medicare legislation, was a tireless defender of Australians’ right to privacy and defended free education in the face of bids by the Fraser and Hawke governments to introduce university fees. These are all matters of record, but how do you capture on record the essence of such an extraordinary personality—the sense of humour and the fierce integrity? Her sense of humour was such that, as one long-time Democrat campaigner Stephen Swift reminded me, she could never resist a good one-liner, even to her cost. Her description of the conservative South Australian political party Grey Power as ‘geriatric fascists’, witheringly accurate as it was, would have consequences in preference negotiations for years to come.

Janine Haines was the first of several strong women to lead the Australian Democrats. I remember one of her last major public appearances on behalf of the Democrats when she agreed to launch the 1996 federal election campaign at Port Melbourne for Lyn Allison, shortly to become the Democrats’ sixth female leader. Janine’s capacity to lift a crowd was still in evidence at that meeting. I last saw Janine some four years ago with her husband, Ian, at the happy occasion of Meg Lees’s wedding in Adelaide. Already she was fighting the ill health that would prematurely finish her extraordinary life. I thanked her then and I thank her now for the enormous inspiration she provided to me and many others in showing what can be achieved by politicians of integrity, compassion and good humour. I can only agree with Don Chipp’s
assessment that she was the best leader that the Australian Democrats have ever had. To her husband Ian, daughters Bronwyn and Melanie and her grandchildren, I extend my deepest sympathies.

Her colleague Senator Michael Macklin, who was elected at the 1980 election and retired in the middle of 1990 after Janine Haines lost her seat, recalls those years as being exhilarating and rewarding. He has asked me to record the following observations:

The party shared or held the balance of power for the entire period. When the party came to seek a new leader after the charismatic and vastly experienced Senator Don Chipp, a group within the party sought to achieve something no political party had done to that time and elect a woman as leader.

However, this was not mere tokenism. Most acknowledged that Janine had a real talent for communication via the media which became clear during her time as deputy. It was believed that she would be able to make the transition work for the party. Party members responded enthusiastically to the opportunity and voted her into the position. She was able to grow the party vote until in the 1990 election it achieved its highest vote ever.

As a male deputy to the first woman parliamentary leader, I was astonished at the "male-ness" of the structures that had gone unnoticed by most of us. These were slow to change.

As a small example, Janine was constantly having to remind people that it was her and not her husband, Ian, who was the senator. A visiting royal when introduced to Janine and Ian automatically shook Ian’s hand and said “How are you, Senator?” Janine answered from the side “Well thanks—and your wife?”

Her quick-witted and often sharp responses will long be remembered by those on the receiving end. However, these comments almost always served a political point.

At the end of an education conference when asked if she was concerned about the number of ex-teachers in the then parliament, she responded that she had no problem with ex-teachers but rather it was the ex-learners that were her concern. The unplanned comment gave the conference a headline which it would otherwise not have gained—and made a point about continuing education which was one of her political passions.

Janine had a Monty Pythonist sense of humour. The painted swans collection on the top floor became one of her favourite targets so that the swans found themselves either undertaking a small colloquium with each sitting on one of lounge chairs facing into a circle or getting a change of scenery by riding the senate side lift—until Joint House in exasperation took them into storage. They are now firmly attached to a solid base that some still refer to as the Janine Haines Memorial Plinth.

Then dining orders became the focus with the favourites being ordering creme caramel without the creme or Waldorf salad without the Waldorf.

Her dedication to the tasks of party leader was legendary and she seemed to be able to exist with little sleep on a diet of soft drink and chocolate. She seemed to thrive more as the demands on her time and energy grew.

Unfortunately for her political career, her attempt to get elected to the lower house did not succeed. She made the ethical point in standing that she would not retreat to her Senate seat if she failed at the election. This stand on principle cost the party dear. However, it was a pity that following her loss the federal government failed to utilise her acknowledged talents. The country was the poorer for that failure to recognise talent wherever it exists.

In closing, I seek leave to incorporate Senator Stott Despoja’s speech.

Leave granted.

Senator STOTT DESPOJA (South Australia) (4.59 p.m)—The incorporated speech read as follows—

Mr President, I wanted to record my respect and admiration for Janine Haines in this condolence debate. I was able to pay my respects in person to her family including her husband Ian, daughters Melanie and Bronwyn and their husbands Brad and Phillip, at the State Funeral in Adelaide on Friday.
Janine Haines has a unique place in Australian political history—or herstory—as the first woman to lead an Australian political parliamentary party but she also has a cherished and wonderful place in the Democrat family.

She was a trail blazer: a strong and articulate woman, she was a dynamic, clever and witty politician and she lead the way for many female politicians.

I was fortunate to meet Janine when I was a student at the University of Adelaide in the late 1980’s. She was still Leader of the Australian Democrats at that time before her ill-fated campaign for the seat of Kingston in 1990—a campaign which drew many (including my family) into that election.

At the funeral Janine’s daughter Melanie, and her husband, Brad, recalled a story to me about how their mutual friend remembers me being at a hair dresser where she was working and one at which Janine Haines was also having her hair cut. Apparently I said: “I would love to meet THAT woman”. I didn’t recall this incident but I am not surprised.

When Janine addressed my University of Adelaide Australian politics class, her feminist and progressive stance on many issues were music to my ears. They are still many of the reasons I supported, worked for and joined the Australian Democrats.

It was not long after her speech that I did get to meet Janine through women’s events and, indeed, was honoured to have her as a guest at a number of events over the coming years in my capacity as Women’s Officer for the Students’ Association of the University of Adelaide, as Women’s Officer for the National Union of Students (SA).

Despite her heavy schedule—perhaps something I only really understand now—she made time to speak at these events and even attend an informal luncheon to discuss politics with a group of young women interested in ‘making a difference’. She made clear her view: if we believed in changing the world for the better we had to get involved and thus, began the lure of the Democrats for me.

Despite her Lower House loss in 1990 (and let’s not forget that both major parties preferred her as I note Minister Downer made reference to in his condolence remarks in the House today), she has remained a respected and admired figure—both within the Democrats and more broadly (this is evident from the many political figures who attended her funeral last week). Nonetheless, she chose quite graciously to stay out of many of the Democrat and other political debates after her loss.

As she said at the launch of my Senate campaign in October 1995 “I’ve tried to keep my nose pretty much out of the Party’s affairs since I lost the 1990 election on the grounds that of course you can’t give the media, with due respect to those who are here today, the opportunity to play two leaders off against the other. So I retired more or less gracefully, I hope.”

I watched with sadness the video of that launch over the weekend and, at the same time, marveling at her speech to that event primarily about women in Parliament and I will table some of her comments from that speech as it a rare example of her addressing a public Democrat function after the mid 1990s. Needless to say, she was as impressive and articulate as ever.

I enclose her remarks from that event:

Well, thank you very much first of all for having me here today. I’ve tried to keep my nose pretty much out of the Party’s affairs since I lost the 1990 election on the grounds that of course you can’t give the media, with due respect to those who are here today, the opportunity to play two leaders off against the other.

So I retired more or less gracefully, I hope.

I’m not sure that I conducted my parliamentary career, however, as gracefully as perhaps I should have. Certainly I was either graceful or gracious when a couple of my male colleagues decided that they wouldn’t cope with having a woman as the Party Leader and quite ungracefully left the Party and set up a new Party in opposition. And I was certainly not at all gracious with the glee that I greeted their defeat at the next election.

So there’s no way that I’m trying to paint myself as princess pure in all of this—I don’t think you can in politics. But by the same token one oughtn’t to go into politics I think just having ambitions for oneself either.
A political career, it seems to me at the end of the 20th century, ought perhaps to more closely approximate the aspirations that the very earliest would-be politicians had when Parliaments first became democratized in the British system in the middle of last century. And certainly, I think we ought to take on board the aspirations to make the world a better place, that a lot of the women candidates who stood.

And I think it’s worthwhile pointing out that women have not really been backward in coming forward in Australia as far as being political candidates are concerned. They started their attempt to get into Parliament in the 1903 election and women, I might point out, stood in the Australian Federal elections, in every election since 1906, and I think it says something not about the women and their aspirations for politics but about the political parties and their attitude to women that it took until 1943 before the major parties first elected their first women to Federal Parliament.

On the other hand, it took the Australian Democrats just six months after their formation to fling their first female candidate into the Senate. And that was me. And there were not very many women there at the time. There are still not very many women there.

And the women who are there have a tendency to be received sometimes dismissively by their male colleagues. I recall for example being on a Senate select committee one year and getting to the meeting a little bit early. I was there only with the secretary of the committee, who also happened to be female. And the door to the committee room opened—actually it was in 1988, because it was in the new and (inaudible) Parliament House—and the door opened and the male committee member put his head through the door and he said, to himself, “Oh”—he said “There’s nobody here” and walked out again.

A few years earlier, we had another fairly... interesting response to the role of women in the community generally and in Parliament in particular, during the Sex Discrimination legislation debate when first of all people like Brian Harradine argued that you shouldn’t have equality for opportunity for women because what would happen if they got into the police force and they had to ride motorcycles and they dropped one of them in the middle of the night and they wouldn’t be able to pick it up again!

Now I’m not sure if he was worried about all those criminals going free or the damage that was done to the motorbike, it was difficult to say.

We had another Liberal MP who was worried about equal opportunity and used Parliament House as an example—he’d been carrying on about all the terrible things that could happen—marriages breaking down, all sorts of things. He got particularly worried about what would happen for example if there were male and female Telecom workers working underground around a pole, or if there were male and female truck drivers trucking across the Nullarbor—trucking across the Nullarbor—to Perth.

And at that point I got a tad testy and pointed out that, in fact, there were males and females in Parliament and I hadn’t noticed anything particularly untoward going on—mind you, when you look at the blokes, that’s not surprising. He then went on to point out, and I quote from memory because it is indelibly imprinted on my mind—that from time to time things did go on and he was very worried about what was likely to happen to Members of Parliament’s marriages as a consequence of what he described as all the glamorous women using their guile to woo them in some way.

I had a look around the Senate Chamber and didn’t think his chances were very high, but in any event there’s been some resistance to women not, I’m pleased to say, within the Australian Democrats—well the (something) don’t like it, but that’s tough.

We have, in fact, in the time that we’ve been formed, managed to elect a group of Members of Parliament of whom 37% are female. Now that is higher than any other political Party. It’s not the 51% that we make up of
the population, but by god, we’re getting close.

They include myself (I have to say that), Heather Southcott, Karin Sowada, Senator Meg Lees, Senator Cheryl Kernot, Jean Jenkins, Janet Powell, Elizabeth Kirby, Sandra Kanck, and Vicki Bourne, and those women have made significant contributions to the parliamentary debates and I think to the standing of women in parliament and in the community.

And Natasha, I am sure, bringing with her not just a double X chromosome into the system, as distinct from the slightly dented XY chromosome, which tend to proliferate, but she’s also bring youth and enthusiasm and articulateness into a system that needs all of those, and I wish her well.

Janine was a role model and inspiration for many of us.

In 1997, I was asked by a newspaper to write about someone who was a role model. The article which is attached is the result. It was written with Janine Haines’ permission.

When I was Leader of the Australian Democrats, the Party held the first annual Janine Haines lecture, in recognition of Janine’s contribution to Australian politics and the Australian Democrats. I have no doubt this tradition will continue in her honour.

In closing, I thank the Premier of South Australia, Mr Mike Rann, for ensuring that as “one of our state’s finest daughters, someone we’re proud to call our own”, Janine had a State Funeral (she deserved no less) and, once again, put on record my condolences to her family.

‘Her influence made me give a damn’
Senator Natasha Stott Despoja
Published in The Age, 17 January 1997

THE YEAR Janine Haines entered Federal Parliament, I was in year 3 at a school that encouraged boys to do maths and girls to consider “softer” subjects. The boys were going to be fire-fighters, rocket scientists and other authority figures. I was going to be a nurse or a ballet dancer; after all, those were the female role models given to me.

In 1977, Haines, a maths and English teacher, filled a South Australian Senate vacancy. This created enough of a stir, as it represented the first federal representation for the newly formed Australian Democrat Party and also because the SA Government’s appointment came amid constitutional controversy. That Haines was a woman and an outspoken one would continue to cause a stir in the political world for many years to come.

It was almost a decade later that Senator Haines became the first female leader of an Australian political party (a tradition that continues in the party today). She is largely responsible for creating a political environment that attracted all types of women interested in having their say and making a difference in a difficult world.

I recall watching her debate her colleagues as she battled two leadership contests, rebutting sexist jibes and derogatory comments, emerging victorious and, after two months as leader, beating Howard and Sinclair in a credibility poll.

In the late ’80s, when Haines spoke to my university politics class about the role of women in the economy, she was a woman to whom I could relate. She dared discuss issues such as the worth of unpaid work in the home; maintenance defaulters; the inadequacy of economic indicators such as gross domestic product; and the need for free education and more women in power.

“Give A Damn” was one of Haines’ campaign slogans, encapsulating her flair for language and her straight-talking style. It was a style often misunderstood by the media, which tended to portray her in a tough and “unfeminine” manner and overlook the fact that she is a very funny woman.

Desperate to prove the ability of the Democrats to deliver, Haines once threatened to stand in Sydney’s Martin Place and “progressively take off pieces of clothing as I announced legislative issues and what we had done in the Senate that day”. This is one political gem that has not influenced me.

The most familiar caricature of Haines was with frizzy, curly hair and “bug-eyed” glasses—the product of cartoonists, who, as Joan Kirner would point out years later, were not used to drawing
women in power. (A press secretary who suggested Haines change her hair and glasses didn’t last.) I also remember the questions journalists asked Haines: did she make frozen casseroles for her children before she went to Canberra? How did her husband and children cope? When a newspaper magazine did a colour feature, with makeover and glamorous gown, the caption read: “Sexy? Ruthless? Funny? Will the real Janine Haines please stand up?”

She inspired young and old alike to get involved in her campaign for the federal seat of Kingston in 1990, believing, as she did, that “rightly, or wrongly, the House is the focus of Australian politics”. But more importantly, she taught women that it was good to stand up for your principles and to challenge the dominant paradigm.

While Haines’ loss devastated many supporters, it has given her time to do the activities she enjoys such as cryptic crosswords and tapestry. These days she belongs to seven boards, various committees, and does about 50 speaking engagements a year.

In 1995 I was honoured to have her launch my bid for the Australian Senate. Her influence made me give a damn and inspired me to do something about it. One difficulty for young women considering politics is a lack of celebrated and high-profile role models.

Often seeing what happens to those few political role models can turn many women off pursuing a political career: the way they are lampooned or portrayed by the media, and the double standards they can receive from their opponents. But women such as Haines made clear to me at an early age the impact women can have, especially in those professions traditionally not open to them.

There is also a risk in having few role models; a tendency and a willingness to endow them with superhuman qualities, to expect them to be infallible or always well-meaning. We must be careful of putting too much pressure on those women we consider outstanding or ‘super models’.

The PRESIDENT (4.59 p.m.)—I had the pleasure of serving in the Senate for three years with Janine Haines. She was a delightful colleague: sharp-witted—as has already been said here today—straightforward and an individual of particular integrity. Janine Haines rose to lead her party during some turbulent times, but she strove to be measured and objective as issues came before the Senate. She was a very honourable person and one never had any reason to doubt her word when she gave it.

One abiding legacy that Janine Haines has left with the Senate is the induction seminars for new senators and senators elect. The idea of such seminars was her suggestion back in the late seventies and they have been conducted after every general election since then. It is typical that Janine should have suggested something so eminently sensible to make the lives of new senators just a little easier.

After leaving the Senate, Janine was an occasional radio commentator on politics, and I found her contributions always balanced and laced with an attractive Australian scepticism which embraced all political parties. I was unable to attend her state funeral in South Australia last Friday but was represented there by the member for Grey. I offer my personal condolences to Ian and to their family.

Question agreed to, honourable senators standing in their places.

PETITIONS

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

Immigration: Asylum Seekers

To the Honourable President and members of the Senate in Parliament assembled:
The petition of the undersigned shows the community’s overwhelming support for positive action to be taken to allow the Zimbabwean family—the Watson Family and Pat Mansill—to gain residency in Australia.

We consider this family to be an integral part and an asset to our remote rural community in south west Queensland. John is a skilled farmer and
works on a mixed farming operation owned by the Henwoods. The children, Thomas, Lorraine and Victoria attend the local primary school and their mother, Laura, is President of the Toobeah Kindergarten Association as well as a supply teacher to local State Schools.

Laura’s mother, Pat, has lived with the family for more than nine years. Last year, she was diagnosed with cancer. She had treatment for this in London. After chemotherapy and radiation therapy, Pat is currently not on medication and only requires regular check-ups which she is prepared to have overseas.

Due to Pat failing the medical test associated with seeking residency the Watsons have been told they either have to abandon Pat, or leave Australia.

It is skilled immigrants like the Watson Family who are willing to live and work in remote areas that we most need in Australia. They are an educated, responsible and loving family unit and they have not been given the fair go that we, as Australians, would expect. We would like them to remain intact as a close-knit family unit and make their home here. We are sure that you will consider this appear sympathetically.

Your petitioners ask the Senate to use its discretion to allow this family to be granted permanent residency. The community looks forward to your response on this public appeal.

by Senator Boswell (from 744 citizens).

Anti-Vehicle Mines

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

The Petition of the undersigned shows:

That the undersigned note that like anti-personnel landmines, anti-vehicle mines are indiscriminate in who they effect, that they disproportionately kill and maim civilians, they delay relief efforts in war affected countries and they go on killing for decades after the conflict has ended. We note that Australia’s existing stock of anti-vehicle mines is obsolete and only used for training purposes, so now is the perfect time to commit to supporting a ban on these indiscriminate weapons. We welcome the Australian Government’s support for further restrictions on the use of anti-vehicle mines, but believe such measures to be inadequate to address the humanitarian problems caused by anti-vehicle mines.

Your Petitioners ask that the Senate should:

- Legislate a ban on the production, transfer, importation and use of anti-vehicle mines in Australia and by Australians other than by the Australian Defence Forces for training in demining and avoiding the hazards of anti-vehicle mines; and
- Pass a motion supporting the development of an international treaty that would ban the production, transfer, importation and use of anti-vehicle mines globally.

by Senator Payne (from 2,380 citizens).

Education: 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 Stott Despoja (from 651 citizens).

Petitions received.
Immigration: Asylum Seekers

Senator STEPHENS (New South Wales) (5.01 p.m.)—by leave—I table a petition that does not conform with Senate standing orders.

The PRESIDENT—Could I say that steps were taken some time ago to prevent these sorts of things happening, and I just hope this does not become a regular occurrence. There is a proper procedure for presenting petitions and, if we are going to accept petitions on an ad hoc basis, it is going to make the running of the Senate that little bit harder.

Senator Ian Macdonald—Could I just inquire as to what the petition is about. We hesitate to allow petitions without knowing what they are.

The PRESIDENT—I understand, Minister, that this petition had been okayed by government senators.

Senator Brown—Mr President, I rise on a point of order. As you know, a few years ago the government and the opposition changed the rules for petitions so that they are not read out anymore. We do get circulation. This does leave the question of petitions which are not presented in the right manner. If there is some alternative way in which they ought to be presented, I as a senator would like to know about it. The alternative of saying to sometimes a large number of Australians that there is no access to the Senate for their petition because it is not on the right or prescribed form is not acceptable to me. I think it is a matter that the Senate should deliberate upon if there is going to be a change.

The PRESIDENT—Senator, the alternative was incorporated in the standing orders some years ago, and that alternative was that petitions that were not in conformity with standing orders were presented to the President. From time to time I do get petitions that have not been presented in the correct manner. I actually sign them, and they are presented. That is the alternative, and that is in the standing orders. That is why I said today that it is important that those petitions that do not conform with standing orders are presented through the Clerk to me so that they can be presented correctly.

NOTICES
Presentation

Senator Murray to move on the next day of sitting:

That the Joint Standing Committee on Electoral Matters inquire into and report, as soon as practicable on:

(a) the matter relating to electoral funding and disclosure, which was adopted by the committee in the 39th and 40th Parliaments, and any amendments to the Commonwealth Electoral Act necessary to improve disclosure of donations to political parties and candidates and the true source of those donations; and

(b) submissions and evidence received by the committee in relation to those inquiries in the 39th and 40th Parliaments.

Senators Allison and Ridgeway to move on the next day of sitting:

That the Senate—

(a) congratulates the Northern Territory Government on announcing a new maternity services package that will allow independently practising midwives to practice in the Northern Territory by indemnifying them through the government health department;

(b) notes that:

(i) community midwifery is the most appropriate care for 80 per cent of pregnant women, and

(ii) the inability of independently practising midwives to obtain medical indemnity insurance has restricted the provision of optimal care and choice for
Australian women during the birth process;
(c) calls on the governments of other states and territories to follow the Northern Territory, which has joined South Australia and Western Australia, in providing indemnity insurance arrangements which allow independent midwives to practice; and
(d) calls on the Government to consider Medicare funding for independent midwifery consultations.

Senator Ian Macdonald to move on the next day of sitting:
That the following bill be introduced: A Bill for an Act to amend the law relating to copyright, and for related purposes. Copyright Legislation Amendment Bill 2004.

Senator Brown to move on Wednesday, 1 December 2004:
That the following matters be referred to the Finance and Public Administration References Committee for inquiry and report by 15 March 2005:
(a) the operation of the Regional Partnerships Program, with particular reference to:
   (i) the nature and extent of the respective roles of the administering department and minister, the Deputy Prime Minister, any other senators or members and their advisers and staff in the process of selection of successful applications,
   (ii) the funding and announcement of the six ‘regional icon’ projects,
   (iii) the role of the public service, in particular the administering department and the Department of Finance and Administration in assuring the financial viability of the projects and safeguarding against political bias, and
   (iv) the role of the Auditor-General in assuring the financial viability of the projects and safeguarding against political bias;
(b) with respect to the future administration of similar programs, any safeguards or guidelines which might be put in place to ensure proper accountability for the expenditure of public money;
(c) funding for other rural or regional programs including higher education funding announced in the lead-up to the federal election; and
(d) any related matters.

Senator Brown to move on the next day of sitting:
That the Senate, alarmed by the death in custody of an Aboriginal citizen on Palm Island and the destruction of property consequent on his death, and the operations of riot police involving men, women and children on Palm Island and responding to the unacceptable status and life outcomes of Aboriginal Australians on Palm Island and throughout the nation:
(a) expresses to the Palm Island community its deepest regret and concern; and
(b) calls on the Federal and Queensland Governments to intervene, using all available powers and persuasion, to end hostilities, investigate the events and put in place tangible measures to improve Aboriginal affairs on Palm Island.

Senator Nettle to move on the next day of sitting:
(1) That so much of standing orders be suspended as would prevent this resolution having effect.
(2) That the Criminal Code Amendment (Workplace Death and Serious Injury) Bill 2004 be restored to the Notice Paper and that consideration of the bill be resumed at the stage reached in the last session of the Parliament.

Senator Brown to move on the next day of sitting:
(1) That so much of standing orders be suspended as would prevent this resolution having effect.
(2) That the Constitution Alteration (Right to Stand for Parliament—Qualification of Members and Candidates) 1998 (No. 2) [2002] be restored to the Notice Paper and
that consideration of the bill be resumed at
the stage reached in the last session of the
Parliament.

