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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—SECOND 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 and Whips

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 Lynette Fay Allison
Liberal Party of Australia Whips—Senators Jeannie Margaret Ferris and Alan Eggleston
National Party of Australia Whip—Senator Julian John James McGauran
Opposition Whips—Senators George Campbell and Geoffrey Frederick Buckland
Australian Democrats Whip—Senator Andrew John Julian Bartlett

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(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—I.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 Government 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 Relations and Minister Assisting the Prime Minister for the Public Service
Minister for Communications, Information Technology 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)
HOWARD MINISTRY—continued

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
The Hon. Kim Christian Beazley 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)
SHADOW MINISTRY—continued

Shadow Minister for Immigration
Laurence Donald Thomas Ferguson MP

Shadow Minister for Agriculture and Fisheries
Gavan Michael O’Connor MP

Shadow Assistant Treasurer, Shadow Minister for Revenue and Shadow Minister for Banking and Financial Services
Joel Andrew Fitzgibbon MP

Shadow Attorney-General
Nicola Louise Roxon MP

Shadow Minister for Regional Services, Local Government and Territories
Senator Kerry Williams Kelso O’Brien

Shadow Minister for Manufacturing and Shadow Minister for Consumer Affairs
Senator Kate Alexandra Lundy

Shadow Minister for Defence Planning, Procurement and Personnel and Shadow Minister Assisting the Shadow Minister for Industrial Relations
The Hon. Archibald Ronald Bevis MP

Shadow Minister for Sport and Recreation
Alan Peter Griffin MP

Shadow Minister for Veterans’ Affairs
Senator Thomas Mark Bishop

Shadow Minister for Small Business
Tony Burke MP

Shadow Minister for Ageing, Disabilities and Carers
Senator Jan Elizabeth McLucas

Shadow Minister for Justice and Customs, Shadow Minister for Citizenship and Multicultural Affairs and Manager of Opposition Business in the Senate
Senator Joseph William Ludwig

Shadow Minister for Pacific Islands
Robert Charles Grant Sercombe MP

Shadow Parliamentary Secretary to the Leader of the Opposition
John Paul Murphy MP

Shadow Parliamentary Secretary for Defence
The Hon. Graham John Edwards MP

Shadow Parliamentary Secretary for Education
Kirsten Fiona Livermore MP

Shadow Parliamentary Secretary for Environment and Heritage
Jennie George MP

Shadow Parliamentary Secretary for Infrastructure
Bernard Fernando Ripoll MP

Shadow Parliamentary Secretary for Health
Ann Kathleen Corcoran MP

Shadow Parliamentary Secretary for Regional Development (House)
Catherine Fiona King MP

Shadow Parliamentary Secretary for Regional Development (Senate)
Senator Ursula Mary Stephens

Shadow Parliamentary Secretary for Northern Australia and Indigenous Affairs
The Hon. Warren Edward Snowdon MP
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Thursday, 17 March 2005

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

PETITIONS

The Clerk—A petition has been lodged for presentation as follows:

Immigration: Asylum Seekers

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

Whereas the 1998 Synod of the Anglican Diocese of Melbourne carried without dissent the following motion:

“That this Synod regrets the Government’s adoption of procedures for certain people seeking political asylum in Australia which exclude them from all public income support while withholding permission to work, thereby creating a group of beggars dependent on the Churches and charities for food and the necessities of life;

and calls upon the Federal government to review such procedures immediately and remove all practices which are manifestly inhumane and in some cases in contravention of our national obligations as a signatory of the UN Covenant on Civil and Political Rights.”

We, therefore, the individual, undersigned attendees at St Paul’s Anglican Church, Malvern/North Caulfield, VIC, 3161; Narre Warren Uniting Church, Narre Warren, VIC 3805; and St Agnes Anglican Church, Black Rock, Vic 3193, petition the Senate in support of the above mentioned motion.

AND we, as in duty bound will ever pray.

by Senator Fifield (from 32 citizens).

Petition received.

NOTICES

Withdrawal

Senator Tchen (Victoria) (9.31 a.m.)—On behalf of the Standing Committee on Regulations and Ordinances, I give notice that after motions to take note of answers today I shall withdraw business of the Senate notices of motion Nos 1 and 2 standing in my name for today for the disallowance of the Air Navigation (Aviation Security Status Checking) Regulations 2004 and the Crimes Amendment Regulations 2004 (No. 1). I seek leave to make a short statement.

Leave granted.

Senator Tchen—The committee’s concerns with the retrospective application of the crimes amendment regulations were satisfied today by a briefing from officers of the Attorney-General’s Department. The committee thanks the Attorney-General and departmental officers for their advice. The air navigation regulations raised issues regarding the role of the Privacy Commissioner and the committee will make a statement to the Senate on this matter at another time. I seek leave to incorporate in Hansard the committee’s correspondence concerning these instruments.

Leave granted.

The correspondence read as follows—


5 August 2004

The Hon John Anderson MP
Minister for Transport and Regional Services
Parliament House
CANBERRA ACT 2600

Dear Minister

I refer to the Air Navigation (Aviation Security Status Checking) Regulations 2004, Statutory Rules 2004 No. 207 that provide for background checks to be made on applicants for flight crew licences, permit the Secretary to declare a person to have adverse security status, and make other related amendments.

The Committee notes that new regulation 7 provides that CASA may provide information, including personal information, to certain other Commonwealth organisations for the purposes of carrying out background and security checks. The
Committee therefore seeks your advice as to whether the Privacy Commissioner has been consulted with respect to this provision.

The Committee would appreciate your advice as soon as possible, but before 3 September 2004, to enable it to finalise its consideration of these Regulations. Correspondence should be directed to the Chairman, Senate Standing Committee on Regulations and Ordinances, Room SG49, Parliament House, Canberra.

Yours sincerely
Tsebin Tchen
Chairman

31 August 2004
Senator Tsebin Tchen
Chairman
Standing Committee on Regulations and Ordinances
Parliament House
CANBERRA ACT 2600
Dear Chairman

These regulations were put in place in an urgent manner in response to legal advice. The Attorney-General’s Department and the Australian Government Solicitor were consulted in the process of developing the regulations. The Privacy Commissioner’s input was not sought.

Thank you for raising this matter with me.
Yours sincerely
John Anderson
Minister for Transport and Regional Services

2 December 2004
The Hon John Anderson MP
Minister for Transport and Regional Services
Parliament House
CANBERRA ACT 2600
Dear Minister
Thank you for your letter of 31 August 2004 (Reference 2004080225) providing advice in relation to the Air Navigation (Aviation Security Status Checking) Regulations 2004, Statutory Rules 2004 No. 207. These regulations provide for background checks to be made on applicants for flight crew licences, permit the Secretary to declare a person to have adverse security status, and make other related amendments.

The Committee notes your advice that the regulations were put in place in an urgent manner and that the Privacy Commissioner’s input was not sought. The Committee would appreciate your further advice as to why the Privacy Commissioner could not be consulted—notwithstanding the need for urgency—and whether it is proposed to seek the Commissioner’s advice subsequent to the making of the regulations.

The Committee would appreciate your advice as soon as possible, but before 1 February 2005, to enable it to finalise its consideration of these Regulations. Correspondence should be directed to the Chairman, Senate Standing Committee on Regulations and Ordinances, Room SG49, Parliament House, Canberra.

Yours sincerely
Tsebin Tchen
Chairman

29 December 2004
Senator Tsebin Tchen
Chairman
Senate Standing Committee on Regulations and Ordinances
Room SG49
Parliament House
CANBERRA ACT 2600
Dear Senator Tchen
Thank you for your letter of 2 December 2004 to the Deputy Prime Minister and Minister for Transport and Regional Services, the Hon John Anderson MP, concerning Air Navigation (Aviation Security Status Checking) Regulations 2004, Statutory Rules 2004 No. 207. I am responding on his behalf as I am currently acting Minister for Transport and Regional Services.
These regulations provide for background checks to be made on applicants for flight crew licences, permit the Secretary to declare a person to have adverse security status, and make other related amendments.

I note your concern that the regulations were put in place in an urgent manner and that the Privacy Commissioner’s input was not sought.

Please be aware that apart from the time constraints in putting the regulations in place, the Privacy Commissioner was not consulted for the following reasons:

- the Air Navigation Amendment Regulations 2003 (3) are a temporary measure until the Aviation Transport Security Act 2004 is in place. This will occur on 10 March 2005; and

- full consideration was given to the provisions of the Privacy Act 1988, in particular of IPP 11.1, and to the Privacy Commissioner’s Guidelines.

Due to the temporary nature of the Air Navigation Amendment Regulations 2003 (3), it is not proposed to seek the Privacy Commissioner’s input subsequent to the making of the regulations.

Yours sincerely

Jim Lloyd
Minister for Local Government, Territories and Roads

10 February 2005
ref: 22/2005

The Hon John Anderson MP
Minister for Transport and Regional Services
Suite MG41
Parliament House
CANBERRA ACT 2600

Dear Minister

I refer to correspondence from the Hon Jim Lloyd MP, as Acting Minister for Transport and Regional Services, dated 29 December 2004 (ref 2004120101) concerning the Air Navigation (Aviation Security Status Checking) Regulations 2004, Statutory Rules 2004 No 207.

The Committee raised the issue of consultation with the Privacy Commissioner in the development of these Regulations. The Acting Minister responded that the regulations “were put in place in an urgent manner” and that the Privacy Commissioner had not been consulted because the regulations were a temporary measure until the Aviation Transport Security Act 2004 was in place. Nevertheless full consideration had been given to the provisions of the Privacy Act 1988.

The Committee notes that, notwithstanding their temporary nature, the regulations will have been in force for a period of 8 months. This would appear to be ample time within which any privacy considerations might have been canvassed with the Commissioner. In addition, the Committee considers that it is ultimately for the Privacy Commissioner, rather than the Department, to ascertain whether the Privacy Act and Guidelines have been properly implemented.

The Committee would appreciate your further advice as to whether the Privacy Commissioner has since been consulted or will be consulted—whether with regard to these regulations or the equivalent provisions in the Aviation Transport Security Act 2004.

The Committee would appreciate your further advice on this issue as soon as possible, but before 11 March 2005, to enable it to finalise its consideration of these Regulations. Correspondence should be directed to the Chairman, Senate Standing Committee on Regulations and Ordinances, Room SG49, Parliament House, Canberra.

Yours sincerely

Tsebin Tchen
Chairman

16 March 2005

Senator Tsebin Tchen
Chairman
Standing Committee on Regulations and Ordinances
Room SG49
PARLIAMENT HOUSE ACT 2600
Dear Senator

It was not considered necessary to contact the Privacy Commissioner because the Aviation Transport Security Regulations 2005 do not vary the background checking procedure from that used in the Air Navigation Regulations 1947.

Furthermore, it is noted that Aviation Security Identification Card (ASIC) Issuing Bodies in their application forms for an ASIC use words similar to the following:

The (Issuing Body) collects the information contained in this application to determine the need for the issuance of an Aviation Security Information Card to the Applicant. The (Issuing Body) forwards the Consent to obtain a Personal Information Form, which is part of this application and has its personal details completed by the applicant, to the Australian Federal Police requesting a police record check, ASIO for a Politically Motivated Violence Check and DIMIA for a citizenship check, the results of such to be provided to the (Issuing Body). The (Issuing Body) does not give this information or part of it to any other parties, unless the provisions of Information Privacy Principles (IPP) 10 and/or IPP 11 apply. Information contained in this application will be kept in the strictest confidence and handled in accordance with the Privacy Act 1988 and IPPs contained in Part III of that Act.”

Thank you for raising this matter with me.
Yours sincerely
JOHN ANDERSON
Minister for Transport and Regional Services

I refer to the Crimes Amendment Regulations 2004 (No. 1), Statutory Rules 2004 No. 164 that prescribe periodic detention orders under the Crimes (Sentencing Procedure) Act 1999 (NSW) and the Periodic Detention Act 1995 (ACT) for the purposes of subsection 20AB(1) of the Crimes Act 1914.

These amendments commence retrospectively (from 1 September 1995 for periodic detention orders in the ACT—Schedule 1, and from 3 April 2000 for periodic detention orders in NSW—Schedule 2). The Committee seeks your advice as to whether any persons have been subject to periodic detention orders for relevant crimes in the ACT or NSW during the relevant periods and if so, what the legislative authority for such orders was. The Explanatory Statement indicates that the Australian Government Solicitor has advised that this retrospective operation does not contravene subsection 48(2) of the Acts Interpretation Act 1901. The Committee would appreciate receiving a copy of this advice to assist with its consideration of this matter.

The Committee also seeks your advice on the reason for the lengthy delay in clarifying the position of periodic detention orders in the ACT and NSW for the purposes of the Crimes Act.

The Committee would appreciate your advice on the above matters as soon as possible, but before 3 September 2004, to enable it to finalise its consideration of these Regulations. Correspondence should be directed to the Chairman, Senate Standing Committee on Regulations and Ordinances, Room SG49, Parliament House, Canberra.

Yours sincerely
Tsebin Tchen
Chairman

17 November 2004
Chairperson
Senate Standing Committee on Regulations and Ordinances
Room SG49
Parliament House
CANBERRA ACT 2600
Dear Senator

I am writing to you in response to Senator Tsebin Tchen’s letter dated 5 August 2004, asking for my advice on particular features of the recent Crimes Amendment Regulations 2004 (Cth) (the Amending Regulations).

The Amending Regulations are designed to provide certainty about the power of State and Territory courts to impose periodic detention orders on federal offenders, where such orders are ordinarily available as a sentencing option for state offenders. The retrospective commencement of the Amending Regulations ensures prisoners subject to past periodic detention orders would not have their sentencing option made more severe, for example through the imposition of full time custody, in the absence of this retrospective clarification.

The Committee, mindful of this retrospective element, asks whether any persons have been subject to periodic detention orders for federal crimes during the period from 1 September 1995 to the present in the ACT and from 3 April 2000 to the present in NSW. I advise that 34 federal offenders have been subject to periodic detention orders under the ACT legislation since it commenced on 1 September 1995 and 221 federal offenders have been subject to periodic detention orders under the NSW legislation since it commenced on 3 April 2000.

I have attached relevant sections of the Australian Government Solicitor (AGS) advice on the retrospective effect of the amendments. The AGS advised that when subsection 20AB(1) of the Crimes Act 1914 (Cth) (the Crimes Act) is interpreted narrowly, it raises doubts as to whether periodic detention orders as defined in the Periodic Detention Act 1995 (ACT) and the Crimes (Sentencing Procedure) Act 1999 (NSW) are available sentencing options under subsection 20AB(1) of the Crimes Act for federal offenders in NSW and the ACT.

This is because subsection 20AB(1) of the Crimes Act refers to a ‘sentence of periodic detention’ and not a ‘periodic detention order’. However, the AGS opinion further states that “subsection 20AB(1) was obviously intended to cast a very wide net over potential alternative sentencing arrangements available under applied State laws,” and, “courts in New South Wales have consistently assumed that they have the power to make periodic detention orders in relation to federal offenders.” Further discussion of the amendments is contained in the attached advice.

The Committee requests clarification of the delay in making this amendment. The availability of periodic detention orders for federal offenders has never been questioned by the courts, which have consistently considered that they have the legislative power under subsection 20AB(1) to impose periodic detention orders. The imposition of periodic detention orders by courts has also never been challenged by federal offenders. The imposition of a periodic detention order is an alternative to full time detention. This is frequently an advantageous solution for the offender, as it allows for the continuation of employment, daily contact with family and other rehabilitative activities. With the possible exception arising from a prisoner’s breach of a periodic detention order, such an order also means that a prisoner spends less time in gaol, as a periodic detention order is imposed by a court in lieu of serving full time custody for an equivalent period of time.

The imposition of periodic detention orders has been a non-controversial domain. It was only the Australian Government’s investigation of possible amendments to sections 20AB and 20AC of the Crimes Act that brought the anomaly to attention.

I trust this advice meets your requirements. The action officer for this matter in the Attorney-General’s Department is Sally Aplin, who can be contacted on 6250 6081 or at sally.aplin@ag.gov.au.

Yours sincerely

CHRIS ELLISON
Minister for Justice and Customs

Australian Government Solicitor

ADVICE

Application of existing provisions

7. The recent public discussion of the administration of periodic detention has related in particular to a federal offender convicted of offences under the Corporations Act 2001 (Cwth). The jurisdiction of State courts in relation to such
offences arises under Division 2 of Part 9.6A of Chapter 9 of that Act. That jurisdiction includes sentencing in accordance with relevant penalty provisions in that Act. Power to impose certain alternative sentences and to make other provision in relation to the carrying out of sentences, in accordance with the provisions of applied laws of ‘participating jurisdictions’ (which includes New South Wales), is conferred by section 20AB of the Crimes Act.

Is a periodic detention order covered by section 20AB(1)?

8. We note that section 20AB(1) does not in its terms mention a ‘periodic detention order’ (cf. a ‘periodic detention sentence’), nor is a ‘periodic detention order’ prescribed in regulations made for the purposes of that subsection. If there is authority under the provision to make such an order in relation to federal offenders, it must be found in the words ‘a similar sentence or order’.

9. There is a question whether, in their context, these words need to be read distributively, that is, whether any additional kind of ‘similar’ sentence must be similar to one of the kinds of sentences previously identified (i.e. a sentence of periodic detention or a sentence of weekend detention), while any additional kind of ‘similar’ order must be similar to one of the kinds of orders previously identified (i.e. a community service order, a work order, an attendance centre order or an attendance order). If the words must be read distributively, it would mean that the scope of additional ‘similar’ orders could not be determined by reference to the named sentences (such as a periodic detentions sentence), or vice versa. This would leave open the argument that periodic detention orders are not covered by the provision because they are not sufficiently similar to a community service order, work order, attendance centre order or attendance order. (We note that, while provision is made under the Sentencing Procedure Act for community service orders, work orders and attendance orders, the only references to attendance centre orders in State or territory legislation appear to be in the ACT children protection legislation.)

10. The principle of statutory interpretation, which is encapsulated in the Latin maxim reddendo singula singulis, supports a distributive reading, as does the fact that sentences and orders are not interchangeable concepts. Periodic detention orders and other orders made under the Sentencing Procedure Act do not appear to be sentences but rather orders made ‘in relation to’ or ‘in respect of’ sentences and appear to be concerned with how sentences previously imposed are to be served or carried out (see further below).

11. However, section 20AB(1) was obviously intended to cast a very wide net over potential alternative sentencing arrangements available under applied State laws. We think therefore that a court would be slow to adopt a reading of section 20AB that had the effect of excluding one of the most important alternative sentencing arrangements available in a major jurisdiction. Indeed, it appears that courts in New South Wales have consistently assumed that they have the power to make periodic detention orders in relation to federal offenders.

12. To put the matter beyond any doubt, it would be possible to prescribe periodic detention orders made under the Sentencing Procedure Act for the purposes of section 20AB(1) of the Crimes Act, and to do so with retrospective effect, given that to do so would not, in our view, be precluded by section 48(2) of the Acts Interpretation Act 1901 on the basis that it would adversely affect the rights of persons (i.e. enabling the making of valid periodic detention orders would mean that offenders would not
need to serve full-time detention under a head sentence). However, it may be preferable to address the issue when section 20AB is next amended, so that there is clear authority for every kind of periodic detention arrangement, whether in the form of a sentence or in the form of an order in relation to a sentence, and however described.

2 December 2004
Senator the Hon Chris Ellison
Minister for Justice and Customs
Parliament House
CANBERRA ACT 2600
Dear Minister
Thank you for your letter of 17 November 2004 providing advice in relation to the Crimes Amendment Regulations 2004 (No. 1), Statutory Rules 2004 No. 164. These regulations retrospectively prescribe periodic detention orders under the Crimes (Sentencing Procedure) Act 1999 (NSW) and the Periodic Detention Act 1995 (ACT) for the purposes of subsection 20AB(1) of the Crimes Act 1914.

With your letter, you include advice from the Australian Government Solicitor on the effect of section 48(2) of the Acts Interpretation Act 1901. In general terms, AGS advises that these regulations do not adversely affect rights as "enabling the making of valid periodic detention orders would mean that offenders would not need to serve full-time detention under a head sentence". If full-time detention were the only alternative to periodic detention then this would clearly be the case. However, if a non-custodial order or other lesser penalty were also available as an alternative to periodic detention then it may be that this provision would contravene section 48(2).

The Committee would appreciate your further advice on this issue as soon as possible. It may be that the easiest way to provide that advice would be by way of a briefing. I will arrange for the Committee Secretary, Mr James Warmenhoven, to contact your office to discuss this further.

Yours sincerely
Tsebin Tchen
Chairman

2 December 2004
Senator the Hon Chris Ellison
Minister for Justice and Customs
Parliament House
CANBERRA ACT 2600
Dear Minister
Thank you for your letter of 17 November 2004 providing advice in relation to the Crimes Amendment Regulations 2004 (No. 1), Statutory Rules 2004 No. 164. These regulations retrospectively prescribe periodic detention orders under the Crimes (Sentencing Procedure) Act 1999 (NSW) and the Periodic Detention Act 1995 (ACT) for the purposes of subsection 20AB(1) of the Crimes Act 1914.

With your letter, you include advice from the Australian Government Solicitor on the effect of section 48(2) of the Acts Interpretation Act 1901. In general terms, AGS advises that these regulations do not adversely affect rights as “enabling the making of valid periodic detention orders would mean that offenders would not need to serve full-time detention under a head sentence”. If full-time detention were the only alternative to periodic detention then this would clearly be the case. However, if a non-custodial order or other lesser penalty were also available as an alternative to periodic detention then it may be that this provision would contravene section 48(2).

The Committee would appreciate your further advice on this issue as soon as possible. It may be that the easiest way to provide that advice would be by way of a briefing. I will arrange for the Committee Secretary, Mr James Warmenhoven, to contact your office to discuss this further.

Yours sincerely
Tsebin Tchen
Chairman

Officers from the Attorney-General’s Department briefed the Committee on Thursday 17 March 2005.

Presentation

Senator Bartlett to move on Tuesday, 10 May 2005:
That the following matter be referred to the Legal and Constitutional References Committee for inquiry and report by 17 August 2005:
(a) the adequacy of the legal regime to enable and ensure proper duty of care for people in immigration detention;
(b) the adequacy of health assessment and treatment of people in immigration detention;
(c) the impact of the management regime of immigration detention centres on the short-term and long-term health of detainees; and
(d) the appropriateness of ‘management units’ and placing detainees in isolation.

Senator Brown to move on the next day of sitting:
That the Senate—
(a) notes the following comments given by the Minister for Education, Science and Training (Dr Nelson) on ABC’s AM program on 16 March 2005: ‘You have to ask yourself, why is it that if you’re on campus at Sydney University, with your compulsory student union fees subsidising the services there, you pay $2.00 for a sausage roll, but if you walk across the road into Newtown into a private shop you pay $1.70, plus you get served by a person who’s actually smiling at you’; and
(b) calls on the Minister to apologise to university union catering workers for these gratuitously insulting comments.
BIOLOGY
Rearrangement
Senator ELLISON (Western Australia—Manager of Government Business in the Senate) (9.33 a.m.)—I move:

That the order of general business for consideration today be as follows:

(1) general business notice of motion No. 113 standing in the name of the Senator George Campbell relating to skills shortages; and

(2) consideration of government documents.

Question agreed to.

NOTICES
Postponement
The following item of business was postponed:

General business notice of motion No. 108 standing in the name of Senator Bartlett for today, relating to great ape populations, postponed till 10 May 2005.

NEW APPRENTICESHIP OUTCOMES
Senator CARR (Victoria) (9.34 a.m.)—I move:

That there be laid on the table by the Minister representing the Minister for Education, Science and Training, no later than 3.30 pm on Thursday, 17 March 2005, the following documents:

(a) the ‘Survey of New Apprenticeship outcomes [2003-04]’ prepared by the Social Research Centre Pty Ltd (SRC), Department of Education, Science and Training (DEST) contract number 2789; and

(b) the ‘Survey of long-term New Apprenticeship outcomes [2004]’ prepared by SRC, DEST contract number 75104.

Question agreed to.

HARMONY DAY AND INTERNATIONAL DAY FOR THE ELIMINATION OF RACIAL DISCRIMINATION
Senator LUDWIG (Queensland—Manager of Opposition Business in the Senate) (9.35 a.m.)—I move:

That the Senate—

(a) notes that 21 March 2005 is Harmony Day;

(b) recognises the importance of community harmony in Australia, in particular the social and economic benefits of a stable, multicultural society;

(c) notes that 21 March is also United Nations International Day for the Elimination of Racial Discrimination; and

(d) condemns racism and the practice of racial discrimination.

Question agreed to.

FISHERIES LEGISLATION AMENDMENT (INTERNATIONAL OBLIGATIONS AND OTHER MATTERS) BILL 2005
First Reading
Senator ELLISON (Western Australia—Minister for Justice and Customs) (9.35 a.m.)—I move:

That the following bill be introduced: A Bill for an Act to amend legislation about fisheries, and for related purposes.

Question agreed to.

Senator ELLISON (Western Australia—Minister for Justice and Customs) (9.36 a.m.)—I table the explanatory memorandum relating to the bill and move:

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

Question agreed to.

Bill read a first time.
Second Reading

Senator ELLISON (Western Australia—Minister for Justice and Customs) (9.36 a.m.)—I move:

That this bill be now read a second time.

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

Leave granted.

The speech read as follows—

FISHERIES LEGISLATION AMENDMENT (INTERNATIONAL OBLIGATIONS AND OTHER MATTERS) BILL 2005

The Fisheries Legislation Amendment (International Obligations and Other Matters) Bill 2005 (the bill) reflects the Howard Government’s ongoing commitment to protect its sovereign interests and to deter illegal, unreported and unregulated (IUU) fishing in Australian and international waters. The amendments to the Fisheries Management Act 1991 (FMA) and the Fisheries Administration Act 1991 (FAA) will enable Australia to give effect to its obligations under international law, increase its capacity to exchange information about suspected illegal fishers with foreign governments and international intergovernmental organisations and will provide for improved management of Australia’s fish stocks. The bill also provides for consequential amendments to the FMA and the Migration Act 1958 (MA) which are related to and contingent upon the proposed amendments in the Border Protection Legislation Amendment (Deterrence of Illegal Foreign Fishing) Bill 2005.

The principal purpose of this bill is to implement Australia’s obligations under the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (the Convention). These amendments will extend surveillance and enforcement provisions in the FMA to ensure that Australian nationals and Australian-flagged boats comply with the Convention’s regional management measures.

The Convention was ratified by Australia on 22 September 2003. Ratification of the Convention was progressed on the basis that Australia would both benefit from, and be able to directly influence, management arrangements in a well managed western and central Pacific fishery. The ratification of this Convention by Australia occurred after considerable consultation with industry groups, non-governmental organisations and State and Territory Governments. The Convention came into force on 19 June 2004, six months after the necessary ratifications were achieved.