Senator Marshall to move on the next
day of sitting:
That a standard outdoor size replica of the
Eureka flag be displayed on a flagstaff in public
view in the main Senate entry foyer from dawn to
dusk on Friday, 3 December 2004 in commemo-
ration of the 150th anniversary of the Eureka
Stockade.

Postponement
Items of business were postponed as follows:

Business of the Senate notice of motion no. 1
standing in the name of the Leader of the
Australian Democrats (Senator Bartlett) for
today, proposing the disallowance of the
Customs (Prohibited Imports) Amendment
Regulation 2004 (No. 3), postponed till
30 November 2004.

Business of the Senate notice of motion no. 2
standing in the name of Senator Stott De-
spoja for today, proposing the reference of
matters to the Legal and Constitutional
References Committee, postponed till
30 November 2004.

General business notice of motion no. 3
standing in the name of Senator Allison for
today, relating to high-intensity active na-
val sonar, postponed till 1 December 2004.

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

General business notice of motion no. 15
standing in the name of Senator Allison for
today, relating to drug use in Australian
prisons, postponed till 30 November 2004.

LEAVE OF ABSENCE

Senator DENMAN (Tasmania) (5.07
p.m.)—by leave—I move:
That leave of absence be granted to Senator
Cook for the period 29 November to 9 December
2004, on account of ill health.

Question agreed to.

Senator ALLISON (Victoria) (5.07
p.m.)—by leave—I move:
That leave of absence be granted to Senator
Stott Despoja for the period 29 November to
9 December 2004, on account of health reasons.

Question agreed to.

HUMAN RIGHTS: WESTERN SAHARA

Senator ALLISON (Victoria) (5.08
p.m.)—by leave—I move the motion as
amended:

That the Senate—
(a) notes that:
(i) the United Nations (UN) Security
Council resolution 1570 of 28 October
2004 reaffirms its commitment to the
self-determination of the people of
Western Sahara,
(ii) the republic of South Africa extended
full recognition and established diplo-
matic relations with the Saharawi Re-
public on 15 September 2004, and
(iii) the Saharawi Arab Democratic Repub-
lic is a fully-fledged member of the Af-
rican Union recognised by over 70
countries worldwide; and
(b) urges the Government to:
(i) extend full support to the organisation
of a free, fair and transparent referen-
dum of self-determination for the peo-
ple of Western Sahara,
(ii) vote in favour of the resolution on
Western Sahara in the UN General As-
sembly,
(iii) use its best efforts to persuade Morocco
to accept the latest UN peace plan that
is based on the organisation of a refer-
dendum of self-determination in Western
Sahara,
(iv) provide humanitarian assistance to the
Saharawi refugees who need food and
medicine urgently, and
(v) positively consider extending diplo-
matic recognition to the Saharawi Arab
Democratic Republic at the appropriate time.

Question agreed to.

**DOCUMENTS**

**Tabling**

The **ACTING DEPUTY PRESIDENT** (Senator Bolkus)—Pursuant to standing order 166, I present the documents listed below which were presented to the President, Deputy President and temporary chairs of committees since the Senate last sat. In accordance with the terms of the standing order, the publication of the documents was authorised. In accordance with the usual practice and with the concurrence of the Senate I ask that the government response be incorporated in *Hansard*.

*The list read as follows—*

**Government response to a parliamentary committee report**

Joint Standing Committee on the National Capital and External Territories—Report—Proposal for pay parking in the Parliamentary Zone (received on 23 November 2004)

**Government documents**

Department of Defence—Annual report 2003-04 (received on 22 November 2004)

Australian Sports Commission—Annual report 2003-04 (received on 23 November 2004)

Commonwealth Scientific and Industrial Research Organisation (CSIRO)—Annual report 2003-04 (received on 23 November 2004)

Airservices Australia—Annual report 2003-04 (received on 23 November 2004)

Australian Tourist Commission—Annual report 2003-04 (received on 24 November 2004)

Payments System Board—Annual report 2003-04 (received on 26 November 2004)

National Competition Council—Annual report 2003-04 (received on 26 November 2004)

Australian Competition and Consumer Commission—Annual report 2003-04 (received on 26 November 2004)

Report of the Auditor-General

Report no. 15 of 2004-05—Performance Audit—Financial Management of Special Appropriations (received on 23 November 2004)

Statement of Compliance—Relating to indexed lists of files

Department of Finance and Administration, Australian Electoral Commission, Commonwealth Grants Commission, ComSuper, Public Sector Superannuation Scheme Board, Commonwealth Superannuation Scheme Board (received on 26 November 2004)

*The government response read as follows—*

**GOVERNMENT RESPONSE TO THE REPORT OF THE JOINT STANDING COMMITTEE ON THE NATIONAL CAPITAL AND EXTERNAL TERRITORIES NOT A TOWN CENTRE: THE PROPOSAL FOR PAY PARKING IN THE PARLIAMENTARY ZONE**

**November 2004**

**INTRODUCTION**

The Parliamentary Zone includes some of Australia’s most important legal, cultural and political institutions. However, parking issues in the area have long been a cause of concern. Problems include traffic congestion, a lack of available parking spaces, the isolation of the buildings from other services and facilities, and inadequate pedestrian access. An emerging issue is the need for more comprehensive security arrangements and the impact this might have on parking.

The National Capital Authority (NCA) has proposed the introduction of pay parking as a solution to some of these problems. Pay parking in the Zone has been under consideration since 1994 when the then Joint Standing Committee on the
National Capital and External Territories (the Committee) inquired into a proposal from the then National Capital Planning Authority for the operation of a paid voucher system. The Committee’s June 1994 report did not support pay parking.

Since then there has been consideration of the issue by the NCA, the Territories Minister and the Committee. After considering a June 2002 NCA submission which addressed issues arising from the NCA’s March 2000 Parliamentary Zone Review Outcomes Report, the Committee resolved to hold a further inquiry into pay parking. The issue was formally referred to the Committee on 10 December 2002.

Committee’s Report

On 13 October 2003 the Committee presented to Parliament its report Not a Town Centre: the Proposal for Pay Parking in the Parliamentary Zone. The Committee noted that the Parliamentary Zone is unique and should not be treated in the same way as commercial centres. While it acknowledged the need for a strategy to alleviate parking problems, it found itself “in no better position to advise the Parliament on the idea of pay parking in the Parliamentary Zone than it was in at the outset of the inquiry”.

The Committee pointed to key concerns which it considered had not been adequately addressed in the NCA’s proposal for pay parking. It noted that the Zone contains destinations of national cultural significance and is visited by large numbers of volunteers, tourists and students and the needs of these disparate groups have not been addressed. The fact that two jurisdictions (ACT/Commonwealth) operate side-by-side does not mean that parking policy will necessarily be complementary, and this also needs to be addressed.

The Committee did not give in-principle support for pay parking. Instead, it recommended that a further detailed study be undertaken by the NCA in conjunction with the ACT Government, and in consultation with all relevant stakeholders.

THE GOVERNMENT’S RESPONSE

Recommendation 1

That the National Capital Authority—in collaboration with the ACT Government and in thorough consultation with all relevant stakeholders, preferably with their consensus—develop a detailed parking policy proposal for the Parliamentary Zone that recognises the isolation of the Zone from commercial facilities and clearly defines the following characteristics:

- the infrastructure to be built—including the timeframe and funding arrangements;
- the parking fees to be introduced—including provision to exclude visitors, volunteers and people with disabilities; and
- contingencies should the Parliamentary Zone experience further encroachment of commuters from the adjacent Barton precinct.

Agree:

The Government acknowledges that the current parking arrangements in the Parliamentary Zone need to be improved. However, the Government has not made a decision about the introduction of pay parking in the Parliamentary Zone at this time. The Government therefore supports development of a detailed parking proposal which addresses all of the concerns raised by the Committee.

The Government considers it preferable that a seamless approach be adopted for the management of parking arrangements in the Parliamentary Zone and the surrounding areas. The recommended collaboration between the NCA and the ACT Government is therefore crucial to a successful outcome. The ACT Government has confirmed its willingness to continue to work closely with the NCA on this matter.

The Government supports the need for thorough, detailed, and responsive consultation by the NCA with all relevant stakeholders.

Auditor-General’s Reports

Report No. 15 of 2004-05

Senator MURRAY (Western Australia) (5.11 p.m.)—by leave—I move:

That the Senate take note of the document.

I rise to record the Democrats’ views on the tabling of the Auditor-General’s Audit report No. 15 2004-05: Performance audit—financial management of special appropriations. Special appropriations are crucially
important to the financial integrity of the Commonwealth government. A special appropriation means that parliament has decreed that payments may be made from the consolidated revenue fund, on the basis of certain conditions, without the need for the payment to be approved through the standard appropriations process. Special appropriations, in effect, deprive parliament of the right to approve government expenditure annually. An obvious example is the payment of pensions—these payments are made on an ongoing basis.

In 2002-03 more than $223 billion was spent from the consolidated revenue fund under the authority of special appropriations. They have constantly grown as a percentage of total government expenditure, from only 10 per cent in 1910, past the 50 per cent mark in the 1960s to over 80 per cent now. This makes me wonder whether one day annual appropriations will eventually disappear altogether. Since parliaments have as their greatest role historically the oversight of expenditure and taxation, that would seem a dangerous event to forecast.

With such a substantial amount of money being spent by special appropriation, it is important that controls are in place. The Department of Finance and Administration is responsible for developing and maintaining the financial framework of the Commonwealth public sector and the appropriate and constitutional use of special appropriations. Since 1 July 1999, important amendments were made to the Financial Management and Accountability Act 1997. Up until 30 June 1999, Finance operated a central bank account on behalf of all Commonwealth agencies. Since 1 July 1999, two key appropriation management responsibilities were devolved from Finance to the agencies; namely, legislative control over who may lawfully draw upon appropriations and maintenance of accounts and records concerning the use of individual appropriations. While this change may be appropriate, the Auditor-General’s report highlights that better controls over the process are required.

It is extremely concerning that the Auditor-General has found so many errors in a process that has now been established for over five years. I sense a tone of frustration in the normally measured words of the Auditor-General in the conclusion to the performance audit report. It states:

The sound governance, management and reporting of appropriations requires certainty, clarity and consistency in the application of the Commonwealth’s financial management framework. The audit findings indicate that the manner in which the financial framework has been interpreted and implemented has not been consistent with those characteristics. While many of the issues are quite technical, in a legal sense there are important considerations of appropriate accountability, including transparency, in relation to the Parliament. Overall, ANAO considers that there have been significant shortcomings in the financial management of various Special Appropriations. Given the fundamental importance of appropriations to Parliamentary control over expenditure, changes need to be made to secure proper appropriation management in the Commonwealth. In particular, there has been inadequate attention by a number of entities to their responsibility to ensure that a correct, valid appropriation to support a particular payment has been identified before spending funds from the CRF, and to accurately disclose their use of Special Appropriations.

The Democrats fully support those comments. We believe that the financial integrity of the Commonwealth is a crucial part of good governance and political accountability. This coalition government came to power promising to clean up the books and improve financial standards. It has done a great deal, and the Charter of Budget Honesty, back in 1996, was one significant innovation. However, good political governance must start at the top and as I have pointed out many times
in this place the government, against the ad-
vice of the Auditor-General and all other po-
litical parties, refuses to include the GST,
which is a Commonwealth tax, in its Com-
monwealth financial statements. This year
the GST will generate $33 billion of revenue
that the Treasurer and these budget state-
ments ignore. This is in clear contravention
of Australian Accounting Standard 31 and
consequently in contravention of the Charter
of Budget Honesty.

Although the Auditor-General, the Labor
Party and the Democrats believe that accrual
accounting produces truer financial state-
ments, the government constantly switches
in its commentary between cash and accrual
reporting depending on which one politically
suits it, and that creates confusion for politi-
cal advantage but is not in the interests of
good public understanding of the accounts.

Returning to the concerns raised by this
report, it seems that the whole process of
special appropriations may need a rethink.
Special appropriations which are unlimited
in duration and amount are effectively bot-
tomless buckets of money, and perhaps en-
courage the sort of carelessness exposed by
the audit report. Stringent controls and proc-
esses need to be monitored and enforced to
mitigate the inherent deficiency of this sys-
tem. The loose practice with special appro-
priations is also encouraged by the vague-
ness of appropriations under the outcomes
system of budgeting. The descriptions of the
purposes of appropriations are now so vague
that any money could seem to be spent on
virtually anything. This undermines the sort
of rectitude required by the Audit Office and
the Senate.

One option to overcome some of these dif-
ficulties would be to make all appropriations
subject to annual renewal. The Democrats
proposed this option way back in 1986 but
the idea has been ignored. Alternatively,
these appropriations could at least be sunset-
ted and limited in amount. Perhaps the ceil-
ings could be raised by resolution of both
houses of parliament, which would at least
alert the parliament to unusually large or un-
expected increases in payments and liabili-
ties. I give the government notice that if
there are no signs of a good change in behav-
ior here we will be seeking to lobby the
opposition to introduce sunset clauses to
these appropriations.

The problem is that everybody simply ac-
cepts special appropriations and does not
question the need for them. I cannot remem-
ber anyone, in the last 20 years that we have
had people looking at this matter, asking
whether a special appropriation in a bill is
really necessary and why a particular pur-
pose could not be funded by annual appro-
priations. That sort of approach just beggars
belief when $223 billion is being spent from
the consolidated revenue fund under the au-
thority of special appropriations. It is timely
that these issues are raised. The Common-
wealth is currently in an extremely strong
financial position but, as Reserve Bank Gov-
ernor Ian Macfarlane commented last week,
it is in the good times that important con-
cerns should be addressed. I wish to con-
gratulate the Auditor-General on the serious-
ness with which this issue has been ap-
proached and on the quality of the report
prepared. I urge the government to take very
careful note of the Auditor-General’s find-
ings.

Senator SHERRY (Tasmania) (5.19
p.m.)—Like Senator Murray I rise to make
some comments about the Auditor-General’s
Audit report No. 15 2004-05: Performance
audit—financial management of special ap-
propriations, which was released publicly
outside the sitting of the Senate last week. I
endorse the comments that Senator Murray
has made. The Australian National Audit
Office is the independent audit office statuto-
rily charged with overseeing various aspects of government expenditure. This is as scathing a report as I have ever seen about the financial management of any government.

The Audit Office examined the financial management of a very extensive range of government departments—and I will get to the list shortly—and found a range of shortcomings. Certainly some of the shortcomings were technical in a legal sense but many of them were not technical in a legal sense, and I will draw to the Senate’s attention some of the more serious matters that have been raised by the Auditor-General. The Auditor-General said:

The Department of Finance and Administration (Finance) is responsible for developing and maintaining the financial framework for the Commonwealth public sector. For their part, individual Commonwealth entities—that is, government departments, statutory organisations and the like—are responsible for managing particular Special Appropriations.

The Audit Office examined the implementation of the Financial Management and Accountability Act 1997, the FMA Act, which took effect from 1 July 1999. This act is solely the responsibility of this government. This government introduced that act, and the effect of it was to devolve two key appropriation financial management responsibilities out of Finance and back to various entities, departments and agencies: firstly, legislative controls over who may lawfully draw upon appropriations; and, secondly, the maintenance of accounts and records concerning the use of individual appropriations.

Let me summarise some of the more scathing—and, as I have said, you would be hard-pressed to find a more scathing report about financial management across any government—major findings: drawings by five departments or entities relying on incorrect appropriations from the financial year 1998-99 to 2002-03, totalling some $393 million; spending by one government department against legislation that had not been passed by the parliament, in the years 2001 to 2003 totalling $7.26 billion; spending by two entities that was not approved by parliament at all, let alone the legislation being passed or being on the way through, of $23 million, including $6.96 million in breach of section 83 of the Constitution—it is very serious indeed when an entity is actually breaching payments to the tune of almost $7 million; and the failure to disclose by two entities payments totalling $13.1 billion and $26.6 billion. The list goes on and on.

A couple of tables are produced in this audit report. Table 2.1 lists entities that did not disclose use of the Financial Management and Accountability Act, section 39. There is a whole page of government entities and departments that were in breach of the act: the Aboriginal and Torres Strait Islander Commission, the Office of Financial Management, the Department of the Treasury, the Customs Service, the Department of Agriculture, Fisheries and Forestry, the Department of Defence—and that is not a surprise, given another audit report that was released last week—the Department of Health and Ageing and the Department of Veterans’ Affairs. The list goes on. I literally could not believe the details when I read through this report after its release last week.

Then we have another list of entities where special appropriations used were not disclosed. I do not know whether they were deliberately hiding the fact that they were not going to disclose their appropriations, but there were 12 entities, including the Aboriginal and Torres Strait Islander Commission, the Attorney-General’s Department, the Australian Securities and Investments Commission—ASIC, which is charged with regulating companies in this country, failed to dis-
close appropriately its financial statements; it is a real eye-opener when ASIC is breaching the financial management arrangements of this country—the Insolvency and Trustee Service Australia, and Treasury. It is amazing to find on this list department after department—but particularly organisations like ASIC, Treasury and the insolvency trust—failing to disclose appropriations in accordance with the financial management act. There are some even worse issues, which I will be taking up on another occasion, that highlight some other deficiencies by some particular departments.

This report did not pick out one year for examination. This serious financial malpractice under this government, as a consequence of this government’s changes and devolution in financial management, has been going on for five years. There was not the odd error in one year. You would expect, perhaps, an occasional problem with the new devolved system which this government introduced. There is, literally, error after error in department after department over a period of five years. On behalf of the Labor opposition I ask: what were the department of finance doing? The department of finance are specifically charged with overseeing the developing and maintaining of the financial framework for the Commonwealth public sector. What were the department of finance doing? They were specifically charged with overseeing and implementing, with the various departments, this new devolved financial framework. That was their responsibility. If this is the way they carry out a new devolved financial management, you have got to seriously wonder what has been going on in the department of finance and what leadership at the departmental level and in the minister’s office was being exercised in the overseeing of their task. Thank goodness we have still got an independent National Audit Office that can scrutinise these activities.

I say in conclusion, as I said at the beginning, that I have rarely picked up an audit report and seen such a scathing set of criticism across such a range of government departments, entities and authorities. I do not think I have ever seen such a scathing report. It includes $393 million in incorrect appropriations in five government departments. One department spent $7.26 billion before legislation had passed the parliament. Two entities spent $23 million which was not approved by parliament, including a $7 million expenditure in breach of the Constitution. Two entities made payments, and failed to disclose them, of $13.1 billion and $26.6 billion. It goes on and on. I will be raising on another occasion the other issues in that list which cause me considerable concern. This government’s financial management, as highlighted by this report, is appalling. (Time expired)

Question agreed to.

Responses to Senate Resolutions

The ACTING DEPUTY PRESIDENT (Senator Bolkus)—I present a response from the Minister for Revenue and Assistant Treasurer, Mr Brough, to a resolution of the Senate of 1 April 2004 concerning taxation and charities.

COMMITTEES

Scrutiny of Bills Committee

Report

Senator BUCKLAND (South Australia) (5.30 p.m.)—At the request of the Chair of the Standing Committee for the Scrutiny of Bills, Senator Robert Ray, I present the report on a matter referred to the committee during the previous parliament and I seek leave to move a motion.

Leave granted.

Senator BUCKLAND—I move:

That the report be adopted.

Question agreed to.
Membership

The ACTING DEPUTY PRESIDENT (Senator Bolkus)—The President has received letters from party leaders and an Independent senator nominating senators to be members of various committees.

Senator ELLISON (Western Australia—Minister for Justice and Customs) (5.31 p.m.)—by leave—I move:

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

ASIO, ASIS and DSD—Joint Statutory Committee—
Appointed—Senators Ferguson and Sandy Macdonald

Australian Crime Commission—Joint Statutory Committee—
Appointed—Senators Ferris, Greig and McGauran

Broadcasting of Parliamentary Proceedings—Joint Statutory Committee—
Appointed—Senator Ferris

Community Affairs Legislation Committee—
Appointed—Participating members: Senators George Campbell and Lundy

Community Affairs References Committee—
Appointed—Participating member: Senator George Campbell

Economics Legislation Committee—
Appointed—Participating member: Senator Hogg

Electoral Matters—Joint Standing Committee—
Appointed—Senators Brandis, Mason and Murray

Employment, Workplace Relations and Education Legislation Committee—
Appointed—
Substitute member: Senator Carr to replace Senator Wong for matters relating to the Education portfolio

Participating members: Senators George Campbell, Hogg and Lundy

Employment, Workplace Relations and Education References Committee—
Appointed—
Substitute member: Senator Carr to replace Senator Crossin for matters relating to the Education portfolio
Participating member: Senator George Campbell

Environment, Communications, Information Technology and the Arts Legislation Committee—
Discharged—Senator Mackay
Appointed—
Senator Lundy
Participating members: Senators Crossin and Hogg

Environment, Communications, Information Technology and the Arts References Committee—
Discharged—Senator Mackay
Appointed—
Senator Lundy
Participating member: Senator Crossin

Finance and Public Administration Legislation Committee—
Appointed—Participating members: Senators Hogg, Lundy, Moore, Stephens and Webber

Finance and Public Administration References Committee—
Appointed—Participating members: Senators Stephens and Webber

Foreign Affairs, Defence and Trade—Joint Standing Committee—
Appointed—Senators Eggleston, Ferguson, Harradine, Johnston, Sandy Macdonald, Payne and Stott Despoja

Foreign Affairs, Defence and Trade Legislation Committee—
Discharged—Senator Marshall
Appointed—
Senator Mackay
Participating members: Senators George Campbell, Crossin, Kirk and Lundy

Foreign Affairs, Defence and Trade References Committee—
Discharged—Senator Marshall
Appointed—
Senator Mackay
Participating members: Senators George Campbell, Crossin, Forshaw and Kirk

Legal and Constitutional Legislation Committee—
Appointed—Participating members: Senators George Campbell, Hogg, Kirk and Lundy

Legal and Constitutional References Committee—
Appointed—Participating member: Senator George Campbell

Migration—Joint Standing Committee—
Appointed—Senators Bartlett, Eggleston and Tchen

National Capital and External Territories—Joint Standing Committee—
Appointed—Senators Lightfoot, Scullion and Stott Despoja

Native Title and the Aboriginal and Torres Strait Islander Land Fund—Joint Statutory Committee—
Appointed—Senators Johnston and Scullion

Public Accounts and Audit—Joint Statutory Committee—
Appointed—Senators Humphries, Murray, Scullion and Watson

Public Works—Joint Statutory Committee—
Appointed—Senators Ferguson and Troeth

Rural and Regional Affairs and Transport Legislation Committee—
Appointed—Participating members: Senators George Campbell, Hogg, Lundy and O’Brien

Rural and Regional Affairs and Transport References Committee—
Appointed—Participating members: Senators George Campbell and McLuscas

Treaties—Joint Standing Committee—
Appointed—Senators Bartlett, Mason, Santoro and Tchen

Question agreed to.

WORKPLACE RELATIONS AMENDMENT (AGREEMENT VALIDATION) BILL 2004
Report of Employment, Workplace Relations and Education Legislation Committee

Senator FERRIS (South Australia) (5.32 p.m.)—At the request of the Acting Chair of the Employment, Workplace Relations and Education Legislation Committee, Senator Barnett, I present the report of the committee on the Workplace Relations Amendment (Agreement Validation) Bill 2004, together with the Hansard record of proceedings and documents presented to the committee.