This Convention is between western and central Pacific Coastal States and the distant water fishing nations that fish in the western and central Pacific Ocean. It establishes a Commission to manage and conserve highly migratory fish stocks such as tuna and billfish in the region. The Pacific Ocean is considered to host the world’s last robust tuna fishery and the Commission will ensure that consistent management measures are adopted across the Commission’s area of competence in the Pacific. Without the Convention, there would be limited control over the utilisation of these stocks.

Australia has played a leading role in the processes leading up to this Convention, and is now a member of the Commission. The Convention is important to Australia’s continuing engagement in the Pacific. It also holds particular significance for Pacific Island Countries, with many of these nations relying heavily upon fishing resources for their national income. Australia has a considerable interest in the economic stability and development of our neighbouring countries as well as ensuring the sustainable management of shared fish stocks.

Australia’s commercial fishing industry will also benefit from better management of the fishing resources. The consistent and responsible management measures that will be put into force by the Commission will have a positive impact on the long-term sustainability of Australia’s domestic tuna and billfish industries and the contribution they make to our economy.

The Australian Government is able to implement many of its obligations under the Convention through its existing management arrangements. Once the Commission determines a regional management measure, it will be applied by the Australian Fisheries Management Authority (AFMA) to Australian boats throughout the central and western Pacific Ocean through the nor-
mal management arrangements. Some amendments are necessary, however, to create compliance provisions that apply to the Convention area and to Australian citizens on foreign boats outside the Australian Fishing Zone.

New offences in the FMA will target situations where Australia has international obligations to ensure that Australian citizens, Australian boats and certain foreign boats (known as WCPFC boats) are acting in accordance with the Convention. The offences relate to the unauthorised fishing of highly migratory fish stocks where this breaches a regional management measure, as determined by the Commission.

Some of the new offences will be linked to a new boarding and inspection regime that will apply to WCPFC boats. This regime is based on the existing provisions in the FMA that implement the United Nations Fish Stocks Agreement (FSA). The new boarding and inspection regime will not enter into force immediately as the Commission has not yet settled on the regime that will apply to WCPFC boats. The Australian Government is anticipating that the new regime will be consistent with the FSA as this is the prescribed default regime, should the Commission be unable to agree on a new regime within two years of the Convention entering into force (that is, by June 2006). In order to have the boarding and inspection regime implemented as quickly as possible, the Australian Government has decided to have provisions based on the existing FSA ready and waiting for proclamation, assuming that the applicable regime will be similar or identical to the FSA. If the Commission determines a regime that is substantially different to the FSA provisions, then these provisions will not be proclaimed and new legislation will need to be drafted.

In addition to new offence provisions, the Convention also obliges Australia to ensure that Australian-flagged boats that have seriously violated a regional management measure, cease to fish in the Convention area until they have complied with any sanctions imposed by Australia or by another coastal State. To fulfil this obligation, AFMA will have the authority to suspend fishing concessions under these circumstances.

As well as implementing regional fisheries management arrangements, this bill also deals with another issue of serious concern to the Australian Government—IUU fishing. Amendments will be made to the FMA and FAA to enable the Australian Government to disclose information, which may contain personal details about suspected illegal fishers to foreign governments and international intergovernmental organisations.

The decision to disclose the information will be made by the Minister and may be delegated to AFMA or to the Australian Government Department of Agriculture, Fisheries and Forestry. The information disclosed may include photos, crew lists and observer reports, and will strictly relate to the involvement of the individual in suspected illegal fishing activities or operations. The disclosure of this type of personal information will constitute an exception to the Information Privacy Principles of the Privacy Act 1988. As such, the use of this power will be subject to appropriate controls such as the restricted use of the information by foreign Governments.

This measure is in line with Australia’s obligations under international agreements, such as the FSA and the Food and Agriculture Organization for the United Nations Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas (commonly known as the Compliance Agreement). It will provide a critical tool that will help bring poachers of Australia’s valuable fish resources to justice and ensure that the Government can maintain its strong stance on the issue of IUU fishing.

This bill also extends the existing infringement notice scheme to foreign boats—which is another measure to target IUU fishing. The infringement notice scheme already applies to domestic boats under the FMA and the extension of this scheme will increase the Australian Government’s capacity to take action against foreign fishers that have been found illegally fishing in Australian waters.

The extension of the infringement notice scheme will add to the range of penalties available to fisheries officers to take action against crew who have been on board foreign boats and involved in illegal fishing. It will give fisheries officers the capacity to issue infringement notices as an alternative to prosecution under the Act. It will also allow fisheries officers to issue a lower level pen-
alty to crew members that are contributing to the illegal fishing and provide a measured response to those that have less direct involvement in illegal operations. It is another tool for fisheries officers to use to protect valuable Australian resources from IUU fishing.

The increasing incidence of IUU fishing in the Australian fishing zone is of great concern to the Australian community. It impinges on Australia’s sovereign interests in our southern and northern waters, as well as threatening the sustainability of our fish stocks. IUU fishing has the potential to have a significant impact on the long-term viability of the Australian fishing industry and threatens Australia’s unique marine biodiversity and ecosystems through destructive and unsustainable fishing practices and the introduction of pests and diseases. It is for these reasons that the Howard Government is committed to addressing this problem both domestically and in conjunction with wider international efforts.

The bill also includes a number of other, miscellaneous amendments to the FMA to enable AFMA to improve its management of Commonwealth fisheries.

The first of these amendments will deliver on Outcome 16 of the 2003 Commonwealth Fisheries Policy Review. This will require all plans of management to explicitly include objectives consistent with those under the FMA, and to include criteria and time frames for performance review.

The bill will also implement Outcome 31 of the Commonwealth Fisheries Policy Review. To this end, the FMA will be amended to remove the use of the ballot approach for allocating access rights to fisheries resources. The ballot approach is effectively a lottery for access to the resource and is not considered an appropriate tool to allocate fisheries rights.

A further amendment to the FMA will allow holders of Commonwealth fisheries concessions to land their legitimate catch at any Australian port. The FMA allows AFMA to regulate commercial fishing activities in Commonwealth fisheries that are located all around Australia. The FMA already includes a provision to stop States and Territories from imposing a licence, permit, fee or charge that would have the effect of limiting the right of Commonwealth fishers to land their catch. However, some State laws are still preventing some Commonwealth fisheries concession holders from landing some of their catch, even though the fish have been caught in accordance with Commonwealth management arrangements and permit and/or licence conditions. The amendment will overcome this problem and ensure that the right to land legitimate catch is enforced in legislation.

The FMA will also be amended to correct a minor drafting error in section 103, made when the section was last amended. It is necessary to correct this error by deleting a duplicated provision.

A further amendment to the FMA will allow holders of Commonwealth fisheries concessions to land their legitimate catch at any Australian port. The FMA allows AFMA to regulate commercial fishing activities in Commonwealth fisheries that are located all around Australia. The FMA already includes a provision to stop States and Territories from imposing a licence, permit, fee or charge that would have the effect of limiting the right of Commonwealth fishers to land their catch. However, some State laws are still preventing some Commonwealth fisheries concession holders from landing some of their catch, even though the fish have been caught in accordance with Commonwealth management arrangements and permit and/or licence conditions. The amendment will overcome this problem and ensure that the right to land legitimate catch is enforced in legislation.

The final amendments in the bill are contingent on the passing of the Border Protection Legislation Amendment (Deterrence of Illegal Foreign Fishing) Bill 2005 as well as the relevant provisions of this bill relating to new offences and powers of officers. These contingent amendments are necessary to ensure that the two pieces of legislation being considered by the Parliament result in consistent changes to the FMA and the MA. These amendments are minor and will ensure that the proposed fisheries enforcement and detention regime is consistently applied.

In summary, these measures will enhance Australia’s capacity to develop regional fisheries management measures in the Western and Central Pacific Ocean, support the Howard Government’s strong stance against illegal unreported and unregulated fishing, and strengthen our domestic fisheries management arrangements.

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

NATIONAL PRIORITY FUNDING FOR TEACHER EDUCATION

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

That there be laid on the table by the Minister representing the Minister for Education, Science and Training, no later than 3.30 pm on Thursday, 17 March 2005, the letter from the Department of Education, Science and Training, on behalf of the Minister for Education, Science and Training, (Dr Nelson), to the Australian Council of Deans of
Education advising how the National Priority Funding for Teacher Education of $110 million would be disbursed to universities.

Question agreed to.

ST PATRICK’S DAY
Senator LUDWIG (Queensland) (9.37 a.m.)—I move:

That the Senate—

(a) notes that 17 March 2005 marks the celebration of St Patrick’s Day;

(b) recognises the past and present contribution of Irish migrants in building Australian society and to Australia’s cultural life; and

(c) recognises the contribution of 1.9 million Australians of Irish descent to our nation.

Question agreed to.

COMMITTEES

Employment, Workplace Relations and Education References Committee
Reference
Senator MURRAY (Western Australia) (9.37 a.m.)—I move:

That the provisions of the Workplace Relations Amendment (Fair Dismissal Reform) Bill 2004 be referred to the Employment, Workplace Relations and Education References Committee for inquiry and report as part of the committee’s current inquiry into unfair dismissal laws.

Question agreed to.

FOREIGN AFFAIRS: WEST PAPUA
Senator BROWN (Tasmania) (9.38 a.m.)—I move:

That the Senate—

(a) notes:

(i) claims on the SBS Dateline program that international aid money earmarked for humanitarian and development purposes in West Papua has been siphoned to the Indonesian military, and

(ii) reports of destruction of highland villages by the Indonesian military causing thousands of West Papuans to flee;

and

(b) calls on the Minister for Foreign Affairs (Mr Downer) to investigate the claims and report back to the Senate as a matter of urgency.

Question agreed to.

COMMITTEES

Rural and Regional Affairs and Transport Legislation Committee
Meeting
Senator FERRIS (South Australia) (9.38 a.m.)—At the request of Senator Heffernan, I move:

That the Rural and Regional Affairs and Transport Legislation Committee be authorised to hold a public meeting during the sitting of the Senate on Thursday, 17 March 2005, from 4 pm to 6.30 pm, to take evidence for the committee’s inquiry into the provisions of the Border Protection Legislation Amendment (Deterrence of Illegal Foreign Fishing) Bill 2005.

Question agreed to.

Australian Crime Commission Committee
Meeting
Senator FERRIS (South Australia) (9.39 a.m.)—At the request of Senator Santoro, I move:

That the Parliamentary Joint Committee on the Australian Crime Commission be authorised to hold a public meeting during the sitting of the Senate on Thursday, 17 March 2005, from 6 pm, to take evidence for the committee’s examination of the Australian Crime Commission annual report 2003-04.

Question agreed to.

NATIONAL YOUTH WEEK
Senator BARTLETT (Queensland) (9.39 a.m.)—by leave—I move the motion as amended:

That the Senate—

(a) notes:
(i) National Youth Week, which runs from 9 April to 17 April 2005, has as its theme ‘Celebrate and recognise the value of all young Australians to their communities’ and is a vital opportunity to celebrate young Australians’ ideas, contributions, talent and energy.

(ii) young people’s contributions to community and society are often overlooked and undervalued, and

(iii) despite the creation of 1.2 million new jobs in Australia during the past decade entrenched youth poverty persists, with a conservative estimate that 145,000 young people aged 15 to 24 live in poverty; and

(b) calls on the Government to acknowledge that young Australians are entitled to benefit from Australia’s economic growth to enable them to participate in community, society and the economy.

Question agreed to.

UNITED NATIONS: HUMAN RIGHTS
Senator GREIG (Western Australia) (9.40 a.m.)—I move:

That the Senate—

(a) commends the Government’s support for the United Nations Commission on Human Rights (UNCHR) resolution on ‘Sexual orientation and human rights’ (the Brazil Resolution), introduced at the commission’s meetings in 2003 and 2004; and

(b) urges the Government to take a leadership role in the elimination of discrimination against persons on the grounds of sexuality and gender identity by:

(i) continuing its support for the Brazil Resolution when it is debated at the forthcoming session of the UNCHR in March and April 2005, and

(ii) actively encouraging other member countries to support the resolution.

Question agreed to.

CONDOLENCES: MR PETER BENENSON
Senator ALLISON (Victoria—Leader of the Australian Democrats) (9.40 a.m.)—I move:

That the Senate—

(a) notes the death on 25 February 2005 of Peter Benenson, founder of the worldwide human rights organisation, Amnesty International;

(b) extends its condolences to Mr Benenson’s family following their loss; and

(c) recognises the vital role that Amnesty International plays as the world’s largest independent human rights organisation and commends it for its outstanding efforts to increase awareness of human rights issues, promote respect for fundamental rights and liberties and combat violations of human rights.

Question agreed to.

COMMITTEES
Environment, Communications, Information Technology and the Arts
Reference
Senator CHERRY (Queensland) (9.41 a.m.)—I move:

That the following matters be referred to the Environment, Communications, Information Technology and the Arts Reference Committee for inquiry and report by 13 October 2005:

An assessment of the long-term success of federal programs that seek to reduce the extent of and economic impact of salinity in the Australian environment, including:

(a) whether goals of national programs to address salinity have been attained, including those stated in the National Action Plan for Salinity and Water Quality, National Heritage Trust and the National Landcare programs;

(b) the role that regional catchment management authorities are required to play in management of salinity-affected areas,
and the legislative and financial support available to assist them in achieving national goals; and

(c) what action has been taken as a result of recommendations made by the House of Representatives’ Science and Innovation Committee’s inquiry ‘Science overcoming salinity: Coordinating and extending the science to address the nation’s salinity problem’, and how those recommendations may be furthered to assist landholders, regional managers and affected communities to address and reduce the problems presented by salinity.

Question negatived.

IRAQ

Senator NETTLE (New South Wales) (9.41 a.m.)—I move:

That the Senate—

(a) notes that:
(i) 20 March 2005 marks 2 years since the illegal invasion of Iraq by a coalition led by the United States of America (US) which included Australia,
(ii) on the weekend of 19 and 20 March 2005, people in every capital city in Australia and across the world will join protests calling for an end to the occupation of Iraq,
(iii) 1 791 soldiers from coalition forces have died in Iraq,
(iv) the US, United Kingdom and Australian Governments have refused to count Iraqi casualties despite estimates that up to 100 000 Iraqis have died in the conflict,
(v) the British Medical Journal has published a call by public health experts from around the world, including Australia, for an immediate ‘comprehensive, independent inquiry into Iraqi war-related casualties’, and
(vi) the winning political coalition, the United Iraqi Alliance, in the recent Iraqi election included a policy of ‘a timetable for the withdrawal of the multinational forces from Iraq’ in its election platform; and

(b) calls on the Government to:
(i) reverse its decision to deploy an additional 450 Australian Defence Force personnel to Iraq, and
(ii) withdraw Australian troops from Iraq as a contribution to resolving the conflict.

Question put.
The Senate divided. [9.46 a.m.]
(The President—Senator the Hon. Paul Calvert)

Ayes............ 10
Noes............ 45
Majority........ 35

AYES

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

NOES

Barnett, G. Bishop, T.M.
Buckland, G. Calvert, P.H.
Campbell, G. Carr, K.J.
Chapman, H.G.P. Colbeck, R.
Collins, J.M.A. Conroy, S.M.
Coonan, H.L. Crossin, P.M.
Denman, K.J. Eggleston, A.
Ellison, C.M. Evans, C.V.
Faulkner, J.P. Ferguson, A.B.
Ferris, J.M. * Fifield, M.P.
Forshaw, M.G. Harris, L.
Hogg, J.J. Johnston, D.
Kemp, C.R. Kirk, L.
Knowles, S.C. Ludwig, J.W.
Macdonald, J.A.L. Marshall, G.
Mason, B.J. McGauran, J.J.J.
McLucas, J.E. Moore, C.
Patterson, K.C. Payne, M.A.
Ray, R.F. Santoro, S.
Scullion, N.G. Tchen, T.
Tierney, J.W. Troeth, J.M.
Watson, J.O.W. Webber, R.
Wong, P.
Thursday, 17 March 2005

SENATE

15

* denotes teller

Question negatived.

DOCUMENTS
Australian Taxation Office

Senator HARRIS (Queensland) (9.50 a.m.)—I seek leave to table a document entitled Taxation Office tsunami, which I have circulated, and to make a short statement.

Leave granted.

Senator HARRIS—The document relates to a longstanding issue relating to mass marketing and treatment by the Australian Taxation Office. In 1998, the Australian Taxation Office was to trigger a tsunami which, in its own way, would leave wreckage in its wake. At least five people are believed to have committed suicide as a result. This paper will show that the ATO used poor management and corporate governance and that a number of public authorities charged with providing checks and balances on behalf of citizens failed to adequately do so. Many of those affected have been advised by qualified financial planners, and their returns were prepared by tax agents licensed by the government to practise. They all received a part IVA determination, which is an accusation of tax avoidance. Incidentally, the part IVA wording in the Income Tax Assessment Act borrows from that in the antiavoidance provision of the Foreign Acquisitions and Takeovers Act 1975. There are 65,000 Australian people, and their families, who have been adversely affected by this treatment. I thank the Senate for the opportunity to table the document.

COMMITTEES
Publications Committee

Report

Senator WATSON (Tasmania) (9.52 a.m.)—I present the second report of the Publications Committee.

Ordered that the report be adopted.

BUDGET
Consideration by Legislation Committees
Additional Information

Senator FERRIS (South Australia) (9.52 a.m.)—On behalf of the Chair of the Employment, Workplace Relations and Education Legislation Committee, I present additional information received by the committee relating to hearings on the 2004-05 budget estimates.

BILLS RETURNED FROM THE HOUSE OF REPRESENTATIVES

Message received from the House of Representatives returning the following bill without amendment:
Parliamentary Service Amendment Bill 2005

ADMINISTRATIVE APPEALS TRIBUNAL AMENDMENT BILL 2004 [2005]

Consideration of House of Representatives Message

Message received from the House of Representatives returning the Administrative Appeals Tribunal Amendment Bill 2004 [2005], informing the Senate that the House has agreed to the bill with amendments and requesting the concurrence of the Senate in the amendments made by the House.

Ordered that consideration of message No. 110 in Committee of the Whole be made an order of the day for a later hour.

AUSTRALIAN COMMUNICATIONS AND MEDIA AUTHORITY BILL 2004

Consideration of House of Representatives Message

Message received from the House of Representatives returning the Australian Communications and Media Authority Bill 2004, informing the Senate that the House has disagreed to the amendments made by the Senate and desiring the reconsideration of the amendments.
Ordered that consideration of message No. 111 in Committee of the Whole be made an order of the day for a later hour.

AUSTRALIAN COMMUNICATIONS AND MEDIA AUTHORITY (CONSEQUENTIAL AND TRANSITIONAL PROVISIONS) BILL 2004

Consideration of House of Representatives Message

Message received from the House of Representatives returning the Australian Communications and Media Authority (Consequential and Transitional Provisions) Bill 2004, informing the Senate that the House has disagreed to the amendments made by the Senate and desiring the reconsideration of the amendments.

Ordered that consideration of message No. 112 in Committee of the Whole be made an order of the day for a later hour.

COMMITTEES

Community Affairs References Committee Reference

Senator BROWN (Tasmania) (9.55 a.m.)—I move:

That the following matter be referred to the Community Affairs References Committee for inquiry and report by 16 June 2005:

‘Bird flu’, including virus strain H5N1, its derivation, its evolution, its present status and future potential threat to Australians, with particular reference to:

(a) the potential for a pandemic;
(b) preparations by all sectors of the Australian community to prevent or offset a pandemic in our country;
(c) Australia’s role in preventing or offsetting the impact of a pandemic globally; and
(d) potential impacts on agriculture and wildlife.

I commend this reference to the Community Affairs References Committee very highly. I am greatly concerned that it is not going to get the support required for an immediate reference. The potential for a pandemic of bird flu is cited by no less an authority than the World Health Organisation itself. The question is: with the prospect of a potential pandemic which would claim millions of lives around the world and an extraordinarily high morbidity, how prepared is Australia to best offset the infection reaching and spreading in our country? How better might we as a parliament contribute to preparing the populace for such an event? In the Sydney Morning Herald on 14 March, Professor Peter Curson, the director of the health studies program in the division of environmental and life sciences at Macquarie University, says:

The outbreak of bird flu that is spreading across South Asia is rapidly taking on the proportions of a global health crisis. The World Health Organisation says bird flu poses the single biggest threat to the world, and there are doubts as to whether we possess the tools to confront it adequately.

WHO has calculated that if the virus mutates into a form capable of human transmission, then the most optimistic scenario would see from 2 million to 7 million deaths and tens of millions of cases world-wide. The 1918-19 flu pandemic killed between 20 and 40 million people, including more than 12,000 in Australia. Are we looking at a repeat and, if so, how well prepared are we?

At the end of his article, Professor Curson writes:

... while the Australian action plan—that is, the government action plan—stresses the need for close relations with the media and the speedy dissemination of information, it is ominously silent on how to manage the panic and hysteria. SARS demonstrated how deep-seated fears about contagion and a lack of confidence in the authorities can lead to an outpouring of fear and anxiety in many countries.

The government is to be congratulated for measures that have been taken to prepare Australia for a potential avian flu pandemic.
These measures include the stockpiling of antiviral drugs, ensuring the potential ability to disseminate masks and so on. However, we are faced with the real potential for a pandemic the likes of which the world has not seen since 1918-19.

I well remember my parents talking about the impact of that pandemic—in my father’s case in Sydney and in my mother’s case in Glen Innes, in northern New South Wales—where there were mass funerals of young people because of the spread of the virus at that time from Europe. Older people had some protection because a similar virus had gone through in the 1890s and given them some immunity, so it knocked out thousands of otherwise healthy young Australians who had no immunity. The question is: what is the potential for a repeat of that in Australia? We simply do not know the answer. However, the World Health Organisation is warning that the risk of a flu pandemic is real.

It is pretty clear that in this day of mass rapid transit we would not be able to prevent the flu from entering Australia. The real question then arises: are we as a nation prepared for an event which is highly likely and which has the potential for a big death toll and a huge impact on the health services of this country? My response to that is no, we are not. Having government preparation is not enough. The whole community needs to be prepared. I have proposed this motion because I believe an urgent Senate inquiry is necessary as a part of preparation for the wider community. It is a part of our role as politicians, as representatives of the community, to be able to handle a flu pandemic.

What is the prospect of that in the near future? The latest World Health Organisation update, dated 11 March, says that ‘the total number of laboratory-confirmed cases in Vietnam, detected since mid-December 2004’ is 24, and that of those, ‘13 have been fatal.’ While that is a death rate of more than 50 per cent, it may well be that there are many other cases occurring in the Vietnamese community which do not lead to hospitalisation, although they may lead to serious illness. Therefore, they are not counted in the number of cases simply because they do not go to a laboratory for confirmation. The World Health Organisation says:

The first human cases of H5N1 infection—this is the bird flu virus that is of particular concern—linked to poultry outbreaks in parts of Asia that have been ongoing since December 2003, were reported in January 2004 in Viet Nam and Thailand. Since then, altogether 69 cases have been reported, of which 46 were fatal. Human cases have occurred in three phases since March 2004. As I said, a total of 69 cases have turned up in Cambodia, Thailand and Vietnam, with a death toll of 46.

The World Health Organisation has a fact sheet which tracks the infectivity and course of the disease. Let me give an analogy here. In scientific circles at least—and therefore in some sections of government, at least in bureaucracy—it was known that a tsunami could and would, in the coming years, affect the Indian Ocean. But those of us who knew about that did not take enough action to ensure that we maximised the opportunity for a warning system. Bird flu is a real and present threat to the whole world, including our nation. We should be taking urgent and sensible action to ensure that we are at maximum readiness to deal with a pandemic.

Of course, as a wealthy country we have an obligation to try to offset the millions of deaths that can occur if a strain of this bird flu breaks out right round the world. We are part of a global community. We have a government which is very strong on globalisation of the economy. Should we not globalise the health preparations necessary in our
country to make sure that people elsewhere around the world are also protected as best as possible from a flu pandemic? The answer to that is yes. The other question is: how urgent is this? There have been 24 cases of bird flu in Vietnam since the start of December last year, with a big fatality rate. It appears that human-to-human transmission was the cause of the disease in a number of those cases. This is seriously worrying. While we must not panic about it, we must be sensible in preparation.

I think the Senate has a high duty to inform itself on this issue and pass on that information to the public. I do not see a government campaign to inform the public. While preparations may be going on within the bureaucracy to deal with a potential pandemic, and it may be that Health Minister Abbott is acquainted with the way in which that preparation is proceeding, that is not in the public arena. In fact just moving this reference to a Senate committee has led to information coming from the minister which, to my knowledge, was not available in the public arena prior to this.

Let me make this clear: if a pandemic occurs, there will be very little time to prepare the Australian public. There will be very little time to get information to people about what they best should do—including staying at home to protect themselves and their families from the ravages of bird flu. Is it not inordinately sensible, is it not as plain as daylight, that we should be having a public discussion about this and that we should be disseminating information to everybody now so that they know how best to protect themselves and their families if this pandemic breaks out? Of course it is.

What can we as the Senate do? First, we can acquaint ourselves with the facts—get the information in, acquaint ourselves with the facts and make recommendations. That is why I do not believe it is sensible to wait until the next sittings in May or June to sort out which committee this should go to. Let me say to the other parties involved: had I been approached in the last few days about this going to some other committee, I would have been very amenable to that. At the outset, the Senate Community Affairs References Committee was the obvious committee for this to go to. Its workload may be high, but the importance of this issue is higher. I believe we should undertake an urgent reference to the committee so that we can do our duty as a Senate and best help to prepare the country should the worst occur. Time is absolutely critical. The efflux of time is leaving us unprepared as a community. I appeal to the Senate to support this motion for this reference to a committee so that we can have the input from experts in both the private and public sectors in a way that will allow that preparation to go ahead.

I want to make a specific point about the value of an inquiry. Since I flagged this motion, I have been contacted by the Health Communication Network—a wholly owned subsidiary of Primary Health Care—about a proposal to use the internet, with links to all GPs, to track both the numbers and spread of bird flu were the pandemic to come to Australia. Modern technology would enable the government to track, right through the community on a daily basis, the spread of this or any other pandemic into the future. The government has not taken up that technology and there may be good reasons for that. But ought not we as the Senate say: ‘Let’s review this. Let’s have information which, on the face of it, could be extremely good for, and important and critical to, tracking a flu pandemic if it were to break out in Australia. Let’s have it up and ready to go. If there is a better alternative then let’s know about that, or if the government rejects the need for that then let’s know about that as well.’
Many facets of dealing with a pandemic can be discussed. Without exception, it is best that we discuss them before we find ourselves in an era of a pandemic, when, I can assure you, this parliament will be totally taken over by the discussion of a national emergency on a scale that most of us have not seen in this country in our lifetime. Last Thursday, the Minister representing the Minister for Health and Ageing, Senator Patterson, said, ‘Let’s not be doom and gloom about this.’ I totally agree. Let us be well prepared and sensible. Let us have an open and public discussion, but, above all, let us bring together all the expertise that we can as a matter of expediency to give maximum protection to the Australian community and hopefully to extend to the global community the best protection possible, lest a bird flu pandemic occurs in the coming months or years.

Senator ALLISON (Victoria—Leader of the Australian Democrats) (10.10 a.m.)—The Democrats agree that this would be a worthy inquiry. No doubt we listened to the same Radio National program—I think it was on Tuesday this week. It was very alarming. It is also clear that Australia has been slow to respond to the threats of national and international infectious disease pandemics that we have been warned about for some time. In fact, there was a Parliamentary Library brief on this subject not so long ago. It is appropriate for the Senate to look at this question. The problem with this reference, however, is that it is going to the Senate Community Affairs References Committee, which is already very busy. It is today tabling its final report on the child abuse series of inquiries; it has an aged care inquiry under way which still has a number of hearings to be conducted around the country; and, a couple of weeks ago, it took on an inquiry into cancer services on which is to report midway through June.

My concern is not so much the matter of having an inquiry—it is a fine idea—but that there needs to be an alternative. Possibly, another committee could handle this or it could be the subject of a select committee inquiry. We have just agreed to do one on mental health, for instance. I am not a member of the Senate Community Affairs References Committee. Democrats do not have membership of that committee. Usually, in order to get support for a committee inquiry, the committee members need to be convinced about the importance of the issue and organise the committee’s priorities. I know that this has only just come up—because of that radio program, presumably. I agree that there is some urgency, but the problem with imposing terms of reference on a committee, especially one as busy as this, is that you are not going to get the sort of attention that is probably necessary.

We would have liked to have some input into the terms of reference, to broaden them beyond avian influenza. There are question marks about Communicable Diseases Network Australia and its relationship with public health and medical practitioners, policy makers et cetera in planning for and responding to infectious disease outbreaks, including the need for a national disease control centre. We think that would be worth talking about. Also, looking at the capacity of our regional neighbours to deal with a future pandemic is important in this whole question. It would have been good to have had some time to sit down and work out exactly who would do this inquiry and what should be in it. We would have been delighted to have had a role in that discussion. We now have a very short time in which to consider it and no opportunity for input. I did ask that this be delayed so that we could have that. Certainly, we need to persuade the main players in that committee of the importance of the inquiry. The Democrats are with you on this, Senator
Brown, and we do think it is worth having that public debate.

It was good to hear experts in the field talk about this issue. I think we also need to hear the government’s response to what was said. Perhaps there is another way of putting that to the government so that we get a response sooner than we might be able to set up a committee. I would urge you, Senator Brown, to bring this back and perhaps talk about opportunities for a committee that could cope with it rather than send it to one which cannot. I think the committee would need to put aside another inquiry in order to deal with this. It would not be possible to do the three inquiries together without enormously stretching the resources of both the secretariat and the members of that committee.

Senator McLUCAS (Queensland) (10.15 a.m.)—Senator Allison is right. As a former chair of the Community Affairs References Committee, I can attest to the enormous workload of that committee and the enormous pressure that puts on the committee’s staff. Today, as Senator Allison said, we are tabling the second of two reports into children who lived in institutional care, but that is not the end of that piece of work. Following the tabling of any report there is an enormous amount of work to tidy up and follow up and, in the case of this report, to do to maintain knowledge of the issue. It is not as if the Community Affairs References Committee is finished with this issue.

We are conducting an inquiry into aged care. That inquiry is meant to report, I think, in July—it might be May. It is my view, and it is only my view, that that is already an unachievable goal and the time of reporting will have to be extended. The other inquiry into cancer services is also ongoing. To be frank, there are no dates left to hold hearings for that inquiry between now and July, and I believe the work will go on longer.

I have been very proud as a member of that committee of the quality of the reporting that we do, and I think that has been managed in some respect by members of the committee being very cognisant of taking on references that we simply cannot manage. If we were to take on this reference, I would be concerned that it would affect the quality of the two current inquiries. In my view, as a former chair of that committee, accepting this reference at this time would be unachievable.

Labor does not disagree with Senator Brown’s position on the potential reality of a pandemic. We agree that there needs to be community understanding of what is occurring, but almost every week over the last months there has been an article—and, I have to say, usually a well researched and balanced article—in the media about what we face not only as Australians but internationally in our abilities to deal with the potential of a pandemic, probably avian bird flu. There was a recent Radio National story, there was an AM program and there was something on the 7.30 Report this week. It is being discussed—and credit to the media—in a sensible, balanced way. This is not a matter for panic; this is not a matter for hysteria. We have to have an informed discussion about the potential for an avian bird flu pandemic in Australia.

But it is not as if it has not been discussed in this place. Labor has raised in Senate estimates, for over three years that I am aware of, the question of our vaccine bank. I think we have talked in Senate estimates on every occasion for the last three years with the Department of Health and Ageing about our preparation for a pandemic, and that work can continue. I am sure it will be discussed in estimates following the budget in May.
We agree that it is an important issue. Senator Brown did raise the fact that the minister has offered a briefing to all parliamentarians today, I understand, on the government’s response to the potential of a pandemic. There will be an opportunity, if any questions are raised by that briefing, to pursue those at Senate estimates in May. Labor is not of the view that it is possible to do a proper Senate inquiry at this time or that it would actually increase public discussion. So we will not be able to support Senator Brown’s motion today.

Senator BROWN (Tasmania) (10.20 a.m.)—The government did not rise at all.

The ACTING DEPUTY PRESIDENT (Senator Chapman)—It is not required to.

Senator BROWN—If I am to debate it with you, Acting Deputy President, I am happy to. The government may not be required to rise, but I think the matter is important enough to have input from the government. A briefing to members of parliament is one thing; a statement in the parliament when the matter is being discussed is another. I think the fact that the government has had no input to the debate in this place at the moment is of itself a concern.

I disagree with my Democrat and Labor colleagues on this matter. This should be a matter for a Senate inquiry now. The problem is that we are not sitting again until the budget session in May, when we sit for a week, then not again until June and then not again until August. I will come back to the Senate in the budget sittings with a proposal for a select committee. It is notable that, while there has been little time to discuss the alternatives here, no proposal has been brought forward at all as to a committee hearing. If I heard Senator McLucas correctly, she was saying that Labor is not in favour of a committee. I will propose a select committee when we come back in May. I think the matter is extremely important. I do not think that just talking about it and briefing ourselves about it is enough. I believe there should be a public campaign.

Just a few years ago we had some millions of dollars spent on fridge magnets saying, ‘Be alert but not alarmed’. The real threat to Australians of a flu pandemic is at least of the order of the threat of terrorism, but there is a much greater potential death toll. Are we being realistic in the way in which the two matters are being approached? I do not think so. Should not the government be sending out packages to Australians saying, ‘In the event of a bird flu, here is what you can do in your home, in your school, in your workplace, in your community’? I believe it should and I believe that we ought to be promoting a sensible debate about this so that we are not left in the situation where, with an outbreak of bird flu, we have to deal with the panic and hysteria that will accompany that.

Let us not mince words: if you have got a bird flu which has got even a 0.37 per cent death rate, let alone a death rate which is five or 10 per cent, there will be panic and hysteria in any average human population. That is the history of pandemics around the world. We should be offsetting that by sensible discussion as early as we can. The position of the opposition that there ought not be a Senate inquiry into this fails to take account of the reality of the bird flu’s existence in South-East Asia and indeed in northern Asia and the potential which the World Health Organisation and other experts are telling us it has to become a human pandemic. This is an extremely important matter. I believe the Senate should be dealing with it. I am utterly disappointed that it is not being supported today and I will be back with an even stronger proposal at the next day of sitting.

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

The Senate divided. [10.29 a.m.]
(The Acting Deputy President—Senator H.G.P. Chapman)

Ayes…………… 2
Noes…………… 40
Majority……… 38

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

NOES
Abetz, E. Allison, I.F.
Barnett, G. Brandis, G.H.
Buckland, G. Campbell, G.
Carr, K.J. Chapman, H.G.P.
Colbeck, R. Collins, J.M.A.
Crossin, P.M. Denman, K.J.
Eggleston, A. * Ferguson, A.B.
Ferris, J.M. Fifield, M.P.
Forshaw, M.G. Heffernan, W.
Hogg, J.J. Kirk, L.
Lees, M.H. Ludwig, J.W.
Marshall, G. Mason, B.J.
McGauran, J.J.J. McLucas, J.E.
Moore, C. Murphy, S.M.
Murray, A.J.M. O’Brien, K.W.K.
Patterson, K.C. Ridgeway, A.D.
Santoro, S. Scullion, N.G.
Stephens, U. Tchen, T.
Tierney, J.W. Troeth, J.M.
Watson, J.O.W. Webber, R.

* denotes teller

Question negatived.

Community Affairs References Committee
Report

Senator MARSHALL (Victoria) (10.33 a.m.)—I present the report of the Senate Community Affairs References Committee entitled Protecting vulnerable children: a national challenge, which is the second report on the inquiry into children in institutional or out-of-home care, together with the Hansard record of proceedings and documents presented to the committee.

Ordered that the report be printed.

Senator MARSHALL—I seek leave to move a motion in relation to the report.
Leave granted.

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

On 30 August 2004 the committee tabled its report Forgotten Australians. That was a special day. It marked a watershed for many Australians who had spent their childhood in orphanages and institutions across Australia. I am sure that all senators will remember the emotion-charged atmosphere in this chamber and in the galleries on the day that Forgotten Australians was tabled. Many care leavers had waited 20, 30 and in some cases over 50 years for recognition and acknowledgement of their experiences in care and for their stories to be told.

Forgotten Australians focused on children who were in institutional and out-of-home care, mainly from the 1920s, until deinstitutionalisation in the 1970s began to see large institutions replaced by smaller residential homes, foster care or other out-of-home care options. That report included information on the role of governments and churches in placing children in care, the treatment of children in care and the long-term effects of experiences while in care. The issues of responsibility, acknowledgement and reparation were also canvassed, as were issues relating to the accessing of records and information, and the provision of wide-ranging services for care leavers, which are critical to ensuring that they and their families can improve their quality of life.

The second report, Protecting vulnerable children: a national challenge, which is being tabled today, finalises the committee’s inquiry and addresses current practices in the area of child protection in Australia and the system of out-of-home care for children and young people, including children in foster care. The committee has discussed the struc-
ture, services and processes that make up the contemporary framework for Australia’s child protection system. The committee noted that in recent years a number of states and territories have conducted inquiries that identified deficiencies and shortcomings in their child protection regimes and are responding to recommendations made by those inquiries.

At the national level, COAG has placed family violence and child protection on its agenda as a significant area of national interest. A National Plan for Foster Children, Young People and Their Carers has been endorsed and released by the community and disability services ministers, and governments have agreed to the National Framework for Preventing Family Violence and Child Abuse in Indigenous Communities. There is no doubt that these are significant developments and that all jurisdictions are committed to improving the child protection system. The committee considers that the many improvements in child protection that have been made in recent years are a good start. However, the reality is that much more needs to be done, and it can be done, to ensure that all children in Australia are protected from abuse and neglect.

While it is acknowledged that the main responsibility for the implementation and administration of the child protection system rests with the states and territories, the committee considers that the Commonwealth must play a significant leadership and agenda-setting role in driving the changes necessary to systems and policies which would more effectively protect children and young people than has been the case to date. The committee considers that it is essential that the reform process goes beyond questions about state and territory versus Commonwealth issues. Leadership and direction at the highest national levels are required. The committee considers that the Commonwealth, under the leadership of the Prime Minister and with the cooperation of all jurisdictions, is in a significant position to take on the national challenge of advancing the child protection agenda across Australia.

The committee has therefore recommended the establishment of a national commissioner for children and young people to drive a national reform agenda for child protection. The purpose of the commissioner would be to set the agenda to achieve the framework for a comprehensive national child protection system. The committee does not envisage that the commission would direct the reform agenda in specific areas but rather would bring together all jurisdictions—the Commonwealth and states and territories—so that they may identify the areas where greater cooperation is required, where greater consistency is needed and where greater sharing of research can be achieved. The committee considers that we are at a significant point where many jurisdictions have identified problems and shortcomings in their child protection systems and are addressing them. This great impetus within the states and territories to commit to and implement change needs to be harnessed and enhanced to ensure that there is a common approach and greater efficiencies and effectiveness within the child protection system.

The report also covers a number of other specific areas, including children in foster care and foster carers, children and young people with disabilities in care, and children and young people in the juvenile justice system. Child abuse is a serious and important issue. That is at the nub of the out-of-home care issue. It is often because children are abused or neglected that they are placed in some type of out-of-home care, whether that be foster care, kinship care or other family based care. We need to break this cycle.
The report has highlighted many aspects of today’s out-of-home care system, such as the ever-increasing numbers of children entering the out-of-home care system and the seeming inability of the system to provide the specialised levels of care for the many children who are entering the system with increasingly complex problems. The committee has also canvassed issues regarding multiple placements of children and the very negative impact they have on children’s lives. The committee recognises that these issues are intertwined to the extent that their detrimental effects are exacerbated by each other. For example, multiple placements are a reflection of the turnover of foster carers. Large numbers of carers are leaving the system and fewer people are entering the system to replace them. One reason given to the committee was the stress of caring for children with much more complex personal problems. The constant turnover of case-workers is a reflection of their growing workload, arising in part from the reduced number of experienced carers and difficulties in placing children with complex problems into appropriate care.

The committee noted the recent agreement of the National Plan for Foster Children, Young People and their Carers and made recommendations to strengthen and expedite the introduction of a number of components of the national plan. The committee also recommended extending the plan to include the support and training of foster carers.

The committee commenced this inquiry exactly two years ago. From all parts of Australia, care leavers shared their life stories with the committee. Many suffered, through no fault of their own, great hardships and abuse in care and have experienced significant difficulties as adults in coming to terms with their childhood experiences. Both reports stand as testimony to their courage and fortitude. I should acknowledge that many of the people who participated in and gave evidence to this committee’s inquiry are in the gallery today. The committee’s recommendations are aimed at assisting those who have left care, through the provision of services; those who are still in care, through the improvement of arrangements; and those who will come into care in the future, through a national approach to child protection issues.

Although I have only recently joined the committee, I would like to thank all those who contributed to the inquiry. It has been a long and at times harrowing journey but one which will impact on the out-of-home care sector for many years to come. I would also like to take this opportunity on behalf of all members of the committee to thank the members of the secretariat—Elton Humphery, Christine McDonald, Geraldine Badham, Peter Short, Leonie Peake and Ingrid Zappe—for their tireless work throughout the inquiry process and in preparing the report that is before us today. I commend the report to the Senate.

Senator KNOWLES (Western Australia) (10.42 a.m.)—Today is a very significant day, given the tabling of this report entitled Protecting vulnerable children: a national challenge—and a national challenge it is. It is one that I think we as a country need to embrace. As Senator Marshall so eloquently put it, it is not one where blame should be shifted from one side of government to another and back again. There are certainly delineating points where there is an area of responsibility, and we have to encourage that. But I do very strongly support a recommendation that suggests that the Commonwealth needs to take a leadership role in this area. It is important for the Commonwealth to get the states and territories on board for a very constructive outcome, to make sure that what we have seen happen to children in the past never happens again. No matter how we put that together, it is some-
thing that has to be looked at very seriously. We have to get cooperation. We have to make sure there is agreement that the loopholes through which so many people slipped are closed.

In this final report we have looked at many of those areas. The terms of reference, as we know from the previous report, were quite comprehensive. In this report we have looked at the contemporary framework for child protection, the structure, the services and the processes. We have looked at the way in which things were done in the past. We have looked at the way in which things are done now. There is certainly room for improvement, and there is certainly room for states and territories to learn from each other, because I think we have seen that, while in one place there are so many better systems for some things, in another place there might be something that is better on another count. There does not seem to be adequate cross-fertilisation of ideas.

We have looked at the issue of out-of-home care and foster children and at the whole issue of making sure there are enough foster parents around. Most importantly, we have looked at how we can ensure that those foster parents are scrupulously checked and that there are not people who somehow slip through the net who are not suitable to be looking after children. We have seen too much child abuse in the past. We have seen a society that has basically preyed on children. I refer to the recent Operation Auxin that caught so many people accessing the internet for child pornography. We simply cannot go on letting children be preyed upon by adults in the way in which they were and, unfortunately, sometimes still are.

We have also looked at the issue of children and young people with disabilities in care. They are a very special group of people because, as they grow up, they are less likely to be able to care for themselves and know about their options in the community. We have also looked at the issue of children and young people in the juvenile justice system. We did not actually look at the issue of children in detention centres, but there was a reference to that later on. Children and young people in the juvenile justice system is another area of great concern. We looked closely at the way in which they get onto that treadmill of crime. They do not get off that treadmill in many cases because they do not have the support or the wherewithal to be able to break that cycle that seems to many of them to be exciting and challenging. That is not what the community or the carers of these people want for them. It is important that we break that behavioural cycle and have offenders supported and cared for in a compassionate and practical way.

The future for care leavers is another area that we have closely looked at. I, too, acknowledge many of those care leavers in the gallery today. We have almost become friends over the years, as we have seen people come and tell their stories—in many ways harrowing stories. These people need some closure, and I certainly hope that these reports can give them closure in some small way. We would not expect that some book can write off the wrongs that have been perpetrated against these people over many years, but we hope that their courage in coming forward has somehow been sufficient to ensure that those who follow them are not going to suffer in the way in which they have.

In closing, I would like to thank all the members of the committee. It has been a very challenging and cooperative inquiry. We have all strived to make sure that we get the best possible outcome for these people. I thank all my colleagues for that cooperation. I thank Senator Marshall, who came recently to the committee and has been a bit boggled
by the fact that there has been so much depth in this inquiry. I thank him for his compassion and understanding, having come so late to the inquiry. I also thank Elton Humphery and his entire secretariat. As I have often said, I cannot praise them enough. They are a fantastic group of people and they have certainly done us all proud in ensuring that we have this final report that really encapsulates so much of what we have looked at over the years. I commend the report to the Senate, and I hope that we will see a much brighter future for young people coming down the track.

Senator MURRAY (Western Australia) (10.49 a.m.)—Although I have been associated with literally hundreds of committee inquiries in my almost nine years as a senator, nothing ever prepared me for, or compares with, the emotional experience of examining the tough issues around the vulnerabilities and often tragic consequences of children raised in care. To say it has often stressed me is an understatement. For me, Protecting vulnerable children: a national challenge is the third report on children that have been in care, as it is for my colleague Senator Sue Knowles. We were both committee members of the 2000-01 Senate Community Affairs References Committee inquiry into child migration. We both, along with our committee colleagues, had our eyes opened to things we never dreamed of and probably never wanted to confront.

Whatever our starting point, what we learned and experienced as senators and as the committee secretariat has drawn us to common conclusions and unanimous recommendations. There is a difficult message right there: how are we going to persuade the politicians and bureaucrats who have not been through our experience of the absolute necessity of responding strongly and positively to our reports and recommendations? I do fear that only from confronting the humanity of individuals face to face, of hearing their stories and of being immersed and deeply involved in such inquiries can one really ‘get it’.

By this I mean: get to understand the lifetime of pain and alienation that can come from being raised in out-of-home care, if that care is bad in any way; get to understand the true costs, both individual and social as well as economic; and get to understand that, if you harm a child, you are as likely as not to get a harmed adult and, if you badly harm a child, you will definitely get a badly harmed adult. Get to understand that, when hundreds of thousands of children have been harmed, the long-term social and economic costs are huge. Get to understand that it makes massive social and economic sense to reduce the effects of harm on those already harmed and to stop as much harm as you can in the future.

A trilogy of inquiries has represented this particular understanding: Bringing them home, the report of the HREOC inquiry into the Aboriginal stolen generation; the child migrant report Lost innocents: righting the record; and this third inquiry with its two reports Forgotten Australians and Protecting vulnerable children: a national challenge. Those reports cover over 500,000 foreign, Indigenous and non-Indigenous children in care last century—and over 20,000 of them are in care right as we speak.

My committee colleagues, as well as the committee secretariat and others involved in this inquiry, know only too well what ‘getting it’ means. Quite simply, one cannot emerge from inquiries like these the same person as before, precisely because we now do get it. This second unanimous report, Protecting vulnerable children: a national challenge, suggests that not many who matter have got it because not enough has changed over recent decades. Notwithstanding nu-
merous reports and myriad recommendations, child protection systems are often judged to be in crisis. Children at risk continue to suffer and experience poor life chances.

As with the tabling of *Forgotten Australians*, I again honour and express my gratitude for the commitment, compassion and resolve to find solutions shown by the two chairs for most of this inquiry, Senator Steve Hutchins and Senator Jan McLucas; the deputy chair, Senator Sue Knowles; and committee members Senators Claire Moore and Senator Gary Humphries. I also thank the new chair for his real effort to get across this issue and deal with the matter in the way in which it should be dealt with. To the ever-hardworking and compassionate secretariat—Elton, Geraldine, Christine, Ingrid, Leonie and Peter: I give heartfelt thanks for your tireless efforts and diligence in compiling the inquiry reports and their recommendations. I make special mention, of course, of my own Dr Marilyn Rock, who has indeed been the very essence of her name to me in this inquiry.

Thank you all for your willingness to accept submissions well after the closing date. You knew only too well what it meant for in-care survivors to have the chance to tell their stories. Of course, I thank all the witnesses, who are the real stars of the report. Most notably though, there are two fine Australians sitting in the gallery today whom I do want to single out. They are Leonie Sheedy and Dr Joanna Penglase, both survivors of institutional care themselves and the founding members of CLAN, the Care Leavers of Australia Network. Not only have they played a large part in making this inquiry a reality, but their dedication to care leavers and the support and nurturing these women have provided to so many of their fellow institutional sufferers deserves our and their deep admiration. I extend a warm welcome to you both and to those ‘Clannies’ and others who are present here today for the tabling of this second report.

The first report, *Forgotten Australians*, painted a dismal picture of life in the cold environs of orphanages and children’s homes, mostly in the fifties and sixties. It told of children being subject to widespread abuse and neglect that included horrendous physical and sexual criminal assault. It also told of the knock-on consequences of such treatment, including homelessness, addictions, criminality, mental health and relationship problems, premature death and suicide.

This second report covers the more contemporary problems of out-of-home care for children in Australia since the process of deinstitutionalisation in the early 1970s. It covers foster care, the care of children and young people with disabilities and the incarceration of young people in juvenile detention centres. It also covers the contemporary legal and government framework for child protection—a framework that requires urgent attention by politicians and policy makers. Although this framework invokes the ‘best interests of the child’ principle, it is difficult to see past children at risk being little more than numbers or cases. Children still too rarely have a proper voice. Currently, there are eight different systems and over 200 pieces of legislation dealing with children’s interests across the states, territories and the Commonwealth, many of which are conflict-ing and outdated. But credit should be given where credit is due. Governments, departments and agencies have been trying to lift their game. Numbers of state and territory reports have tried to address inadequate, crisis-ridden systems that are under-resourced, understaffed and have a high turnover of overworked and often inexperienced child protection workers.
What all this means is that far too many children in out-of-home care continue to be abused, neglected and badly cared for—though not all. Never think that—not all. There are good stories too. Nevertheless, the welfare of children at risk in Australia is still under a cloud. Too many state wards end up homeless, in strife and on the streets; many of those in juvenile detention centres are or have been former state wards. Someone said somewhere that if the state was a birth parent then many of the children in its care should have been removed.

Indeed, this and other reports do reveal a problem on such a scale that the states can no longer be expected to handle it on their own. The Australian Medical Association considers that, as child abuse has reached epidemic proportions, it must be treated as a public health issue requiring a national approach. The Commonwealth has to get more involved because this is a national issue of great importance. It is time that politicians, policy makers, bureaucrats and others who matter also get it. Child protection must become a policy priority area. The alternative is even more damaged children developing into dysfunctional adults and wreaking havoc on society at a huge budgetary cost. Admittedly, programs are now in place for early intervention into families at risk, for better parenting and so on. These are by no means sufficient to combat the continuing disastrous consequences of childhoods deprived of the love, security and stability that family life or good care can deliver.

It is certainly the case that a dollar spent now will save many more down the track. For the moment, the Senate’s work is done. It is now up to the governments, the departments, the charities, churches, agencies and the political parties to take up the cause and get these recommendations and those of the previous reports in the trilogy integrated and implemented. And it is up to us senators and all concerned individuals to use the power of personal advocacy to make it happen. Most of all, we have to spread the understanding that we have reached to make sure everyone finally ‘gets it’.

**Senator McLUCAS (Queensland) (10.59 a.m.)**—I too wish to join the discussion on the tabling of the Community Affairs References Committee report entitled *Protecting vulnerable children: a national challenge* and in doing so acknowledge the presence in the gallery of many people who have been with us on a two-year journey. I thank them for taking the trouble and incurring the expense to come down again to see the tabling of the second part of the reporting of the inquiry into children in institutional care. Following the tabling of the report in August last year there was a lot of attention given to the issue of care leavers and the reality faced by many of them. The Senate has an important role to ensure that the public debate is continued.

I want to commend Ministers Pitt and Reynolds of the Queensland government for hosting a function in Brisbane where a number of people came, including my colleague Senator Moore, to hand over the report to the people of Queensland. It was a beautiful ceremony and an important continuation of that discussion based in the state of Queensland. I commend the event to other states so that relationships are built with not only the federal parliament but also the states.

Chapter 1 of ‘Vulnerable children’, which I am sure we will end up calling it—I hope we do not forget the second part, the national challenge—provides further commentary that came to the committee following the presentation of the first report. It includes the text of a number of apologies and responses to our report made by churches and other institutions. The report makes no judgment of the quality of those responses: that judg-
ment is best made by those to whom the apologies are directed—the care leavers themselves. I personally do not feel competent to make a judgment of how well made those apologies are.

In the short time I have left I want to concur with the comments about the focus that this report has on the importance of a national response. We do require national leadership. We recognise that there is some work happening in the states, and that is of varying levels. It will satisfy some individuals more than others. But with the recommendation we have in the report for a commissioner for children and young people, we are hoping that that office will provide the leadership and the structure for a national ongoing response to the contemporary issues of children who are currently in care and also of people who have formerly been in care. I commend that recommendation to the government and encourage the government to respond quickly to both of these reports, as has been called for by a number of care leavers.