Ordered that the report be printed.

TELECOMMUNICATIONS (INTERCEPTION) AMENDMENT (STORED COMMUNICATIONS) BILL 2004
Second Reading
Debate resumed.

Senator ELLISON (Western Australia—Minister for Justice and Customs) (5.32 p.m.)—Prior to question time I addressed the issue of the number of warrants that had been issued, which was an aspect Senator Greig touched on in his speech in the second reading debate. As well as that, Senator
Greig raised the issue of privacy. I point out that we need to balance privacy interests with the need to provide law enforcement agencies with the most effective tools for investigating serious criminal activity. The Telecommunications (Interception) Act 1979 needs to be amended to take account of advances in telecommunications technology and the fact that electronic communications may be held as stored data while transiting a telecommunications system. The amendments in the Telecommunications (Interception) Amendment (Stored Communications) Bill 2004 do not make it easier for agencies to obtain telecommunications interception warrants nor do they change the strict record-keeping and reporting requirements imposed by the act. Rather, the amendments recognise the impact of developments in technology and represent a practical measure to assist law enforcement in gathering important evidentiary material.

Senator Buckland and Senator Kirk separately made much of the different interpretations of the interception legislation previously held by the Australian Federal Police and the Attorney-General’s Department. As Attorney-General’s have previously indicated, differences of opinion in relation to the interpretation of the legislation have since been resolved. The amendments now before the parliament are the result of close cooperation between the department and the Australian Federal Police to address operational issues arising out of the application of the act in relation to modern technology. I might add that it is not uncommon to see law enforcement, on one hand, and Attorney-General’s, on the other hand, seeking to achieve a balance in relation to operational efficacy as opposed to what is legally viable. This is an example of that balance having been achieved.

The Telecommunications (Interception) Act plays an important role in protecting the privacy of people using the Australian telecommunications system. It is, however, equally important that the act not serve as an obstacle to law enforcement and other agencies needing expeditious access to evidentiary material that may be in the form of stored communications. Recent developments in telecommunications technology have meant that this is a real possibility because it is often not clear whether a communication has ceased to pass over the telecommunications system or is temporarily stored in transit. The amendments to the act that are now before the Senate address this by introducing a new stored communications exception to the general prohibition against interception. The amendments are an interim measure and will automatically cease to have effect 12 months after commencement, during which time the government will conduct a broader review of access to the content of communications.

The amendments do not, as has been reported, allow for unregulated monitoring of email and other stored communications. A person seeking access to a stored communication must have some lawful authority to do so; for example, under a search warrant or in their capacity as a network owner or administrator. The requirement for lawful authority will continue to provide an important limitation on access. A telecommunications interception warrant will continue to be required for live monitoring of telephone calls, email or SMS messages transiting our telecommunications system, web browsing or Internet chat sessions.

Senators have now had an opportunity to consider the report of the Senate Legal and Constitutional Legislation Committee on an identical bill which was before the 40th Parliament. Having considered that bill together with the submissions and other evidence before it, the committee recommended that it proceed through the parliament subject only
to an amendment requiring that a review of the Telecommunications (Interception) Act be undertaken to consider the issue of whether stored communication should be exempt from the prohibition against interception. The government supports the conduct of a review. The Attorney-General has previously indicated that the government is committed to carrying out a review of the telecommunications interception regime, focusing in particular on the way in which access to electronic communications is regulated.

In light of the government’s stated position in favour of a review, there is no need for the bill to be amended to require a review to be carried out. The government is committed to a review and it will deliver on this commitment, just as it delivered on a similar commitment made by the Attorney-General’s predecessor when the Senate was considering the Telecommunications (Interception) Legislation Amendment Bill 2000. The terms of reference and reporting date for review that the government is now proposing will be the subject of a separate announcement by the Attorney-General in due course. I recall that Senator Ludwig raised some issues and whether they would be considered in the review. I can assure Senator Ludwig that the issues he noted in his comments on the bill will be considered in that context.

However, given the earlier comments on the matter by the Attorney-General, I can say that the review will be carried out by an independent person with appropriate qualifications and experience and that the broad focus of the review will be on access to electronic communications. As I have indicated, the amendments are temporary in nature and will cease to have effect 12 months after commencement. It is envisaged that the review will be completed and its recommendations implemented within this time frame. The review will seek submissions from the public and will furnish its findings, and so Senator Brown will be able to monitor the progress of the review.

The government is confident that the review will make a significant contribution to the development of telecommunications interception policy in Australia. In the meantime, the amendments in the bill will ensure that Australia’s law enforcement and intelligence agencies will have the tools they need to investigate serious crime and threats to national security. This review, we believe, meets the concerns raised by the Senate Legal and Constitutional Legislation Committee, and we thank those senators for their work in reviewing the bill. I commend the bill to the Senate.

Question agreed to.

Bill read a second time.

In Committee

Bill—by leave—taken as a whole.

Senator GREIG (Western Australia) (5.39 p.m.)—Notwithstanding the contribution that the minister made just then, we Democrats feel that further and stronger accountability within this proposed regime is warranted. To that extent, I move Democrat amendment (1) on sheet 4428, as circulated in the chamber:

(1) Schedule 1, page 3 (after line 31), at the end of the Schedule, add:

5 After section 17

Insert:

17A Annual report by Minister about warrants

(1) The Minister shall, as soon as practicable after each 30 June, cause to be prepared a written report that relates to the year ending on that 30 June and complies with section 17B.

(2) The Minister must table a copy of a report under subsection (1) before each House of Parliament within 15 sitting days of that House after the day on which the Minister receives the report.
17B Report to contain information about requests made and warrants issued

The report required in accordance with section 17A shall set out:

(a) the number of requests for warrants that the Organisation has made pursuant to section 9 during that year; and
(b) the number of warrants that the Minister has issued pursuant to section 9 during that year; and
(c) the number of requests for warrants that the Organisation has made pursuant to section 9A during that year; and
(d) the number of warrants that the Minister has issued pursuant to section 9A during that year; and
(e) the number of requests for further warrants that the Organisation has made pursuant to subsection 9B(4) during that year; and
(f) the number of further warrants that the Minister has issued pursuant to subsection 9B(4) during that year; and
(g) the number of warrants issued by the Director-General of Security pursuant to section 10 during that year; and
(h) the number of requests for warrants that the Organisation has made pursuant to section 11A during that year; and
(i) the number of warrants that the Minister has issued pursuant to section 11A during that year; and
(j) the number of requests for warrants that the Organisation has made pursuant to section 11B during that year; and
(k) the number of warrants that the Minister has issued pursuant to section 11B during that year; and
(l) the number of requests for warrants that the Organisation has made pursuant to section 11C during that year;
(m) the number of warrants that the Minister has issued pursuant to section 11C during that year; and
(n) the number of requests for further warrants that the Organisation has made during that year in respect of a telecommunication service, a person or part of a telecommunication system (as the case may be) in relation to whom a warrant has, or warrants have, been previously issued;
(o) the number of further warrants that the Minister has issued during that year in respect of a telecommunication service, a person or part of a telecommunication system (as the case may be) in relation to whom a warrant has, or warrants have, been previously issued; and
(p) the total expenditure (including expenditure of a capital nature) incurred by the Organisation in connection with the execution of warrants during the year to which the report relates.

As I argued in part in my contribution to the second reading debate, we have the situation whereby under the current telecommunications interception regime ASIO can, and presumably does, exercise its interception powers in an accountability vacuum, and that has long been of concern to us Democrats. ASIO’s entire accountability in this context is limited to scrutiny by the Attorney-General. As I have said previously, that creates what we would argue is a disturbing situation whereby the power to authorise the extensive bugging of private conversations or communications of Australian individuals rests with one minister, one politician—that is, the Attorney-General.

We believe there is a much stronger need for greater accountability in relation to the exercise of telecommunications interception
powers by ASIO. Currently the broader community has no idea of the extent to which ASIO is exercising these powers. Given the extensive violation of privacy which can occur with the use of them, we believe very strongly that some degree of accountability is vital to safeguard against any potential abuse. As I said in my introductory remarks, I am not naive enough to suggest that ASIO should be treated in the same way as other government departments—clearly their brief is different and their issues can be different. But at the same time there ought to be some accountability. It is not the case, we believe, that ASIO should be free from any accountability whatsoever in relation to interception powers. It is our belief that ASIO should be required to provide the parliament with basic information about its use of interception powers—for example, the numbers of warrants issued to it by the Attorney-General.

It is not our view that this amendment, if adopted, would impinge in any way on ASIO’s ability to promote or to protect Australia’s national security. We make two observations to support that point of view. Firstly, we note that law enforcement agencies are already required to provide basic information regarding the number of interception warrants they obtain each year, what offences those warrants relate to and whether the information obtained has led to an arrest. In recent years the annual report on the Telecommunications (Interception) Act has included information such as the number of interception warrants that have related to an offence of terrorism. Given that this kind of information can be provided by law enforcement agencies without threat to national security, we see no reason why it cannot also be provided by ASIO. Secondly, ASIO itself is already required to provide an annual report on information that is just as sensitive as telecommunications interception—namely, the number of times it applies for and is granted a warrant to take a person into custody for interrogation under its controversial new powers. So again we Democrats make the point that, if ASIO is able to provide this kind of information without compromising national security, then it can also provide basic information about the exercise of its telecommunications interception powers. To that end we see this amendment as enhancing, not detracting from, the legislation.

Notwithstanding the comments the minister has made about reviews of the proposed legislation being in place already, we feel more comfortable with cementing them in this fashion to complement what is being proposed. As I have said, we are not suggesting for a moment that ASIO ought to have the same level of accountability scrutiny as other government departments. We understand the need for difference, but we do not believe that the amendment we are proposing in good faith would in any way diminish or threaten ASIO’s role and powers, or the obvious subtlety and discretion that it needs to exercise those powers.

Senator LUDWIG (Queensland) (5.43 p.m.)—I wish to seek clarification from Senator Greig on a couple of points. Perhaps I misheard him. If Senator Brown would allow me to ensure that Senator Greig does hear it, the question that I have relates to proposed section 17A ‘Annual report by minister about warrants’. Does proposed section 17A relate only to ASIO or is it about warrants, including search warrants and interception warrants? Does proposed section 17B then include all organisations that access and can access the information under this legislation? Is it simply aimed only at ASIO in relation to their telecommunications interception warrants, or is it broader? Does it include all warrants, such as search warrants that might be conducted under the telecomm-
munications interception legislation? I am not clear.

You were referring more specifically to ASIO than the broader agencies. Of course there are other agencies, including ASIC, that can also access search warrants. The Australian Federal Police can also and, as you know, there is a debate about whether they can get access under section 3L of the Crimes Act. But that is for another time.

More broadly, I think the purpose of the amendment is to seek greater and open scrutiny of the operation of this legislation. We have not opposed a 12-month sunset provision but these sorts of issues are, in the view of the Labor Party, better dealt with by an independent review during the whole process. There might be better ways—and ways that I cannot imagine—whereby we can ensure that there is better, appropriate and proper scrutiny.

Not only that, the Privacy Commissioner has a role as well. I think I referred in my speech on the second reading debate that the Privacy Commissioner—which is part of the Attorney-General’s agency—has a role to play in ensuring that these matters are audited and that they are properly held to account for their actions. I did not want to second-guess what the review might come up with and what scrutiny or accountability mechanisms they might wish to impose as well during that period. Therefore, Labor are not minded to support the amendment on that basis. The minister has given a commitment that there will be a review of the legislation.

Senator BROWN (Tasmania) (5.46 p.m.)—I asked a number of questions during the second reading debate. I wonder whether the minister has been able to get answers to those questions.

Senator ELLISON (Western Australia—Minister for Justice and Customs) (5.47 p.m.)—Senator Brown might want to draw my attention to the specific points that he made. I did say that the review would seek submissions from the public and publish its findings. I think that was a matter that Senator Brown raised, so I can give that as part of the undertaking.

Senator BROWN (Tasmania) (5.47 p.m.)—I thank the minister for that undertaking. I was particularly interested in the immediate implementation of the bill: whether employees of telecommunications providers will be able to intercept customers’ stored information, whether undelivered communications will have less privacy protection than a letter seized from an Australian post office box and whether Commonwealth, state and territory government law enforcement agencies will get powers to encroach on and intercept stored information, even though the impulse to do that is not because of the investigation of serious crime.

Senator ELLISON (Western Australia—Minister for Justice and Customs) (5.48 p.m.)—Firstly, in relation to the implementation of the bill, as I have said, it will contain amendments of 12 months duration, so it is a temporary measure. I understand that it would be implemented as soon as the legislation is proclaimed. Unless I am missing some aspect of what Senator Brown is saying, there is nothing, as I understand it, that will delay the implementation. Senator Brown mentioned implementation, so immediate implementation—

Senator Brown—I was talking about the measures. Will they come into play?

Senator ELLISON—The measures that Senator Brown has mentioned or the effect of the amendments would come into play as soon as the legislation is proclaimed. Under the provisions relating to a letter conveyed by Australia Post, I believe that a search warrant would be needed for the interception of such a letter. In relation to stored communi-
cation you would need a similar warrant, as I understand it. Your question related to the provisions as they apply to search warrants required for a letter that is posted and conveyed by Australia Post and to stored communication. Both instances would require a search warrant. There was a third question. Senator Brown had another point, which escapes me.

Senator Brown—It was about serious crime.

Senator Ellison—As I understand it the bill does not limit the application of the interception by virtue of the offence described. It simply says ‘by lawful authority’, so it is not limited to only serious crime.

Senator Brown (Tasmania) (5.51 p.m.)—The minister may have covered this—if he has, I ask him to forgive me for going over it again. Firstly, why is a warrant, as required under the existing IT legislation, not sufficient for police authorities or ASIO to access the stored information? Secondly, is it the case that private businesses and individuals could gain the right to access such stored information as citizens by obtaining and exercising a civil search order through legal proceedings?

Senator Ellison (Western Australia—Minister for Justice and Customs) (5.52 p.m.)—The regime in relation to a telephone intercept warrant is very different. You are dealing with a different issue, because you are intercepting a live conversation—that is, a live communication as opposed to a stored communication. That raises the question: why do we have this difference? I refer to the definition of a stored communication. It excludes other communications that are stored on a highly transitory basis as an integral function of a technology used in its transmission. Email, SMS and MMS messages are examples of communications that may be momentarily queued or buffered as a result of network congestion. The exclusion ensures that a telecommunications interception warrant will continue to be required in order to carry out live or real time interception of email, SMS or MMS messages in transit.

I refer to that because, as I mentioned earlier, a stored communication is much like a letter; it is not a live communication. It is something that has been communicated and stored and, as such, it is distinguished from a conversation or even the communications I just pointed to, which are ongoing. The telephone intercept warrant involves a different process. I believe that it should not be incumbent on law enforcement to have to go through the same process for something which is not the equivalent of a telephone intercept.

Senator Brown—Why not?

Senator Ellison—It is much like finding something in a house, such as a search warrant. Finding a piece of paper on a desk is much like finding a stored communication: you are not intercepting anything which is happening. The generator of the document has done his or her work: it has been generated and sent. It is much like a piece of paper on a desk. It is not the equivalent of intercepting a conversation which is ongoing or an SMS which is being transmitted. It is an entirely different piece of evidence and it requires an entirely different form of action by law enforcement. I will give you an example. If, after obtaining a search warrant, law enforcement were to enter premises and found a computer with an indication of stored communication on its screen that was relevant to the investigation, the law enforcement authority would then have to get a telephone intercept warrant to carry out a search of that computer.

If it is stored and it is there, it is the equivalent of a document sitting on the desk. We believe that, in applying the principles of
law across the board, it should be treated as such and a normal warrant would suffice. However, where there is a conversation ongoing or where someone is transmitting something over a computer and they are in the act of doing it, that requires all the attendant steps for a telephone intercept. We believe that you have to work backwards, if you like—that is, to look at the sort of thing that you are picking up with a warrant and then work out how you go about the interception. You cannot class stored communication as a telephone intercept.

Senator BROWN (Tasmania) (5.56 p.m.)—I had another question about private businesses and individuals, which the minister might answer. But, before he does, I want to disagree with what he has had to say. My first issue goes to intercepting live communication—that is, a telephone conversation—and the second goes to stored information and the ability to fish through potentially hundreds of such live communications, which are then stored on the shelf. So the reach into the private affairs of individuals is far greater than being able to connect into a single telephone conversation and therefore needs far greater care. But what is happening here is that the barrier is being lowered, not increased.

What is more, when it comes to this sort of investigation with modern technology, the citizen has no way of knowing that it is occurring. If somebody searches your house for the document on your desk that the minister was taking about, there is a fair chance you will find out about it. But, in the case of a document being stored electronically and then a search being made, you have no way of knowing that is occurring, that it will occur or that it has occurred, and therefore we need to be much more vigilant against it.

The requirement that should be in place here is at the very lowest level. I ask the minister again: will these powers be limited to the investigation of serious crime, including terrorism? Is it possible, through civil procedures or through any other manner, to exclude private businesses and individuals from gaining access to this ability to rake through stored communications on Australian citizens?

Senator ELLISON (Western Australia—Minister for Justice and Customs) (5.58 p.m.)—In relation to the privacy of a business, lawful authority is still required for the accessing of that stored communication. The bill has provisions in relation to that, which I will refer to in a moment. On the question of reach, documentation can be just as personal as the information in any computer. Going through a person’s personal documents can involve just as much ‘reach’—to use Senator Brown’s words—as any access to a computer. We equate the stored communication on a computer with a document—be it a written diary or one which is contained in a computer. In the execution of a search warrant where documents are taken they are recorded. Under this bill, the accessing of stored communications requires the same recording as for search warrants where you search premises and take away documents. There has to be a record of what you have accessed.

In relation to lawful access, item 3 of the explanatory memorandum provides:

The amendments allow for a stored communication to be intercepted by a person having lawful access to the communication or the equipment on which it is stored. A person may have lawful access to a communication, for example, with the consent of the intended recipient. A person may have lawful access to storage equipment, for example, under a search warrant or in the person’s capacity as a network owner or administrator. A telecommunications interception warrant will continue to be required in order to carry out ‘live’ or ‘real-time’ interceptions of communications.
that are in transit over a telecommunications system when intercepted.

The access will have to be lawful. A person can gain lawful access to a communication with the consent of the intended recipient—that would make it lawful. A person can gain access to storage equipment through a search warrant, and that can be addressed to a person who is a network owner or administrator. That is how the normal search warrant process works—it is addressed to a certain person who is in control of or the owner of the object. That provides you with the lawful access, or you can do it with the owner’s consent.

Senator BROWN (Tasmania) (6.02 p.m.)—The use of the word ‘intercept’ is curious in relation to stored information; ‘retrieval’ might be better, considering the other arguments the minister has given. There are two matters I want to ask the minister about for the third time. Firstly, is it necessary for some serious criminal matter to be investigated before access to citizens’ private, stored information is given through this measure? Secondly, is it possible that, under this legislation, private businesses or individuals, through a civil application or other matter, may be able to access other citizens’ information?

Senator ELLISON (Western Australia—Minister for Justice and Customs) (6.03 p.m.)—This legislation does not apply only to serious criminal offences; it is broader.

Senator Brown—How broad?

Senator ELLISON—It would apply to any criminal offence under Commonwealth law—as you can get a search warrant to search premises. I think I understand Senator Brown’s question correctly: he is asking whether individuals can use this bill to access information for a civil case. This provision is only available to criminal prosecution—law enforcement authorities. In the course of any criminal investigation where the police are investigating a matter and they come by evidence, there is no mechanism which then allows lawfully for that evidence to be provided to someone who has a civil suit against the person concerned. Criminal law is quite independent. If someone said they wanted an act of discovery, for instance—which is a civil procedure—in relation to a criminal prosecution, that could not be done in this case. The evidence gained in these circumstances is available for law enforcement only—for a potential prosecution, if it takes place, but for no-one else.

Senator BROWN (Tasmania) (6.05 p.m.)—The minister is referring to criminal matters. Does he mean matters under the Crimes Act only, or is it wider than that? If so, how wide?

Senator ELLISON (Western Australia—Minister for Justice and Customs) (6.05 p.m.)—I want to revisit the question of a person accessing the evidence gained. To qualify what I said earlier, where there is a civil action for an order to produce and someone ignores the order and is in contempt of the court, you would then have a criminal offence of contempt—the person concerned is ignoring the civil order of the court. Regardless of what the proceeding is, once a court has made an order it should be agreed to. In that instance, you could use these provisions to access the stored communication. I took Senator Brown’s question to mean: can someone use these provisions to aid them in their civil case? The answer is no, not in the normal course of events—only where there has been an order to produce by the courts. You cannot restrict this only to criminal proceedings; it is where lawful authority exists. The logical consequence of that would be a criminal issue, to the extent that contempt is criminal. If you resisted the order of the court, you would then be involved in a criminal proceeding. To clarify my earlier
remarks, it permits access in all circum-
stances where lawful authority exists.

Senator Brown—Through the Family Court?

Senator ELLISON—I think I will take
that on notice, because I do not want to inad-
vertently mislead the chamber in this regard.
I will ask Senator Brown to clarify his ques-
tion. Is he asking whether you can use police
to obtain a warrant to access stored commu-
ication for a Family Court proceeding? Is
the question: where the husband and wife
have an application and they want evidence
obtained from the other party, under this bill
can they get the police to attend to obtain
that information? That is one interpretation
of the question. The other is: can they have
that person attend where the court has or-
dered it, for whatever reason? I will take that
on notice and get back to the committee.

Senator BROWN (Tasmania)  (6.09
p.m.)—We ought to have definition here, but
we have none. It is obvious that the applica-
tion of this legislation goes way beyond what
the average citizen sees as criminal activity
and behaviour or terrorism. This is an exam-
ple of the climate of the day being used by
the government to truncate civil liberties un-
necessarily. We are for the enhancement of
surveillance and policing opportunities when
it comes to containing terrorists and people
who are engaged in serious criminal activi-
ties, and our record has shown that. But here
we have a catch-all situation, or at least an
unlimited situation—the minister cannot de-
scribe where the limits are. It is not my role
to go through every piece of legislation on
the Commonwealth statutes and ask the min-
ister whether that legislation could apply to
somebody using that act, which is not the
Crimes Act.

The minister does not know how it may
apply to the Family Court, for example.
There are literally scores of other pieces of
legislation which could come into play under
the authority of this bill, when and if it be-
comes enacted. That is why the Greens can-
not support it. It is giving quite unprece-
dented powers in unprecedented technolo-
gies for citizens’ information to be scanned
through and to become the property of a
government agency or other persons or
courts, potentially unbeknown to the indi-
vidual who is involved. We ought to have it
tightly defined and we ought to know exactly
what we are dealing with here, but we do
not.

The argument put forward by the govern-
ment is that this is just a 12-month trial; there
is no substitute coming down the line. The
reality is that in 12 months, with the gov-
ernment in control of the Senate, we are go-
ing to get this bill simply put through one
afternoon—re-enacted at the end of that 12-
month period. It is not good enough to have
vague generalities, an inability to answer
specific questions and the situation where
senators have to ask the minister: ‘What
about this bill? What about that act? What
about this piece of legislation?’ We ought to
have a very tightly confined and described
ability for such intrusive legislation as this to
be used in the public interest, but not against
the individual interest, when citizens have so
much at stake here. The government is re-
miss in not being able to be very explicit
about it, and I think it is unfortunate that
there has not been wider public debate on
this matter.