I give my thanks to the committee secretariat. They are a fantastic group of people and have walked this journey with us as well. I want to thank my colleagues for our unanimity in the report and our desire to have it unanimous and rigorous. I thank all those people who submitted and all those who came and shared their stories with us. I want to make special mention of the staff of committee members. They have been on this journey with us. In many respects—and I feel somewhat responsible for this—I did not do the right thing in helping them be supported on this journey. I thank the Senate. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

Rural and Regional Affairs and Transport Legislation Committee

Report

Senator McGAURAN (Victoria) (11.04 a.m.)—On behalf of Senator Heffernan, I present the report of the Rural and Regional Affairs and Transport Legislation Committee on the administration of Biosecurity Australia concerning the revised draft import risk analysis for bananas from the Philippines, together with the Hansard record of proceedings and documents presented to the committee.

Ordered that the report be printed.

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

Leave granted.

Senator McGAURAN—I move:

That the Senate take note of the report.

I seek leave to incorporate the tabling statement in Hansard.

Leave granted.

The statement read as follows—

The Committee’s key conclusion is that it does not think the case to allow import of Philippine bananas has been made out.

This is based on a number of concerns raised in evidence about the science behind the risk assessment.

It is also based on serious concerns which the Committee has about proposed risk management measures—that is, measures which might be implemented to allow import where the unrestricted risk is not acceptable.

The key proposed risk management measures are sourcing bananas from areas of low pest prevalence in the Philippines, and restricting their distribution in Australia to areas where commercial bananas are not grown.

In relation to sourcing bananas from areas of low pest prevalence in the Philippines, witnesses raised serious concerns about how the required standard of low pest prevalence would be proved, and how reliable this would be.
On the evidence given, the Committee does not have confidence that the integrity of areas of low pest prevalence could be assured in the longer term.

In relation to restricted distribution within Australia: some of the banana IRA expert panel had serious concerns about this as a risk management measure. The Committee agrees.

Plant movement controls already exist in Australia, but they should not be increased if it can be avoided. Australia’s large size and scattered population makes internal border controls costly and of uncertain long-term reliability.

In the Committee’s view Australia should affirm that its first, simplest and safest quarantine barrier is the sea. It should not accept any general duty under the international agreement on this matter to restrict the free movement of Australians and their goods within Australia.

The Committee also had concerns about the administration of Biosecurity Australia in relation to this import risk analysis.

In the Committee’s view BA’s administration of the banana IRA has been less than ideal. There was a lack of clear minutes of the expert panel’s proceedings, and lack of a clear procedure for dealing with minority opinions on IRA panels.

The Committee suggests that stakeholder perceptions that BA has been influenced by free trade pressure have contributed to poor relations with stakeholders.

The Committee welcomes the Minister’s recent initiatives to reassure the community of the rigour and independence of BA’s procedures, by establishing BA as a prescribed agency independent of the Department, and by appointing a group of eminent scientists to play a key role in assessing stakeholder comments on IRA’s.

The Committee hopes that these initiatives will flow through to the administration of BA as necessary.

Senator McLUCAS (Queensland) (11.05 a.m.)—I wish to speak to this report on the importation of bananas—it just shows the diversity of talents we have in this place. I will speak very briefly. This is the inquiry that the government did not want to have. But it is also an important and very significant report that has, in my view, along with the report into the importation of apples, changed for the better the way that Biosecurity Australia in particular but also the department are now dealing with biosecurity matters.

Labor has always had a concern that issues of trade were being considered when biosecurity matters were being dealt with. That concern has, in my view, been dealt with somewhat by the transfer of Biosecurity Australia out of the trade section of the Department of Agriculture, Fisheries and Forestry to now sit alone. But I do take this opportunity in this place to advise, if that is the word, that the scrutiny that we have been able to apply through this process will continue to be applied in order to ensure that the biosecurity and quarantine status of Australia is maintained.

Issues of trade should never be considered in a discussion about quarantine. Australia’s quarantine status is excellent but that has to be maintained by constant vigilance, ensuring that sound science, not trade, is being considered when we make decisions about the potential importation of any product. In commending this report to the Senate, I want to take this opportunity to thank the witnesses who came to the committee, particularly witnesses from the Australian Banana Growers Council. I acknowledge their sound scientific work. I recognise the enormous cost that they have had in procuring that good science. It is through their work that this committee has come to the view that the case has not been made for the importation of bananas from the Philippines.

Senator CHERRY (Queensland) (11.08 a.m.)—I rise to speak on the report on the administration of Biosecurity Australia concerning the revised draft import risk analysis for bananas from the Philippines, which,
along with the report on apples—which will be tabled shortly—is a very important report. I want to commend the Senate Rural and Regional Affairs and Transport Legislation Committee secretariat and all members of the Senate committee for producing a unanimous report that is as strong and robust as these two reports. It has been a long journey with the Senate Rural and Regional Affairs and Transport Legislation Committee on the issue of Biosecurity Australia and import risk assessments. I note that Senator O’Brien is in the chamber. He goes back further on these issues than I do—right back through apples, bananas, pig meat, salmon, chicken meat and a whole range of issues into the dim distant past.

Right through, the committee has adopted a view that the interests of Australian farmers should be protected in terms of a low-risk quarantine system consistent with our international obligations. That has been the longstanding position the committee has pursued. You would think that that would be an obvious position for a government agency to take. Yet we have found consistently throughout the entire inquiry on apples, which goes back many years, and bananas more recently—

Senator CHERRY—This inquiry into bananas dealt with an industry that has been under threat of virtual extinction from the disease risks that would come through if the import risk assessment did not do its job properly. The concern we have had all the way through is that the research methodology for assessing import risk has understated risk at every point in the scheme. The Senate committee has been quite fearless and independent in pursuing these issues. Certainly last year, as I think Senator McLucas referred to, the Senate committee had so many examples of flaws and problems in the import risk assessment process reported to it that the government was finally forced to act after years and years of covering up the inadequacies of Biosecurity Australia. It was finally forced to act by removing the head of Biosecurity Australia, restructuring the division, taking it away from the trade promotion component of the Department of Agriculture, Fisheries and Forestry, setting it up as an independent agency dealing purely with scientific issues, and introducing an eminent scientist panel outside of Biosecurity Australia to ensure that the new organisation actually complied with the best scientific standards.

None of that would have happened but for this Senate inquiry. None of that would have happened but for the Senate rural affairs committee pursuing these issues over such a long time. The Senate can be very proud of the committee doing its work in its way—fearlessly and independently probing a government agency that is not doing its job to make sure it does its job better. I hope that that continues after 1 July, but I am not optimistic because, even whilst this is a unanimous committee report, my concern would be that you will not see inquiries on issues like this started until they are raised in this place as a result of people bringing these issues to account. That is something that I

The ACTING DEPUTY PRESIDENT (Senator Crossin)—Senator Cherry, I am sorry to interrupt you but we are actually in the debate about the report into the bananas.

Senator CHERRY—Yes. I am aware of that.

The ACTING DEPUTY PRESIDENT—The report on apples is yet to be tabled.

Senator CHERRY—That is perfectly fine. I shall address the apples report when it is tabled.

The ACTING DEPUTY PRESIDENT—Thank you.
will be concerned about after I depart this place on 30 June.

I wish to commend the industry, the Banana Growers Council, on the extraordinary effort they put into this particular issue. One of the frustrations that they have found—and I think many people share it—is the enormous cost to growers in responding to these issues of import risk assessment. When the agency, in this case, made several major errors and had a flawed methodology, that produced further costs to growers in terms of meeting those issues. I commend the recommendations to the Senate and to the government. I hope that this report is acted on in full because it is an important one. The continuing reform of Biosecurity Australia into a decent organisation is something which needs to happen. If that is to occur, it needs a government determined and committed to protecting the interests of Australian growers consistent with their international obligations. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

Rural and Regional Affairs and Transport Legislation Committee

Report

Senator FERRIS (South Australia) (11.14 a.m.)—On behalf of the Chair of the Rural and Regional Affairs and Transport Legislation Committee, Senator Heffernan, I present a report on the administration of Biosecurity Australia concerning the revised draft import risk analysis for apples from New Zealand, together with the Hansard record of proceedings and documents presented to the committee.

Ordered that the report be printed.

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

Leave granted.

Senator FERRIS—I move:

That the Senate take note of the report.

I seek leave to incorporate the tabling speech and to make some additional remarks.

Leave granted.

The statement read as follows—

Mr President, in tabling this report on Biosecurity Australia’s administration of the import risk analysis (IRA) on apples from New Zealand, I place on the public record a further step in the development of this Committee’s work on this subject.

I would remind Senators that the Committee’s predecessor tabled an interim report on the previous draft IRA in 2001. In that report the committee made a number of recommendations about the IRA process generally and the IRA for apples in particular.

This report revisits some of those recommendations and in doing so the Committee notes that the process still has some way to go. The Committee makes a number of recommendations again that go to both the administration of the process and the revised draft IRA.

In doing so, the Committee notes that since it commenced the inquiry a number of administrative developments have been instituted that are designed to address some of the concerns raised during the inquiry. However, some of the concerns remain.

Risk Assessment and Mitigation strategies

The concerns that arise from the methodology and risk assessment, together with the proposed risk mitigation strategies continue. The Committee focused its attention when examining the risk assessment and mitigation strategies on the disease of fire blight.

The Committee notes that if the revised model is to continue to base its assessment of risk on the assumption that apples will be exported trash free from New Zealand then the certification process needs to be carefully re-examined so that Australian growers can have confidence in the assurances that the trash free criteria will be meet. It makes a recommendation that AQIS officers should be involved in that certification process.
The Committee also shares the concern expressed by growers that the model does not give appropriate weight to the economic consequences of a fire blight outbreak in Australia. It recommends that it be reviewed in the revision that is to take place.

Finally, the Committee continues to be concerned about the practicality of some of the risk mitigation strategies. It is in these that science meets the real world of farming and retail and it is therefore important that the merger is satisfactory. The Committee is therefore concerned that the procedure to identify blocks of orchards as symptomless for fire blight lacks detail. It recommends that AQIS officers be involved in the inspection process.

**Administration of process**

In the report, the Committee acknowledges industry’s concerns in relation to Biosecurity Australia’s administration of the IRA process. It shares some of those concerns.

The Committee has particular concerns in relation to the credibility of the process and the credibility of Biosecurity Australia itself—both from the perspective of the industry and those observing the IRA process.

Significant differences exist between the way in which Biosecurity Australia views its administration of the process and how its role is perceived by the industry, and the Committee believes that it is up to Biosecurity Australia to address those differences. Changes need to be made in relation to the type of language used, the way in which consultation is undertaken and the way in which information is disseminated. The Committee has made a number of recommendations to give effect to these views.

The Committee believes that important lessons should be learned from mistakes made during this and previous processes, and in future, it will be looking for demonstrable evidence that these lessons have been learned, changes made and acted upon.

**Senator FERRIS**—The ban on the importation of New Zealand apples, which this report suggests should continue, has been in place in Australia for the past 84 years due to the proliferation of fire blight in New Zealand apple orchards. Attempts were made in 1986, 1989 and 1995 to have the ban reversed. The original draft import risk assessment released in 2000, which suggested that New Zealand apples could be exported to Australia if growers adhered to a set of rules, drew criticism on both sides of the Tasman Sea on the validity of the science cited in the report, its qualitative rather than quantitative analysis and the consultation process between Biosecurity Australia and the industry.

In their submission to the committee, the Apple and Pear Growers Association in my home state of South Australia argued strongly that, if there had been an improvement in the communication and consultation process with Biosecurity Australia, there would have been an improvement. But they suggested that, in relation to the South Australian apple industry, the focus of communication and transparency tended to be only at the upper levels; further consultation needed to occur within regions and it needed to involve growers; and regional issues needed to be raised, discussed and included during the drafting process. Importantly in South Australia—as in other states—the main concern which was raised by the industry during the hearings was the proximity of apple growing regions in the Adelaide Hills to major water catchment areas which provide Adelaide with a large quantity of its drinking water. If an outbreak of fire blight occurred in this region, there would be no chance of eradicating the disease without threatening the water supply of our city. No doubt all apple growers in South Australia will be relieved to learn that the committee has recommended a continuation of the ban on apples from New Zealand.

Australia’s fresh produce markets are expanding rapidly, and apple exports are no exception. One of the recent success stories in South Australia has been the export of
Pink Lady apples into Europe. At the Lenswood Cold Stores Cooperative in the Adelaide Hills, locally employed staff in 2003 packed 16,000 bins of apples, with 22,000 cartons of apples exported to the world.

The committee carefully inquired into this issue and we were aware of its controversial nature. We focused entirely on the science and came carefully to the conclusion that the possibility of fire blight in Australia is too high at this time to allow New Zealand apples to enter our country. Australia is highly regarded for its clean, green image, and this must not be jeopardised. It is one of our greatest advantages when we look to export to new markets that we have such a clean, green image, and it certainly gives us an edge in export markets that we already have. Exposure to fire blight—or, in fact, to any other disease—is simply too great a risk for the apple industry.

In South Australia—as Senator Buckland, my colleague from South Australia on the other side, would recognise—we have a very prosperous apple industry, and I am very pleased to have been part of the committee. The committee has ensured that the industry will continue to remain free of the risk of diseases such as fire blight and continue to be able to invest and prosper well into the future.

Senator CHERRY (Queensland) (11.18 a.m.)—I rise to speak on this report of the Rural and Regional Affairs and Transport Legislation Committee, which is a very important report. As I said a few minutes ago when I was speaking on the bananas report, a key part of the work of the Senate rural and regional affairs committee is trying to hold accountable the import risk assessment processes of Biosecurity Australia, and it has done some very important work on this over the last five years.

It is interesting when you look at the history of the apples import risk assessments that the current process was started in 1999, and the Senate rural and regional affairs committee reported on the first round of import risk assessments in 2001. Here we are in 2005 still reporting on the process and the various drafts. As a result of the changes the government agreed to make to Biosecurity Australia last year, a new draft import risk assessment report will be produced later this year. So the process and the uncertainty faced by apple growers across Australia has a few more years to run yet. That in itself must be of concern. It certainly is of concern to the committee.

A lot of the recommendations we made in the interim report in 2001 were not picked up by government—which was most unfortunate—until the radical changes to Biosecurity Australia last year. It is those process issues which have particularly concerned me: the import risk methodology, which downplays risk at every opportunity; the multiplication of risks, which ultimately reduces risks in a probability distribution; the downplaying of scientific evidence, which was a key factor in this inquiry; and the assurances that import protocols from New Zealand in terms of inspection of apples for trash and other impurities would occur without significant involvement by AQIS. All of these things added up to a constant downplaying of risk and a constant downplaying of the interests of Australian farmers. That is something which the committee found very difficult to accept from a government agency, and it was part of the longstanding disputes between the committee and Biosecurity Australia.

I should note that, over the course of this inquiry and the bananas inquiry, the committee not only battled with Biosecurity Australia but also was also misled by them on several occasions. It was misled on the terms of whether there were disputing opinions. It
was misled in the evidence. Growers were misled in terms of the consideration of advice. Mistakes were found in the various import risk assessment reports. At every level, the agency’s governance was found to fall well short of what one would expect from a good government agency. The reforms which were forced on Biosecurity Australia last year—partly as a result of this inquiry—were absolutely essential, in my view. One of the things I want to comment on is a very important recommendation of this committee:
The Committee recommends that Biosecurity Australia review the weighting given to the economic consequences in its risk modelling.

This, in my view, is one of the most important and most worrying issues with Biosecurity Australia. A concern which growers have had for a long time is that Biosecurity Australia has placed Australia’s free trade obligations above its obligations to protect Australian farmers’ interests, consistent with our international treaties. It is worth noting that article 5.3 of the World Trade Organisation’s sanitary and phytosanitary standards agreement states:

In assessing the risks and determining the measures to be applied for achieving the appropriate level of ... protection, Members shall take into account as relevant economic factors: the potential damage in terms of loss of production or sales ... the costs of control or eradication ... and the relative cost-effectiveness of alternative approaches to limiting risks.

In the IRA handbook that Biosecurity Australia has produced, all of this has been amended by a corrigendum to read that members should ‘take into account the objective of minimising negative trade effects’. That is an extraordinary reading-down of even what we are allowed to do in terms of economic consequences under international treaties. For a government agency to be running such an ideological agenda, one that actually ignores the protections given to Australia under international treaties in watering down our quarantine standards, is something which I think the Senate should find deeply concerning.

I wish to again commend the work of the secretariat of the committee and all committee members in producing a unanimous report. It is in fact one of the most scathing reports I have ever read about the operations of a government agency signed off by all members of a committee. It is extraordinarily scathing in terms of the failings of Biosecurity Australia at all levels to actually do its job of protecting Australian farmers’ interests, consistent with international obligations.

I commend this report to the Senate because I think it is an important report. It has been a long-running issue, with many years to run—it is not over yet. But if the government makes the changes we have recommended and carries through with developing a robust, science based, low-risk quarantine system around the new Biosecurity Australia then the interests of Australian farmers will be much better served.

This committee report again is an example of what the committee system can do when it operates at its best, which is independently, fearlessly, without fear or favour, and trying to ensure the public interest is protected. I hope that continues after I depart on 30 June, but I am pessimistic. I certainly hope that in this area the committee continues its interest in quarantine issues to ensure that Australia’s interests are better protected.

Senator O’BRIEN (Tasmania) (11.24 a.m.)—The opposition is happy to support the report from the Senate Rural and Regional Affairs and Transport Legislation Committee. This committee has a history of reporting unanimously—that is, across party lines—on issues which affect Australia’s rural and regional communities, particularly
in agriculture and transport. This particular report is about quarantine and is one of a number of reports on the issue of quarantine.

There has been much said about Australia and border security. One critical area of border security is quarantine. This committee has made it its task to hold accountable the government and its agencies in relation to their performance in this area. We heard earlier speakers talk about the committee’s report on the issue of the import risk assessment into the importation of Philippine bananas. New Zealand has been seeking to export its apple crop to Australia for many years. On a number of occasions, at least three, those applications have been rejected. In 1999 the current iteration of the application, the subject of the inquiry, commenced. That application process was so flawed, as exposed by this committee, that it had to be commenced again. We are now reporting on the same application, so we are talking about five years in consideration of this application. How can Biosecurity Australia and the government get it so wrong?

There is a history in this area which, as I indicated, shows that on a number of occasions New Zealand have applied and had their application for importation rejected on the basis of a scientific assessment that the risk was too great. We are now seeing Biosecurity Australia and the government apply every measure possible to facilitate the importation of New Zealand apples, no doubt because the New Zealand government are applying pressure to the Australian government for that to occur. There is no justification for a departure from the principles of science in the application of our import risk assessment policy. There have been a great many questions raised, not just in this area but in others, about how the process of scientific assessment has been applied to applications.

Whether or not the approach of this committee changes after 30 June, I indicate that the opposition will be continuing to pursue issues which are relevant to this area of our border security. The apple industry may not be the major exporting industry in this country—although it is an important sector of industry in my state, Tasmania being the only state which is currently able to export its apples to Japan—but there are many other sectors affected by quarantine decisions.

This committee heard during estimates about a decision to allow the importation of beef from foot-and-mouth disease affected countries, a decision which was apparently taken within the bureaucracy. No one within the leadership of Biosecurity Australia or AQIS was able to satisfactorily tell us how that decision was arrived at. Yet we then found that a shipment of beef from Brazil found its way to the Wagga tip. We were assured that it did not come from any herd that might have been the subject of foot-and-mouth disease, but those assurances are often given and are difficult to satisfactorily support. We have to be wary that decisions taken about import risk assessments are made not on the basis of political pressure or reciprocal trade rights but on the basis of science.

In the future, the opposition will continue to examine Biosecurity Australia’s, and the government’s, performance on quarantine, on import risk assessments and on the regulations that apply. We are concerned that, under the existing arrangements, as we understand them, the process of examining import risk assessments can be changed as directed by the director of quarantine. That may be a changing process, and I hope that it is. I would prefer that this parliament had something substantial to say about any change that might occur. I would prefer, as indeed is Labor Party policy, that the principles that underlie our import risk assessment process not be changed without recourse to
the parliament—that there be a process whereby any proposed change be the subject of a regulation which would be laid on the table and potentially subject to disallowance if the parliament felt that it were not in the national interest or proper for that to occur. Labor will continue to pursue issues such as that.

I would like to echo Senator Cherry’s comments about the assistance that the committee has been given by its secretariat and its secretary, Maureen Weeks. I think we have been well served, and I have no reason to doubt that that assistance will continue at the very high level that we have experienced. It is very often the case that senators are made to look good by the work of the secretariat, and I am keen to recognise the very great support that we have had in that area. No doubt, this will not be the last occasion on which I rise in this place to talk about quarantine. It is correct that, as Senator Cherry said, I have had an interest in this area for some time. I do not see that interest waning anytime soon. So Mr Truss and the department should expect to see me rise in my place on this issue and, indeed, to seek the committee’s involvement on these issues on a continuing basis.

Senator IAN MACDONALD (Queensland—Minister for Fisheries, Forestry and Conservation) (11.32 a.m.)—I thank those who have contributed to this discussion on the report from the Senate Rural and Regional Affairs and Transport Legislation Committee. I would like to indicate that the government will note both of the reports, although, strictly speaking, we are on the apple one at the moment. We will perhaps be responding in greater detail in due course. I did want to raise a couple of issues now. I acknowledge that Senator Ferris, Senator Heffernan and, indeed, other government senators, as well as Senator O’Brien and Senator Cherry, have had a long interest in these matters. Both of the last two seem to be paranoid about 1 July. I can assure all senators that the committee system, particularly these committees dealing with rural and regional affairs issues, will continue to operate effectively in the future, as it has in the past.

I note, of course, that these two reports are unanimous reports. I suspect that the government senators actually had a majority for the reports, although I am not absolutely certain of that. I did want to indicate that the issues raised by the committee have really been substantially addressed by the government already. The government have overhauled the administration of Biosecurity Australia. We have established Biosecurity Australia as an independent agency separate from the trade policy area within the Department of Agriculture, Fisheries and Forestry. That occurred last year. We have strengthened this further and boosted the independence of Biosecurity Australia: it is now a prescribed agency, financially and administratively independent from the rest of the department. An interim chief executive has been appointed to Biosecurity Australia to strengthen organisational and administrative capacity, and an eminent scientists group has been appointed to ensure stakeholders’ submissions on draft import risk analyses are properly considered.

The Australian government has strengthened the rigour of import risk analyses. Current import risk analyses have been reviewed, including the science. Biosecurity Australia has already issued two revised draft IRAs for table grapes from Chile and limes from New Caledonia. New draft reports for apples and bananas are being prepared, involving a review of the latest scientific information and analysis. An eminent scientists group will ensure stakeholders’ submissions on the draft import risk analyses are properly considered. A new branch is being established within Biosecurity Austra-
lia to focus on quality control and review risk methods, systems and engagement with stakeholders. A centre for excellence for risk analysis is being established with government funding. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

PARLIAMENTARY ZONE
Approval of Works

Debate resumed from 16 March, on motion by Senator Ellison:

That, in accordance with section 5 of the Parliament Act 1974, the Senate approves the proposal by the National Capital Authority for capital works within the Parliamentary Zone, being the temporary location of a sculpture adjacent to Questacon.

Question agreed to.

AUSTRALIAN COMMUNICATIONS AND MEDIA AUTHORITY BILL 2004
AUSTRALIAN COMMUNICATIONS AND MEDIA AUTHORITY
(CONSEQUENTIAL AND TRANSITIONAL PROVISIONS) BILL
2004
Consideration of House of Representatives Message

Consideration resumed. (Quorum formed)

Senator COONAN (New South Wales—Minister for Communications, Information Technology and the Arts) (11.41 a.m.)—I move:

That the committee does not insist on its amendments to which the House of Representatives has disagreed in respect of each bill.

Senator CHERRY (Queensland) (11.41 a.m.)—I am very disappointed that the government has chosen to reject all of these amendments. It comes on a very important day for telecommunications, because today is the day that the National Party’s Page Research Centre produced its report on telecommunications regulations. The habit that the government is getting into, of ignoring all the evidence that it receives about telecommunications regulation and then simply insisting on its particular view of the world, is a habit which I really hope changes very soon because it is not in Australia’s best interests.

We have received several reports now from the ACCC and other organisations showing that competition in telecommunications is inadequate. That is acknowledged by the Page Research Centre’s report, which I was reading as this debate started. It concerns me because, notwithstanding the evidence coming through from regulators time and again about the lack of competition in this area and the recommendations they provide to improve that, the government has not actually changed anything. It has not taken the recommendations on board. The ACCC was asked to provide advice to the government. It provided advice in its report *Emerging market structures in the communications sector* which was ignored. In terms of the OECD, advice has come through about the desirability of at least looking at structural separation. The National Competition Council provided advice suggesting that the government needed to look at the issues of structural separation, or even operational separation, but the government has ignored that to date as well.

Today we have the government ignoring not one but two reports, including a report of a Senate committee in which 11 of the 19 recommendations were endorsed by all Senate committee members, highlighting that the government needed to do better in terms of ACMA and providing better consumer outcomes. That report in turn fed off a report commissioned by the Australian Communications Authority itself, with the ACA acknowledging that it has been weak in defending the interests of consumers. It commissioned a significant report, *Consumer driven*
communications: strategies for better representation, from a consumer panel which reported in December last year. I want to quote from that report at length because I worry that the Minister for Communications, Information Technology and the Arts has not actually seen it. I will read out directly from the introduction of that report, because it is important. It says:

... regulation comes in a variety of guises, ranging from hard-coded law to industry written voluntary codes. It is essential that the consumer (the 'demand-side') perspective be effectively incorporated into various regulatory processes. This helps to correct the difficulties of the consumer in the marketplace and to focus regulatory efforts on the ultimate goal—providing an effective marketplace to meet consumer needs.

To be involved in and contribute to regulatory processes consumers need to be represented. Ideally they need to be represented at all stages and at all levels. However logistical, practical and sometimes ideological barriers intrude. Consumer groups are typically under-resourced and must make strategic choices about where to commit their effort.

This is the key part:

The consolidation of the Australian Communications Authority (ACA) and the Australian Broadcasting Authority (ABA) into the Australian Communications and Media Authority (ACMA) represents a significant opportunity for a change to the regulator’s approach to consumer issues and to introduce new approaches.

It makes the following recommendations:

a. Consumers seek workable regulation and effective enforcement in the telecommunications industry to ensure that consumers get the products and services they need in an environment with adequate safeguards;

b. The concepts of consumer protection and representation need to be elevated to the direct responsibilities of the legislator and regulator (with less emphasis on the self-regulatory processes);

c. The ACA continue to play a greater role in developing consumer protection mechanisms (for example by giving directions and setting deadlines);

They then went on to recommend changes to legislation. In particular they recommended that:

The objects of the Telecommunications Act and regulatory policy (ss3 and 4) be reworked in relation to the role of self-regulation. Policy should be reshaped to recognise that it can be appropriate to allocate matters to the ACA for action without necessarily satisfying the current tests relating to codes/standards.

The moderate change they suggest to the regulatory policy is one of the amendments I have moved to the consequential amendments bill. They say:

This is a moderate change to regulatory policy, informed by several years of practical implementation of the current framework. It would recognise both the successes and failures of the current arrangements.

This does not require ACIF to be removed from the framework or even a radical alteration in the emphasis on co-regulation. No change would be required to the further statement of regulatory policy in section 112.

That is the approach I was adopting in the amendments which I moved. It was not to make radical changes but to pick up the successes and the failures of the previous authorities and put them together with a clear instruction from the parliament to ACMA to do better than the ACA has succeeded in doing and to recognise that their job at the end of the day was about the long-term interests of users. True, that is in the Telecommunications Act, but it is hidden in a way which provides strong messages that self-regulation and industry self-regulation are the way to go. As this report from the consumer groups, commissioned and now under consideration by the ACA, shows, there is a clear need to do better.

A lot of the stuff in this report will of course be picked up by the ACA in its ad-
ministrative arrangements, but the legislative changes which were recommended cannot be. Only the parliament can do that. That is why we brought them here, that is why the Senate environment committee picked the recommendations and that is why, as chair, I have moved them as Democrat amendments. It is important that we say to this regulator from day one, ‘You’ve got to do better than the regulators you replace. True, we’re not going to change your underlying powers to a substantial degree, but you’ve got to be much more pro-consumer because you have let them down in the past, competition has been inadequate and you have relied too heavily on the industry heavies, the bigwigs, being able to do little deals among themselves in terms of self-regulation.’ That is why we moved the amendments, and I am very disappointed the minister has not taken them on board.

I thought I would finish by bringing to the minister’s attention—I am sure this is a report she will read closely—the report of the Page Research Centre released today on telecommunications, *Future-proofing telecommunications in non-metropolitan Australia*. I will read two paragraphs:

The lack of competition is also having a detrimental affect on telecommunications throughout all of Australia. Competition is a means to ensure ongoing research and development. Without competition consumers are forced to use technologies or infrastructure which is fast becoming outdated.

They recommend:

Through strong regulation the government must ensure there is healthy competition in the telecommunications market place.

The key relevance to the ACMA, because I can hear the argument, ‘That’s the ACCC’s matter,’ coming, is in another paragraph of that report. It makes the point that:

Reduced competition impacts on emerging technologies. Existing telecommunication providers in non-metropolitan areas only respond to demand and do not actively encourage the adoption of new technologies by consumers. In uncompetitive markets like Australia’s it is possible that we will eventually fall behind the rest of the world in terms of new telecommunications technologies unless a more aggressive market place can emerge.

The point that comes out of that is the linkage between technical regulation and competition regulation. It is a point the British seem to appreciate but the Australians do not appreciate and which came out in submissions to the Senate environment and communications committee—that competition and technical regulation are interplayed; you cannot separate them. Not only do you need a strong working relationship between ACMA and the ACCC; you need a strong statement to ACMA that it has to do what it can in all of its objectives to deliver a more competitive marketplace.

I think that is important. It is in our amendments and the Democrats will certainly be insisting on them because, frankly, there is no point merging these two organisations if all you are doing is merging the fax letterheads. At the end of the day, replacing two letterheads with one does nothing if the new organisation is not better than the one it replaced, and it will not be better unless it is more pro-consumer and more pro-competition. They are the outcomes that Australia is looking for from this government. I find the rejection of these well argued amendments today coming out of a comprehensive Senate inquiry based on research which the ACA has commissioned very disappointing.

**Senator CONROY** (Victoria) (11.50 a.m.)—I rise to give absolute support to the sentiments that Senator Cherry has outlined. As Senator Cherry knows, I and the Labor Party genuinely believe in and agree with almost everything he has just said. However,
the establishment of ACMA is actually an important process. It is flawed in many ways, particularly in the ways Senator Cherry has outlined. I wish the government would be willing, as I said yesterday, to engage in constructive discussion across the chamber and not take a belligerent attitude that they know best about everything. I am disappointed in that approach. But the establishment of ACMA is an important step.

There should be no more delays in the processes that are necessary than there have been in an incompetent performance that stretches well back beyond the current minister. This is not a reflection on the current minister; it goes back to some of her predecessors in not progressing this years ago when it was first promised. Because parliament cannot come back to some of her predecessors in not progressing this years ago when it was first promised. Because Parliament cannot come back to some of her predecessors in not progressing this years ago when it was first promised. Because parliament cannot come back to some of her predecessors in not progressing this years ago when it was first promised. Because parliament cannot come back to some of her predecessors in not progressing this years ago when it was first promised. Because parliament cannot come back to some of her predecessors in not progressing this.

The Labor Party will not be insisting on the amendments, as much as we would dearly like to. But we have criticised the government extensively over their incompetent handling, over a lengthy period, in addressing this issue. They are way behind schedule now and it is only for that reason that we will not insist on the amendments. We do not want to delay this further, as much as the sentiment in the amendments describes accurately Labor’s frustrations with this outcome.

I express my regret to Senator Cherry. I think you have noble sentiments and noble goals. I would like to insist upon the amendments, but that, I believe, would ultimately be too disruptive at this crucial point—and the government have finally got to this crucial point. They have dragged their feet for years on this, Senator Cherry, as I know you understand. We do not believe that to frustrate the process now would be helpful to the establishment of ACMA, so Labor will not be insisting on the amendments.

Senator COONAN (New South Wales—Minister for Communications, Information Technology and the Arts) (11.53 a.m.)—I express my thanks to the opposition for their support for the legislation and for the very commonsense approach that they have adopted. As I outlined in the Senate yesterday, the bills which form the Australian Communications and Media Authority provide for a purely administrative merger of the existing regulations. So the government does not agree that this is a lost opportunity, as has been suggested by Senator Cherry and the majority of the Senate committee report. Rather it is a step in a process of ongoing reform—and it is one of the steps, I might say, not the only step.

Yesterday I outlined in great detail, because I thought it was very important that there be a comprehensive statement on the record, the government’s rationale for not accepting the amendments that were argued for yesterday. In the course of those remarks, I did point out that the government is undertaking a range of activities and considerations in the first half of 2005 to progress telecommunications service and regulatory improvements. I will not detail them all again, because they are on the record, but the government is already undertaking a comprehensive series of steps and reviews to reflect our ongoing commitment to ensuring that the regulatory framework for communications remains effective, relevant and responsive to new and emerging technologies.

As I indicated yesterday, it is important that the ACMA is formed by 1 July 2005. I
am sure that all senators would agree, irrespective of individual differentiating points of view, that the uncertainty generated by any delay would be disruptive to both the regulators and the industry and certainly would be highly undesirable. A number of amendments to the bills were passed by the Senate and subsequently rejected by the House of Representatives. Many of the amendments, however well intentioned, go beyond the formation of the ACMA and the purpose that is absolutely fundamental to the changes that the government has in mind for regulation, which I have outlined broadly. Other amendments are unnecessary, in our view, as they reflect clauses already included in the ACMA bills or other legislation. I am going to leave it at that. Once again I thank the opposition for their support for the legislation.

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

The committee divided. [12.00 p.m.]
(The Chairman—Senator J.J. Hogg)

Ayes............ 45
Noes............. 8
Majority......... 37

AYES
Abetz, E. Bishop, T.M.  Barnett, G. Payne, M.A.  Patterson, K.C.
Buckland, G.  Carr, K.J.  Campbell, G. Santoro, S.  Ray, R.F.
Collbeck, R.  Colbeck, R.  Collins, J.M.A. Stephens, U.  Scullion, N.G.
Crossin, P.M.  Glading, J.  Denman, K.J. Watson, J.O.W.  Troeth, J.M.
Eggleston, A.  Ferris, J.M.  Ferguson, A.B. O'Brien, K.W.K.  Webber, R.
Forshaw, M.G.  Forshaw, M.G.  Fifield, M.P. Wong, P.
Hogg, J.J.  Hogg, J.J.  Johnston, D. Nettie, K.
Lees, M.H.  Lundy, K.A.  Mackay, S.M. Nettie, K.

NOES
Greig, B.  Greig, B.  Murray, A.J.M. Nettie, K.
Nettle, K.  Ridgeway, A.D.  Nettie, K.

* denotes teller

Question agreed to.
Resolution reported; report adopted.

AGRICULTURAL AND VETERINARY CHEMICALS LEGISLATION AMENDMENT (LEVY AND FEES) BILL 2005

Second Reading

Debate resumed from 9 March, on motion by Senator Vanstone:
That this bill be now read a second time.

Senator O'BRIEN (Tasmania) (12.04 p.m.)—The Agricultural and Veterinary Chemicals Legislation Amendment (Levy and Fees) Bill 2005 before the Senate makes a number of changes to the levy and fee structure used to fund the activities of the Australian Pesticides and Veterinary Medicines Authority, the APVMA. The legislation has become necessary because considerable doubt has arisen about the ability of the APVMA to continue to fund its activities following a number of years when expenditure by the authority has exceeded the revenue it collects. Under the financial stewardship of the Howard government, reserves have been run down and expenditure has exceeded revenue so that the very viability of this important organisation has been threatened.

Labor regards the role of the APVMA as an important one and therefore Labor will be
supporting this piece of legislation to ensure that the organisation remains financially vi-
able. However, this support is granted somewhat reluctantly. It has become clear that there is room for improvement in the accountability of this organisation for the fees and charges it collects. Once the finan-
cial viability of the APVMA has been se-
cured, Labor will be calling on the govern-
ment to make further amendments to the structure of this organisation to improve its accountability to stakeholders and to the par-
liament.

The bill makes a number of important changes to the fee and levy structure of the APVMA, including changing from a calendar year to a financial year basis, consistent with the period of registration of chemical products; providing a tiered rate of levy to be set based on the volume of leviable disposals of a particular chemical product; removing the existing cap of $25,000 placed on the amount of levy that may be paid in respect of a particular chemical product in a particular year; and removing the existing thresholds below which no amount of levy is payable in respect of a particular chemical product. The existing threshold is currently $100,000.

Labor has received a number of represen-
tations on this matter from associations rep-
resenting the chemical industry and from other organisations whose products must be assessed before they can be sold. These or-
ganisations have expressed misgivings about previous management practices of the APVMA and about the accountability of the organisation for the decisions it makes. We have also had representations from organisations representing farmers, who are very concerned about the ongoing financial viabil-
ity of the APVMA under the existing fee and levy structure.

We have made a decision to support the passage of this piece of legislation through the parliament but we do so knowing that significant shortcomings have been identi-

fied in aspects of the structure and manage-
ment of the APVMA. It is now up to the government to consider the issues raised by the industry in depth and to critically examine the performance of the APVMA. Ev-
dence given to the estimates committee last month has detailed the extent of the financial problem in the organisation. During 2003-04, total expenditure by the authority was $21.6 million, while revenue in that year totalled $18.1 million. The committee was told that revenue had been steadily declining since 2000-01 and in fact that revenue for 2003-04 was lower than in 1999-2000.

Part of the decline can be attributed to the impact of a long drought that affected farm-
ers in every state and that resulted in a lower requirement for agricultural chemicals, par-
ticularly in the grains industry. Reduced use of chemicals has led to a reduction in levy income received by the APVMA. Yet, even with the revenue in decline, the government was adding to the legislative responsibilities and obligations of the APVMA. Some of these related to Australia’s obligations in complying with international treaties. At a time when it was losing money, the organisation took on more staff. In 2001-02 there were 124 employees, which has risen to 134 in the current financial year.

Currently the APVMA is responsible for the registration of 700 active constituent chemicals that are found in 7,500 chemical products. It deals with 748 small companies with sales of less than $5 million annually, 32 medium sized chemical companies with sales of between $5 million and $20 million annually and 21 large companies with annual sales in excess of $20 million.

Organisations representing a number of these companies have conveyed to the oppo-
sition their clear misgivings about the ad-
ministration of the authority, including long delays and significant costs associated with the assessment of their products. Examples were given of delays of many months incurred in just changing the colour on a label. The government and the management of the APVMA need to understand the concerns of industry. The charges incurred by industry for services provided by the APVMA are not insubstantial, and industry is entitled to prompt, efficient service in return. I understand that the government has made some changes to the senior management of the APVMA and that work is proceeding on overcoming some of the problems that have plagued the organisation in the recent past.

The APVMA is important to Australian agriculture and to the consumers of food products in this country and in our overseas markets. There is a growing culture in this country and overseas of customers wanting guarantees of the wholesomeness of the food they eat. Indeed, our export performance has been built around the production and marketing of clean food. There is an understanding that in the past there have been cases of the excessive use of inappropriate chemicals in the food production process. Such inappropriate use of chemicals has been blamed for significant health problems among some consumers in Australia and overseas. So it is important that a well-resourced agency with the appropriate expertise is tasked with regulating the input of chemicals into our agricultural production. This was recognised by Labor back in 1994 when the former government set up the predecessor to the APVMA, the National Registration Authority.

Labor is also concerned to ensure that farmers continue to have access to new chemical technologies and new products, especially innovative products produced by both small and large chemical companies. Our farmers operate in a very competitive world environment and must have access to leading-edge products in order to attain and maintain a competitive edge. They also need to have confidence that these products have been assessed and have been found to be both safe for the farmer to use and safe in terms of their impact on the food and fibre that reach the marketplace. The APVMA fills an important role in making these assessments and in giving the assurances needed by both farmers and consumers. But we must also be sure that the structure and management practices of the organisation facilitate innovative research.

It has been put to the opposition that some of the alternative models for a fee and charge structure that have been canvassed by some stakeholders could potentially choke off important research by small and medium sized companies, denying farmers access to new and innovative products. Australian agriculture is dynamic. It is always looking for ways to lower the cost of its inputs, and the appropriate use of farm chemicals plays an important role in this. Farmers and their representatives, including the National Farmers Federation, have strongly urged Labor to support this piece of legislation.

In the end it is Australian farmers who will meet the costs associated with the new fee and charge structure set out in this bill. There is nothing surer than that the chemical companies, large and small, will pass any increased costs to them that result from this piece of legislation on to Australia’s farmers in increased prices for their products. Given that it is farmers who have the most to lose if the APVMA is unable to carry out its role effectively as a result of its financial difficulties and that it will be Australia’s farmers who, in the end, will end up footing most of the bill for increased fees and charges, the view of organisations representing farmers that this legislation should be passed without
reference to a committee was given considerable weight by the opposition.

Labor is aware that the option of referring this bill to a committee was canvassed by some in this place. However, we have been persuaded, particularly by the National Farmers Federation, of the importance to the financial future of the APVMA of getting this bill quickly through the parliamentary process. This does not mean that Labor is convinced that the structure, financial arrangements and administrative procedures of the APVMA do not need special, careful examination to determine that they are giving the best possible service to the chemical industry or to Australian farmers and the community. We will be looking for future opportunities to subject the organisation to a thorough examination through the parliamentary process, but we will be supporting this legislation today.

Senator CHERRY (Queensland) (12.14 p.m.)—I rise to speak on the Agricultural and Veterinary Chemicals Legislation Amendment (Levy and Fees) Bill 2005. This bill, which has been a long time in the making in coming to this place, will implement the new cost recovery arrangements for the Australian Pesticides and Veterinary Medicines Authority, the APVMA. It provides for payment of levies on a financial year rather than a calendar year basis; removes the current threshold of $100,000 worth of sales per annum, below which levies do not have to be paid; removes the current cap of $25,000 per annum for the maximum amount of levy payable; and enables the levy rate to be set by regulation and for a tiered rate of levy to be set according to the volume of sales.

The bill also provides the APVMA with various other powers around the collection of levies and application of penalties and makes several consequential and miscellaneous amendments to four other acts. It also repeals some interim cost recovery legislation that is now redundant. Although the cost recovery impact statement, or CRIS, that this bill will implement is only at a draft stage—the third draft since 2003, as I understand it—the current model makes a number of changes which have caused a great deal of concern in some parts of the chemical sector. At the outset, I have to say that there is no doubt that the government and the APVMA have extensively consulted the sector with regard to this situation and that the industry has had ample opportunity to provide input over a long period of time. In fact, I understand that the government revised the original CRIS because of industry concerns.

The intergovernmental response to the national review of agricultural and veterinary chemical legislation in 1999 supported all recommendations from the review except those relating to licences for chemical manufacturers and the efficiency review. The states and territories implemented those recommendations through legislation by 2002 and the government also implemented most of the recommendations in 2002 at a federal level. One notable exception that was not implemented was the recommendation to change the levy to a simple flat rate levy with no exceptions or caps. There are many other areas in agriculture where levies are applied in this manner, such as the dairy, grains, horticulture, livestock, sugar and wool sectors. This bill obviously represents a move in that direction.

The APVMA is a statutory authority fully funded by the payment of fees, levies and penalties from the sector it regulates. One of the results of the changes made through this legislation will be a significant increase in the amount of revenue collected by the APVMA. The Australian Consumer and Specialty Products Association—the ACSPA—one of the representatives of chemical producers, has estimated this in-
crease in revenue to be $6.07 million a year or a 33 per cent increase on current collection levels. I suspect the real increase is probably somewhat smaller than that when calculated on a different year base.

Some have argued that the new arrangements are open-ended and allow for unrestrained expenditure growth by the APVMA. However, the APVMA’s total revenue fell in both 2002-03 and 2003-04. The APVMA states in the annual report for 2003-04 that the fall in revenue in that year was largely due to ‘the effect of the drought on sales of pesticides and veterinary medicines’. With such limits on the amount of revenue collected, it is difficult to see unrestrained growth in the APVMA revenues beyond the initial jump generated by this legislation. It is also worth noting that one of the reasons why the APVMA has found itself with a deficit is because of a reduction in its levy rates some three or four years ago.

Some sector groups have raised concerns about the accountability and efficiency of the APVMA, the losses that they have incurred over the last three years and the new cost recovery arrangements. The Democrats are sympathetic to these concerns and do not want to see the significant increase in revenue that this bill generates spent in an inappropriate way by the authority. For this reason, we believe there should be an investigation of the APVMA’s accountability and efficiency arrangements by the Australian National Audit Office. Both the ACSPA and Nufarm have expressed their opposition to the bill and believe the arrangements are inconsistent with the recommendations of the National Competition Policy Review and inconsistent with the Commonwealth’s cost recovery guidelines. However, I also note that, despite what industry is saying, the farmers are likely to bear the increased costs resulting from the new cost recovery arrangements—yet the NFF is very supportive of this legislation. In its representation to my office, it stated:

The NFF acknowledges that removal of the levy cap may result in a small increase in the price farmers pay for some widely used farm chemicals (estimated at less than 1%). NFF believes that on balance the benefits outweigh any small increase in the price of certain chemical products.

In the Democrats’ view, the proposed cost recovery arrangements have been thoroughly considered by the APVMA and government and appear to fairly distribute costs throughout the sector. While the Democrats also have concerns about the accountability and efficiency of the authority, particularly whether the benefits from the merger of various state authorities have been fully achieved in the new authority, we do not believe this bill should be held up by a Senate committee, as some sector groups desire. We think the Audit Office is the appropriate body for that type of examination, and I believe there is significant support for such a review amongst stakeholders. I ask the Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry, in his second reading comments, to address the issue of whether he sees merit in an efficiency review of the APVMA by the Audit Office to see whether we can deal with those efficiency issues in a more substantial and appropriate format.

The APVMA has reduced its financial reserves over the past three financial years and is likely to reduce them even further during this financial year. It is therefore important that the authority is not unduly delayed in collecting the extra revenue that will be generated under this legislation. The Democrats will support this bill and would also support a call for an ANAO efficiency audit of the APVMA within the next 12 months, which we believe would help to address the concern that the sectors have about the efficiency of the APVMA in the application of its revenue.
Senator COLBECK (Tasmania—Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry) (12.20 p.m.)—The Agricultural and Veterinary Chemicals Legislation Amendment (Levy and Fees) Bill 2005 is an important piece of legislation that introduces significant reforms to the cost recovery framework for the regulation of pesticides, veterinary medicines and other chemicals. The national registration scheme for agriculture and veterinary chemicals, the NRS, is administered by the Australian Pesticides and Veterinary Medicines Authority in partnership with the states and territories and with the active involvement of other Australian government agencies.

The APVMA plays a valuable role in ensuring that any risks associated with agricultural and veterinary chemicals are identified and properly managed by independently evaluating the safety and the performance of chemical products intended for sale, making sure that the health and safety of people, animals and the environment are protected. In addition, the APVMA examines whether the use of these products is likely to jeopardise trade and whether they will be effective for their intended use. Only products that meet these high standards are allowed to be supplied. The APVMA monitors the market for compliance and reviews older chemicals to make sure that they continue to meet contemporary high standards. In addition, the APVMA makes a valuable contribution at an international level by contributing to the development of guidelines and standards for pesticides and veterinary medicines.

This bill ensures that the Australian Pesticides and Veterinary Medicines Authority will be adequately resourced to meet the vital responsibilities that I have described. I am pleased that the bill provides the means for the APVMA to continue to be the world-class regulatory authority we all expect and need it to be. However, I am fully aware that the APVMA is fully cost recovered from the agriculture and veterinary chemical industry and from the end users of chemical products. I have listened to their concerns regarding the performance of the APVMA and its accountability. While I am confident the APVMA has a strong focus on cost control and efficiency, I consider that it is vitally important for confidence that the APVMA is retained. Accordingly, I have put in train a process to seek an independent review of the APVMA’s performance to ensure that these concerns are addressed.

While the bill will enable the APVMA to meet its legislative objectives of equal performance, the new cost recovery arrangements which the bill implements will not impede competition and innovation within the Australian agricultural and veterinary chemical market. Examination of the cost recovery arrangements for the APVMA, initially during the national competition policy review of agricultural and veterinary chemicals legislation, revealed that reform of these arrangements was needed in order to provide a diverse market that can be accessed by a range of stakeholders. The existing cost recovery framework creates potential hurdles to smaller businesses seeking registration and discriminates between firms in respect of their contribution. The measures contained in the Agricultural and Veterinary Chemicals Legislation Amendment (Levy and Fees) Bill 2005 seek to remove these barriers while, at the same time, bringing the cost recovery arrangements for the APVMA into greater consistency with cost recovery guidelines.

The measures in the bill will also ensure that Australia’s regulatory system for agricultural and veterinary chemicals continues to facilitate farmers’ access to a wide range of important chemical inputs to agricultural production while, at the same time, managing the potential risks to human and animal health, occupational health and safety, the
environment and trade. I commend the bill to the Senate.

Question agreed to.

Bill read a second time.

**Third Reading**

Bill passed through its remaining stages without amendment or debate.

**ADMINISTRATIVE APPEALS TRIBUNAL AMENDMENT BILL 2005**

Consideration of House of Representatives Message

Consideration resumed.

*House of Representatives message—*

(1) Schedule 1, item 21A, page 6 (lines 16 to 22), omit the item.

(2) Schedule 1, item 66, page 18 (lines 7 to 27), omit paragraph 23(9)(a), substitute:
   (a) the President is satisfied that the direction is in the interests of justice; and

(3) Schedule 1, items 76A and 76B, page 26 (lines 1 to 14), omit the items.

*Senator ELLISON* (Western Australia—Manager of Government Business in the Senate) (12.25 p.m.)—I move:

That the committee agrees to the amendments made by the House of Representatives to the bill.

*Senator LUDWIG* (Queensland) (12.26 p.m.)—At the outset, I will outline what has happened to the Administrative Appeals Tribunal Amendment Bill 2004 [2005]. The Senate Legal and Constitutional Legislation Committee made a number of recommendations to be picked up by the government and amendments were moved by Labor in support of those recommendations. In fact, Labor had been championing those amendments and encouraging the government quite vigorously to adopt them. In this instance, the government picked up all but a couple of the recommendations from Labor and the committee.

Labor is very disappointed that the government has not reconsidered its position and is continuing to reject the call for a statutory minimum term for Administrative Appeals Tribunal members. Labor moved this amendment with the full weight of a unanimous recommendation by the Senate committee—including government senators—behind it. Labor believes strongly that the minimum terms of appointment, as proposed in our amendment, provide some stability and certainty for tribunal members and gives them greater actual and perceived independence. The Senate committee report recommended the need for a minimum term. It settled on three years as a minimum. Labor preferred five, and we moved an amendment to give five years as a minimum term. The purpose of that was to ensure that the Administrative Appeals Tribunal members have independence, are perceived to have independence and have some certainty and continuity in relation to their employment, so that when people go to the AAT—people who have trouble with Centrelink or receive bad advice from social security—they can have their matter appealed and they can have confidence that those matters will be dealt with fairly and reasonably by the decision maker.

In the House yesterday, and without giving a reason, the Attorney-General petulantly threatened—I can only describe it in that way—to withdraw the amendments to maintain the standing and independence of the AAT president and to wait until 1 July when the Senate composition will change. I would assume that he would then not be bound to take on board the deliberations and recommendations of the Senate Legal and Constitutional Legislation Committee. He would feel that the amendments agreed to in the Senate could be dismissed out of hand and he could go back, I assume—without verbally him—to the original bill, perhaps, and try to have it passed. This would be in
the face of what we say is overwhelming opposition from the community and, indeed, from government members of the Senate committee, to a change in the AAT presidency arrangements. It demonstrates, I think, extraordinary arrogance by this government in this respect. But we have to put our feelings about that aside. Ultimately, we have to look at what is good for the community and ensure that the AAT has a strong and independent president and that all the amendments passed by the Senate, save for the ones that the government has arrogantly dismissed, are included in the legislation.

On that basis, we reluctantly will not disagree with the proposals and we will ensure that this bill passes. We have, in our view, secured a vast improvement on its original form and the government have—and this point needs to be made—backed down on the most contentious changes. But it could have been much better. We would at least like to ensure that it is on the record that we hope that the Attorney-General’s comments yesterday, these thinly veiled threats—in fact I would put them a little higher than thinly veiled threats—to wait until 1 July are not a sign of things to come. However, all the signs from how this bill was handled, including the government’s petulant threat to withdraw changes recommended by the Senate committee, as I understand, and pull this bill from parliament, indicate that they fully intend to take a closed view about external review and dissent, and politicise these processes as soon as they get the chance from 1 July. If that is not the position then I am sure Senator Ellison can tell us what it is. In any event, the important part of the process is that significant changes have been made to this bill and we can ensure that the outcome of the bill is allowed to proceed.

Senator GREIG (Western Australia) (12.31 pm)—Australia is one of the very few countries—indeed, the only Western democracy—that does not have a bill or charter of rights. Many people, including the Democrats, see the function and role of the AAT as in effect serving that purpose. It is the closest thing that we have in terms of being able to provide redress to citizens who believe they have been aggrieved, who have had decisions wrongly taken against them or who want to pursue a particular claim, be it financial or human rights related. It is probably true to say that the AAT’s public profile has dramatically increased in recent years with its engagement and intervention with asylum seeker issues, amongst others. So, although this bill is probably a fairly dry topic for most Australians, it is one that we care deeply about.