Senator ELLISON (Western Australia—
Minister for Justice and Customs) (6.13
p.m.)—We will provide that information in
relation to the Family Court. I want to make
it clear that you cannot use this bill in civil
proceedings in the first instance. That is, you
cannot just say to the police, ‘Go and search
someone’s stored communication for my
civil case.’ That is errant nonsense. I want to
make that clear. There is a process of discov-
ery both in the Family Court and in civil jurisdiction. Where you can have lawful authority is where someone may be in contempt of those proceedings—that is, there is a perversion of the course of justice and they are hiding evidence which is crucial to a family law case or a civil case. Then, in the execution of its role, the court could make certain orders for searches to be carried out. That is in support of the role of the court. But I think what I said before is quite right: you could not use this bill in the first instance to gain evidence for your own case; you would have to go through the processes provided for by family law, civil law or whatever.

But, at the end of the day, in the application of the laws of this country there are provisions which provide for criminal sanction where justice is perverted, where orders of the court are wilfully disobeyed. Then that can trigger further action. That is when you can have the lawful authority for this sort of access to stored communication. Only when you have reached that stage can you use these serious actions. We do regard these actions as serious. That is why they are not available in the first instance to any citizen to apply for, and that is what Senator Brown’s question was. That is how it works.

For the record, the amendment proposed by the Australian Democrats would require ASIO to publish detailed information in relation to a number of telecommunications interception warrants and that is currently not available to the public. The nature, scope and appropriateness of the way in which ASIO reports to the Australian public on its activities was considered in detail by the Parliamentary Joint Committee on ASIO in September 2000. The committee did not recommend that ASIO be required to report publicly in relation to the number of telecommunications interception warrants it obtains.

I might point out that Mr Tom Sherman conducted an independent review of parts of the telecommunications interception regime in June 2003 and recommended that ASIO publish, in the public version of its annual report, the total number of warrants applied for, refused and issued in the relevant reporting year. The government has not yet made any decisions in relation to whether and in what form Mr Sherman’s recommendations are to be implemented and it would therefore be premature to consider this issue in the context of these amendments, but the government will be addressing Mr Sherman’s recommendations. On that basis, the government opposes the amendment moved by the Democrats.

Senator GREIG (Western Australia) (6.16 p.m.)—I ask the minister: hypothetically, if in a year’s time the review concludes that the legislation will not continue and it is abandoned, what then becomes of the information which has been accrued by ASIO in that previous year? Is there any provision in the bill to destroy any information gathered by the authorities?

Senator ELLISON (Western Australia—Minister for Justice and Customs) (6.17 p.m.)—The information gathered would be lawfully obtained and would remain so and could still be used. Of course, if the legislation was not rejuvenated and expired at the end of 12 months, you would not be able to do anything after that, but anything done within the 12-month period would be lawful and that information could be used.

Senator GREIG (Western Australia) (6.17 p.m.)—Minister, is that consistent with complementary legislation in relation to other warrants for search and seizure? Is it the practice of other departments or other instrumentalities, if they should have information which is found to be not incriminating any particular way and if it is not infor-
mation of particular use to the agency, that it ought not be destroyed?

Senator ELLISON (Western Australia—Minister for Justice and Customs) (6.18 p.m.)—I think there is a blurring of issues there, if I might put it that way. Where you have gained information and it is not inculminating in nature, you can dispose of it because there is nothing further to be done with it. This bill deals with intelligence, which is somewhat different, and information can become relevant with the occurrence of events subsequent to its gathering. You might gather some information at the time which has no significance but then something happens later on and it does have significance. It is lawfully obtained, it remains that way and it can be used subsequently. The question is its relevance. That relevance can change with subsequent events.

The TEMPORARY CHAIRMAN (Senator Ferguson)—The question is that the Democrat amendment on sheet 4428 moved by Senator Greig be agreed to.

Question negatived.

Bill agreed to.

Bill reported without amendment; report adopted.

Third Reading

Senator ELLISON (Western Australia—Minister for Justice and Customs) (6.19 p.m.)—I move:

That this bill be now read a third time.

Question agreed to.

Senator Brown—Mr Acting Deputy President, I ask that the Greens’ opposition to the third reading be recorded.

Senator Greig—Mr Acting Deputy President, similarly, given that the vote was on the voices, I would ask that the Democrat opposition to the bill in toto be recorded.

BUSINESS

Rearrangement

Senator ELLISON (Western Australia—Manager of Government Business in the Senate) (6.20 p.m.)—I move:

That government business order of the day no. 3 (Surveillance Devices Bill 2004) be postponed till the next day of sitting.

Question agreed to.

FISHERIES (VALIDATION OF PLANS OF MANAGEMENT) BILL 2004

Second Reading

Debate resumed from 17 November, on motion by Senator Ian Campbell:

That this bill be now read a second time.

Senator GREIG (Western Australia) (6.21 p.m.)—The coalition government has flagged quite a few times since the election the importance of natural resource management within its agenda under its new parliamentary term. The Australian Democrats consider that significant progress in this area has the potential to positively influence both the health of industry and associated environments. However, we do believe that much more can and should be done.

On the issue of fisheries management, which we deal with specifically here in the Fisheries (Validation of Plans of Management) Bill 2004, we remain concerned to see that the coalition has not yet ruled out permitting supertrawlers such as the Veronica to fish in Australian waters. What use will management plans and quota systems be if we allow industrial scale fishing to replace smaller, regionally based fleets throughout our domestic fisheries? What good will they do to regional communities and families reliant on small local fishing operations? We Democrats once again call on the Minister for Agriculture, Fisheries and Forestry, Senator Ian Macdonald, to set a responsible precedent and rule out any chance the Veron-
a similar vessel might have of fishing in Australian waters—and not just for the short term.

We argue and urge that the government take strong and decisive action both nationally and internationally to ensure that Australia’s fish stocks can continue their productive life well into the future. We commend the government for their recognition of the need for high seas biodiversity protection. We also commend the Minister for the Environment and Heritage, Senator Ian Campbell, for his support for the United Nations move, agreed to last week, to protect areas of high biodiversity significance from destructive fishing practices where it was warranted in waters beyond national jurisdiction on the ‘high seas’. However, we believe that more can be done to ensure the future of Australia’s domestic fish stocks and to achieve best practice in Australian fishing fleets.

In light of the lack of any mention of domestic management planning or environmental assessment in the government’s 2004 election fisheries policy, we must remind the government of their 2001 election commitment to complete the environmental assessment under the Environment Protection and Biodiversity Conservation Act 1999 of all export fisheries, including state managed fisheries, by the end of December 2003. We also urge the government to revisit their commitment to ensure that fisheries management arrangements guarantee that fishing is sustainable in terms of impacts on target species, by-catch species and the marine ecosystem.

We urge the government to consider how best to develop plans of management to assist species already recognised as overfished, such as southern bluefin tuna, orange roughy, school shark, eastern gemfish, beche-de-mer and even bigeye tuna stocks in the Indian Ocean. We Democrats are aware that community concern over the status of some of our more valuable fish stocks has resulted in the development of public nominations to list them as threatened species under the EPBC Act 1999.

We further urge the government to progress those nominations according to the rule of law. I do not believe that continuing declines in these species and in many others now recognised by the Bureau of Rural Sciences as overfished despite some years of management by the Australian Fisheries Management Authority will be of any benefit to industry or associated communities. Fisheries managers seek to identify and maximise the sustainable yield of the fisheries. However, at present it would seem they do so on the basis of incomplete information. We understand that stock levels in at least three dozen of our fisheries are currently considered unknown. Fisheries managers and governments are working blind and are therefore placing our natural heritage and dependent industries at significant risk.

There is little doubt that by-catch also remains a significant problem in several Commonwealth managed fisheries, particularly long-line and trawl fisheries. In bycatches, seals, seabirds, marine turtles, sharks and other protected species are still being killed in significant numbers. It may be of interest to the Senate that seven wandering albatross were recently hooked by pelagic long-line fishermen targeting swordfish, while two shy albatross and eight petrels have been killed by a method of fishing called autolong-lining used to target ling. These fatalities within our domestic fleets are not acceptable, and the Democrats would support any action to ensure by-catch mitigation is comprehensively and thoroughly implemented.

The Australian Democrats call on the federal government to do more to reduce the by-
catch of these species and others, such as the deepwater dogfish, easily overlooked in the development of by-catch action plans, in environmental assessments and through fisheries management plans. Our marine biodiversity forms the bedrock of our fisheries industries. We must work to ensure we do not irreparably damage the marine ecosystem through mismanagement and overexploitation. This will require a greater commitment of resources for researching the impacts of fishing on the marine environment, a broader commitment to assessing resource condition and availability and a greater willingness to establish and enforce stringent by-catch management standards. Such things will not be achieved by keeping ‘a very light hand on the tiller to ensure that all responsibilities that relate to the management of Australia’s fisheries resource are met’, as the minister suggested might be appropriate earlier today.

The Democrats have no argument with the bill presented to the Senate and we support its passage. However, we do urge that greater attention be given to achieving sustainability in Commonwealth and state fisheries, both for the benefit of future Australians and for the benefit of the environment in which we live.

Senator O’BRIEN (Tasmania) (6.27 p.m.)—I have great pleasure in rising for a couple of minutes to address the Fisheries (Validation of Plans of Management) Bill 2004. This bill makes a number of amendments to the Fisheries Management Act 1991 which are designed to ensure that certain decisions made by the Director or Acting Director of the Australian Fisheries Management Authority are not open to legal challenge. This bill makes it clear that decisions taken by the Director of AFMA prior to June 2003 to revoke or amend plans of management are valid and should be taken as having the same effect as if the determinations were made by AFMA itself.

A legal audit of the operations of the Fisheries Management Act last year identified a small risk that it may be possible to challenge decisions made by the Director or Acting Director of AFMA in relation to plans of management. This bill closes off any opportunity to challenge those decisions. While the risk of a successful challenge was always slight, the consequences for the industry of a successful challenge could have been great.

Labor established AFMA back in February 1992 to manage Commonwealth fisheries resources on behalf of the Australian community. These resources are an important community asset and it is important that the community can have confidence in the structures put in place to manage them. I understand that this piece of legislation has the support of the major associations that represent the interests of the fishing industry.

The opposition will not be opposing this legislation. I do not propose to say anything further at this stage. I do not believe there are any amendments for this legislation—we are certainly not aware of any—but in the circumstances we would commend this legislation to the Senate. As I said, we will not be opposing it, and I am hopeful that it can be implemented expeditiously.

Sitting suspended from 6.30 p.m. to 7.30 p.m.

Debate (on motion by Senator McGau- ran) adjourned.

FAMILY LAW AMENDMENT (ANNUITIES) BILL 2004

Second Reading

Debate resumed from 17 November, on motion by Senator Ian Campbell:

That this bill be now read a second time.

Senator LUDWIG (Queensland) (7.30 p.m.)—I say at the outset that Labor supports the Family Law Amendment (Annuities) Bill 2004. The bill amends the Family Law Act
1975 to enable the Family Court of Australia to divide certain annuities as part of a property settlement between separating couples in the same way the court currently divides the parties’ superannuation interests. Division of property following marriage breakdown is a matter governed by the Family Law Act. The Family Law Act and family law system need to be flexible enough to deal with the many varying types of assets held by the parties to a marriage.

The Family Law Legislation Amendment (Superannuation) Act 2001, supported by Labor, reformed the act so that assets held as superannuation could be fairly divided by parties following a marriage breakdown. This act remedied the uncertainty faced by parties to divorce proceedings, their legal representation and the courts where the right of a third party—for example, the trustees of a superannuation fund—would be affected by an attempt by the courts to divide a superannuation benefit. The passage of this bill follows logically from these changes made in respect of superannuation assets by the Family Law Legislation Amendment (Superannuation) Act 2001. We do note, however, that these problems should have been addressed at the time that the superannuation amendments were proposed and passed. There has been an unnecessary delay in bringing this legislation on, and we are concerned that a number of people have been left in limbo while this issue was being resolved.

This bill will bring the treatment of superannuation-like annuity products into line with the treatment of other superannuation products under the Family Law Legislation Amendment (Superannuation) Act 2001, which was supported by Labor. While the difference between superannuation and an annuity product is that superannuation is a legislative product while an annuity is a contractual one, the logic in maintaining a distinction between the two for the purposes of the Family Law Act can no longer be sustained. Both an annuity and superannuation are in essence assets preserved until retirement age and designed to provide a retirement income. So, although they are different products in terms of their legal basis, they are similar in their effect. Both are important assets created during the marriage and need to be equally subject to division upon a marriage dissolution.

It is therefore logical that they be subject to similar principles when dividing assets as part of a marriage separation. This bill will provide the courts with the certainty they need to make orders in respect of annuities. This bill may create an anomaly in that a spouse who was not originally a contractual party to the annuity—forgive me for the technical language, but it is called the non-member spouse—may become entitled to a share of the annuity upon a separation, even though the purchaser of the annuity product has not satisfied the contractual preservation requirement in this instance, such as retirement age. This may require an annuity provider in some cases to make a split payment to a non-member spouse who has not satisfied that preservation requirement.

The government has stated that it has consulted the financial services sector, the legal profession and the courts about the need for this bill. Labor considers minor the impact on life insurance companies and other providers of superannuation-like annuity products, and they have had an extended period of consultation in which to raise significant concerns or issues with the government. Labor believes that this bill will be beneficial for a number of people of retirement age who have superannuation-like annuity savings and who undergo marriage breakdown. Marriage breakdown is difficult for anyone in the marriage and for any children as a consequence. We have an obligation, though, to ensure that the Family Law Act is flexible
enough to handle situations of this kind. The ability of the courts to make definitive orders and for the law to provide appropriate guidance to parties is important to avoid unnecessary and impractical trade-off of assets to cope with annuities tied up until retirement and beyond the reach of the family law. This is sensible amendment which Labor will support.

Senator GREIG (Western Australia)
(7.35 p.m.)—The Family Law Amendment (Annuities) Bill 2004 gives the Family Court the power to split certain annuity products in determining property settlements in the event of marriage breakdown. As we did with the original family law bill that dealt with the division of superannuation on marriage breakdown back in 2001, we Democrats will be supporting the legislation. At present, annuity products cannot be split, but they can be taken into account by the Family Court. This bill will allow the splitting of interests.

In the event of a marriage breakdown, it is always preferable for marriage assets to be divided fairly between the parties by agreement. Given the complexity of superannuation and annuity products, fairness demands that an effort be made to ensure that people make informed choices about the division of superannuation assets. The previous family law bill required that the parties to a financial agreement splitting superannuation assets obtain legal advice prior to entering into such an agreement.

I note that the Parliamentary Library’s Bills Digest for this bill deals only with ‘eligible annuities’. These ‘eligible annuities’ are those normally purchased from superannuation funds and known as ‘allocated annuities’. Perhaps due to technical problems in splitting term and lifetime annuities, these are not included. These annuities will be taken into account in allocating matrimonial assets but are not split. Arguably, this may add to the confusion and complexity of the divorce process, but due to the nature of, say, a lifetime annuity this is understandable.

It should be noted that annuities represent only 2.3 per cent of all superannuation assets and that they seem to be on the decline. The Democrats support the legislation and will monitor its implementation to ensure that it operates fairly and provides a workable solution to the problem of dividing superannuation and annuities upon divorce. The splitting of annuities is another small improvement towards ensuring that women gain equitable access to assets for retirement in the sad event of divorce.

I want to use the second reading debate on this bill to take the opportunity to stress the need for greater effort by governments and policy makers to address the insufficient retirement savings that many women in Australia face. Women on average live longer than men and, as they age, more women will live alone and be largely dependent upon their own financial resources, but because of women’s interrupted working patterns as a result of child-bearing, child-rearing and other caring responsibilities and, on average, their lower lifetime earnings, the typical female will have less than half the superannuation savings upon retirement than the average male. According to a recent paper given by Diana Olsberg at the HREOC Women, Work and Equity Forum:

The facts are: women do save less, they start later, and they tend not to consult financial planners or focus on long-term financial planning. But this is not from some financial naivete, disinterest or laziness. My recent research, containing controls for income and savings, shows this is more the result of women being in low paying jobs, having small sums in superannuation and little or no other savings, and having absolutely no income surplus to their day-to-day needs.

The Democrats believe that a number of areas need to be addressed, including greater equity for women in the paid work force and
further changes to the superannuation system. Because superannuation is directly tied to income it is intrinsically linked to work force participation and to pay. Therefore the best way to improve women’s superannuation savings is to ensure that women are paid equitably and that they are supported to stay longer in the work force. However, the problem is that there remains a significant wage gap between men and women in Australia and that we still have one of the lowest work force participation rates of women in OECD countries.

In Australia only 55.8 per cent of women are in work compared with 71 per cent of men. A recent OECD report found that the full-time participation rate of women aged between 25 and 54 in Australia was 20 per cent below the OECD average. The participation rate of mothers of pre-school children is 45 per cent compared to 55 per cent in the UK, 61 per cent in the US and 66 per cent in Denmark.

What is needed and what the Democrats have been fighting for is to support women to balance work and family through initiatives such as greater access to flexible work practices, government funded paid maternity leave, and affordable and accessible child care. A report by the OECD found that Australia has some of the least family friendly policies for working mothers in the developed world. Only South Korea and Turkey provide less child-care support, and Australia and the US remain the only countries that do not provide government funded paid maternity leave.

The Democrats have led the debate on the need for and the right of women to government funded paid maternity leave and are the only party with legislation to provide for 14 weeks government funded paid maternity leave at the minimum wage with the ability to negotiate top-ups at the employer level.

The Democrats have also recommended that the scheme should allow for superannuation contributions to be made during paid maternity leave.

The bill proposes that entitlements be paid, in the first instance, to the employer, who would then pay the money as wages in the normal manner. In effect, the employer is receiving from government the cost of the maternity payment. Regulations would assist employers to be paid in advance. This system has been adopted to minimally disrupt existing systems, to ensure that the period of paid leave is counted as continuous employment and to ensure ongoing contributions to employee benefits such as superannuation.

Government funded paid maternity leave seeks to address disadvantage and inequality in the work force and is likely to encourage work force attachment as much by the legitimacy it gives working mothers as by the financial support it provides in replacing lost earnings. Strategies to address the under valuation of female dominated work and vertical sex segregation within occupations are also important if the so-called pay gap is to be further narrowed. A number of states have initiated inquiries into the pay gap. The Democrats believe that the issues also need to be addressed at a federal level and have called for a national inquiry into this issue.

The Democrats supported and substantially improved the superannuation co-contribution for low-income earners scheme. We believe that more should be done to encourage working partners to contribute to the non-working partner’s superannuation scheme when they are out of the work force because of child-bearing and rearing and other caring responsibilities. On balance, the bill before us is within our policy framework and we are happy to support it.

Debate (on motion by Senator Ian Campbell) adjourned.
BANKRUPTCY AND FAMILY LAW LEGISLATION AMENDMENT BILL 2004

Second Reading

Debate resumed from 17 November, on motion by Senator Ian Campbell:

That this bill be now read a second time.

Debate (on motion by Senator Ludwig) adjourned.

GOVERNOR-GENERAL’S SPEECH

Address-in-Reply

Debate resumed from 18 November, on motion by Senator Knowles:

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 Australia 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.

upon which Senator Bartlett had moved by way of an amendment:

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

“, but the Senate is of the opinion that 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”

(Quorum formed)

Senator CROSSIN (Northern Territory) (7.47 p.m.)—When I was last on my feet and gave the first half of my speech on the address-in-reply I paid due recognition to the people of the Territory, the Electoral Commission and the members and supporters of the Labor Party who had supported the campaign, but I want to spend the time that I have this evening talking about some of the matters we dealt with during the campaign. I will go first to some very dear constituents on Christmas Island and Cocos (Keeling) Islands who I believe deserved much more out of this government during the election campaign than they got. I do not remember seeing any substantive policy from this government about its directions for people who live on Christmas Island and Cocos Islands. I do, though, remember this government having a policy of moving the people on Christmas Island and Cocos Islands and having the administration of those islands come under the control of the Western Australian government. That is a policy which has been made without consultation with the people on the islands. One of the severe criticisms we heard from those people during the last three years was that this government treats them with disdain, makes unilateral decisions about the future governance of the islands, does not consult and is not interested in consulting.

The same goes for the scoping study or the work that is being done on the future of the health services on the islands. This government would say that it is just looking at the best way for future delivery of the health service, when most people on the islands know that that is a covert way of suggesting that this government wants to privatise the health services there. There has now at least been a move to set about developing an economic strategy in consultation with the Administrator and businesses, but only after the member for Lingiari and I raised this constantly in the chambers of this parliament. This government really has no long-term plan for the future of Christmas Island and Cocos Islands other than that it wants to get rid of the administration and wipe its hands of it as quickly as it can by buck-passing its problems in relation to those islands to the Western Australian government. No doubt the government now has people on the is-
lands working for the Department of Transport and Regional Services attempting to plan just that. It is no surprise then that overwhelmingly the people on Christmas Island and Cocos Islands support the Labor Party and wanted to see a Latham Labor government.

I also want to talk about a number of issues that were raised in the seat of Solomon. I particularly want to go to the issue of a Medicare office in Palmerston. My office, along with the Mayor of Palmerston, had done a significant amount of work in raising that issue. It was the one single service that the people in the area of Solomon had identified as a need. We had sent a survey out to people in Palmerston, had gathered 3,500 signatures and had managed to have those signatures tabled here in the Senate. The sitting member for Solomon, who unfortunately was re-elected, had not done a skerrick of work about ascertaining the views of the people in Solomon. He had not even bothered to canvass people in Palmerston about that issue, but, if we had to do that work in order to flush out his views and to get this government to copycat our policies and ideas, well and good. Three days after Julia Gillard arrived in town and announced that we would fund a Medicare office in Palmerston this government and the sitting member for Solomon announced the same thing. Thankfully, the people of Palmerston will actually get their Medicare office now but it is not due to the work that that member did, that is for sure. It has now been almost two months since that announcement was made. We will be making sure that that office is located in Palmerston sooner rather than later. We will be watching for that to happen.

The other issue which I want to raise about health problems in the seat of Solomon is the disgraceful, mischievous and misleading attempts by the member for Solomon to suggest during the preceding six months—and I clearly remember that when the Medicare bills were being put through this chamber I think Senator Patterson on behalf of the minister for health said this—that the RRMA classifications, the rural and remote medical areas classifications, would be reviewed. I think somewhere during the campaign I heard the member for Solomon suggesting that Darwin and Palmerston had been reclassified as a RRMA 3. It is another example of this government saying anything it needs to say in order to get itself re-elected. That is not the case.

Darwin and Palmerston have only been reclassified as an area of special consideration. What does that mean? Technically that means we will still have enormous difficulties in getting doctors from Melbourne, Sydney and Brisbane—out of the capital cities—to places like Darwin and Palmerston, because they do not and will not enjoy the incentives they would enjoy in a RRMA 3, 4, 5, 6 or 7 classification—if they were in a RRMA 3 classification, for example, such as Humpty Doo or Alice Springs. What a farce this whole system is. We should have a genuine review of the medical areas and a decent look at the reclassification of those areas. What a farce it is that you can sit in a place like Palmerston and not automatically have special incentives provided to you as a doctor, but 10 kilometres down the road at a place like Humpty Doo you can get all the assistance in the world to computerise your records, to train your nursing staff and to assist you, to attract and keep you in rural and remote Australia.

This government is not serious about attracting doctors to rural and remote Australia. It plays politics with its classification system and has not at all embarked on a genuine review of the reclassification system. So now we have that farcical situation where each and every time an incentive is announced, instead of doctors in Darwin and
Palmerston automatically having access, because they are in an area of special consideration they are exempt and have to apply and jump through hoops. They are outside the square, and each and every time they have to apply to get access to those special conditions. My understanding is that almost 50 per cent of the time they are knocked back and do not get access at all.

To mislead the voters of Solomon by getting them to somehow believe that Darwin and Palmerston had been reclassified, that there were additional incentives there in order to attract more doctors to Darwin and Palmerston, was utterly mischievous. We now have only three doctors in the Northern Territory who bulk-bill. By and large, most people in Solomon are still paying around $50 or $60 to go and see a doctor. The health care needs of that electorate have not been addressed under this government and will not be addressed while ever this government are in power and while ever they have got the current sitting member that they have.

Senator Boswell—It’s going to be a long, long time.

Senator CROSSIN—Senator Boswell, you might want to have a look at Warren Snowdon’s speech this afternoon about the declining population in Solomon. It may well be that I can emulate Warren Snowdon’s sentiments this afternoon and suggest to you that the member for Solomon may well be struggling to keep his seat if the population declines. Why would you want to stay in rural and remote Australia when under this government the needs of the people in those areas are being totally neglected? If you were serious about looking after the health needs of people in Darwin and Palmerston, you would automatically ensure that Darwin and Palmerston were reclassified as a RRMA 3. It is what the AMA and the general practitioners have been calling for for years. While ever it is not, we struggle with not only a lack of doctors but also a lack of doctors who bulk-bill.

I want to talk also about the policies that were announced not during the election but straight after the election. This government might want to think it has a mandate to run on a certain number of policies, but it clearly does not. There was no mention during the election campaign of moving the Office of the Status of Women out of the Department of the Prime Minister and Cabinet and into the Department of Family and Community Services—a downgrading of the status of women in this country by pigeonholing that office into Family and Community Services. The peak Office of the Status of Women is now no longer associated with the Department of the Prime Minister and Cabinet and responsible for a whole-of-government response, responsible for looking at all portfolio areas to make sure that there are checks and balances when it comes to the delivery of government policy in this country. That was never mentioned during the election campaign.

During the election campaign, the incredible welfare reform for Indigenous Australians was never mentioned in the depth that it has been since the election. The policy alludes to some of the changes in improving welfare for Indigenous people, but during the election campaign this government never embarked on fully explaining the draconian measures that it has planned for Indigenous people in this country, such as linking school attendance with health checks and linking welfare payments with ensuring that Indigenous people come up to scratch in the eyes of this government—whatever that means. It fails to fundamentally address that one of the reasons why we have such appalling rates of Indigenous health in this country is the lack of infrastructure. (Time expired)
Senator BOSWELL (Queensland—Leader of The Nationals in the Senate) (7.59 p.m.)—Today I would like to bring to the attention of the Senate an issue on which I have spoken many times before—that is, the importance of ethanol to Australia. Ethanol is a renewable alternative fuel. It is made from cereal grain or sugar juice, it can be added to existing fuels to make them burn more effectively and efficiently and it can clean up the carcinogenic particles that spew into our atmosphere in fumes from vehicles. Ethanol is a fuel of today and of the future. The federal government has supported the development of ethanol in Australia. It has determined a target of 350 million litres of biofuel—that is, ethanol and biodiesel—by the year 2010. I am glad Senator Campbell is here to listen to this because he will be impressed by it.

In support of the 350 million litre biofuel target, the government has regulated the use of a 10 per cent ethanol blend in fuel, implemented a capital grants program for new ethanol production by new and existing ethanol plants, extended the excise free period from five years to eight years from 2008 to 2011, enabled access for new ethanol projects under the $75 million community fund through the sugar package and enabled access to the low emissions grants funds and the Renewable Energy Development Initiative, as announced in the new energy policy.

Along with the ethanol industry, I applaud the government and the relevant ministers for the initiatives they have taken to assist the development of this vital industry. But I am speaking here tonight to say that we have to do more because, while rural industries want ethanol projects, while rural communities want ethanol projects, while consumers in urban areas want the clean air advantage of ethanol, while environmentalists want the reduction in greenhouse gas emissions that ethanol blended fuel will bring and while the transport industry wants the flexibility of ethanol blended fuel, the fuel companies do not want to lose control of any aspect of their industry.

There are significant changes associated with the current oil crisis that make it very different from those of the 1970s and 1980s. These differences demand that we look again at our future policy settings for both renewable and petroleum alternative fuels, such as LPG and CNG. I am not referring to the record prices being demanded for oil and the serious burden this is placing on consumers around the world; I am referring to the probability that the current oil crisis is a warning signal that the inevitable transition from oil based petroleum fuels to the next generation of transport fuel technologies—hydrogen fuel cells et cetera—over the next 25 to 30 years has commenced. I am also referring to signs of global strain in the capacity of oil to meet future transport fuel demands. According to ABARE, automotive gasoline and diesel fuel imports between 2002-03 and 2003-04 doubled to 17 per cent, and every year hereafter our dependence on imported fuels will grow.

The oil supply stress fractures we are seeing in the current crisis are being driven by the two largest and most densely populated economies in the world: China and India. By 2050 it is estimated that 42 per cent of our planet’s population will reside within the borders of these two countries alone. China has already eclipsed Japan as the fourth largest consumer of oil, and will eclipse America as the largest consumer of oil over the next 10 to 15 years. Although considered developing countries, both China and India are already leading Australia and New Zealand in moving forward with the development of a domestic renewable fuels industry.

The existing policy measures I have already mentioned provide an ideal platform for reviewing our policy for ethanol and bio-
diesel. The key to the matter is that fuel companies do not want to lose control of any aspect of their industry. They do not want to give up 10 per cent of their business to a fuel they do not control. The fuel companies are standing in the way of a vital and essential industry in Australia. They demonstrated this when they exercised their de facto veto power over the growth of ethanol production in round 1 of the biofuels grants scheme by refusing to enter into any purchasing contracts with potential or existing ethanol producers. They stand in a position to do so again in round 2 of the grants scheme that is currently underway.

It is now up to the government to ensure the greater benefit of the nation and its people is put before the dominance of the vested interests of the four major fuel companies. It is now up to the government to take action to ensure a strong, viable ethanol industry is allowed to develop in Australia. Let me point out that Australia is not alone in this position. In no country in the world have the major oil companies voluntarily facilitated access for competitor fuels such as ethanol into transport fuel markets that they dominate. Worldwide, mandates or regulated use of biofuels based on cleaner air, health, and energy security have been necessary to provide free and open access to transport fuel markets. Even in America, where the ethanol industry is surging ahead and environmental concerns alone demanded urgent action be taken, the oil industry fought to keep control of their market domination.

Forty-two billion litres of ethanol is currently blended in fuel in an increasing number of countries around the world. In the USA, the European Union, Brazil, Japan, China, Thailand and India ethanol is in transport fuels in a variety of percentage blends. These countries, which account for the majority of the world’s population, are doing this for four very important reasons.

One is the health of their people. The use of ethanol blended fuels results in an overall reduction in the carcinogenic and greenhouse gas emissions from both passenger vehicles and larger transport vehicles. In passenger cars, the health benefits of E10 can best be summarised by an astonishing 24 per cent decrease in the carcinogenic risk when E10 is used instead of our current fuel source. The second reason is the benefit to the environment. Renewable fuels greatly reduce the greenhouse gas emissions that are synonymous with fossil fuel use, and even greater reductions will be achieved as technology advances. The third reason is the benefit of increased fuel security. Less dependence on the unstable Middle East for energy supply is a goal for all nations in times of turbulence. The current price of oil is threatening the economic security of industrialised nations and ensuring the increased viability and price competitiveness of renewable fuels like biodiesel and ethanol. The fourth reason is the benefit to regional communities. Regional industries will benefit greatly from the increased economic activity that results from the increased demand for cereal grains and sugar.

An ethanol industry does not just happen overnight, and it will not happen without the determined and persistent support of government and industry. The key to the long-term viability of a strong ethanol industry is the development of a retail market confident in the use of ethanol and the surety of demand and market for the end product. We can make the ethanol and the biodiesel, but without a buyer the industry will die. As I said previously, the federal government fully supports the development of an ethanol industry. It has provided the development support, but it is now its role in government to ensure the surety of the market and future transport energy security. It is in the national interest that oil companies embrace renew-
able fuels. They are the biggest purchasers of renewable fuels around the world—and why not in Australia? At today’s oil prices ethanol is both a competitive and a viable alternative fuel, with the price of oil fluctuating between $46 and $57 per barrel. Brazil is producing fuel ethanol at a cost of between $28 and $30 per barrel.

As I stated at the time of its release, the CSIRO-ABARE study on the viability of the 350 million litre target for biofuels was redundant at the time of its publication. World market realities have clearly shown that the study completely missed the mark. Ethanol is competitive and viable and it has been proven to be reliable. It is desirable, and now we have to make sure that it is buyable. It is in Australia’s national interest for the alternative fuels industry to work together to ensure the successful transition from petrol and diesel to technologies such as hydrogen over the next two or three decades.

There is a precedent for government intervention in market access in the mandatory renewable energy target, MRET. As a government we took steps to ensure the continued viability of renewable energy sources for the benefit of the nation by introducing the mandatory take-up of renewable energy by electricity wholesalers. The MRET system is a world first in the development of a legislated national renewable energy market based on an innovative system of tradeable certificates. MRET is the cornerstone of the government’s renewable energy strategy. After almost three years of operation, an independent review panel has found that MRET is meeting its objectives, with industry taking up the challenges of delivering new renewable energy projects—and I congratulate Senator Ian Campbell on running a very good department. Under MRET, the interim targets for the first two years were exceeded, and the industry is well on the way to meeting its targets for the third and fourth years. Within the MRET strategy there is a specific action agenda to establish a working group to promote the development of the renewable transport fuels.

I am calling on the government today to use the successful MRET model to promote the Australian renewable fuels industry. The fuel companies need to be encouraged through legislation to take up renewable fuels. The MRET has been highly successful and is a working model of how a market strategy for renewable fuels could be adapted to embrace the Australian fuel industry. The extension of the MRET to include a strategy for renewable fuels would consolidate and support the efforts of the government on biofuels and would indicate in a practical way that, although Australia will be reliant on fossil fuels for some time to come, the government sees an important role for renewable fuels in Australia’s future.

A renewable fuel extension of the MRET means that E10 and biodiesel sales would be concentrated in regional and urban areas, where they will have the greatest impact on market efficiency and air quality. Producers and distributors will be able to supply this fuel to consumers in the most cost-effective way, and consumers will be given the choice. The majority of ethanol blended fuel would be sold in highly populated urban areas near the refinery, where cost efficiency, environmental issues and health benefits will be greatest and transport more cost effective. This strategy complements the government’s existing support program and provides environmental benefits as well as surety for regional biofuels producers.

The Office of the Renewable Energy Regulator is a statutory authority established to oversee the implementation of the Australian government’s mandatory renewable energy target. It is expected that this office would be able to oversee the administration
and compliance of the fuel strategy within its charter and the existing transport system, with the assistance of the renewable fuel industry. With a limited number of biofuel suppliers and purchasers, it is not proposed that a certificate scheme similar to the MRET be introduced before key industry stakeholders have been consulted. A different approach may need to be developed.

What I am proposing here today is the introduction of an extension to the MRET for renewable fuels, in line with the 350 million litre target set by the federal government and Senator Ian Campbell’s department. The strategy will begin in 2005, with 0.25 per cent of the nation’s fuel consumption required to be renewable. Australia’s four foreign owned oil companies and independents would be required to purchase this volume of renewable fuel, as a minimum amount from the national petrol and diesel fuel pool. That would represent over a 50 per cent increase over current fuel ethanol and biodiesel sales. This level would ratchet up every year and would incorporate the government’s initial 2010 target of 350 million litres of biofuels. Therefore, by or before 2010, one per cent of the fuel consumed in Australia would be required to be renewable. After 2010 there would be incremental annual production increases leading to a five per cent renewable target by 2018, and then to the European Community 5.75 per cent renewable fuels target by 2020. The European Community is scheduled to meet its 5.75 per cent biodiesel use target by 2010.

Implementation of this kind of renewable fuels strategy under the MRET would mean that there would continue to be growth and development in the market and that ethanol and biodiesel would be playing an important role in reducing Australia’s dependence on imported oil. By 2020, more than two billion litres of biofuels would be utilised by the Australian market. This target is modest but in line with the government’s stated goals for renewable fuels. It is a growing industry and one that has just as much export potential as the domestic market. Target levels should be reviewed periodically and reassessed in 2010.

I have a vision for Australia—a vision of strong rural communities producing crops that have as much value as fuel as they have as food; a vision of rural industries with marketing choices, independent of corrupt world markets; a vision of an Australia that is not dependent on imported oil for its prosperity; a vision of an Australia that has clean air in its urban areas, where fewer children and elderly people are suffering from vehicle exhaust related illnesses; and a vision of an Australia that is a leading exporter of fuel grade ethanol to provide for the massive populations and industries in neighbouring Asian countries. I see that Australia’s future is closely linked with the future of an ethanol industry. I support the future development of an ethanol industry. The federal government supports it. I want Australia’s fuel companies to support it. Most of all, I believe it is in the national interest for the people of Australia to support it.

Senator FORSHAW (New South Wales) (8.16 p.m.)—The coalition government was re-elected on 9 October. It now claims a mandate for a whole raft of legislative change, and I will come to one aspect of that claim a little later in my remarks. I think it is important to consider the basis upon which the campaign was run by the government, particularly with respect to the economy. The government’s campaign was centred on the very simple claim that it had brought economic prosperity to all Australians. In particular, it claimed that it had achieved the lowest interest rates for many years. It claimed that interest rates would always be lower under a Liberal government than under
a Labor government and it claimed that Australians had never had it so good when it came to economic matters. It was a simple claim and a simple message, and I have to acknowledge that it convinced a lot of Australians. It convinced a lot of Australians to vote for the Liberals because it was accompanied by a massive scare campaign suggesting that, under a Labor government, interest rates would rise, thereby threatening the financial security of Australian families. But what is the real economic record of this government?

Let us deal firstly with interest rates. Whilst interest rates in Australia are currently around 5.4 per cent, they are actually higher than the rates of our major trading partners and most of the First World countries. For instance, in the United States of America interest rates are currently 1.9 per cent. As I said, in Australia they are 5.4 per cent—almost three times higher than in the United States. In the United Kingdom interest rates are 4.9 per cent, still lower than the rates in Australia. It is important to also note that interest rates in Australia have consistently been higher under this government than interest rates in other countries. When you go back and examine the figures, you will see that that was not the case under previous Labor governments. Labor’s interest rates were no worse and in many cases they were lower than rates in other countries.

Internationally, interest rates have been coming down over the past five years. For instance, in 1999 in the United Kingdom interest rates were 5.5 per cent. As I said earlier, they are now 4.9 per cent. In 1999 in the United States of America interest rates were 5.3 per cent. According to figures as at September this year they are now down to 1.9 per cent. There has been a substantial fall over that five-year period. In the European Union, in 1999 interest rates were 3.5 per cent. They are now down to 2.6 per cent. In the UK, the United States and the European Union, interest rates have fallen significantly since 1999.

What has happened in Australia? Interest rates have gone in the reverse direction; interest rates have increased. They increased from five per cent to 5.4 per cent over the same period. Internationally, interest rates have been going down. In this country, they have been going up. The claim was made by the government, as stated in the Governor-General’s speech, that Australia has one of the strongest performing economies in the world, but it is clear that, on the question of interest rates, that is not the case. When it comes to interest rates we are doing worse than nearly all other comparable countries and our major trading partners. When it comes to issues such as home ownership and impacts upon families, interest rates of course are not the only story.

Let us look at housing prices. Let us look at what people have to pay or, more correctly, what they have to borrow in order to purchase a home. We have seen in recent years, certainly in my state of New South Wales and in Sydney in particular, massive increases in the price of housing. The price of houses in Sydney and in other parts of the country puts home ownership well out of reach of many young families. Today in New South Wales the average housing loan for a first home buyer is $263,000. Back in 1996, when this government came to office, the average housing loan was $116,800. Under this government, the average size of a housing loan in New South Wales has increased by over 125 per cent. Those are the average figures for New South Wales. When you look at what has happened in Sydney, you will see that the increase is clearly much higher.

Under this government there has also been a substantial increase in average monthly
repayments on new home loans. Again I refer to figures from New South Wales. In March 1996 the average repayment on a new home loan was $1,140 per month. As at June this year, it had risen to $1,817 per month. The average monthly repayment on a new home loan has risen by almost 60 per cent under this government. A family today endeavouring to buy a new home has to pay almost 60 per cent more in housing loan repayments per month than it did in March 1996.

Probably the most important indicator is the proportion of family income that people are now spending on home loan repayments. Back in March 1996 the proportion of family income spent on a home loan repayment in New South Wales was 32.4 per cent. Today it is 38.4 per cent. So, in real terms, it is much more expensive to buy a home; it is much more expensive to pay off your home loan per month; and it will take more of your family income in proportionate terms to fund that loan than it did when this government came to office. Clearly, if people are spending more of their disposable income on paying off their mortgage, they have less available to cover the costs that are incurred in other areas, such as raising a family, food, clothing, health, education and so on.

This is reflected in what has happened with personal debt. Under this government there has been a huge explosion in personal debt. Credit card debt in this country is increasing month by month. We have been drawing attention to this for a number of years, but the government chooses to ignore it. At no stage during the election campaign did the government acknowledge that, whilst interest rates may have been at 5.4 per cent, credit card debt and credit card interest rates were at record levels. When this government came to office in 1996 credit card and charge card debt was around $6 billion. Today it is $27.7 billion. These are the Reserve Bank’s figures. Australian families today owe $27.7 billion on their credit cards. Credit card debt has increased by almost five times since the government came to office. Almost 70 per cent of Australian householders have a credit card or a charge card account, and in many cases they have more than one account and have multiple card holders on each account. The average debt per account has risen from $1,601 in June 1996 to $5,260 in June this year.

I can remember when the use of credit cards first became widespread in the community, with the introduction of Bankcard and so on. Many people paid off their credit card debt before the expiry of the interest-free period. In fact, I recall the banks were concerned that they were not making any money on these credit cards. A lot of people were not having to pay interest because they were paying the debt off before the 30-day free period had expired. That is not the case today. The interest accrued on credit cards today is over $266 million. It is accruing at a rate of $9 million a day. Indeed, nearly every month for the past six years the government has set a record figure for the interest accrued on credit cards. The government boasted about its record on interest rates. The facts are that on each of these indicators its record is a very poor one. It has presided over increasing financial pressure on Australian families; it has presided over huge increases in debt, reflecting that pressure.

Another area of interest is what has happened with foreign debt. Again I recall many years ago when we were in government and apologists for the Liberal Party, such as Alan Jones, would rant and rave daily on talkback radio about what was happening to foreign debt: you had to look at how foreign debt was increasing.

Senator Sherry—The debt truck.
Senator FORSHAW—Yes, the debt truck and they argued that that was the reason the Labor government should be removed from office. I have to acknowledge that I listen to Alan Jones occasionally—I would rather not, but I do—and I cannot recall him having mentioned debt for a long, long time because, if he did mention it, he would have had to tell the true story of what has happened to foreign debt under this government. Gross foreign debt has increased from $275 billion to $654 billion since this government came to office. It has skyrocketed. Net foreign debt has increased from $193.8 billion in 1995-96 to $393.4 billion in 2003-04. Similarly, gross private sector debt has gone up from $174.2 billion when the government came to office in 1996 to $581.2 billion at the end of the 2003-04 financial year.

The most telling statistic is that foreign debt as a proportion of gross domestic product has risen from 38.6 per cent in 1995-96 to 48.5 per cent in 2003-04. That is a serious statistic. That is an incredible increase in foreign debt as a proportion of our gross domestic product. Is it any wonder that Australian families are concerned about an increase in interest rates? I think a lot of them are scared to death about interest rates because they know that even a small increase will lead to greater financial pressure and problems.

Another area touched on in the Governor-General’s speech is this government’s proposal to use its majority in the Senate after July next year to pass its industrial relations legislation. In particular, it intends to pursue its agenda to remove the right of employees in small business to seek redress against unfair dismissal. This, of course, is legislation that has been rejected time and again by the Senate. The government will have a majority after July next year and no doubt will seek to use its numbers to bludgeon that legislation through. This government has an obsession with unfair dismissal laws. It claims that they retard economic growth and productivity. That claim is spurious because at the same time the government claims that it presides over an economy that has record growth and productivity levels. You simply cannot have it both ways.

The government claims that the current unfair dismissal laws are an impediment to employment. Yet, as I have pointed out in a number of speeches in this chamber, over the past 15 years—the time in which the unfair dismissals laws have operated federally—there has been substantial growth in employment in small business. According to the ABS, between 1983-84 and 1999-2000—the latest figures I have available—the number of small businesses in this country grew by 73 per cent. In the same period, the number of people employed in small business in Australia grew by 62 per cent. Public sector employment has gone down. Large company employment has gone down as we have seen structural changes occur in this economy. Small business employment has skyrocketed.

Yet the government says that there is a crisis in small business employment because of unfair dismissal laws. This government wants to remove the unfair dismissal provisions for employees of small business. This is a proposal from a liberal party. It calls itself ‘liberal’, supposedly harking back to the great liberal tradition of supporting the rights of individuals before the law and particularly against collectivism. Yet the legislation the government proposes to put through the parliament, once it has a majority in the Senate, will remove a fundamental right for a group of Australian workers. People employed by small business will lose their right to access unfair dismissal laws. This legislation will enshrine in law discrimination against those employees. That is a hypocritical betrayal of any notion of liberalism.
Rather than spend its time waiting until it gets a majority in the Senate next July to bludgeon through parliament this draconian, discriminatory legislation on unfair dismissals, I ask the government to focus on a real problem that affects workers and their families in this country today—the problems faced by former employees affected with asbestos related diseases from products of James Hardie. Instead of worrying about spurious claims about the impact of unfair dismissal laws on small business, the government should stand beside the victims groups, their families, the ACTU, Premier Carr and the New South Wales government and do something to help those people get their just compensation. This government should do something to stop companies like James Hardie from using corporate law devices to avoid their responsibilities.

This government should take up the recommendations and the findings of the Jackson inquiry in New South Wales and fix the problems in the Corporations Law that allow James Hardie to walk away from their obligations to workers and their families in this country. If it does that, it will actually do something to help workers and their families, rather than just wasting its time attacking a discrete group of workers employed in small business, who want only the right to seek legal redress when they are unfairly dismissed.

Senator DENMAN (Tasmania) (8.36 p.m.)—Prior to the recent election I decided I would not recontest my seat; consequently, my time in this place is relatively short. Before I contribute to the address-in-reply debate, I want to support Senator Forshaw in his call for the Howard government to support the victims of asbestosis. I had two traumatic days last week in my electorate chatting to someone I had grown up with who is now a victim of asbestosis, and I can assure you all that it is a most horrific disease.