Not surprisingly, we are very disappointed that the amendments that were successful in this place are not going to be adhered to. Along with Senator Ludwig, I acknowledge that some of the more significant and contentious aspects of this legislation have been modified and that the government has, to some extent, taken on board the recommendations from the Senate Legal and Constitutional Legislation Committee’s inquiry into this issue. It is also disappointing that the opposition has chosen not to exercise its opportunity to again move its amendments so that the issues are raised, debated and, hopefully, adhered to. It would be disappointing if the Attorney were to take the fairly belligerent view, as he appears to have done, that these kinds of debates, amendment procedures and dissident voices can and should be merely disregarded on the basis that the government will have an absolute majority in this chamber come 1 July. I would hope, as I said in speaking to some of my amendments on this the other day, that there is a more cooperative approach and that better outcomes can be achieved by listening to a multitude of voices. It is disappointing that the Attorney in the other place has chosen not to
agree to the amendments proposed by the Senate. It is equally disappointing that the opposition has chosen not to move them again.

On balance, however, we do take the view that this bill contains some positive measures. It has been quite a long time in the making, and I again thank the legal and con secretariat staff for the extraordinary work they continue to do. I make the comment to the minister that the legal and con committees have done an extraordinary amount of work on a range of topics, and if any further resources can be placed in that direction I am sure it would be appreciated. To use an analogy, the legal and con clearing house is a little like the AAT itself in terms of listening to dissident voices and providing redress for those who have grievances.

We will not oppose the bill in its third and final reading but simply make the point in summary that it is disappointing that the opportunity to build a better bill has not been taken up. Again, we raise the issue of a bill of rights being absent from our nation and point to the AAT as being the last and only hope many Australians have in terms of human rights and civil liberties.

Senator ELLISON (Western Australia—Minister for Justice and Customs) (12.35 p.m.)—Any frustration borne by the Attorney-General in this matter is totally understandable. In fairness, it should be placed on the record—and this in no way reflects on Senator Ludwig, who I acknowledge has been very constructive in the discussion on this bill—that the discussion in the other place has been frustrating for the Attorney-General because we have been trying to distil exactly the position of the opposition. I welcome the support of the opposition in relation to this motion. No threat was implied by the Attorney-General’s comments. Justifiably, the Attorney-General was frustrated by the possibility of this bill not proceeding when we had brought in amendments which reflected recommendations made by the Senate Legal and Constitutional Legislation Committee. I acknowledge the good work, and I did previously, of that committee and I take on board Senator Greig’s comments. The Senate Legal and Constitutional Legislation Committee does and always has done an outstanding job in this parliament.

I would like to remind the Senate briefly of the amendments we are talking about. The government amendments in the other place have restored subsection 8(3) to its current state. It continues to provide for terms of up to seven years for members of the tribunal. Of course, the opposition wanted a five-year minimum term, regardless of the fact that the Senate Legal and Constitutional Legislation Committee recommended a three-year term as a minimum. One of the objectives of this bill is to improve the flexibility of the tribunal and its capacity to manage its workload. That is why we believe there should be no minimum term in the legislation. That is a fact that I believe is recognised—that the flexibility is required for the tribunal. We believe that the opposition’s amendment, if it stood, would have obstructed the flexible operation of the tribunal.

The other amendment related to the guidance that the president should receive when removing a member from or reconstituting the tribunal in particular proceedings in such a way that a member or members do not continue to be part of the tribunal for those proceedings. I think I went over at length in the committee stage the government’s objection to the opposition amendment, which we believe did not do what it set out to achieve. We believe that certainly the list, albeit an extensive one, was exhaustive. It could well have backfired in its operation. That reminds me of the question Senator Ludwig posed to...
me which I took on notice. Senator Ludwig asked me in the committee stage:
Has the term ‘in the interests of justice’ been judicially considered?
As I recall, my reply was that I no doubt thought it had been, but I can now provide a full answer to that question. The phrase ‘in the interests of justice’ has been considered by the courts in a variety of contexts. For example, the courts have considered this phrase in relation to the Commonwealth’s jurisdiction of the courts’ cross-vesting legislation and also extradition legislation. The courts have construed the phrase widely and have taken into account the particular circumstances and context of the case as well as the purpose of the legislation.

In relation to cross-vesting legislation, the courts have taken into account a number of factors to determine if a transfer is in the interests of justice. These factors have included the purpose of the act, the objective of the scheme established by the legislation and the difficulties that the legislation tried to remedy, as set out in the explanatory memorandum. Of course, that spells out quite clearly how the courts have applied that phrase in those circumstances. The Supreme Court of Western Australia has also stated that in the context of cross-vesting legislation, while the phrase ‘interests of justice’ is very general, it cannot be interpreted without regard to the context of the legislation. In that case the Supreme Court authority was Platz v Lambert (1994) 12 WAR 319. I think that answers more fully the question that Senator Ludwig posed.

The final amendment that the government objected to was that which relates to the question of standing, if you like. The government believe that those people who are affected by a decision should be able to bring an application for a review. Subsection 27(1) of the Administrative Appeals Tribunal Act 1975 states:

… an application may be made to the Tribunal … by or on behalf of any person or persons … whose interests are affected by the decision.

Courts have consistently held that that has an ambulatory operation and would depend on the subject, scope and purpose of the enactment. The opposition’s amendment would allow any member of the Commonwealth parliament to seek a review of any Commonwealth decision that is reviewable in the tribunal. So that would mean that a review could be sought by a member of parliament regardless of whether any person’s or body’s interests were affected by the decision or whether indeed anybody who was affected by that decision was satisfied or dissatisfied.

A number of possibilities arise from that amendment. Certainly it is difficult to see how it would work, but I think it could lead to undesirable circumstances. You could have members of parliament seeking a review where everyone was happy with the decision but where, for political purposes, they might want that decision revisited. Indeed, I think I cited the example where one person or a political party seeking to review decisions could be seeking to score political points in relation to a politically sensitive area—seeking a review notwithstanding that everyone was quite happy with the decision. I believe that that is an undesirable result that could occur with this amendment.

For those reasons the government could not and do not agree with the opposition’s amendments, which were passed in the Senate. That is why the government are moving this motion that the committee agree to the amendments made by the House of Representatives. It gives a fuller picture as to why the Attorney-General was frustrated, quite justifiably so, because certainly the government had been willing to listen and take on
board constructive suggestions, which we did in relation to the Senate Legal and Constitutional Legislation Committee. I outlined in the previous debate a number of recommendations that we took on board and adopted, but we believe that these amendments are not in the interests of good legislation and, indeed, the operation of the Administrative Appeals Tribunal. I commend, therefore, the motion to the committee.

Question agreed to.

Resolution reported; report adopted.

BUSINESS

Rearrangement

Senator ELLISON (Western Australia—Manager of Government Business in the Senate) (12.44 p.m.)—I move:

That intervening business be postponed until after consideration of government business order of the day No. 4 (Issues from the Advance to the Finance Minister as a final charge for the year ended 30 June 2004).

Question agreed to.

ADVANCE TO THE FINANCE MINISTER

In Committee

Consideration resumed from 10 February.

Senator ELLISON (Western Australia—Minister for Justice and Customs) (12.44 p.m.)—I move:

That the committee approves the statement of Issues from the Advance to the Finance Minister as a final charge for the year ended 30 June 2004.

Senator HOGG (Queensland) (12.45 p.m.)—I have a couple of questions on the document, Minister. I understand that the additional expenditure is because of an erroneous omission or understatement previously or because the additional expenditure was unforeseen. That is outlined within the documentation provided. Minister, the expenditure was for some $7,838 million. Are you able to tell the committee the details of that expenditure? Also, was it unforeseen expenditure or was it an error in the original estimate?

Senator ELLISON (Western Australia—Minister for Justice and Customs) (12.46 p.m.)—I do not have the officials here who have been dealing with that. I will have to take that question on notice for the time being. Hopefully we can get the officials here forthwith. Perhaps there are some other questions or other issues that we can deal with in committee.

Senator HOGG (Queensland) (12.46 p.m.)—Minister, it is the detail of the expenditure that I am seeking. Was it just a single issue or did it cover a number of issues? Was it unforeseen, or was it something that was an error in the original estimates? I am quite happy if the minister can take that on notice and get back to me.

Senator ABETZ (Tasmania—Special Minister of State) (12.47 p.m.)—I am indebted to Senator Hogg for that suggestion. I will take it on notice and get back to him as soon as possible.

Question agreed to.

Resolution reported; report adopted.

APPROPRIATION (PARLIAMENTARY DEPARTMENTS) BILL (No. 2) 2004-2005

APPROPRIATION BILL (No. 3) 2004-2005

APPROPRIATION BILL (No. 4) 2004-2005

Second Reading

Debate resumed from 16 March, on motion by Senator Coonan:

That these bills be now read a second time.

Senator HOGG (Queensland) (12.48 p.m.)—When I left off on the debate last night, I was talking about the need for taxation reform. I will move that issue on a bit further today. I want to quote from the dis-
senting report of the House of Representatives Standing Committee on Employment, Workplace Relations and Workforce Participation with respect to one of the recommendations which relates to the issue of casual and part-time employment. It is, of course, an issue that the union that I have a long association with—the SDA, the Shop Distributive and Allied Employees’ Association—has a paramount interest in, as a significant number of our members are casual or part-time employees. This type of employment has a direct and significant impact on the living standards of these low-income earners. As a group, they are particularly susceptible to the current high effective marginal tax rates resulting from the interaction of tax and income support payments. I now move to the dissenting report at page 195. It states:

All Committee members agreed that paid employment is important in reducing social disadvantage and improving living standards, but dissenting members have disagreed in a number of areas. Although the majority of recommendations were supported unanimously, three of the twenty-three recommendations attracted opposition. The dissenting members of the Committee considered it essential to explain why three recommendations were not acceptable. Further, the dissenting members have proposed additional paragraphs and recommendations that were not acceptable to the majority sitting on the Committee.

That is a direct quote from the committee report. I will leave honourable senators to read the very considered views expressed by Labor members on recommendations 1 and 14. I am sure you will find those comments very informative. I want to focus particularly on the comments made by them on recommendation 9, regarding casual and part-time employment. To put it in context, the majority report states:

Recommendation 9
5.30 The Committee recommends that the Australian Government examine mechanisms to remove barriers to the employment of part-time and casual employment in industrial awards and other industrial arrangements.

I will now turn to the dissenting report at page 196 and quote from the comments of my colleagues in the other place:

The dissenting members oppose Recommendation 9 above for a variety of reasons. The bulk of the evidence provided to the Committee establishes that the growth of casual and part time jobs at the expense of permanent full time employment has been considerable.

Before I return to the quote, let me say that my long experience in the retail and hospitality industry confirms that statement to be very true: people have suffered as a result of a severe cutback in the number of full-time jobs available in the retail, hospitality and fast food area over a long period of time. Returning to the comments in the report at page 196:

Compelling evidence was provided that led dissenting members to conclude that casual and part-time work was rife in certain industries and occupations and was not the preferred form of employment for many employees. Paragraph 2.56 of the Report explains that casual employment in 2003 had reached 27.6 percent of total employment. Since 1988 the proportion of total employment that involves casual employment has grown by an alarming 50 percent.

The report continues:
Paragraph 2.58 explains that casual employment in 2003 had reached 27.6 percent of total employment. Since 1988 the proportion of total employment that involves casual employment has grown by an alarming 50 percent.

The report concludes:
Paragraph 2.64 contains evidence that the growth of part-time and casual jobs was not evenly dis-
tributed across all occupations, but occurred primarily in low paid employment. The dissenting members consider this inequity to compound the existing economic and social disadvantage experienced by employees in low paid employment. Other evidence found in Paragraphs 2.65 to 2.69 illustrated other problems associated with casual and part-time work such as lack of training, inability to save, inability to secure a home loan and difficulties balancing responsibilities of work and family.

Although dissenting members consider that there will always be a place for casual and part-time employment we do not agree that the growth in both employment areas has always been beneficial to many workers and their families.

The report then went on to put a proposed new recommendation that my colleagues were prepared to support. I have not even bothered to paraphrase the report, because I thought it was so well put. It really succinctly sums up the difficulties that are faced by many low-income people who are forced into part-time and casual work. As that report acknowledges, not everyone wants to work full time—that is conceded—but for a number of people, all they are offered are part-time and casual jobs. Their lifestyle, their capacity to earn and their capacity to be an active and productive member of our society are diminished quite substantially. The proposed recommendation that was put forward in the report by my colleagues, because they could not support the previously outlined recommendation 9, makes a lot of sense. It reads:

The Committee recommends that the Australian Government undertake a comprehensive study on the growth of casual and part-time employment and the social and economic effects of such growth. Such a study should identify the impact upon industries, occupations, gender and age groups. Further the study should identify the adverse social impact of this employment trend upon employees and their families and develop strategies to provide more secure employment wherever possible, thereby encouraging greater workforce participation.

When one contrasts that with the original recommendation 9, one can see that it is far more comprehensive and gives people far greater hope than the recommendation in the majority report. These comments clearly identify the problems and limitations associated with casual and part-time employment. While acknowledging that there is a place for this type of employment, it should not become the primary form of employment.

It seems that the government members of the committee are unable to see the problems that flow from growing casualisation of the workforce. Instead, their recommended model is to find ways to increase its use, to the further detriment of the employees. I think the deputy chair of the committee, Mr Brendan O’Connor, summed it up well in his media release announcing the dissenting report, in which he said:

Australia, over the last 20 years, has the most casualised workforce in the world and yet instead of examining ways to mitigating the economic and social impact of precarious employment, Government Committee Members say we should go further and strip away existing entitlements ...

This is just another example of how the Howard government finds itself unable to broaden its focus beyond the immediate philosophical imperative. In stark contrast, the OECD, the Governor of the Reserve Bank, parliamentary committees, public think tanks, industry groups and sections of the government’s own backbench have acknowledged the need for reform of the taxation system so that it provides incentives for low-income earners to engage more fully and productively in the workforce—reform that protects the living standards of those in the most precarious forms of employment, and reform that allows them to gain a reward for their own efforts.
Apparently it can be seen by all except the Prime Minister and his senior ministers that increasingly there is a more urgent need for wide-ranging reform in the area of taxation and in the interaction between the tax system and the social security systems. But what has the government’s response been to this growing momentum for taxation and welfare reform—other than to hand out selectively timed tax cuts as election bribes? The Prime Minister and the Treasurer seem to have engaged in their usual smoke screen tactics, running around saying how much they have cut taxes since being in government while ignoring the fact that they have returned only a small portion of the windfalls Treasury has gained and continues to gain from bracket creep.

Then there is the Minister for Finance and Administration, Senator Minchin, playing fireman out there in the media, trying desperately to hose down expectations of any further tax cuts in the May budget. Senator Minchin has, of course, been skilfully assisted in that role by the Minister for Health and Ageing, Mr Tony Abbott. Although I am unsure how this issue fits into Mr Abbott’s portfolio now, maybe he is trying to make up for comments he made as the former employment minister. In January 2003, while arguing for maxi-reforms to address tax and social security disincentives, he said:

> It’s very hard to see the fairness in a system which works against people looking for jobs. The tax transfer system should reinforce civic values, not undermine them.

Further, it seems that some in the Liberal backbench are being brought to heel, like Senator Mitch Fifield, who has previously been reported in the media making statements calling for tax reform. In the *Australian* of 15 March 2005, he said:

> Peter Costello has ... moved heaven and earth to crack down on tax avoidance. That is an amazing statement. (Time expired)

Liberal MP Mr Phil Barresi is quoted in the *Australian* of 15 March 2005 as saying that addressing effective marginal tax rates was the only way to tackle wage disparities. That is more good advice from the Liberal backbench. But what is the Howard government’s response? ‘Too expensive, too hard and not now.’ Further, it seems that some in the Liberal backbench are being brought to heel, like Senator Mitch Fifield, who has previously been reported in the media making statements calling for tax reform. In the *Australian* of 15 March 2005, he said:

> Peter Costello has ... moved heaven and earth to crack down on tax avoidance. That is an amazing statement. (Time expired)

**Senator KIRK** (South Australia) (1.01 p.m.)—I take the opportunity this afternoon to raise an issue in the context of the Appro-
The issue I am referring to is the threat that has emerged to numbers in the Adelaide Symphony Orchestra. As many would be aware, just recently a national review of orchestras was released. In fact, it was released on Monday. The review was headed by former Qantas boss James Strong, who recommended cutting player numbers in the Adelaide Symphony Orchestra from the 75 it has now to just 56 full-time players. This is a potential cut of 25 per cent to numbers in the ASO. If this were to occur, it would have devastating consequences for the ASO and, importantly, for artistic and cultural life in South Australia.

The federal Minister for the Arts and Sport, Senator Rod Kemp, said in question time on Tuesday that he is ‘sympathetic’ to the idea of maintaining the size of the orchestra in Adelaide as well as the orchestras in Brisbane and Hobart, which are also under threat. He said during question time on that day that the onus is on the state governments to find additional funds for these orchestras. When he was questioned as to how much additional funding he expected the states to pay, he conveniently avoided this question. I join with President Calvert and other government senators and members, who, I understand, include my fellow South Australian, Foreign Minister Downer, in calling on Minister Kemp to ensure that player numbers are retained at existing levels. The ASO needs more, not less, federal government funding.

Both Sydney and Melbourne have two orchestras to deliver orchestral concerts as well as opera and ballet services in their state. Each city employs around 160 full-time musicians. In Adelaide the ASO provides all of these services, albeit on a smaller scale, and it currently has a strength of just 75 players, down from 80. The Strong review recommends cutting player numbers to one-third of those in Sydney and Melbourne.

As a South Australian, I am proud of our reputation as an international centre for arts excellence. We cannot imagine South Australia without the Adelaide Symphony Orchestra. We cannot imagine a situation where there was no festival and no fringe, and we cannot imagine how much poorer we would be without the State Theatre Company. In addition, South Australia is proud to hold the WOMADELAIDE festival. We have the Art Gallery of South Australia, the South Australian Museum, the Come Out festival and, as of quite recently, the Festival of Ideas.

South Australia has a long tradition as a vibrant, arts-rich state. Since the time of Premier Dunstan we have had this reputation. We are, after all, the ‘festival state’. This must not be jeopardised by Sydney based number-crunchers who want to turn Adelaide and South Australia into a cultural backwater. If the government support the recommendation to slash the ASO along with symphony orchestras in Tasmania and Queensland, they will be fulfilling an interstate agenda to centralise musical excellence in Sydney and Melbourne. If this goes ahead, who can say which artistic and cultural institution might be next? Cutting ASO player numbers would take the orchestra back to the strength it had in the 1950s and would severely restrict the orchestra’s variety of activities and repertoire.

For the benefit of fellow senators who do not have the good fortune to live in South Australia, I would like to spend a few minutes highlighting the outstanding contribution that the Adelaide Symphony Orchestra makes to my home state. The ASO won in-
ternational acclaim in 1998 with Australia’s first production of Wagner’s *Ring Cycle*, conducted by Jeffrey Tate. This magnificent feat was repeated late last year with the first fully Australian production of the *Ring Cycle*, conducted by Asher Fisch. This was described by critics as ‘one of the finest occasions in the history of Australian music’. I will quote what some of the reviewers said. Shirley Apthorp, from the *Financial Times* in London, on 3 December 2004 said:

Magnificent playing from the Adelaide Symphony Orchestra under Fisch. It is a new dawn for Wagner down under.

John Slavin in the *Age* on 22 November 2004 said:

What wonderful playing we heard from the Adelaide Symphony Orchestra under Asher Fisch. The orchestra as much as any character is one of the major triumphs of this production.

Roger Covell in the *Sydney Morning Herald* on 23 November 2004 said:

The whole cycle has amounted to one of the finest occasions in the history of Australian music, opera and theatre.

Very high praise indeed. Another recent highlight from the Adelaide Symphony Orchestra was *Dead Man Walking*, performed this time with Opera Australia and, again, to world acclaim. And I must not forget a performance that I had the great fortune of seeing quite recently that was a tribute to Percy Grainger, one of the most celebrated pianists of his generation and someone who, I might also add, has special significance to South Australians and is buried in the West Terrace Cemetery in Adelaide.

Our orchestra has performed with artists including Placido Domingo, Luciano Pavarotti, Andrea Bocelli, Split Enz, Shirley Bassey, Tony Bennett, James Morrison and Dionne Warwick. This year the ASO adds Lalo Schifrin, kd lang and even Bugs Bunny to the list. Each year the ASO performs in front of what is often a 30,000-plus crowd in a free outdoor concert, known as *Symphony Under the Stars*, in Elder Park. There are ASO performances for all ages, for all South Australians—for example, *Peter and the Wolf* was recently performed. Performances are often taken to country areas in South Australia—for example, just last weekend, the ASO performed in Bundaleer Forest in the mid-north.

The ASO provides services for opera, ballet, drama and educational activities in South Australia, Australian conductor training sessions and Australian composer support, as well as touring around South Australia, as I mentioned. Sponsorship levels compare very favourably on a national basis, and private money is also very good. Consider, though, the following: the ASO receives less federal government money than any other professional Australian symphony orchestra, including Tasmania’s orchestra, which is 35 per cent smaller in musician numbers. The Sydney and Melbourne orchestras, which I referred to before, each receive nearly twice as much federal government funding. They also have access to much larger box office and sponsorship possibilities.

If the ASO were downsized, obviously it would be restricted in the repertoire that it would be able to play. It would mean, for example, that large, late-romantic works such as Mahler symphonies and Richard Strauss works would no longer be heard in Adelaide. The ASO would also be restricted in the variety of activities it undertakes, and the opera and ballet repertoire would also be less extensive. It would be a mighty challenge to maintain the current high artistic standards of the orchestra. It would be very difficult to attract the highest quality players and to keep our players from moving on to larger, more attractive orchestras overseas and interstate. The players cut from the current ensemble would be unlikely to stay in
Adelaide and, when augmenting casuals or when emergency players are needed, they may have to be flown in from interstate at great expense.

Sponsorship would also suffer because, as a smaller orchestra, the ASO would find it harder to attract sponsorship on par with current levels, which are, as I said, good. If the repertoire were to be narrowed, audience support could be expected to decline, and this in turn would lead to a drop in the quality of conductors and soloists. Music education in our state would also suffer. Many of the existing players teach instrumental music over a range of levels, including at the tertiary level. Already the ASO is unable to offer competitive wages to its players. Sydney and Melbourne salaries are 35 to 60 per cent higher than those offered to players in Adelaide. Sydney and Melbourne orchestras are able to fund excellent conductors and soloists on a regular basis. When the orchestras were part of the ABC, top conductors would tour centres outside Sydney and Melbourne, but since the orchestras have left the ABC this very rarely happens.

The government’s terms of reference for this review were quite clear: there is no more money for this sector. It is a sad reflection on the priorities of this government if it removes federal funds from the ASO. In conclusion, all I can do is suggest that the minister, Senator Kemp, take notice of what not only opposition senators but also government senators and even people such as Minister Downer have been saying. They have been calling upon Minister Kemp to ensure that funds are not cut to the Adelaide Symphony Orchestra. It is a very important part of South Australia. As I said, we are the festival state. It is an integral institution and it must be maintained at current levels.

Senator BARTLETT (Queensland) (1.12 p.m.)—I would like to speak to a few aspects of the Appropriation (Parliamentary Departments) Bill (No. 2) 2004-2005 and related bills to do particularly with the defence funding components. It is traditional that people debating appropriation legislation can speak on pretty much any topic rather than just the contents of it, but this does have some aspects that deal with defence funding and I think it is appropriate to focus a little more specifically on the contents.

We have had a lot of debate more widely in the community of late about appropriate expenditure and the use of surplus funds at federal and state levels for a whole range of community needs. There has been continuing and fairly justifiable pressure on a number of states to make better use of the significant amounts of revenue that they get from the goods and services tax, and there has been continuous pressure on the federal government and debate about how it should use what seems to be an ever-increasing surplus. Amongst those things, of course, there are always competing priorities and demands. Certainly, I would not want to give an impression of being somebody who is just inherently against defence spending. My contribution on the public record over a long period of time is one that recognises the value of the Defence Force. Indeed, on occasions I have called for further spending in certain areas, particularly in intelligence and personnel support, as well as in related areas like veterans.

I notice in this appropriations legislation there is extra funding for the 90th anniversary celebrations for Gallipoli and the like. That is certainly appropriate and I support that. Once again, I make the point that, when it comes to defence activities and sending Australian men and women to war, members of the defence forces, to risk their lives, as we are doing at the moment—not only in Iraq but also in other parts of the world—governments seem reasonably willing to give
them parades, ribbons and memorials and are always happy to be part of anniversary celebrations. That is appropriate but I wish there were as much enthusiasm for putting funding into the rather less vote-winning but rather more important needs of veterans—for example, their health and other needs—that often suffer as a result of their service to this country in the military. It is one thing to send people to war and to get your picture taken next to them at the welcome home parade or at the anniversary—whether it is 90 years or 10 years down the track—but it is another thing to ensure that the day-to-day lives of people, which are often dramatically affected for the worse as a result of their service, are properly addressed. I think we can do much more on that aspect.

There are also significant amounts of money in the appropriation bills for other aspects of defence funding. There is a significant variation to the Defence Materiel Organisation budget, due to a net increase based on the re-baselining of the military work force and adjustments to the military work force remuneration arrangement. There is an increase in funding to purchase additional repairable items rather than repair uneconomic stocks. So money previously allocated to the repair of stocks is reclassified and moved over to purchase additional items, in the order of $94 million net, minus $21 million. So there are significant amounts of money there. There are also further moneys allocated for equipment acquisitions, and it is this area I would like to focus on further.

There have been a number of reports of late, which seem to be accurate—they certainly have not been denied by the government in any significant way that I have seen—about a massive hike in the likely price of the new Joint Strike Fighter aircraft that the government has ordered. There are also reports of a likely blow-out in the delivery time, therefore requiring the existing F111 aircraft to be kept in operation for longer than expected. As a result, maintenance costs to keep them in the air safely will go up. Of course this is not the first time by a long shot that this type of budget blow-out in major equipment expenditures in the defence area has happened.

I have spoken before about an unfortunate aspect of the defence tradition: continuing to build on mistakes when it comes to equipment acquisitions—the Collins class submarine is probably the most notorious—and continuing to rack up greater costs surrounding an acquisition, even after problems have become apparent, and adding one error on top of another. A corporation that does not admit a fundamental weakness or error often goes broke but, without the discipline of going broke, the consequences of not admitting error in financial terms to the taxpayer can be significantly worse.