As has been the case throughout my term in office, I am determined that the time left to me will be meaningful. I want to continue to make a difference and to raise issues, particularly on behalf of those of my constituents who do not have another voice. Whilst I have been here it has been my resolve to ensure that the disadvantaged, the isolated and the lonely are heard and represented. My constant attention has always been given to how they will be affected by the policies and legislation proposed by the government of the day. It is very much with this in mind that I listened to His Excellency’s speech at the opening of parliament.

Not every Australian is successful financially, not every Australian is aspirational in character and not every Australian is in a position to be so. Whilst I am hopeful that the government is sincere in its resolve to govern for all Australians, I regrettably am not convinced that this is so. Sadly, what was emphasised by the government to the Australian people during the election campaign was vastly different to the rhetoric that has been used since. In fact, I could hardly believe my ears on election night when senators opposite could hardly contain their enthusiasm, for example, at the possibility that Telstra could now be fully privatised. It hardly rated a mention during the campaign. It is far from being the only issue that falls into this category.

His Excellency’s speech made reference to the government’s intention to take early steps to implement the policy commitments it made during the election campaign. It should ensure that this is the case. The current government has created enormous expectations amongst the Australian people. Mortgage commitments and household credit card debt levels have never been higher. Many Australians are teetering on the edge.
Government must be conscious that every decision it takes, unless fully considered, could force those people over the edge. Many Australians who are on the brink have placed their faith in this government. It is not a constituency with which this government is traditionally familiar. It has an enormous obligation to remember them. But the speed with which those opposite have turned their attention to privatisation, media ownership laws and the like reveals their true commitment and affiliation, which is clearly to others.

Already the government is showing a substantial movement away from the agenda it emphasised to the Australian people during the election campaign. The impact of this will be most greatly felt after 1 July next year, when those on the government benches will have a majority in this place. It will be vital, in order to ensure that the Senate continues to protect the interests of all Australians, that those opposite with a true social conscience act with fearless resolve in their party rooms and where necessary also in this place. This chamber has served as a responsible fetter on the unbridled obsessions of those in the executive who would seek to impose their dogma on the Australian people. I sincerely hope that the mechanisms which have provided these checks and balances will remain in place.

The proposed full privatisation of Telstra is a frightening prospect for those of us who live in rural and regional Australia. Two things in particular continue to concern me as a representative of the people of Tasmania. The first is the continuing emphasis in statements by Telstra spokespeople that the further sale will not occur unless and until the climate is right as far as the shareholders are concerned. To me this is the very reason why we should not be contemplating the sale of one of the most valuable assets held on behalf of all Australians. Access by us all to state-of-the-art, working and reliable telecommunications in the 21st century is a right, not a privilege. We cannot afford to have this right determined by a board whose obligation is solely to the shareholders. It is a furphy to claim that the privatisation will empower the ‘mum and dad’ shareholders. It will in fact transfer control of critical infrastructure from all of us to big corporations that are interested more in dividends than service delivery.

My second concern arose from the extraordinary suggestion by the National Party that a significant proportion of the proceeds of the sale of Telstra should be allocated to telecommunications infrastructure in regional Australia. If there is a need for such expenditure, and I do not question for a moment that there is, then that emphasises the very reason why we should not be contemplating the further sale. It is this obsession with something other than providing services to the people of Australia that creates the divide between those on this side and those opposite. I cannot accept for a moment that the interests of those who live alone or who live in isolated communities are best served by taking control of the delivery of telecommunications services out of the hands of the Australian people. Looking after their interests will be of little concern to those who put profit and returns to shareholders above everything else.

We are about government in the interests of all Australians. I fear that many of those opposite have a different agenda. One prime example of the intention of the government is the manic pursuit of its own beliefs to end the provision of services to tertiary students in Australia. Like the sale of Telstra, the abolition of student union fees at our universities hardly rated a mention during the election campaign. But now, with the prospect of control of both houses of parliament, it is prominent on the agenda.
Student union fees are about providing essential services to Australian university students. They are not, as the government would seem to have it, about providing a slush fund for political activities. The Australian Vice-Chancellors Committee was absolutely correct in reiterating its support for student fees. The provision of welfare, housing, cultural and sporting services to students is now, quite appropriately, essentially the responsibility of the student bodies themselves. These are funded through compulsory student fees which universities remain happy to collect because they know the importance of these services. The vice-chancellors know that these services would be impossible to provide in the absence of student fees. Again, this is a prime example of where the government puts its own way-out philosophy ahead of providing services to Australians even when it does not require an outlay from government coffers.

I would like to spend some time on the government’s other plans for education. I am particularly interested in the government’s new-found interest in technical and skills training. The establishment of the proposed 24 Australian technical colleges catering for years 11 and 12 students is one of the most bizarre initiatives I have witnessed in my long experience in education and public life. Perhaps the fact that only one of those colleges is proposed for Tasmania emphasises the point that I would like to make. Tasmania has an excellent and well-established system for educating students in years 11 and 12. In addition, we have a fine TAFE system which delivers programs of excellence.

If funding is available from the Commonwealth, the best way to deliver further opportunities for technical education and skills training in Tasmania and, I suspect, elsewhere is by the provision of that funding to the existing institutions. To waste valuable funding on the creation of separate administrative structures and facilities is a clear example of political philosophy out of control. The provision of additional investment in a system that is working at state level would be welcome, but to attempt to duplicate it is quite ridiculous. It seems quite possible that an investment of $12 million per proposed college over four years would make a difference if it were directed to existing institutions. It seems impossible to imagine that it is possible to build colleges and run effective programs for the same investment. We can only hope in this case that the pork barrel, having had its desired effect, will be revisited and more effectively directed.

At the other end of the spectrum, I am concerned at the government’s priority for older Australians. The Howard government’s recent adoption of the mature age worker philosophy is, in my view, a dangerous path for this country to pursue. We should explore exactly what is behind this concept, including the introduction of the mature age worker tax offset. On the surface it is said that it is to provide enhanced opportunities and greater choice for mature age workers or to reward and encourage those who choose to stay in the work force. But, in my view, it is essentially another program to redirect income to the haves with scant regard to the have-nots. And, equally significantly, it seems that it is proposed without any regard for the consequent effects on society.

The mature age worker tax offset does nothing to assist those mature age workers of current working age who have no work. At best, it assists those with a job to remain in the work force for longer. But it does so without any consideration of whether it is in their best interests to do so. I cannot help but draw the conclusion that the reason for the policy is solely to reduce the numbers of Australians seeking the age pension. In my view, the social cost for individual mature age workers, their families and Australia in
general will far outweigh any benefits that these programs will bring. Retirement should be something to which Australians can look forward. It should not be something of which they are ashamed.

There are many ways in which older Australians can contribute to society whilst enjoying the retirement they have earned—through grandparenting, volunteering and mentoring to give a few examples. But they should be able to make those contributions whilst enjoying good health and a dignified lifestyle. The concept that Australians should be encouraged or, in time no doubt, expected to work until they drop is ill-founded and misplaced. Certainly, there will be some Australians, particularly those with their own businesses or more sedentary occupations, who will be happy to work beyond retiring age. They should not be disadvantaged in any way, should they determine to do so. But it must be their choice. It must not be an expectation, nor should there be any penalty for those who choose otherwise.

This is dangerous turf. The prospect of this government having unfettered power and taking this philosophy further ought to be of grave concern to all Australians. After all, this grand plan had not rated a mention just 12 months ago. What could emerge over the next three years could permanently change for the worse Australian society and the lives of our older citizens. The possibilities are quite chilling.

I note also the government’s intention to reform Australia’s media ownership laws. In Tasmania, unlike Perth, Adelaide and Brisbane, we enjoy the choice offered and the competition provided by three daily newspapers. It creates a healthy environment in the print media, a variety of avenues through which issues may be discussed and Tasmanians may express their opinions. By contrast, we have seen aggregation and delocalisation of our traditional radio services. Whilst at the same time we have seen an expansion of community radio, we now have less choice. As a result, we have only one station, the ABC, offering any form of community talk-back, and then only for an hour or so each day. When combined with the removal of virtually all local current affairs coverage, apart from the daily news bulletins, from our television airwaves, the picture painted is quite a dismal one.

Whilst we have been spared the nationalisation of our commercial television stations, the impact of the big stations has been felt with the conditions imposed on the provision of programming rendering local content production unviable. In a state like Tasmania—and I am sure this applies to all other regional areas in Australia—where a sense of community is highly valued, the independence and localised nature of media is of critical importance. Any tampering with the current system must ensure that this remains the case.

I want to turn finally to something which was not mentioned in His Excellency’s address—the provision to all Australians of dental health services. The Constitution of this great nation makes the Commonwealth responsible for dental services. The Constitution of this great nation makes the Commonwealth responsible for dental services. This government continues to ignore this obligation. In the growing economy which this country enjoys, and to which the government so often refers, the dental health of Australians should be a right, not a privilege. Older Australians should not have to wait years for dentures or for treatment to ensure that they retain their own teeth throughout their lives. The capacity of young Australians to gain a job in a sales or marketing area should not be dependent on whether their families have been able to access regular care for their teeth.
The tired old argument we have heard from the Howard government ministers and senators opposite is that dental services should be provided by the states. The basis for this argument is constitutionally untenable. This government simply cannot continue to avoid its responsibility in this regard. To do so shifts the responsibility to state governments, forcing them to take funds from services which they have an obligation to provide. Inability to access adequate dental services is a constant concern for my constituents, particularly those on low incomes. The impact on their capacity to retain or gain employment or to engage socially is significant. A government which is sincere in its claim that it wishes to govern in the interests of all Australians should at the minimum fulfil all of its constitutional obligations. This includes the provision of dental services.

The Howard government has earned a mandate from the Australian people. We on this side accept that that is the case. But as a responsible opposition we will not waver in ensuring that the government is held to account when it seeks to legislate outside the bounds of the matters which it has openly placed before the electorate. We will be equally vigilant in ensuring that the government fulfils its constitutional obligations towards all Australians. Where there is a better way for the government to implement its promises, we shall not be afraid to advance them. We are about to embark on an interesting journey with the Howard government at the wheel. We must ensure that the course is steered as promised and, more importantly, responsibly so in the best interests of all Australians.

Senator BUCKLAND (South Australia) (8.55 p.m.)—I would like to make a few comments in response to the Governor-General’s speech on the opening of this 41st Parliament. I make these comments understanding, if not somewhat disappointed, that the Australian people have given this government its fourth term in office. In spite of my own disappointment that we do not have a Labor government, I am confident that democracy is alive and well in our great nation. But how much that democracy is appreciated by the government will be better judged after 1 July 2005 when it has a majority in this chamber. This, in my view, will be the real test for a government which is already arrogant in the way it goes about its business. It will be a test to see if government ministers and government backbenchers support the Prime Minister in his commitment to use its mandate wisely.

Of great interest to me arising out of the Governor-General’s speech is the government’s determination to divide the community through its proposed workplace relations reforms. We already know that workers in Australia are low on the government’s agenda and that, after numerous earlier attempts, the one-sided earlier unfair dismissal laws will be forced through the Senate, giving the Liberal Party masters—that is, the employer organisations or, if you like, the employer unions—what they want. It is a frightening thing to contemplate. Only today I read in the Advertiser that Business SA's Chief Executive in South Australia, Peter Vaughan, is claiming that the South Australian workplace relations reform agenda is ‘bad for business, bad for families and bad for jobs’. In fact it is good for all parties involved in industry and business in South Australia. But they do not see that. It is like Senator Santoro thinking, I assume, that it is more important to give tax cuts to business than worry about the unfair dismissal laws—something that we can pursue at another time.

It seems to me that the real agenda of many within the Liberal Party—and I do not include all—is to see if we can get back to the days of slavery and have workers there as
fodder for the gains of industry. The days when employees of small business had the same rights at work as employees of medium and large business will be gone once the legislation is passed through the Senate. If you think through this with a clear head, the whole concept of the proposed unfair dismissal laws does not make any sense at all. Anyone who believes that employment will grow because an employer can simply sack a worker without reason has to be the sort of person who believes in the tooth fairy. Will a small manufacturer employing six people suddenly put on four extra staff simply because they can sack them at will? It is time to get real about what it is the government is seeking. If the manufacturer could sell their product and have the right sort of assistance to do that, they would employ the four extra people now.

If this is the way the government thinks it will get more people into work, I can only say, ‘Think again.’ The concept is simply crazy. Having more people in part-time or casual employment or being participants in a Work for the Dole type project does not address the real problems confronting industry or the real problems confronting those on welfare who want genuine, full-time work. It is using a bandaid approach to hide the government’s lack of ability to deal with this problem. I am sure there will be ample opportunity for me to address this issue in more detail before I retire from this place in June next year, but the pursuance of a law for the termination of employment without the opportunity for the employee to challenge such a termination is not only morally wrong but even more wrong if it only applies to one section of the work force—and more wrong again when it affects the most vulnerable in the work force. It will, as I said at the beginning, divide the community.

Perhaps the only positive that I noted in the Governor-General’s speech was his comment: ‘No young Australian should feel less valued for choosing an apprenticeship over university.’ That I applaud. I applaud the comment by the Governor-General, and I applaud the government if it is genuine about achieving that—giving equal recognition to people pursuing trades or non-academic vocations over those who go to university. For far too long, there has been the perception—often promoted by secondary schools and their boards and by governments of all persuasions—that you contribute less to society if you do not complete your education at university. I have seen this in practice. It worries me. It does not offend me; it cannot offend me, because I have always ensured that my two boys excel at what they do, whatever course they wish to pursue. If it is university, it is university; if it is not, it is not. But they must strive for the best. And, for someone who does not have a university education, the achievements of my two sons—one still at school—give me great satisfaction. Perhaps they do listen to their father saying that they should do their best.

Something promoted by schools to lift their status within the community is their saying, ‘We got so many acceptances into university.’ So wrong it is. How much has that perception cost our nation over the past 20 years? We have successfully created a chronic shortage of skilled tradespeople in this country. If the government carries through that proposal to get more people into the trades then I applaud and support the government’s moves, but I do not know how it will work.

It was only a few days ago, on 17 November, that the new member for Hindmarsh, Mr Steve Georganas—who is a great friend of mine and, I am pleased to say, who after a lot of effort won the seat of Hindmarsh—highlighted the acute shortage of wall and ceiling fixers for the Adelaide Airport terminal development. It is so acute that the con-
tractor has to pay up to $200 a week above the industry rate. The people are not there. They have to pay those rates to get them from other jobs. Reports are that, in some of the trades on that particular project, as much as $800 and $900 a week above the industry rate is being paid, so short are tradespeople and skilled people to do these tasks. There can be no question that we need nurses and motor mechanics as much as we need scientists and engineers, but until something is done to create the pathway from learning to work—something that gives every young person the confidence to pursue their vocational dream—we will continue to flounder with little hope of moving forward.

I take great pride in attending some of the award ceremonies of young scientists and young medical students, because I think they contribute so much and they have vision and enthusiasm. At a function with a group of young scientists not all that long ago, I was interested to be told by one of the senior people that many of them will never fulfil their dreams because the funding for their particular interest is not available. We lose there, and they find their way into other vocations that are not suited to what they really want. We do have to get this right.

So far behind reality is the government in this regard that, late in the recent election campaign, the Prime Minister said that a Liberal government would ‘revolutionise vocational education and training’ by offering ‘both academic and vocational education to students while completing their school studies’. How out of touch could the Prime Minister be? Last year alone 202,900 senior high school students participated in the VET in Schools program and with that already established model we have the grand plan to create 24 Australian technical colleges. At first blush that sounds great, and again I will support the government if this works, but I cannot see it working. What will these technical colleges do that our TAFE facilities are not already able to do? From talking to people from TAFE over the last week or so it is clear that not only am I confused as to where the technical colleges fit into the scheme of things but also that some Liberal senators are equally confused about how it is going to work, who is going to be involved and how it will be funded. What is going to happen to TAFE? Are we going to reinvent the wheel but this time give it some air so that it runs? I do not know. This new body is a smoke-screen to hide the government’s failure since it came to office to adequately fund the vocational education sector. Even worse, the technical colleges will not start operating until 2006 and will not be fully in place until 2008.

The final matter I want to address is services in regional Australia. I trust that the government will get serious during this term of office as it presses on with providing better services in regional Australia. I am not sure whether that includes the full sale of Telstra but that is one area where to date the government has at the very best scored an F for failure. Despite what it now appears The Nationals are saying in their latest round of confusion, the government has not fully addressed the problems we have with Telstra. I know that the Minister for Immigration and Multicultural and Indigenous Affairs, Senator Vanstone, who is here tonight, visits regional centres in South Australia and I applaud her for that. Sadly, from my point of view, she is quite popular in the regions—I say that not entirely tongue-in-cheek. Senator Vanstone, in the cool of the evening, would probably agree with me that there is a lot to be done to get Telstra services in regional Australia fixed up. It is time now to be serious about services to the regions so that people living in non-metropolitan areas are not further marginalised. It does not matter what we say or what we have done to date—
we have not addressed this. There are services in the regional centre where I live which have not been addressed—for example, health care and dental services. As my good friend and colleague Senator Denman commented moments ago, dental health in the regions is, to be very blunt, pathetic.

We have to get serious about providing services to people wherever they might live, so that they can feel part of our great nation. At the moment, they do not. Serious efforts have to be made to ensure that health, education, communication and transport services are vastly improved in rural and country areas, so that industry development occurs and job opportunities are created. We have to create jobs so that we do not have the great exodus of young people moving to the cities and families dividing because job opportunities no longer exist not just in the smaller communities of 200 or 300 people but in communities of thousands of people. That is what is happening in South Australia. Despite courageous efforts by the state government, the federal government is not putting in the same effort in that regard.

Parts of the Governor-General’s speech did give me scope for encouragement, but the real test will come when the government has control of this chamber. That is something for which we wait with bated breath. Hopefully the promises made during the election campaign will come to fruition.

Senator FERRIS (South Australia) (9.13 p.m.)—In speaking today on the address-in-reply, what better topic to choose than Australia’s trade history and its outlook for the future, in particular the opportunities which are going to arise in South Australia as a result of the free trade agreement? Senator Conroy and I were privileged to work together on the Senate committee inquiry which investigated this issue.

During the last 12 months we have seen an ongoing debate in this parliament and around Australia about trade and trade issues, in particular free trade agreements. Since the Howard government’s successful negotiations with the Singapore and Thai governments and with the Bush administration in the United States, Australia’s relationship with its trading partners has received an increased focus among the broader Australian population. This will no doubt be heightened again with the Prime Minister this week attending the ASEAN conference in Laos. I ask senators to recall the comments made by our Governor-General when he opened the 41st parliament just two weeks ago. He said:

The government is committed to the multilateral trading system and driving forward the Doha Round of trade negotiations, which promises enormous gains for Australia.

At the same time, the government will continue to pursue other opportunities for trade liberalisation, including through free trade agreements.

The Governor-General went on to say:

The government will also continue to consider possible FTAs with China, Malaysia and ASEAN, the latter in conjunction with New Zealand.

I was very happy to be part of the Senate Select Committee on the Free Trade Agreement between Australia and the United States of America, and in light of the announcement by the Minister for Trade, Mark Vaile, in Santiago I look forward to seeing the economic benefits of the agreement for all Australians when it comes into force on 1 January next year. It is worth remembering that from that date 97 per cent of Australia’s exports to the United States will be immediately free of all tariffs. Analysis suggests that the Australian economy will see an annual boost to GDP of $6 billion a decade after the free trade agreement comes into force on 1 January. I will be very pleased to visit some of the exporters who wrote submissions to the committee and to talk to them
first hand about the beneficial impact of the free trade agreement.

In my own state of South Australia the free trade agreement will have significant benefits for the economy. The US is South Australia’s largest two-way trading partner and its largest destination for exports. These exports include wine, motor vehicles and agricultural exports such as tuna from Port Lincoln. All of them will see benefits from 1 January 2005. Senator Conroy and I were very pleased to receive submissions to the committee from each of those manufacturers in South Australia—the car industry, the wine industry and the seafood industry—all of whom saw great benefits in the free trade agreement with the United States.

In 2003 South Australian exports to the United States were worth $1.2 billion. Based on the size of our economy, South Australia is expected to benefit by approximately $400 million each year through the implementation of the United States free trade agreement. This is very important to all South Australians because recent trade statistics have highlighted some issues in the South Australian economy. In 2001-02, under the former state Liberal government, South Australia’s exports had grown to $9.1 billion, an increase of 233 per cent over the 1993-94 level of $3.9 billion when the Liberal government first came to office. Statistics from May 2004, however, show that, under the current Rann Labor government’s management of the state economy, exports from South Australia have fallen by 13 per cent to $7.6 billion. It is very obvious that the current South Australian state government needs all the help it can get, and the free trade agreement with the United States will deliver that.

There have been a number of recent announcements regarding the agreement which will be good news for all primary producers in Australia. I was interested to read in the recent announcement that 50 Australian companies would share in the export dairy quota available under the agreement of 27,000 tonnes of milk products in the first year. Dairy Australia has said that farmers with 200 milking cows will see a rise in income of between $2,000 and $3,000 as a result of the agreement with the United States. When asked about the impact of the free trade agreement on the dairy industry during our committee hearings the Deputy Chair of the Australian Dairy Industry Council, Mr Paul Kerr, said:

The value of dairy exports to the United States in year 1 is estimated to grow by at least $50 million to $60 million. The five per cent growth in access each year means that access will double in about 16 years.

Another industry which is looking to build on its already strong export record to the United States is the beef industry. Exports of chilled table beef, a higher value export than hamburger beef—‘ground beef’ as it is called in the United States—reached 27,000 tonnes in 2003, up from 6,700 tonnes in 2000. That is a significant rise in just two years. It is anticipated that these exports could rise to 40,000 tonnes over the next few years. According to David Palmer of Meat and Livestock Australia, Australia is in a ‘fantastic position’ in terms of beef opportunities in the US in the medium to longer term, particularly because Australia’s US quota increases to 450,000 tonnes over the next 18 years under the free trade agreement.

Similarly to the US free trade agreement, the Thai agreement will bring large financial benefits to Australian exporters. In 2003-04, Thailand was Australia’s 12th largest trading partner with two-way trade worth $6.1 billion. However, when the agreement comes into force more than $700 million worth of current Australian exports to Thailand will obtain immediate tariff cuts. The savings on
Thai customs duties are expected to be about $100 million in the first year alone. The agreement will eliminate more than half of Thailand’s 5,000 tariffs. This equates to nearly 80 per cent of Australia’s exports—a very significant policy change. The Thai free trade agreement will ensure new or improved export opportunities for many Australian exports, including grains, horticulture, meat, dairy, processed food, seafood and, very importantly in South Australia, wine.

There have been major benefits for different industries as a result of the Singapore-Australia Free Trade Agreement. Since the agreement came into force, Austrade has helped more than 160 companies—many of them new exporters—to enter the Singapore market with deals worth more than $120 million. Singapore is a transportation and financial hub in the region. It is our largest trade and investment partner in ASEAN. It is our eighth largest merchandise market and our fifth largest services export market. Given that Singapore’s economy is growing strongly again, with GDP growth in excess of five per cent expected this year, this represents an incredible opportunity for Australian exporters. The free trade agreement came into force in 2003, providing improved access to the Singapore market for a great number of existing Australian exporters, particularly those supplying financial, legal, educational and professional services. As Australia looks forward to the benefits of the agreements, it has also signed up to, and it looks to benefit from, other agreements with countries such as China and Malaysia.