There is certainly a very significant concern that these new jet fighters will be delivered much later, therefore requiring significant extra expenditure on the existing F111s. It will cost up to twice as much per aircraft, which means we will either get fewer or we will spend a more significant amount. Given that we are talking about $12 billion allocated by the federal government—not in this bill, I might say—for these Joint Strike Fighter aircraft, if there is a blow-out of that degree then we are certainly not talking about value for money. We are potentially talking about either doubling that expenditure or halving the number of aircraft we acquire. That is simply unacceptable. The Senate has done work on this in the past and other senators have done a lot more work than I have, including members of other parties, on highlighting the wastage in this area and trying to get reforms to reduce it.

In debating what else is needed in the community from taxpayer revenue, setting
aside $12 billion for Joint Strike Fighter aircraft—I think about 100 aircraft was the original plan—is an enormous amount of money. People could have different views—even people in the defence policy area have different views—about whether these are the right type of aircraft or whether they will be the right type of aircraft for what will be needed 10 years down the track, when they finally appear. I do not seek to comment on that, because I do not feel I have the expertise. But spending that amount of money and then having cost blow-outs even at this very early stage, even before the aircraft have rolled off the production line, at potentially twice the cost, is simply extraordinary.

We have had a lot of debate this week about Indigenous organisations and the failure of ATSIC, and we have all acknowledged that there have been some failures there. But there is a continual practice of governments, at state and federal level, and the media to point out failings in some Indigenous organisations—when they have been seen, supposedly, not to manage their money properly—or various enterprises that have gone broke.

Here we have an organisation that, on one project alone, potentially has a $12 billion blow-out, but we do not see outrage; we do not see the complete destructuring of the entire Defence Force as a consequence, as we saw with ATSIC. It shows the sorts of double standards that can operate and that cause such infuriation and irritation. I would also use the parallel of ATSIC to point out what we are saying about our priorities when the initial proposed cost for each Joint Strike Fighter aircraft is $66 million. According to reports in the last week or so by Mark Forbes from the Fairfax press and Ian McPhedran from News Ltd, both of whom have a fair bit of expertise in this area, they could cost perhaps twice that much, even costing $100 million per aircraft. The AMA, which is not exactly your hardline left wing bleeding heart organisation, and other health groups have estimated that the major social problem of Aboriginal health in this country could be significantly addressed via a funding injection of $400 million. That would be three, maybe four, Joint Strike Fighter aircraft.

We are talking about priorities here, the priority of the security of our nation, and sometimes it can be disingenuous to make these sorts of comparisons. But when you are looking at the security of the nation I think it is appropriate to think about its long-term future and how much more effective and socially secure our nation would be if the whole community were able to venture into the future with equal opportunities, even if it were just in the basic area of life expectancy. When you have a group of people that have a life expectancy that is 20 years less than the rest of the community, addressing that should be a priority. It is an indictment of all of us—not just the government but all of us in this political system, including the media that operate within it—that it is not priority No. 1 day after day. We have a group within our community, a group that is a core part of Australia and Australia’s history, that has a life expectancy lower than that of people who are born in the Third World. That should be an outrage that is on the front pages day after day.

The amount of money that could be shifted just by getting three or four fewer Joint Strike Fighter aircraft would provide the sort of massive injection of funding that is needed to significantly tackle Aboriginal health. It does need more than money—I realise that; that is why these parallels can be somewhat misleading. It needs capacity on the ground, it needs shifts in all sorts of things and it needs hope for the future for Aboriginal people, and that is not solved by a bucket of money. I acknowledge that. At the same time, there are clearly infrastructure
and funding needs that are not being addressed. When you read articles about massive blow-outs in the bill for major purchases like these Joint Strike Fighter aircraft, years before they are even rolling off the production line, then you have to wonder where our priorities really lie.

The fact is that that will continue to happen from all sides of politics. It is not as though this is the first example of this; there will be some mention of it but things will roll on as usual. When these things happen time and again—for example, if in 10 years time, when the next major Defence projects are massively over budget again, Aboriginal life expectancy is still as low as it is today—it is no wonder that people get cynical.

As I say, it is a matter of priorities and of recognising the needs of the community. There are always multiple competing priorities, and the government and all of us politicians are always trying to make those impossible choices between competing priorities. But, if ever you could make a case that something desperately needed to rocket up the priority list, it is the situation facing Indigenous Australians, particularly in terms of basic issues like health. When less than half a billion dollars is being flagged as the funding gap at the same time that you have a multibillion-dollar cost blow-out in the Defence budget around one particular item, then it does make you wonder what the priorities really are. I think it is important to draw attention to that. I also think it is appropriate to urge the government to reconsider at this early stage what they are doing in that particular area of future Defence budgets, because if it is going that far out of whack this early in the piece then it is only likely to get worse and worse if we do not do something about it now.

Just briefly, I would like to note the funding in this budget for the Great Barrier Reef Marine Park rezoning package. That is welcome. I think it is about $40 million; I do not have the amount in front of me now. That is certainly welcome, although large amounts of that will be going to commercial fishing operators affected by the rezoning. I do not begrudge them that, but I would make the point that the economic value of the marine park to the whole region is vastly in excess of that amount. This government still needs to do more to ensure that the work that has been done in the rezoning of the park—which I have repeatedly praised—is followed up with the sort of investment necessary to make sure that the significant increase in protected zones is managed effectively. That cannot be done out of thin air. There needs to be the sort of investment that ensures that that protection can continue to operate effectively. It is an investment because it will pay for itself many times over, repaying the community in employment and all sorts of intangible ways, as well as through ongoing extra revenue coming back to the whole community through the tax system. So it is a welcome move but I certainly think there is a need for more in that area.

Senator WEBBER (Western Australia) (1.29 p.m.)—In rising to make my contribution to this debate on Appropriation (Parliamentary Departments) Bill (No. 2) 2004-2005 and related bills, I would like to focus on the provision of infrastructure, the need for the federal government to provide infrastructure and the record of what is being achieved by the state government in my home state of Western Australia. We have heard much in recent times from the federal government that the problem with the provision of infrastructure throughout Australia is that state governments are not doing their bit. I am here to tell you that more should be done in these appropriation bills and others like them because the federal government are certainly not doing their bit in allocating the
money we need for our economy to keep developing.

In Western Australia, our state government not only is responsible for the development of probably one of the largest pieces of infrastructure at the moment, the southern train line—something I know Senator Campbell and others have been opposed to right from its inception—but also during the recent election campaign announced their commitment to the building of two major public hospitals, a 1,000 bed tertiary hospital in the southern suburbs of Perth and a 700 bed tertiary hospital in the northern suburbs of Perth. These are isolated examples but they come on top of a long-running four or five year commitment to the development of infrastructure to support the resources sector in Western Australia.

Indeed, in August last year the Gallop government announced it would provide an extra $6.1 million to develop the infrastructure necessary to support a locally based work force for BHP Billiton’s $1.4 billion Ravensthorpe nickel project, something I have not noticed the federal government leap to support. This funding was made necessary by the Howard government’s decision not to match the state government’s $18 million funding commitment, despite being set to receive—as usual—the vast majority of government revenues flowing from this resource project.

This expanded $24.1 million package was designed to ensure that more than 1,000 new construction jobs and 300 new permanent jobs would be locally based in the south-east of Western Australia for the benefit of Ravensthorpe and the entire southern coastal region of Western Australia. The $24.1 million package includes funding for an upgrade of the South Coast Highway and Hopetoun Road, funding for the Hopetoun wastewater treatment scheme, funding for education facilities in Hopetoun and Esperance and funding for essential services in the shire of Ravensthorpe—things I am sure the federal government should support.

The package was essential to support the expected surge in regional population—something those opposite often carry on about—as a result of the project, and to help provide for a locally based work force rather than there being a fly in/fly out scenario. This is an issue that I note the federal member for Kalgoorlie, Mr Haase, has only recently discovered. In fact, Mr Haase has been virtually silent on the issue of fly in/fly out during his time in the federal parliament. If Mr Haase and the federal government were serious about combating fly in/fly out then they should have matched the state’s original $18 million infrastructure commitment and Western Australia would not have been forced to provide this additional funding. This is an example of the federal government going missing on the need to provide regionally based infrastructure.

In August last year, the Gallop state government also approved the negotiation of two state agreements with the Fortescue Metals Group to facilitate the development of the $1.8 billion Pilbara iron ore and infrastructure project. These agreements facilitate the development of multiuser rail and port infrastructure and the development of an iron ore resource project in eastern Pilbara, something I would have thought the federal government would like to assist with. Strong international demand for iron ore, particularly demand from China, is creating a once-in-40-year opportunity for rapid development of Western Australia’s resource sector. The state government rather than the federal government is working hard to assist Western Australian operators to meet this demand.

The Fortescue Metals Group have already carried out a definitive feasibility study for a
$550 million iron ore and processing facility, an $830 million 520 kilometre railway system and a $470 million port facility at Anderson Point in Port Hedland. It is envisaged that these projects will create 1,500 jobs during the construction phase and a further 300 jobs when fully operational, something I would have thought the federal government could find its way clear to support.

In September last year, a major report was released highlighting the dangers of the Howard government’s refusal to work with the state government on the provision of key economic infrastructure. That report, entitled *Initiating and supporting major economic infrastructure for state development: opportunities for government* was prepared by the Western Australian Technology and Industry Advisory Council, with Acil Tasman providing consultancy services to help develop the study. The report examined approaches for governments to better facilitate development of major projects and in particular provision of infrastructure to support the development of those projects.

The Gallop state government is investing in the infrastructure and delivering the jobs right around Western Australia. But, as the report highlighted, the federal government is not doing its bit and it is now time for the Commonwealth to play a much greater role. The Howard government is one of the main beneficiaries of Western Australia’s economic boom—there is no doubt about that. But it has been dragged kicking and screaming to commit the dollars essential for infrastructure each and every time. As the report points out, the current approaches to investment attraction and infrastructure provision in Australia are not working as efficiently as they should, principally due to a lack of coordination between Commonwealth and state governments and a lack of commitment in my view from the Commonwealth government to state based infrastructure.

Then there is what used to be Senator Campbell’s favourite issue until his change of portfolio—road funding and transport infrastructure. In my view, Western Australian transport infrastructure continues to be short-changed by the Howard government. Out of the additional $410 million in federal funding announced last year for state and national roads, WA received a paltry $20 million. Despite all Senator Campbell’s bellyaching and complaining about state commitments, as the minister for roads all he could secure for his own home state was a paltry $20 million out of $410 million.

That followed the $432 million set aside for WA in June under the Howard government’s five-year, $6.2 billion AusLink funding package for transport infrastructure upgrades right across the nation. That June announcement equated to only 6.9 per cent for Western Australia of the total national funding package. Considering WA’s size and economic contribution to the federal government coffers, those announcements are an absolute disgrace. While projects in eastern states—such as the $765 million Pacific Highway and the $714 million Hume Highway upgrades, along with Victoria’s $120 million Scoresby Freeway project—have received federal support, WA is left fighting for the scraps.

Western Australia received only that very tiny percentage of the federal package, and yet it is a third of the nation’s landmass, it produces 30 per cent of the nation’s exports by value, it generates $23 billion in revenue each year for the Commonwealth, and it contains 25 per cent of the national highway and 10 per cent of the nation’s population. You would think we would have gotten a better deal from the supposedly concerned federal government.

Despite the massive resources boom in the north-west of Western Australia, not a cent...
has been allocated by this federal government to the North West Coastal Highway or any other transport infrastructure supporting the Burrup Peninsula. And yet, who are the main beneficiaries of the revenue raised through the expansion of the peninsula? In my view, AusLink was the perfect opportunity for the Howard government to show real support for WA’s wealth-generating areas—areas that generate wealth that the entire nation benefits from. Instead, supposed economic powerhouses such as Mildura and Shepparton in Victoria have been given the green light as part of the national transport network, whilst the Burrup area has actually been excluded.

AusLink’s contribution to the rail network in Western Australia was even more astounding. Of the $1.8 billion allocated to rail projects on the AusLink national network over the next five years, only $14 million will come Western Australia’s way. That is less than one per cent. So not only is the Western Australian government leading the way in providing infrastructure and support for the resources boom in Western Australia—a boom that the Commonwealth principally benefits from through the collection of royalties and other taxes—but it is also funding some of the largest infrastructure projects in this country at the moment. These include a major metropolitan train link, linking the City of Perth to the southern area of Mandurah, and the building of two brand new tertiary hospitals, with all the research centres and support centres that go with that. And yet all we hear from those opposite are complaints about the lack of commitment by state governments and claims that the Howard government is leading the way. That is demonstrably not the case in Western Australia and more needs to be done.

Senator LUDWIG (Queensland) (1.42 p.m.)—I take the time this afternoon in this debate on the appropriation bills to raise the issue of Cornelia Rau, although it seems that the Palmer inquiry has no reporting date as yet. The time frame of the detention of Cornelia Rau stretches over almost a year, from late March 2004 to early February 2005. Essentially, her case can be summarised as follows. She was brought into detention in late March 2004 when she could not be identified as a legitimate visa holder. She was immediately transferred to the Brisbane Women’s Correctional Centre and then largely left in legal limbo and imprisoned for nearly six months. When she was transferred to the Baxter detention centre, the case was transferred to a central office. Eventually, inquiries were completed and it was discovered that Ms Rau was not only a lawful non-citizen but a permanent resident of Australia.

The first contact that DIMIA had in regard to Cornelia Rau—the first time they became aware of her—was on 30 March 2004. She was brought to the attention of DIMIA by the police at Coen. The DIMIA office at Cairns received a fax sent by the Coen police station on 30 March and performed a number of system checks on the names that had been provided—Anna Brotmeyer and Anna Schmidt—using a couple of different spellings. It should be noted that, as we understand it, the system checks were designed not to establish the identity of Ms Rau but to establish whether or not she had a valid visa.

To that end, the process included two different checks: firstly, a visa check against those names; and, secondly, a movement record check to establish whether she had moved across the border. Ultimately, due to the false names, the system checks performed in Cairns were unable to identify Ms Rau as the holder of a valid visa, much less a permanent resident of Australia. The officer therefore formed the opinion that there was a reasonable suspicion that Ms Rau was an unlawful non-citizen and that DIMIA was therefore obliged to detain her under the act.
To give effect to this, on 31 March, the day after receiving notification, the Cairns DIMIA office faxed the Coen police station requesting that Ms Rau be detained. She was detained at the station later that same day at around 4 p.m. and transported to Cairns. Ms Rau arrived in Cairns in the early hours of the morning of 1 April—at about 2 a.m. No DIMIA official was there to meet her when she arrived, but she was then interviewed later that day by the department.

In that interview, Ms Rau continued to claim that her name was Anna Brotmeyer, with Schmidt as an alias, and that she was from Germany and had recently arrived in Australia. The purpose of this interview was to establish the circumstances of her arrival in Australia, to establish her status in Australia, to find out if she was making an application of any sort and to ask those sorts of questions that you would expect the department of immigration to ask. It is assumed that at some point in the interview or at another time that day Ms Rau was asked if she would like to speak to the honorary German consul in Cairns. It is not clear what occurred there. According to DIMIA, due to the requirements of privacy legislation, it is practice to obtain the consent of a person before involving the relevant consulate.

DIMIA officials found no reason to suspect that Rau was anything other than an unlawful noncitizen, so an officer from DIMIA organised for a visit from the honorary German consul in Cairns, which occurred the following day, 2 April. It has since been reported by, for instance, David Marr in the *Sydney Morning Herald* that the German consul noted that Ms Rau spoke German but in a peculiar and childlike manner. Furthermore, the consul simply could not believe her stories about how she got to Australia—stories ranging from being dropped off the coast near Darwin to walking to Australia through China. It has been reported that the consul went back to the department and said she thought Ms Rau needed medical attention. So Ms Rau’s story had started to look a bit strange. I should make a quick point here about the legalities of detention. Under the decision of the full Federal Court in *Goldie v Commonwealth*, the detaining officers must make efforts of search and inquiry that are reasonable in the circumstances to establish a person’s identity. As we shall see, it appears they did not.

To return to Rau, the following Monday, 5 April, she was flown by the Queensland Police Air Wing to the Brisbane Women’s Correctional Centre, which, as a state correctional facility, is an authorised place of detention under the Migration Act. The actual procedures that govern the circumstances of the detention of immigration detainees in these facilities is set out in the DIMIA document, migration series instruction 244. According to the instructions, there are no clear statutory provisions for the transfer of detainees to a correctional facility. Instead, the instructions use the test ‘as a last resort’ as the basis for transferral. The instructions provide a short list of circumstances which might be the basis for transferral, including behavioural concerns, the completion of a custodial sentence and the lack of a detention centre in the state in which she was detained—although the list is not exhaustive.

By chance, Ms Rau happened to find herself in custody in Queensland, a state with no detention centre, so she was placed by DIMIA in a prison and kept there by DIMIA—or, at least, on behalf of DIMIA—for six months. However, let me return to the migration instructions, specifically 4.11.1. Under these MSI instructions, detention in prison due to the lack of a detention facility in the state seems to be only suggested as a temporary measure. The instructions basically allow detention, but the way the section reads seems to indicate that it is only a stop-
gap measure until an alternative and more appropriate location can be found. Apparently, it took the department six months to arrange alternative detention measures, which seems completely unacceptable. In any case, we are now at 5 April 2004, the date of her transfer to the prison.

The next time Ms Rau was contacted by a DIMIA officer was two days later on 7 April. Again, the purpose of the interview did not centre on establishing her identity; it centred on making arrangements for her to depart and particularly on establishing her circumstances. The department have stated that in that interview Ms Rau continued to assert that she was Anna Brotmeyer and gave details to corroborate that story. The department has indicated that the information she provided was consistent with her overall story that she was a German national and had recently arrived in Australia without a visa. Over the course of Ms Rau’s stay in Brisbane Women’s Correctional Centre, she was visited three times in all by an officer of the department of immigration. The date of the final visit was 30 September, nearly five months after the previous visit. From 30 April to 30 December there is a five-month hole in which the department cannot even be certain how many times they contacted her—and remember here that she was in prison. She was in a state correctional facility for six months and received, it seems, only two visits from the department—the date of which they are not even able to determine.

Let us go back to migration series instruction 244 for a while. It was issued in 1999. Much more is required of the department under that. Section 6.1.1 requires that the case manager for a particular detainee held in a state correctional facility has weekly contact with the institution and monthly personal contact with the detainee. That is right, they are required to have more contact than DIMIA officials have said they in fact had. Monthly personal contact with the detainee is required of them, but what did Cornelia Rau get? She got a visit in April, no visit in May, no visit in June, no visit in July, no visit in August and a visit to serve her papers in September. In the six months in which she was there, she had three confirmed visits, one of which was to serve papers to her. At best, this is a miserable failure to meet the visiting requirements under those instructions.

To be fair, the department had initiated some other lines of inquiry, but these largely related to sending documents overseas to try to track her down internationally. After contacting the missing persons unit in Queensland and generating the overstay list, it seems precious little, if anything, else was done in Australia to try and determine who she was. There were basically three processes the department were following, and they are listed in no particular order. Firstly, they contacted the missing persons unit in Queensland, although no other databases in other states seem to have been checked. Secondly, they investigated her status in Germany. Thirdly, they ran the names Ms Rau had given them through their normal checking process—visa checks, overstay checks and the like.

The first contact the department had with the missing persons unit in Queensland was on 29 April, slightly under a month after the initial detention of Ms Rau and 24 days after she had been placed in the Brisbane Women’s Correctional Centre. The department faxed the unit various pieces of information about Ms Rau: names—in this case, Anna Brotmeyer and Anna Schmidt—aliases, her date of birth and photographs. The Queensland missing persons unit was unable to locate any record of her on the Queensland list and informed the department of this by fax on the following day, 30 April. That appears to be the extent of the depart-
ment’s involvement with any missing persons unit. From the information the department has provided so far, there does not appear to have been any contact with relevant units in other states, at least not at that stage.

Senator Vanstone, from the comments that she has made, appears to believe this is sufficient. Senator Vanstone believes that the request to Queensland police to check the Queensland missing persons list would have produced a check of the New South Wales Police and the New South Wales missing persons list. Following this logic, you would search the Tasmanian office of Births, Deaths and Marriages for a Western Australian birth certificate. It just does not stand up. Let us for a moment leave that absurd logic that would have led to this conclusion and consider the following couple of points.

The first is Senator Vanstone’s prior knowledge of missing persons. Senator Vanstone is no innocent bystander in this matter, looking at the failure of the Howard government to compile a missing persons database; far from it. Senator Vanstone is instead the architect of that failure. It was Senator Vanstone who eliminated a national missing persons database and the National Missing Persons bureau when she rolled them into CrimTrac. Quietly, after the database and the bureau had been killed off, Senator Vanstone—deliberately or perhaps negligently or even recklessly—left a national missing persons database off the new CrimTrac agency’s key deliverables. It is for this reason and no other that you cannot find a New South Wales missing person on a Queensland database. Senator Vanstone, it seems, stopped that from happening.

But there is yet another good reason why interstate databases should have been checked. Last weekend I saw the Sunday program and listened to the edited tape of the proceedings in which Ms Rau appeared before a Queensland Correctional Services committee of investigation, with the help of the advocacy agency Sisters Inside—and, as an aside, I would congratulate them for the good work they do. I listened to the tape and I thought, ‘Hang on. Am I the only one who hears what can only be described as a broad Australian accent coming through?’ Ms Rau’s voice sounds Australian. Surely this would have been a trigger to check with not just Queensland agencies but all Australian agencies, missing persons units and so on.

Now we have dealt with the first process of departmental checks, let us go to the second process: the department frantically engaging with a consulate in an effort to determine Ms Brotmeyer or Ms Schmidt’s identity—the names they were given. The contention is that the department had ongoing, if irregular, contact with the German consulate over a number of months, searching overseas for records of Ms Brotmeyer or Schmidt. After the initial interview of Ms Rau by the honorary consul in Cairns on 2 April, the department made contact with the New South Wales consulate, which at the time was proceeding with the investigation through to 11 May.

To give you a brief refresher as to where this fits chronologically, it was slightly more than a month and a week after Ms Rau was originally detained and sent to Brisbane. Ms Rau’s contact with the German consulate came on 17 September with the consul visit to the correctional centre, although no contact between the consulate and the department seems to have occurred at that time. Indeed, it was not until mid-November that the department again made contact with the German consulate. At this stage Ms Rau had been detained for nearly seven months and, interestingly, four months had passed since the last contact between the department and the consulate. So here is another gap in this chronology of contact with Ms Rau. Previ-
ously I noted that there was nearly a five-month gap between visits. Now we find a further gap of nearly four months without contact between the department and the consulate. We have contact in mid-May between the department and the consulate, and there was contact in late April between Ms Rau and the department. So during June, July and August there was no contact between any of the three principal actors involved in this case, except for an assertion by the department that one of their officers remembers meeting Ms Rau and that may have been in June.

In any case, this time around, during the November contact, the New South Wales consulate referred the department to the Melbourne consulate, which now had carriage of the investigation. The Melbourne consulate requested some more information about Ms Rau, as we understand it, and it was provided. The German consulate proceeded to make checks into Ms Rau’s identity throughout November, December and January. Specifically they looked at the address Ms Rau had provided them, at the address at which she claimed she lived. On 5 January the German consulate indicated to DIMIA that it was having trouble identifying Ms Rau—or, more correctly, Anna Brotmeyer, being the name it had been given. Ms Rau called the consulate herself on the 14th of that month and the consulate eventually ceased the information on the 24th. Unable to establish that Ms Rau was a German citizen, they had no authority to make further inquiries. This advice was provided formally in writing, as we understand it.

Finally, the third process regards the checks that DIMIA performed against its own databases. The department has indicated that it performed a number of checks—for instance, movement records, visa checks and overstay lists. At present I do not have a chronology of when and by whom these checks were performed. Nonetheless these checks did not work because, as we now know, she was an Australian permanent resident. From 30 September on, the department began to investigate more closely the identity of Ms Rau. The department, through Ms Godwin at estimates, has stated:

... at that point we sent standard letters to a variety of other agencies in an attempt to confirm her identity. We sent letters to the Health Insurance Commission in Queensland, Centrelink in Queensland, the Registrar of Births, Deaths and Marriages in Queensland and the driver and vehicle registration authority in Queensland.

These standard letters were sent out on 22 November. Furthermore, the department contacted DFAT in January to attempt to locate passport details. The internet web sites of various missing person agencies across Australia were also checked, beginning with missingpersons.gov.au.

I have already dealt with Senator Vanstone’s embarrassing culpability on missing persons, but it is important to note that no missing persons unit, including the AFP’s national missing persons unit, other than Queensland, was directly contacted to attempt to ascertain Ms Rau’s identity, nor were the CrimTrac databases searched. So we had a flurry of activity after 30 September and after Ms Rau had been in prison for six months. But this flurry of activity for whatever reason seems to have missed most of the national missing persons unit and CrimTrac.

Remember that under the Goldie decision the detaining officers are required to make efforts of search and inquiry that are reasonable in the circumstances to ascertain whether she was an unlawful non-citizen. Browsing a web site and contacting one missing persons unit does not seem much effort at all let alone enough to trace the identity of someone they had been trying to figure out for so long. Finally, on the after-
noon of 3 February, the department realised that Ms Rau was an Australian permanent resident—not from DIMIA, I might add, but from an external source. So, in essence, you have here a situation where the amount of work done to try to figure out who Ms Rau appears to have been was front- and back-end loaded. I seek to incorporate the remainder of my speech.

Leave granted.

The remainder of the speech read as follows—

That is, there was some work when she was initially detained, and there was some work towards the end of her detention, but there were also very large periods in the middle of the process where not much seems to have been done at all. For instance, there is a five-month gap between DIMIA visits at the Brisbane Women’s prison, and a four month gap where there seems to have been either little or no communication between the Department and the German Consulate on this matter.

But let me say this, I am utterly disappointed at the failure of the Liberal Government at the Ministerial level to a) recognise and implement decent policy and procedure or even b) administer their own policies and procedures. The Cornelia Rau case is a terrible failure of the Howard Government and a testament to its policy laziness, lethargy and ineptitude.

QUESTIONS WITHOUT NOTICE

Senator Ross Lightfoot

Senator CARR (2.00 p.m.)—My question is to Senator Abetz, the Special Minister of State. I ask the minister: did Senator Lightfoot seek the minister’s approval for a taxpayer funded parliamentary study tour prior to his travel to Iraq in January this year? Was that approval granted? If he did seek approval, what reasons did he give to your office when he was submitting his application for that trip in January this year? Have taxpayers paid for the trip, including through the issue of a travel warrant, or is Senator Lightfoot currently seeking reimbursement for these costs? On receiving Senator Lightfoot’s report on his travel, what actions did the minister take in relation to Senator Lightfoot’s admissions in his report that he carried a firearm, undertook commercial activities and bribed foreign officials? Did the minister refer these disturbing admissions to the relevant authorities and, if not, why not?