It is very important to look back on how far we have moved on the issue of free trade. It is hard to believe that it is more than 20 years since Australia and New Zealand signed the CER agreement, the Closer Economic Relations agreement. This agreement represented one of the earliest free trade agreements between countries. As I recall it, at the time there was a great deal of trepidation in New Zealand that Australia would swamp New Zealand with imports. However, quite the reverse has occurred; the opportunities in Australia for New Zealand products have been enormous. How many times do we go into supermarkets and find New Zealand dairy products, such as New Zealand cheese, on the shelves? It is very obvious that New Zealand has benefited enormously from its Closer Economic Relations agreement with Australia. Interestingly enough, in 1983, when the CER was signed, Australia’s merchandise exports to New Zealand stood at $1.2 billion, but by 2003 this figure had risen to $8.1 billion. Service exports also doubled over that period. Today our trade with New Zealand remains very strong. As our nearest neighbour, it remains our fifth biggest export destination.

In 1987, when Australia was facing an economically flat world and domestic policies which inhibited the possibilities for growth, Dr Andrew Stoeckel produced a report for the National Farmers Federation entitled _The game plan: successful strategies for Australian trade_. This was one of the first studies that Dr Stoeckel did following his very successful time as the director of the Bureau of Agricultural Economics. I happen to still have a copy of that book. It is interesting to look back on it—it was so long ago, in 1987. He explored in that publication the future of the Australian export economy and the possibility of trade reforms both within Australia and around the world. Although the book was written 17 years ago, the core arguments contained in the report remain, and the issues surrounding Australia’s trade activity continue. One of the questions posed by Dr Stoeckel in the report was whether a liberal world trading order was a real possibility or just pie-in-the-sky thinking. Looking at what was written then, it is hard to believe how far we have moved on this issue.
Yes, some of the countries he referred to may have disappeared, and the Uruguay Round of talks have been replaced with the Doha negotiations, but the strategies and outcomes which were sought at the time are now government policy.

A liberalised global trade agenda benefits all Australians, and most sections of the Australian community agree with the policy. In fact, Senator Conroy and I were able to listen to Dr Stoeckel’s view of the free trade agreement during the select committee hearings. As usual, he had a very positive view of the benefits for Australia, which were subsequently reinforced in economic studies provided to the committee. In 1996 Australia’s exports were worth $99 billion. In 2003 that figure had grown to $141 billion. This is despite international crises, such as SARS, which affected Australia’s exports into Asia. This year, the World Trade Organisation has forecast that world trade will grow by eight per cent in real terms. It is important to note that some of the strongest growth worldwide will be seen in our region.

Other statistics that highlight the benefits of better access to global markets include the view, which is well accepted now, that at least one in five Australian jobs is generated by exports. In regional and rural Australia that figure rises to one in four jobs. This equates to 1.8 million jobs around Australia. Only four per cent of Australian businesses export, but those businesses that do export provide almost 20 per cent of Australian jobs. Exports generate about 20 per cent of Australia’s GDP. Our exports to many of our closest economic neighbours continue to grow dramatically. Australia’s two-way merchandise trade with APEC was worth $168.4 billion in 2003-04. This accounts for 70 per cent of Australia’s merchandise trade with the world. There is great capacity for future growth with APEC countries, which we all look forward to. These countries have some of the best economic growth rates in both the developed and the developing world.

In relation to China, with whom we are currently talking to begin negotiations for a free trade agreement, our merchandise exports in 2003-04 increased by 12 per cent under our current arrangements. Exports increased by eight per cent to Vietnam and four per cent to Malaysia. In addition to the merchandise exports, service exports from Australia also continue to grow. Service exports to the very important APEC region have grown by an average of six per cent each year since 1992-93. In 2003 they were worth $19.9 billion. In addition to the bilateral free trade agreements undertaken with countries such as the United States, China, Thailand and Malaysia, the Prime Minister and the trade minister must be commended on their work in reshaping global trade networks.

With the 21 APEC nations currently accounting for approximately 60 per cent of global trade, APEC has consistently been at the forefront of the push to free up trade. The endorsement by APEC ministers in Santiago a few days ago of the agreements of the World Trade Organisation to abolish all agricultural export subsidies is a welcome start in pressuring the rest of the world to move on this issue. It is great news for our primary producers. Ongoing bilateral free trade negotiations are giving Australian companies access to some of the fastest growing and most lucrative economies in the world. With 1.3 billion people, China has the seventh largest economy and it is the world’s fastest growing economy. Currently it is Australia’s second largest export market and third largest source of imports. What a great base to build on for our agreement. China has an annual growth of 8.2 per cent and the Chinese economy is expected to be the size of Germany’s by 2010 and of Japan’s by 2030. A decade ago, China took approximately four per cent of Australia’s exports; today that figure has
risen to over eight per cent. Two-way trade with China has now topped $23 billion, a remarkable achievement.

In the past week there has been more good export news out of China, with the Australian Wheat Board Ltd announcing the sale of 1.5 million tonnes of milling grade wheat, worth between $300 million and $400 million, to the Chinese. China has taken 2½ million tonnes of Australian wheat from the AWB in the last 12 months—again a very significant sale. Importantly for Australia, China is the world’s largest consumer of wheat, equating to one-sixth of global consumption. In addition to the wheat deal, Elders has recently announced that China has taken 87 per cent more wool than for the same period last year without the disruption of SARS. China is now buying 46 per cent of all Australian wool exports. Again, it is a very significant trading partner. A free trade agreement with China would open the door for many more export sectors, from our primary produce and minerals and energy to horticulture, fresh food and vegetables, which is a wonderful opportunity. The deal with the Chinese government on the North West Shelf venture to supply three million tonnes of LNG worth between $700 million and $1 billion each year for 25 years is another example of our opportunities with China. Trade, as Andy Stoeckel said so long ago, is the only way for Australian industry to go. We have benefited enormously from the government’s policies on trade, and we will continue to do so.

Senator MURRAY (Western Australia) (9.33 p.m.)—I too wish to speak in reply to the Governor-General’s speech. The Governor-General picked out which interest me for the purposes of this speech include reforming industrial relations laws, tax cuts, selling the rest of Telstra, bringing in new media ownership laws and water conservation. But before I get into the meat of those I would like to briefly restate a proposition I have been putting concerning the new Senate paradigm, and that is really the issue of what I regard as a generational shift in the Senate’s situation.

I saw a clever line in the *Adelaide Independent Weekly* on the Senate election. It said, ‘It is true that people spoke on 9 October but perhaps it was a slip of the tongue rather than a carefully worded statement.’ In one respect that is true. I doubt that there are any voters who place a ‘1’ in the Senate box above the line who have any idea of what really happens to their vote as it wanders through the labyrinth of lodged party preference tickets. By any measure, the Senate lodged ticket preference system is hardly transparent or predictable. But what voters were very clear about was to whom they gave their primary vote: 80 per cent of voters gave their primary vote to the majors in increasing numbers, and that was no slip of the tongue. In 2004 there was a swing of nearly four per cent to the majors, mostly to the coalition and away from the minors, micros and Independents. The Senate result reflected a deliberate decision by the electorate to give greater support to the major parties. The Democrats’ centre was hollowed out, the Green Left failed to capitalise sufficiently on their strong and supportive media exposure, the Christian Right retained a seat—Harradine to Fielding—and One Nation passed on.

The media have been concentrating quite rightly on what coalition control of the Senate means in the short term, but the long-term permanence of the change is more interesting. The Senate vote represents a generational shift and change in Australian poli-
tics in the last three decades. In 1998 the coalition won 15 long-term and two short-term seats, the two short-term seats being from the territories. In 2001 the coalition won 18 long-term and one short-term seat; therefore, in the 2002 to 2005 Senate term, the coalition have 35 seats and need four votes from the crossbenches. In the 2004 election, the coalition won 19 long-term and two short-term seats, giving them a 2005 to 2008 term total of 39 seats and absolute control of the Senate. At the 2007 election, even if the coalition do one seat worse than in the 2004 election—say, 18 long-term and two short-term seats, they will still have 39 senators and absolute control of the 2008 to 2011 term. Unless there is a backlash against the coalition at the 2007 election, which looks unlikely at present, then it is not until 2011 to 2014—10 years on—that coalition control of the Senate could be threatened. So that is a decade’s control or a blocking majority for the Senate by the coalition that is likely.

That being the case, you might begin to understand why the coalition are not rushing their program forward or showing any great haste: they do in fact have time before them. There will be consequences arising out of that. One of the consequences, of course, is that the dissenient members of the coalition will have to be more assertive as they will no longer have the Senate non-government parties as a safety net. The only restraint on the coalition government, and it is a big restraint and not to be sneezed at, is the need for them to retain popular support for re-election. The one thing apparent to me is that, if Labor were to gain power with a coalition-controlled Senate, they might be forced to an early double dissolution to break a coalition stranglehold in the Senate. So there are some fairly serious changes to the way in which the Senate has operated over the last three decades.

I turn to industrial relations laws, which is where the government have proclaimed so loudly their likelihood of major change. It has been pretty pathetic that, so far, the only thing they can come up with is unfair dismissal laws. The idea that getting rid of 2,200 small business unfair dismissal applications under federal laws for small business is going to make any significant difference to Australia is a fanciful one. I would hope that the coalition would use their new situation not to beat up on unions and on the system but in fact to advance the cause of real and needed reform to IR in this country. They should focus on achieving a unitary system and focus on creating a new national workplace regulator. The sooner we get rid of the six systems we presently have and replace them with one the better for the country, and it does not matter which government that is true under. That is a very important issue as far as I am concerned.

I want to turn to tax cuts. The tax cuts issue was around before the election and is around now, but there has not been any real focus on significant goals. ACCI is starting to move towards a goal-oriented approach, but if we are going to look at income tax cuts it really is important that Australia does it with an objective in mind and not for short-term political advantage or opportunism. The social goal of raising Australian living standards is universally accepted, yet the annual national minimum wage case is always controversial. Self-evidently, labour costs influence employment and employer groups argue that raising minimum wages costs jobs. Nevertheless, rising wages have been accompanied by falling unemployment, now at its lowest in 25 years.

The problem is more that the living wage increases are a very inefficient way of increasing the disposable income of the lowest paid. For every living wage increase, an employer is faced with additional superannua-
tion contributions, workers compensation payments, payroll tax and other on-costs. Therefore, a $27 a week wage increase will result in an effective $32 to $35 employer cost increase. A full-time, low-paid employee gets half of this: they will pay 30 per cent tax and lose welfare benefits, leaving them only $14 or so better off. So you have a $35 effective cost to employers and a $14 effective benefit to employees. I think that is incredibly inefficient.

I think the better social and economic way to help low-income earners raise their living standards and to move the unemployed from welfare to work is not primarily through the minimum wage case but through tax and welfare policy. The goal is simple: to meaningfully increase the real disposable income of low-income employees without raising labour costs unsustainably. Why do we tax income earned over $6,000 when the poverty line or bare minimum existence is set at around $12,500? This year’s budget tax cut only went to the highest 20 per cent of taxpayers, those earning above $52,000. The Democrats argued that it would have been better at the same cost to increase the tax-free threshold to $10,000, which would have resulted in an additional $13 a week in disposable income and would not have resulted in a reduction of benefits.

In their ‘Info 347’ June 2003 paper, ACOSS said that the average tax rate on all income for someone earning $20,000 a year was 12 per cent, or $2,400. I think that we should be aiming for a tax-free threshold of $20,000. The President of the ACTU, Sharan Burrow, said in the Bulletin on 3 August 2004:

Of the 1.6 million jobs created over the past 10 years, the bulk of them have gone to women. But 50% of those jobs are part-time or casual, which means that women are on $18,000 a year or less.

A $20,000 tax-free threshold already exists for qualifying single self-funded retirees and age pensioners. If you went down that route as a goal, two million taxpayers would no longer be required to submit a tax return, with consequent administrative savings. That is the first goal we should have: let us get that tax-free threshold up to $20,000. The second goal we should have is to index tax rates and thresholds so that you can avoid the scourge of bracket creep. The third area relates to where the top tax threshold should be. ACCI are now arguing for $100,000. If you were to advance to the $20,000 tax-free threshold, it would be perfectly legitimate at that stage to have a $120,000 top rate. You would then have $100,000 between the bottom and the top rates and they would be indexed, and you would have a secure system.

The sale of Telstra has been raised and it will, in my view, undoubtedly occur in the period following 1 July 2005. There is absolutely no chance whatsoever that The Nationals will not sell Telstra. That is a pity in many respects from my point of view. As I clearly outlined in my speech during the second reading debate on the Telstra (Transition to Full Private Ownership) Bill 2003 there are circumstances in which I would agree to the sale of Telstra, subject to some fairly tough demands. It fascinated me that occasionally a journalist would ring me about the Telstra issue before the election. I would say to them, ‘My position is on the record.’ They would ask, ‘What is your position?’ I would say to them, ‘It’s in a second reading speech,’ and I would give them the reference. They would ask, ‘What is your position?’ I would say, ‘Have you read the speech?’ They would say no and I would say, ‘Go away and do your homework.’ All the time journalists ask for a shorthand version of what is a complex position. I think it is about time that serious people started treating other serious people seriously. You cannot, for the purposes of Mr
Murdoch, Mr Packer or Mr Stokes, be expected to give just one-liners when you are dealing with these sorts of issues.

That brings me easily to the other thing that the government wishes to do—that is, to free up media ownership. I hold to the view that you could never even consider it from the economic perspective without serious strengthening of the Trade Practices Act, including the divestiture provisions and adopting in full the recommendations of the Senate committee on the Trade Practices Act. But that is just one step forward. With the big media conglomerates, you are dealing with very large and very powerful organisations, with very powerful employees, and their employees do their master’s bidding to earn the profits they are required to earn. The only way in which you can protect and ensure a free and independent press is by finding ways to protect the journalists and people who work for those corporations. Good unfair dismissal laws are a start, but you also need to ensure in some way that they are independent from proprietorial direction.

The last issue I will touch on in the brief minute before the adjournment debate arrives is water. My own state of Western Australia is drying out and we need water. We are starting to look at desalination. I think it is a great mistake to continue to use underground water. I think there needs to be a real and serious examination of the possibility of bringing down water from up north in the manner originally outlined by Ernie Bridges, a former Labor state minister, or in the manner outlined by a recent consortium who said that for $2 billion they could bring water down in a sealed canal—‘You would get a decent water flow without having to dam the rivers up there. You just take it from the excess water.’ I do not know enough about the feasibilities, but I think if we are going to look at the water needs of Western Australia, particularly south-western Australia, we have to walk away from a closed mind to examining such prospects and issues. The very essence of the government’s Murray-Darling Basin discussions is in fact about getting better flows into the rivers to water our drier states. We have the same problem in Western Australia, but we do not have rivers we can direct down there and we may indeed need a canal or pipeline. I hope both the Commonwealth and state governments will look at this matter with greater interest in the future.

Debate interrupted.

**ADJOURNMENT**

The ACTING DEPUTY PRESIDENT (Senator Hutchins)—Order! It being 9.50 p.m., I propose the question:

That the Senate do now adjourn.

**Tasmania: Victoria Cross Recipients**

Senator BARNETT (Tasmania) (9.50 p.m.)—Tonight I stand to honour Tasmania’s Victoria Cross heroes, in particular Harry Murray VC. He was born near Evandale in northern Tasmania on 30 December 1883. He was a farm worker. He enlisted as a private soldier in the AIF at the outbreak of World War I. He was a courageous soldier, an inspiring leader and, by the end of the war, he was Australia’s most decorated soldier, rising to the rank of lieutenant colonel. He was the most highly decorated soldier of the British Empire. It was on Tuesday, 5 October 2004 that senator elect Stephen Parry, a highly regarded businessman from the north-west coast of Tasmania, made an announcement on behalf of the Tasmanian Liberal Senate team—joined by me and other members of the community at Evandale—that the Howard government will honour Tasmania’s 13 Victoria Cross recipients by establishing a series of memorial rest stops in the VC winner’s home town.

I want to identify Tasmania’s 13 Victoria Cross recipients. They come from all over the state...
the state. We must never forget the sacrifice of our forefathers who fought to preserve our way of life. By honouring these Victoria Cross recipients we honour all those people who fought for our country. They are Trooper John Bisdee, Lieutenant Guy Wylly, Captain Harry Murray—who I will speak of further shortly—Captain Percy Cherry, Captain James Newland, Sergeant John Whittle, Sergeant John Dwyer, Sergeant Lewis McGee, Sergeant Stanley McDougall, Corporal Walter Brown, Lieutenant Alfred Gaby, Sergeant Percy Statton and Lance Corporal Sidney Gordon.

The Returned Services League in our state has been invited to assist the Australian government and the relevant local council in the development and maintenance of those memorials. The Howard government will contribute $65,000 to the 13 memorials and an additional $20,000 to help commission a bronze statue of Harry Murray VC at Evandale in northern Tasmania, the birthplace of Harry Murray. This will be a fitting tribute to Australia’s most decorated soldier from the First World War. I commend in particular the work of the Murray Memorial Committee—former Lieutenant Colonel Rtd C.D. von Stieglitz, OAM, RFD, ED and members of his committee, including Alastair Cameron—on the work they have done to raise funds to commemorate Harry Murray’s courage and life.

I acknowledge the work of the RSL and thank them for their cooperation and support. I met with the RSL state executive last Friday in Hobart at Anzac House. The meeting was ably led by the President, Ian Kennett. I commend the RSL—and specifically Ian Kennett on his leadership—on the work that they do in advocating the interests of the veterans and their families in our state and around our country.

Also in attendance at the October launch was Brian Harper, who is the president of the sub-branch of the RSL for the Longford-Evandale area, David von Stieglitz and Alastair Cameron. There was an apology from Russell Anderson, who is very involved with the sub-branch of the RSL.

Harry Murray lived at Evandale. His military career started when, as a teenager, he joined the Launceston Artillery as a gunner. Harry Murray served with the Launceston Artillery for six years. His military career went on hold when he moved to Western Australia, where he described his occupation as a timber cutter or timer getter. He worked a very hard life in the country. In 1914 he was back in uniform. He had joined the 16th Battalion AIF, along with his best mate, Percy Black, a goldminer from Western Australia.

Harry and Percy landed and fought at Gallipoli together. In May 1915 in action at Pope’s Hill, they were both awarded the Distinguished Conduct Medal. As No.1 and No. 2 on a machine gun, they held off a concerted Turkish attack on the rear of the Australian position while the rest of their company was defending the front of the position. Both were wounded during the action. Soon after Harry Murray was promoted to lance corporal. Three months later he was promoted to sergeant and commissioned as a second lieutenant on the same day.

While he and Percy Black were together—some of this research has been prepared by Alastair Cameron, and I thank him for that—they resolved to ‘never let the enemy prevent them from carrying out what they set out to do’. This resolve was to come to the surface on many later occasions during the war. As an officer, Harry was posted to the 13th Battalion AIF, with which he went to fight in France. There he was soon promoted to captain.
In August 1916 Captain Harry Murray was awarded the Distinguished Service Order when, as a company commander, he stormed Mouquet Farm with 100 men and briefly held part of it from the Germans. The Australians later had to withdraw under intense enemy fire. A later attack with 700 men was unable to repeat Murray’s earlier success and it eventually took a force of 3,000 to recapture the position from the Germans. Murray’s initial success with only 100 men was later attributed to his ferocious determination and leadership.

It was on 4 and 5 February 1917 that Murray won the Victoria Cross during action which lasted for nearly 48 hours at Guedecourt. Murray led a force of 140 men in an assault on a position known as Stormy Ridge. During the battle he distinguished himself by encouraging his men, setting an example, leading hand grenade bombing parties, leading bayonet charges, rescuing the wounded and carrying them to safety, crawling out in no-man’s-land on reconnaissance, rallying his men and saving the situation by sheer valour. They were forced to withdraw due to the overwhelming enemy firepower, and only 48 of the 140 survived.

Later in April that year, 1917, during a series of assaults on the Hindenburg line at Bullecourt in France, Murray again was awarded the Distinguished Service Order and promoted to major. During action nearby, his mate Major Percy Black was killed in action. The fighting was severe and communications were difficult, resulting in poor coordination between the infantry, tank and artillery deployments. It is interesting to note that also at Bullecourt another distinguished Tasmanian, General Sir John Gellibrand, was commanding the 6th Brigade AIF. By the end of 1917 Murray was commanding his battalion, and in May 1918 he was promoted to lieutenant colonel and posted as commanding officer of the 4th Machine Gun Battalion, which he commanded until the end of the war.

During the last months of the war, he was awarded the Croix de Guerre and, at the end of the war, he was made Companion of the Order of St Michael and St George. He had also been mentioned four times in dispatches in the last two years of the war. Thus, at the end of World War I, Lieutenant Colonel Harry Murray was the most highly decorated soldier of the entire British Empire.

In 1920 he bought an 80,000-acre farm, Glenlyon, near Richmond in North Queensland. In 1927 he married and started his own family. When hostilities broke out again, he pulled on his uniform once more and from July 1939 to August 1942 commanded the 26th Battalion of the Militia and then held postings in the Volunteer Defence Corps until 1944, when he retired from active duty. It was on 7 January 1966 that Lieutenant Colonel Harry Murray VC, the most highly decorated soldier of the British Empire in World War I, died in Queensland as a result of a car accident.

There is a room dedicated to Harry Murray at the Evandale Community Centre, containing a collection of relevant items of military historical significance. I commend the Evandale History Society on the work that they do. I have recently finished reading the book entitled Mad Harry: Australia’s most decorated soldier by George Franki and Clyde Slatyer. It is an excellent book and demonstrates some examples of Harry Murray’s courage during that time.

The memorial that is being prepared has been supported and endorsed by the Chief of the Defence Force, General Peter Cosgrove. In a letter to Colonel Rtd C.D. von Stieglitz, he said:

The work that you and the committee of the Murray Memorial are undertaking to enable the commissioning of the statue is commendable.
Lieutenant Colonel Murray, as Australia’s most decorated soldier, is worthy of such recognition. I wish you luck in achieving your goal.

I hope that goal will be achieved and is not too far away. I am proud to be the grandson of a World War I veteran and I wish to pay honour and homage to those who are prepared to make the supreme sacrifice for our country. It is a great privilege to stand in this place and acknowledge their efforts, their work and the sacrifice they made so we can live in a free and democratic community.

**Environment: Goulburn Field Naturalists Society**

Senator STEPHENS (New South Wales) (10.00 p.m.)—At a time when all Australians are becoming more aware of their responsibility for contributing to a sustainable future for Australia, one organisation, of which I am very proud to be sponsor, lives by the principles that we should work to reduce our ecological footprint and educate others to do the same. This organisation is the Goulburn Field Naturalists Society—a thriving not-for-profit, non-political, natural history club, which was formed in 1965. The Goulburn field naturalists support all manner of activities undertaken by private and leasehold land users that protect habitats suitable for indigenous flora and fauna, and minimise negative effects of land management. They actively encourage the study of natural history through field excursions, club activities, public lectures and publications.

Last Saturday, it was my pleasure to launch an important new publication that continues the Goulburn Field Naturalists Society’s tradition of education and community awareness of the importance of biodiversity and sustainability. The publication, entitled *Down by the Riverside*, is a guide to native plants in and about the rivers of the Goulburn district. Two years of effort went into this important project, which was spearheaded by Rodney Falconer—a local teacher, environmentalist, former executive officer of the Conservation Council of the South-East Region and former executive member of the New South Wales Nature Conservation Council. The launch of *Down by the Riverside* was attended by about 80 locals and took place at the Goulburn Historic Waterworks Museum at Marsden Weir on the Wollondilly River—a very appropriate venue, by the river, where people can witness many of the plants identified in the guide, as well as the impacts and degradation that are the consequences of encroaching development.

The Wollondilly and Mulwaree rivers have been the lifeblood of the Goulburn region for millennia; however, our ability to use rainwater tanks, to sink bores and to create large water storage reservoirs and dams have made us apathetic about these vital resources. We tend to forget that the water flowing down the waterways of the Goulburn district provides drinking water to Australia’s largest urban population of the Sydney basin and to other towns and rural areas downstream. We all have a responsibility to maintain that water resource in pristine condition, otherwise that water supply will become increasingly polluted. The river is also a vital corridor for wildlife, allowing many species of birds and other animals to travel from one area of bushland to another. The loss or impairment of such corridors isolates wildlife populations leading to their gradual extinction.

The waterworks museum and the surrounding river banks are fine testaments to the tireless work of a number of community groups who have worked hard to restore both the museum and the river. I was delighted to hear that in recent months two families of platypus have been cavorting around the river banks there, sharing their habitat with many exotic plants and animals that now

---

**CHAMBER**
dominate ever-shrinking patches of native ecosystems.

Down by the Riverside is intended as a resource for individuals and organisations, those whom Rodney Falconer rightly calls ‘land managers—both new and existing’. It is a valuable field guide to understanding our natural heritage and encourages us all to preserve and work to restore the biodiversity of the region through careful planning, propagation and sound management within the catchment. But it is also much more than that—it is a wonderful catalogue of photographs, illustrations and information that is a fantastic educational resource. It is easy to read and able to be used by school children, individuals, planners, councils, developers, Landcare groups and gardeners. Down by the Riverside captures and illustrates at a very local level the global dilemma of the loss of biodiversity. Entire bushland ecosystems are being damaged or disappearing outright, taking Australia’s native plants and animals with them. National icons like some of our gum trees and marsupials are at risk from land clearing and other threatening processes.

The early explorers described Goulburn’s rivers as typical of Australia before white settlement—long pools separated by narrow channels or swamps, chains of ponds and lagoons. They supported an abundance and a diversity of habitats and wildlife. Fertile treeless plains were ringed with the most frost hardy of trees. In less frosty parts, tall open forest was mainly dominated by stately ribbon gums, with a layered storey of wattles, softer-leafed shrubs and ferns. All that remain of the old bushland today are stringy barks, scribbly gum forests and remnant stands of Argyle apples. Several native animal species have also all but vanished from the Goulburn district, including brolgas, bustards, rock wallabies, koalas, bush stone curlews and the southern bettong.

The evidence of all this is supported by the Australian Terrestrial Biodiversity Assessment—the biggest audit of our wildlife and bushlands ever undertaken, as new technology has allowed scientists to map the natural groupings of plants and animals and assess their wellbeing. This assessment, first published late in 2002, provided for the first time a comprehensive scientific assessment of the health of our wildlife and their habitats. The report found that nearly 3,000 whole bushland ecosystems are at risk, from Queensland’s coolibah woodlands to Western Australia’s heathlands.

These endangered ecosystems provide homes for species such as bilbies, spectacled hare-wallabies, Gouldian finches and hundreds more. At least 1,595 native plant and animal species are threatened with extinction, including some types of gum trees and wattles. This is proof that, in general, the more land clearing in a region, the more threatened the species and ecosystems that occur there. It is imperative that federal, state and territory governments renew their efforts to protect Australia’s wildlife and bushlands for future generations. Nature conservation must be placed high on the agenda of governments at all levels, and significant funding must be put towards protecting intact bushlands and whole ecosystems.

Down by the Riverside provides an excellent example of how this can be helped to occur, on the ground and in our local area. Funded through the Commonwealth government’s Envirofund initiative of the Natural Heritage Trust, with financial and logistical support from the Goulburn Mulwaree Council and the Goulburn Field Naturalists Society, Down by the Riverside continues the tradition of the Goulburn Field Naturalists Society, established almost 40 years ago by Molly O’Neill and her friends, to document local native plants and in doing so to encourage locals to think global, act local. The book
is dedicated to Molly O’Neill; Tom Hone; Ros Stafford Dixon, who passed away just a short time ago; Garth Dixon; Mike Calcovics; and ecologist Carina Clarke, all great workers for the cause of protecting and repairing natural landscapes. I found this comment, which highlights the importance of having more than good intentions about our environment, in the book’s introduction:

Our environment should neither be a weedscape nor simply an amateur botanic garden.

I recognised then that this field guide is a sincere effort to protect and nurture the biodiversity of the Goulburn district.

I wish to extend my warmest congratulations to Rodney Falconer for *Down by the Riverside*. It is an important and enduring publication. It is a significant achievement for all those who have been involved—those acknowledged formally by Rodney in the introduction and those who, in their own way, continue to support the work of the Goulburn Field Naturalists Society and other environmental organisations. These people and organisations include Bill Wilkes, president and long time member of the Goulburn Field Naturalists Society; the Goulburn Mulwaree Council and its Mayor, Paul Stephenson; Rainer Rehwinkel and the NSW Department of Environment and Conservation; Tim Hayes and the Goulburn chapter of the Society for Growing Australian Plants; and the many Landcare and Bushcare groups throughout the district. To the enthusiastic individuals who recognise the importance of maintaining biodiversity and our natural ecosystems, *Down by the Riverside* will be an invaluable resource. It is my intention to distribute this publication to all the schools of the district so that it can be used as a great resource in local environmental education and projects. It also serves as an enduring legacy to those like Molly, Tom and Ros, whose lives were defined by their commitment to the environment.

---

**Iran**

*Senator CHERRY (Queensland)* (10.10 p.m.)—Australia’s federal election last month celebrated a democratic tradition that goes back over 100 years. Australia remains one of only a handful of nations that have allowed their people the right to change their governments at a ballot box for all of this century. In Iran, for example, upwards of 130,000 people have been killed by their own government for calling for a change of government over the last 20 years and for opposing the theocratic regime of the mullahs. Over the last month the American government and the European Union have been trying to appease the mullahs’ regime to persuade them not to accelerate their nuclear program. A great ‘victory’ was achieved by the European diplomats by persuading the mullahs to agree to international inspection, yet doubts remain about how long this agreement will last and at what cost to the world. One of the continuing costs of the appeasement of the Iranian regime has been the complicity of American, European, Australian and Canadian governments in the suppression of opposition to the Iranian regime.

On 21 October European diplomats meeting in Vienna set the conditions they were prepared to agree to if Iran agreed not to accelerate its nuclear program. In addition to various concessions on access to nuclear technology, they proposed:

... the European Union would be ready to resume negotiations on an EU/Iran trade and cooperation agreement once suspension is verified ...

We would cooperate in the prevention and suppression of terrorist acts in accordance with respective legislation and regulations. We would continue to regard the MEK (Iranian resistance group) as a terrorist organization.

The Iranians have been lobbying Europe and America since 1997 to ensure that the resistance to the regime from the MEK, the Peo-
ple’s Mujaheddin of Iran, is opposed by European governments. By and large, Western countries have complied. This is despite the fact that since at least 2001 the PMOI has forsworn violence and is pursuing its objectives through peaceful means. The actions of the European Union negotiators were severely criticised in a 16 November statement by leading European MPs. The MEPs said:

One year after three European states announced an agreement with the Iranian regime that was supposed to have put an end to the nuclear armament programme, the very same story is now happening again ...

But isn’t it obvious that the temporary pledge made by the Iranian regime is exactly tailored to give it the necessary time to finish the work they are involved in? ... In fact, the deal struck by the leaders of the three European countries will not give security to Europe, but has simply repeated what they have been doing for decades: supporting a fanatic dictatorship, by helping it to persecute its internal opposition.

The agreement expresses the “resolve” of the European Union and the mullahs’ regime to “fight” terrorism, including the activities of the People’s Mojahedin Organization of Iran (PMOI). The Mullahs’ regime is an illegitimate theocratic state which does not represent the Iranian people. Accusing Iran’s opposition of terrorism in this deal makes a mockery of the campaign against terrorism.

Negotiations of the EU-3 with Tehran will not prevent the Mullahs from getting hold of nuclear weapons, as they will continue their nuclear programme in secret. Concessions of the EU-3 to the Mullahs will greatly help them in the repression of democracy inside Iran and the export of terrorism.

The PMOI is a legitimate and anti fundamentalist resistance. As more than 500 jurists from all over Europe declared in the International Seminar in Paris on 10 November 2004, the inclusion of the PMOI in the terrorist list of the EU, is in contradiction with international humanitarian laws, European Human Rights Conventions and fundamental rights such as the presumption of innocence and the right of defence.

The agreement brokered by the EU-3 is an insult to the over one thousand parliamentarians inside Europe who have publicly supported the PMOI and have repeatedly called for their removal from the “terror list”.

We call on the Council of the European Union and the member states to reject this deal and to refer the case of Tehran’s nuclear programme to the UN Security Council.

The statement is co-signed by Alejo Vidal-Quadras, First Vice-President of the Parliament of Spain; Mr Mogens Camre of Denmark; Mr Ryszard Czarnecki of Poland; Mr Bernea Joan-i-Mari of Spain; Dr Helmuth Markov of Denmark; Mr Erik Meiyer of the Netherlands; Paulo Casaca of Portugal; and British MEPs Struan Stevenson and Stephen Hughes.

Over the past three years, the majority of MPs of the parliaments of Great Britain, Italy, Belgium, Luxembourg, Norway and 120 members of the European Parliament have passed resolutions calling on the European Union to end its harassment of the PMOI and its allied organisation, the National Council of Resistance of Iran.

Lord Corbett of Castle Vale, releasing a statement on behalf of 220 members of the House of Commons and 85 lords on 15 January this year, said that:

The world now knows that the PMOI is an essential part of the drive to halt the advance of fundamentalism in Iraq and the region. This underlines the need to remove the terrorist tag from the PMOI and hang it around the neck of the terrorist mullahs’ regime in Tehran, which is also guilty of mass violations of human rights. Thus it is important to recognise the presence of the PMOI in Iraq as an independent political movement.

Thirty-two members of the US Senate in August 2001 and 150 members of the US House of Representatives have also called for simi-
lar recognition of the National Council of Resistance and the PMOI.

On 10 November, I attended a major conference of 500 jurists in Paris convened by the Human Rights Institute of European Lawyers and eight other legal organisations from Britain, France and Italy to discuss the classification of the PMOI and the National Council of Resistance as terrorist organisations. Nine eminent experts in international law, including Professor Erik Franckx, President of the Centre for International Law from Brussels, Professor Henri Labayle, Professor of European Law at the University of Pau, Professor Bill Bowring, Director of the Human Rights and Social Justice Research Institute from London and Professor Douwe Korff, Professor of International Law at the London Metropolitan University, presented legal opinions arguing that blacklisting the PMOI as a terrorist organisation violated international and European laws.

I have obtained a copy of the legal opinion by Professors Bowring and Korff and it makes compelling reading. They warn that the blacklisting of an organisation seriously interferes with the members’ rights to freedom of association and assembly and the right to peaceful enjoyment of its possessions, all of which are protected by the European Convention on Human Rights. The absence of a clear, agreed definition of terrorism and the absence of strong safeguards of administrative review of blacklisting decisions open up the real prospect of a serious breach of human rights principles.

The wave of harsh antiterrorism legislation passed in the US, Europe and Australia since the September 11 atrocities opens up real scope of abuse of these powers. An increasing number of lawyers and law makers are of the view that the listing of the PMOI and the NCRI as terrorist organisations is clear evidence of the sorts of abuses of human rights that can occur. The listing of the PMOI was conceded by former Clinton government Assistant Secretary of State, Martin Indyk, in the Washington Times on 28 May last year as:

... due to the White House interest in opening up a dialogue with the Iranian government.

The recent negotiations between the Europeans and the Iranians over nuclear issues show that governments are prepared to use these harsh and repressive powers for purely political purposes.

What is the evidence of terrorist attacks in recent years? The PMOI has only targeted the Iranian regime in the last 20 years and that regime itself is recognised by the US as a state sponsor of terrorism. The PMOI has sworn off the use of violence since 2001. In 2003, its main base in Iraq, Camp Ashraf, came under US occupation. On 10 May 2003, the PMOI reached an agreement with the US commanders to disarm and consolidate. General Ray Odierno, commander of the US Army’s Fourth Infantry Division, stated:

I would say that any organization that has given up their equipment to the Coalition clearly is in co-operation with us and I believe that should lead to a review of whether they are still a terrorist organization or not.

On 27 July 2004, the New York Times reported that PMOI personnel in Camp Ashraf had been granted protected person status under the Fourth Geneva Convention, and that a 16-month thorough investigation by the State Department and the FBI could find no basis to bring any charges against the group.

Earlier this month, the United Nations General Assembly human rights committee voted to condemn human rights abuses in Iran, citing a crackdown on media, use of torture, and discrimination against women. Iran remains one of a handful of states rec-
ognised under United States law as a state sponsor of terrorism.

Where does all that leave Australia? The PMOI and the NCRI are not banned terrorist organisations in Australia. But both organisations are listed on DFAT’s list of organisations that are banned from raising funds in Australia. Under the September 2001 UN Security Council resolution 1373, Australia has agreed to freeze funds of terrorist organisations and those who assist them. Once the minister is satisfied that they are associated with terrorism as described in subparagraph 1(c) of the resolution they are added to DFAT’s consolidated list and it becomes a criminal offence to deal with their assets or to make assets available to them. The penalty for those offences is five years imprisonment.

Australia clearly is playing the same games as the Europeans and the Americans in seeking to make it difficult for the PMOI and the National Council of Resistance of Iran to actually do its job of providing a democratic opposition to the Iranian regime. It is time for Australia to review its listing of the PMOI and the NCRI as terrorist organisations. The evidence and support around the world for a change of policy is growing. The legal case for using the harsh and repressive powers of the antiterrorism regime against an organisation, which is a resistance movement, is growing. We celebrate our democracy. It is time to support those who are trying to bring democracy to the rest of the world.

Women’s Services Network

Senator LUNDY (Australian Capital Territory) (10.20 p.m.)—Last Thursday, 25 November, was the United Nations International Day for the Elimination of Violence Against Women. To mark this campaign to stop violence against women, many wonderful organisations in Australia, including Amnesty International, UNIFEM and many others, have combined to support the wearing of a white ribbon as a personal pledge not to commit, condone nor remain silent about violence against women and children. One event held to mark the campaign to eliminate this violence was the 10th anniversary celebration of the incorporation of the Women’s Services Network, WESNET, which I attended on Wednesday, 24 November.

What a courageous, honest, resourceful, and absolutely essential organisation WESNET is. The Women’s Services Network provides leadership as a national women’s peak advocacy body in relation to domestic and family violence. WESNET began when, in 1992, an evaluation of the Supported Accommodation Assistance Program identified the need for a national representative body for the women and children using those services. WESNET was established to represent the women’s services, including refuges, safe houses, housing programs, domestic violence outreach, information and referral services. Its aim was to improve and promote high-quality service provision to women and to women with children who are escaping domestic violence or who are homeless for some other reason. In 1994 it was incorporated after extensive sector consultation.

WESNET works within a feminist framework and recognises that domestic and family violence is gendered violence. Domestic violence is fundamentally about abuse in a relationship of unequal power and control. This is often physical violence, with alarmingly high statistics of assaults on women and children, but verbal, cultural, financial and emotional abuses are also prevalent. Reports of out of control anger in domestic relationships resulting in the killing of partners and/or children are not uncommon. WESNET does not hesitate to point out that males are the perpetrators of approximately
88 per cent of all crimes against a person in the home.

The situation for Indigenous women and children is much more extreme than the average in Australia. Nationally, 24 per cent of women who are escaping family violence and accessing SAAP services are Indigenous. In the Northern Territory this figure is 76 per cent and in Western Australia it is 50 per cent. The National Indigenous Representative for WESNET, Shirley Slann, said recently:

The levels of violence experienced by Indigenous women is a national outrage. Too many Aboriginal women experience far shorter life-spans and have a life characterised by abuse and poverty.

Pauline Woodbridge, the current WESNET chairperson says:

Ultimately women and children facing violence continue to be victims not only within the context of their family but also by a system that should protect them.

WESNET has been a major contributor to the Partnerships Against Domestic Violence, or PADV, projects. Much of its work has concerned the links between homelessness and domestic and family violence. SAAP data shows that the single most common reason nationally for clients seeking assistance has been domestic violence. WESNET is also concerned with the children who experience domestic and family violence and homelessness and by the increase in the number of children accompanying their parents to SAAP services. The majority of these children are under 13 years, with the largest group being aged under four years. Yet many of these women and children have to be turned away from refuges because there is insufficient emergency accommodation and insufficient funding for both the refuges and peak bodies.

While Labor are in total support of the PADV program and material, we were dismayed at the postponing of the campaign’s release. It was originally planned and developed for release before last Christmas. The only apparent reason for the six-month delay was to allow the first advertisements to form part of the election campaign, displaying the government’s concern for families and women, and including a taxpayer-paid, pre-election mail-out with a message from and photo of the Prime Minister.

WESNET was bravely outspoken when the Howard government scandalously delayed and watered down the national antiviolence campaign. It criticised the government for its early underspending in the Partnerships Against Domestic Violence program and then its ‘borrowing’ from PADV funding for the antiterrorism fridge magnets. The question asked by WESNET and many others was: are any Australian women any safer because of those fridge magnets? To Senator Patterson’s rationale for the delay in the anti-violence campaign, which was that a hotline needed to be established, WESNET protested, saying:

The creation of a new 24-hour helpline for 12 months ... is another example of the government just not having a clue. This will bypass well-established and existing service systems which operate in each State and Territory, creating not only unnecessary duplication but confusion for services and for women and children seeking help. This is a waste of money which could instead be redirected to existing services that have the knowledge, expertise and infrastructure to provide the services.

Only on Wednesday of last week did the government belatedly launch the education pack, aimed particularly at year 11 and 12 students, which has the objective of preventing young people from becoming domestic violence victims. This material was developed as part of the Partnerships Against Domestic Violence campaign and probably
could and should have been released much earlier.

A post-election media release from WESNET last month was headed ‘Domestic Violence Peak Body Dismayed at the Howard Government’s Disregard for Women’. In protesting the downgrading of the Office of the Status of Women, a WESNET representative said, ‘When Mr Howard is finished with his restructuring, women will simply become invisible.’ Another example of how women are going backwards fast under this Howard government was shown last week in the new Bureau of Statistics figures showing the widening gap in male and female wages.

WESNET publicly praised—I think this is the alternative—the commitments that the ALP has made to women and to tackling the issue of violence against women. Labor recognises that the safety of children and women must be a top priority. Labor’s plan to combat violence included a pledge to work with existing non-government organisations such as WESNET and the National Association of Services Against Sexual Violence to build and to fund a national advocacy peak body to complement the work already being done in the sexual assault and domestic violence areas.

Labor values the work and expertise of those working for women’s domestic violence and family services. In contrast, the Howard government has demonstrated an insulting disregard for the advice given by WESNET and other women’s organisations, for example over the ‘No respect, no relationship’ antiviolence campaign. Despite the attempts of Howard government members to portray themselves as desiring to combat family and domestic violence, they have denied funding to WESNET, a peak body with nearly 400 domestic and family violence services across Australia, including refuges and shelters.

In 1997 operational funding for WESNET as a peak body ceased, but from 1998 on it was funded for three years on a consultancy basis. In 2001 the organisation and its essential services faced closure. That WESNET still exists is a tribute to the hard work of its members and volunteers. Member services pay fees and WESNET has been commissioned to provide research and submissions by such bodies as the Office of the Status of Women and the Australian Federation of Homelessness Organisations.

WESNET’s battle for funding appears desperate. And I suppose it is timely to reflect on the optimism of the late Helen Leonard when in 2001, as National Executive Officer for WESNET, she spoke of breaking the nexus between dependence on government funding and its inevitable influence on directions and priorities. From its origins as a government initiated organisation, WESNET was becoming ‘a peak with its feet firmly planted in the grassroots and accountable to its members’, Helen said at the time.

It is certainly a tradition, of the Howard government at least, to make funding of organisations contingent on their toeing the line, and that is disgraceful. I am proud that WESNET had its origins under a federal Labor government and that Labor in government will reinstate funding and support these services. I would like to congratulate WESNET on its 12 years of service as a national women’s peak advocacy body combating domestic and family violence and on the 10th anniversary of its incorporation. I call on the federal government to reinstate funding for WESNET’s essential services and to value and be guided by the advice and expertise of its executive and members.

Women’s Services Network

Senator IAN MACDONALD (Queensland—Minister for Fisheries, Forestry and Conservation) (10.29 p.m.)—In closing the
debate tonight I want to thank all senators for their contributions. I cannot help but be disappointed, though, with the last contribution. It was a typical old left-wing propaganda and dogma. It is a shame it has to occur. Every senator is, of course, entitled to their view, but Senator Lundy simply—

Senator George Campbell—Mr President, on a point of order: the time for debate has expired. It is a bit outrageous.

The PRESIDENT—The minister has a right to sum up, but it has to be within the time allotted for the adjournment. The minister has the right to sum up if there is time remaining in the adjournment debate. The time has now expired.

Senate adjourned at 10.31 p.m.

DOCUMENTS

Tabling

The following documents were tabled by the Clerk:

- A New Tax System (Family Assistance) Act—Child Care Benefit (Work/Training/Study Test Exemption) Amendment Determination 2004 (No. 1).
- Commonwealth Authorities and Companies Act—Notice under paragraph 45(1)(e)—Variation of membership in Bundanoon Trust.
- Family Law Act—Regulations—Family Law (Superannuation) (Methods and Factors for Valuing Particular Superannuation Interests) Amendment Approval 2004 (No. 5).
- Fisheries Management Act—Heard Island and McDonald Islands Fishery Management Plan Amendment 2004 (No. 1).
- NPF Direction No. 82.
- Lands Acquisition Act—Statements describing property acquired by agreement under sections 40 and 125 of the Act for specified public purposes [2].

Miscellaneous Taxation Ruling MT 2004/1.


Nuclear Non-Proliferation (Safeguards) Act—Regulations—Statutory Rules 2004 No. 323.


Product Rulings—
PR 2002/142 (Notice of Withdrawal).
PR 2003/67 (Notice of Withdrawal).


Social Security Act—Social Security (Class of Visas—Newly Arrived Resident’s Waiting Period for Special Benefit) Determination 2004 (No. 2).

Sydney Airport Curfew Act—Dispensations granted under section 20—Dispensation No. 9/04 [12 dispensations].

Taxation Determination TD 2004/63.