The PRESIDENT—Senator Abetz, I remind you that you only have to answer those questions relating to your portfolio.

Senator ABETZ—Thank you very much, Mr President. That is a very interesting insight into Senator Carr’s question. No, I did not give approval nor did Senator Lightfoot seek approval, because that is completely and utterly unnecessary under the Remuneration Tribunal guidelines. One would have thought, after all this time, my shadow would understand the Remuneration Tribunal requirements. It is the first question he has asked and he still does not understand the general processes. There is a requirement that any member or senator seeking to access their overseas travel allowance should notify me of their intention. I received such a notification. Was a report provided? Yes, a report was provided. I am asked about certain elements of the report. We as a government, unlike the previous Labor government, have now instituted a process where those reports are tabled on a regular six-monthly basis in this parliament.

Senator O’Brien—Is that the Draper amendment?

Senator ABETZ—The Duncan Kerr amendment—and other people as well, Senator O’Brien. I would not go there if I were you, unless you want to do in the Labor member for Denison.
The PRESIDENT—Ignore the interjection, Senator Abetz, and address your remarks through the chair.

Senator Chris Evans—Mr President, I rise on a point of order. You were very keen to impose higher parliamentary standards, which I acknowledge, but I think that slur on a member of the other house just then by Senator Abetz, as the responsible minister, was totally unwarranted and inappropriate for a minister. He ought to bring himself to answer the question.

The PRESIDENT—I did not hear all of what Senator Abetz said, but I will certainly pay attention to what the minister has to say. I remind Senator Abetz to address his remarks through the chair and ignore the interjections.

Senator ABETZ—As I indicated, we have now made the reports that are provided to me available on a six-monthly tabling basis. As a result, reports are deposited with me for future access by members of parliament. I can assure this place that I do not read those to mark them and give them nine out of 10 or one out of 10. Senator Carr, if I did, chances are I would not do anything else. Chances are some on your side would not get very good marks either. In relation to certain matters that have been raised as to what Senator Lightfoot may or may not have reported in his report, that is not a matter for me to comment on or to pontificate about. It is for Senator Lightfoot to indicate as to what he has done in the various circumstances of his travel and his report—the holding of a firearm in Iraq that was mentioned, for example. I am not aware that that is either legal or illegal in Iraq. I have no desire to comment on it. How that fits in with my portfolio responsibilities, I have no idea. Mr President, I think your injunction that I should not comment on those things that do not fall within my jurisdiction covers the other elements of Senator Carr’s question.

Senator CARR—Mr President, I ask a supplementary question. Is it now being presumed that reports received by the minister are only read but no action is taken, even though the senator in question points out that he bribed foreign officials, carried firearms in a foreign country and undertook commercial activities? Is the minister further aware that Senator Lightfoot has today amended his private interests disclosure that, on 15 March 2005, he disposed of shares in Woodside, which had been acquired in early November last year? Is the minister aware that, in his report of this parliamentary study trip, Senator Lightfoot claims to have acted on behalf of Woodside Petroleum? Isn’t acting in the interests of a private company while on a parliamentary study tour in breach of the use of that entitlement?

Senator ABETZ—The same applies with the supplementary question: there are aspects of that that clearly do not fall within my portfolio. As to whether somebody amends their register of interests in this place is not something over which I have jurisdiction and is something I cannot comment on. Whether or not I am aware of it does not really fall within my ministerial responsibilities. In relation to the question of the report and what was contained in it, I think I have responded to that. If the allegations being made by Senator Carr are in fact correct, I am not sure how they would necessarily fall within my ministerial responsibility.

Foreign Affairs: Bilateral Relationships

Senator KNOWLES (2.07 p.m.)—My question is to the Minister for Defence, Senator Robert Hill. In light of recent and upcoming visits to Australia by prominent leaders from our region, will the minister inform the Senate about the state of our bilateral relationships within the region and
what implications these visits have for our trade and foreign relations?

Senator Hill—I thank Senator Knowles for her important question. This is a very exciting time in our relationship with countries within the region. Over the next few weeks the government will be hosting a number of prominent leaders from within the region at meetings. I believe this represents a new high point in our relations with our neighbours. Tomorrow the joint ministerial council between Australia and Indonesia will be held. Ministers from both governments will meet to build the bilateral relationship. This afternoon, the inaugural meeting of the Joint Commission for the Australia-Indonesia Partnership for Reconstruction and Development will be held. The commission was established by the Prime Minister and Indonesian President Yudhoyono to oversee the disbursement of the $1 billion aid package to Indonesia following last year’s tsunami.

President Yudhoyono will visit Australia at the end of the month. This will be the third visit of an Indonesian President to Australia in the last 30 years and the first visit by a directly elected leader. President Yudhoyono will bring to this visit a very strong commitment to the bilateral relationship. He of course represents the democratic future of Indonesia. President Nathan of Singapore visited Australia this week. He is the first Singaporean head of state to visit Australia. The bilateral relationship with Singapore is one of our closest and most comprehensive in South-East Asia and is based on longstanding political, defence, trade, tourism and Commonwealth links, as well as a shared strategic outlook. Singapore is Australia’s largest trade and investment partner in ASEAN and our eighth largest trading partner overall, with Australian exports to Singapore reaching $3.3 billion last year. I am also pleased to advise the Senate that Prime Minister Badawi of Malaysia will visit Australia at the beginning of April. It will be the first official visit to Australia by a Malaysian Prime Minister since 1984 and marks a further strengthening of our relationship.

These visits and the growing trade relationships that underpin them completely give the lie to Labor rhetoric that they are better able to manage our relations with the region and that somehow the coalition is ignoring our neighbours. There was a suggestion that in some way Australia had to choose between our United States alliance and our good relations with our regional partners. That has now been shown to be nonsense. The Indonesian, Singaporean and Malaysian delegations and the various bilateral and alliance relationships that underpin them demonstrate that in fact this government is able to manage both challenges and prove that Labor’s rhetoric was simply that—rhetoric rather than reality.

Senator Ross Lightfoot

Senator Chris Evans (2.11 p.m.)—My question is directed to Senator Hill, the Minister representing the Prime Minister and the Minister for Foreign Affairs. Can the minister confirm that Senator Lightfoot’s recent official study visit to Iraq in January 2005 was approved by the Minister for Foreign Affairs? Was Senator Lightfoot entitled to travel on an official passport? Did the Department of Foreign Affairs and Trade provide any assistance to Senator Lightfoot in arranging his appointments during this trip? Did the Australian government provide security arrangements for Senator Lightfoot’s travel inside Iraq? Did the minister or the department know that Senator Lightfoot would be conducting business activities while on this taxpayer funded trip? Did the government authorise Senator Lightfoot to carry a .38 pistol while travelling on an Australian government official passport? Is such
action in accordance with Australian and Iraqi law and/or foreign affairs department guidelines?

Senator HILL—A lot of Iraqis carry weapons. In relation to the Iraqi laws in respect of carrying weapons, I am not sure. That would require some research. But it is a dangerous environment and I am not surprised that some people look to protection in the form of firearms. In relation to whether Foreign Affairs provided any assistance, I will refer that to the foreign minister. In relation to whether Australia provided security support for Senator Lightfoot, I do not think that Australia did. I think that I would know that. Certainly, protection was not provided by Defence. In relation to business interests, if Senator Evans is suggesting that promoting the interests of Australian companies is in some way carrying out business, then it is a new definition.

Senator Lightfoot assures me that he was not carrying cash, as I heard on the radio this morning. The best thing I can do is to table a statement that Senator Lightfoot has provided to the Prime Minister and me, which tells us in a little more detail of his most recent visit to Iraq. He is a person who has had a longstanding interest in Iraq, particularly the Kurdish people within Iraq. He has been a strong supporter of them. He has been a strong supporter of the process of democratisation within Iraq. He has had the courage to go to Iraq and experience himself that process of change, which is more than most parliamentarians in this place have been prepared to do. He was prepared to go at the time of the election and actually observe from within Iraq, whereas most international observers witnessed it from Jordan. I think that this statement will adequately answer all the questions that have been raised on this matter and I therefore table it.

Senator CHRIS EVANS—Mr President, I ask a supplementary question. I would have appreciated the opportunity to read the statement if it had been tabled prior to question time, in accordance with normal parliamentary practice. Senator Hill did not seem to know much about the issue but is able to table a full report, apparently. Can he, when seeking further information from Mr Downer, confirm whether or not Senator Lightfoot did remain in contact with Mr Downer’s office and did ring him and his office and whether or not Mr Downer had other contacts with Senator Lightfoot while he was in country? Could he also confirm whether or not Senator Lightfoot had any official status as an election observer in terms of representing the Australian government during his visit? Was he reporting to the Minister for Foreign Affairs or other Australian government officials during that visit?

Senator HILL—I am happy to refer those questions to the foreign minister.

Economy: Business Investment

Senator BRANDIS (2.15 p.m.)—My question is to the Minister for Finance and Administration, Senator Minchin. Will the minister inform the Senate of what measures the government is taking to foster a positive investment climate in Australia? Is the minister aware of any alternative policies?

Senator MINCHIN—I thank Senator Brandis for that good question. One of our key objectives as a government has very much been fostering a positive investment climate for business in Australia, and that is because private business investment really is all about providing the engine room of the economy. That is where you get the jobs growth and that is where you get the overall economic growth for Australia.

I am pleased to say that the latest ABS investment figures underline the confidence that Australian businesses have in the current
state of the economy. Total private business investment increased by 5.8 per cent in the December quarter to be 10 per cent higher than it was a year ago, investment in new machinery and equipment is up 13.3 per cent on last year, and new commercial building investment rose by 11½ per cent in the December quarter and eight per cent overall for the year. These are very strong business investment figures. They are very good news for the state of the economy because they indicate down the track sustainable ongoing economic growth and they indicate what we have been doing to turn this economy around.

Yesterday we saw another very good example of this positive investment climate. Hawker de Havilland in Australia announced that it had won a significant work package for the new Boeing 787 so-called Dreamliner project. This new 787 is going to be one of the world’s most technologically advanced commercial aircraft. Boeing are forecasting a market of up to 3,000 of these 787 jets over the next 30 years worth a total of some $400 billion. As a tier 1 supplier to Boeing, Hawker de Havilland in Australia is going to invest $175 million in its Melbourne plant for this project so that it can supply wing parts for the 787.

Minister Macfarlane announced yesterday that the federal government is providing a $12.5 million grant by way of an investment incentive to Hawker de Havilland to ensure that a high proportion of the work will be done here in Australia. The Australian component of the project is expected to create about 200 direct jobs, many of which will be high-tech, and it will inject about $4 billion into the national economy. It is also going to create hundreds of indirect jobs, a lot of them in tooling design and R&D. The R&D that has gone into the design and manufacture of the aircraft wing movable trailing edges has been done in Australia. So, as a result of our investment incentive and as a result of Hawker de Havilland’s investment, a lot of this Australian technology is going to be commercialised here in Australia.

These sorts of announcements reflect the fact that Australian business does have confidence in the state of the economy, and that has been achieved by the hard work we put in when we came into office to pay off the big debts we inherited, to get the budget back into surplus and to keep inflation, interest rates and unemployment low. The 2005-06 budget, which will be announced on 10 May, will continue our very proud record of economic management.

I think the message that we all have to take out of this is that you simply cannot stand still when you are managing an economy like Australia’s. To continue to attract investment like the Hawker de Havilland investment, you have to keep up the pace of economic reform, and that does mean pushing ahead with efforts to reform our industrial relations arrangements so that more and more Australians can find work. You do need to make every effort to boost our productivity, to keep our budget in surplus, to keep interest rates low and to increase our access to overseas markets so we can deal with our current account issues. I implore the Labor Party to really get serious about its economic position and to jettison all the policies that it has stuck with for the last nine years that really are out of date. Join us in the exciting project of making this a truly great Australian economy. (Time expired)

Senator Ross Lightfoot

As an example of our economic management, the Hawker de Havilland announcement is a great example of the confidence that Australian business has in the state of the economy. It is a strong indication of the confidence that Australian business has in the state of the economy because they are investing in new and advanced technology, which will create jobs and boost the economy.

Senator Ludwig

The question is to Senator Ellison, Minister for Justice and Customs. Can the minister confirm that under section 15 of the Financial Transactions Reports Act 1988 all cash transactions of $10,000 or more must be declared to AUSTRAC? What steps has the
minister taken to satisfy himself that the transactions that appear, in the Sydney Morning Herald, to have occurred by Senator Lightfoot did not breach Australian law? Particularly, did any of the principals involved in that transaction—that is, Senator Lightfoot, Woodside, Curtin University or other associates—report the transaction to AUSTRAC?

Senator ELLISON—The Financial Transactions Reports Act does have the provision contained in it which Senator Ludwig refers to. In relation to Senator Lightfoot’s situation, he has made a full statement, one which has now been tabled in the Senate and also in the House of Representatives by the Prime Minister. The Prime Minister has stated related parts of that statement to the House of Representatives, which outlined Senator Lightfoot’s denial of taking the money as alleged out of Australia. In fact, I believe that statement says that Senator Lightfoot took $1,000 for personal expenses, and that was all he took. In relation to Woodside, it is also denied that Senator Lightfoot was in any way acting on behalf of Woodside, and that company itself has put out a statement of denial. I understand that statement says that Senator Lightfoot took $1,000 for personal expenses, and that was all he took. In relation to Woodside, it is also denied that Senator Lightfoot was in any way acting on behalf of Woodside, and that company itself has put out a statement of denial. I understand that statement says that Senator Lightfoot took $1,000 for personal expenses, and that was all he took.

I will have a look at the statement by Senator Lightfoot, but I understand that it is a comprehensive statement which totally denies the allegations. We have a situation where the Daily Telegraph, I think it was, not the Sydney Morning Herald, states one thing and Senator Lightfoot has denied that. We have those allegations being totally denied.

Senator LUDWIG—Mr President, I ask a supplementary question. Yes, it was the Daily Telegraph. I apologise to the Sydney Morning Herald. The question I asked related to section 15 of the Financial Transactions Report Act. Can the minister take that on notice and look at that issue of whether section 15 has been breached? Can the minister also advise the grounds on which he referred these matters to the Australian Federal Police this morning, as he is reported to have done? Has the minister already received information from AUSTRAC that there is sufficient information of a breach of Australian law that a referral to the AFP is in fact warranted?

Senator ELLISON—What I stated this morning was that it was premature to make judgments or take action without first seeing what Senator Lightfoot had to say in his statement. These allegations surfaced this morning. A statement has been tabled by Senator Lightfoot. I understand that it is a comprehensive denial. In that case, you have a newspaper saying one thing and Senator Lightfoot totally denying that. In relation to the firearm which was mentioned, I understand that was a matter of personal protection. One can understand someone being concerned about personal protection in Iraq. The question of firearms laws in another country is for that country and not Australia. I do not know what the laws are in Iraq. I was asked about that today. There is nothing unlawful at Australian law in relation to the situation with the firearm, as I understand it. Australian laws have no application in Iraq, of course.
Foreign Affairs: Indonesia

Senator GREIG (2.24 p.m.)—My question is to Senator Hill, representing the Minister for Foreign Affairs. Is the minister aware of the SBS Dateline report last night which made the claim that there are some 6,000 refugees in West Papua who have not received aid since 26 December and who are dying from lack of food and medicine? Does the government have any response to the claims in the program that the Indonesian military is siphoning off international aid, including, presumably, Australia’s $160 million a year aid to Indonesia, or to the more serious allegation that the Indonesian military is training the Muslim militia, which has direct contacts with al-Qaeda?

Senator HILL—I did not see the SBS Dateline program and it is therefore difficult to answer questions arising out of it. Certainly I would say, consistent with the answer that I gave to a question from my side, that a process of important change is occurring within Indonesia—a democratisation process; a process of reform of TNI, the military within Indonesia—leading to higher standards and better respect for human rights. I think that is therefore a process that Australia should support. Indonesia has significant difficulties across its island states in relation to a number of provinces, including Papua. I think, on the basis of the most recent information that I have seen, it is seeking to meet its responsibilities of government to Papua in a responsible way and in a way that will be of benefit to the people of Papua as well as to the country as a whole. It is not an easy challenge for the Indonesian government, but the signs that I have been seeing are positive signs and are therefore in the direction that Australia should support.

Senator GREIG—Mr President, I ask a supplementary question. I ask Senator Hill if the government will be raising these issues with the Indonesians in ministerial talks both today and tomorrow. What further action might be taken by Australia to ensure that our aid reaches people in Indonesia, and certainly those who are most in need?

Senator HILL—It would seem that we have already asked the question. We have sought clarification from Australian authorities through our embassy in Jakarta. All Indonesian authorities advise that there is no substance to these claims and that the Yudhoyono government is making every effort to ensure transparency and effectiveness in the management of special autonomy and aid funds.

Senator Ross Lightfoot

Senator CHRIS EVANS (2.28 p.m.)—My question is to Senator Hill, the Leader of the Government in the Senate and Minister representing the Prime Minister and the Minister for Foreign Affairs. The minister would be aware of reports that Senator Lightfoot’s July 2004 trip to Iraq was not an official trip but instead was privately funded. I note from a cursory reading of the statement tabled in the Senate today—not a personal explanation but a statement tabled after the start of question time—that he now claims that visit was sponsored by Professor Robert Amin, a professor of petroleum engineering at Curtin University of Technology. Has the minister confirmed the nature of this trip with Senator Lightfoot and can he confirm for the Senate whether it was funded by Curtin University or Woodside Petroleum? Is the minister aware that the parliamentary register of interests does not show any declaration by Senator Lightfoot of any corporate sponsorship of this July 2004 trip? Is the minister satisfied that Senator Lightfoot has acted properly in this matter?

Senator HILL—I have had discussions with Senator Lightfoot, and the statement...
that I tabled is really a written record of what he put to me this morning.

Senator Conroy interjecting—

Senator Hill—I don't know what you are laughing about. On the basis of what he has said to me and what he has put in writing, I do not see anything that arises out of that statement that evidences any impropriety. In relation to the tabling of the statement, I chose the correct time to be when I was asked a question on this subject, and I sought to be helpful to the Senate by putting the statement before the Senate. I invite honourable senators to take their time and read it carefully and they will be better informed.

Senator Chris Evans—Mr President, I ask a supplementary question. The minister's answer does raise the question of whether it is his statement or Senator Lightfoot's. It is headed 'Statement to the Senate from Senator Ross Lightfoot', but the minister tabled it. I am not sure what status that has. I do not know whether this is Senator Lightfoot's way of avoiding making a personal explanation to the Senate. My question, Senator Hill, is this: given that there are allegations of smuggling cash, carrying firearms and bribery of foreign officials by a Liberal Party senator travelling on an official passport, does the government remain convinced that Senator Lightfoot has acted properly with regard to both these trips to Iraq? Are you satisfied with his performance or will you be taking some action against Senator Lightfoot?

Senator Hill—I have no reason to take any further action. Allegations were made and they have been refuted.

Opposition senators interjecting—

Senator Hill—They have been refuted—they have been denied.

Senator Jacinta Collins—We are asking about the firearms.
our kind because we believe that they provide a good framework for participatory involvement of the community in decisions that affect their community through elected representatives. China does have forums that include appointed and elected representatives, but you would have to say that they are not of the same nature as ours.

The focus has been not so much on telling China how it should structure its government but on urging China to improve its performance in a number of ways, particularly in relation to human rights. As the honourable senator knows, that has been done in a number of ways in recent years and the dialogue that has developed, I believe and the government believes, has been constructive and helpful. China is an important country to Australia. It is an important global country. It is going through major economic change at the moment. It is change that will benefit the people of China. It is change that will be good for the region and it is change that we therefore support. The partnership between Australia and China has deepened in recent years, and it has deepened on the basis of mutual advantage. I think it will continue to deepen as we see not only mutual interests but also opportunities through which we can advance each other’s interests. Out of a deeper relationship, we might be able to influence—a little—other changes that we believe would be a good thing to see.

Senator BROWN—Mr President, I ask a supplementary question. In the wake of the first statement I have ever heard from a western minister that China is a democracy of a type, I ask the minister: will he tell the chamber directly whether he believes that China is a democracy; and, secondly, is it true that our Prime Minister is intending to be too cowardly to raise the issue of democracy when speaking to the Chinese bosses in Beijing in the coming—

The PRESIDENT—Senator Brown, I believe your reference to the Prime Minister was unparliamentary and I would ask you to withdraw it.

Senator BROWN—I withdraw it, and I put the question this way: would it be a cowardly act by any leader of Australia to go to Beijing and not raise the issue of those hundreds of people languishing in the jails of China because they stood up for free speech and democracy?

Senator HILL—I said in answer to the primary question that I think the dialogue that has been established is positive in terms of improving human rights in China, and I would like to see that continue. It will be more effective if we continue to deepen the relationship in other ways. That is the positive and constructive way in which we can benefit Australia’s interests and also people within China. I would respectfully suggest to the honourable senator that, if he supported that process, he would be making a more constructive contribution towards those he refers to as languishing in jail.

Telecommunications: Services

Senator CONROY (2.37 p.m.)—My question is to Senator Coonan, the Minister for Communications, Information Technology and the Arts. I refer to the minister to the Page Research Centre report Future-proofing telecommunications in non-metropolitan Australia. Is the minister aware that this report canvasses the roll-out of a government owned fibre-optic cable network in rural Australia? Does the minister agree that there is a need for the government to own such infrastructure?

Senator COONAN—I thank Senator Conroy for such a timely question. I note that the Page Research Centre has today delivered its report into future-proofing telecommunications in non-metropolitan Australia. You will not be surprised when I say that
obviously the government does not intend to respond in detail to the matters raised in the report at this stage. Quite frankly, I have only got through the early part of the report. Issues raised in that report will of course be considered in great detail by the government and in particular by my colleague Senator Minchin and me as joint shareholder ministers of Telstra in the context of the scoping study on the Telstra sale and the review of telecommunications regulatory arrangements which we have under way. However, I would say at this stage to Senator Conroy and to all those who may be listening to my answer that I think one has to be very careful not to pick winners in technological solutions. Just last year, I think it was, there was a majority Senate committee report—largely it was of course Labor senators who supported the recommendations—that recommended that the government commit billions of dollars to be spent on dial-up internet.

Honourable senators interjecting—

The PRESIDENT—Order! Senators in the chamber on my right and one particular senator on my left seem to be having a heated conversation. I ask you to desist so that we can hear the minister’s answer.

Senator COONAN—I was saying that the government—indeed any government—has to be careful not to pick a particular technology because, in the field of telecommunications at least and I am sure in a lot of other areas too, innovations and developments in technology mean that certain technology becomes obsolete very quickly. Had the government accepted the recommendations of the Senate committee just last year, taxpayers would have done their dough to the tune of about $5 billion on a technology that is largely obsolete.

What I think it is important to say about the Page report is that it appears to be substantially endorsing the direction that the government has outlined as the way in which we should frame our thinking on the future of telecommunications. Certainly I will be looking very closely at those recommendations with a view to coming to a concluded view about them.

Senator CONROY—Mr President, I ask a supplementary question. I am disappointed, as I asked a very specific question: does the minister agree there is a need for the government to own such infrastructure? Does the minister also agree that such a fibre-optic network roll-out is necessary for all Australians and not just those in rural and regional Australia? But the key issue is: do you believe that the government should own this piece of infrastructure?

Senator COONAN—I must say it is a bit hard to follow quite what Senator Conroy is getting at. What I have said here is that the government is not going to come to a view about the Page report until we have had a chance to examine it. I do not think there would be anyone who would think that was unreasonable; I think the report was released at 12 o’clock. I, together with my colleagues, will have a look at the report and at the principles underpinning the report, which may seem unexceptional at first blush. However, the report deserves proper consideration and a concluded and considered view.

Cyclone Ingrid

Senator SCULLION (2.42 p.m.)—My question is to the Minister for Fisheries, Forestry and Conservation and the Minister representing the Minister for Local Government, Territories and Roads. Will the minister advise the Senate of the assistance that the Howard government is providing to the Northern Australians affected by Cyclone Ingrid?

Senator IAN MACDONALD—The Howard government attempts to be quick in its response to natural disasters. I am pleased
to report that in this instance there has been a quick response to Cyclone Ingrid, which is said to be the biggest tropical cyclone ever to hit three Australian states. The town of Cooktown, in my state, Darwin, in the Northern Territory, and of course the Kimberley coast in Western Australia were all affected by this quite massive cyclone, 300-kilometre winds and flooding, storm surges and rough seas—the typical sorts of results you would expect of a cyclone.

I was pleased to see that, at the Prime Minister’s request, the responsible minister, the Hon. Jim Lloyd, went to Croker Island to assess the damage at an early time. I was delighted to see that Senator Scullion took the time out to go back to his electorate to be with people who have suffered from this cyclone, in their hour of need, so to speak. Coming from Northern Australia, like me, Senator McLucas and Senator Scullion would understand how difficult it is when there has been a cyclone and how pleasing and supportive it is to see a government minister and a representative of the people there to inspect the damage and to see what we can do. With Mr Lloyd was Dr Chris Burns, the Northern Territory Minister for Transport and Infrastructure; the Hon. Denis Burke, the opposition leader in the Northern Territory; and Senator Scullion.

There was substantial damage to Croker Island, in particular: a heritage listed school was quite severely damaged; the teachers’ residence was made uninhabitable; the general store was destroyed—a large tree fell on it; electricity was out; council houses were destroyed; and so on. I am therefore delighted that the government has immediately announced payment of some $1 million to expedite the rebuilding of the store at Croker Island. I thank you for your contribution to that, Senator Scullion. That money will go to the reconstruction of the store. It will be given to the local community group, which has a good record of work in the area. That will be well appreciated and the store will be able to get back onto an operational basis. That is very good for the people of Croker Island.

Natural disaster relief arrangements come into play. Mr Lloyd has assessed the damage at being more than $5 million and so those arrangements automatically come into play. This means that, for every dollar that the Northern Territory government applies to personal hardship and distress relief, the Australian government will match that with a dollar. As well as that, those relief arrangements provide that, for infrastructure rebuilding above the threshold of $5 million, the Commonwealth will contribute dollar for dollar and, for expenditure over $9 million, the Commonwealth reimburses 75c in the dollar of all expenditure by the Territory government.

There is a lot of work to be done. Mr Lloyd has made a report to the Prime Minister suggesting that we could assist in a number of areas. On behalf of all senators and, indeed, the Commonwealth parliament, I express our good wishes and concern to the people affected by the cyclone across three states. It is a very frightening occurrence. There is damage to be fixed and we will do what we can to help. (Time expired)

Telstra: Services

Senator O’BRIEN (2.46 p.m.)—My question is to Senator Coonan, the Minister for Communications, Information Technology and the Arts. I refer the minister to a large paid advertisement taken out in the Cattoo News by a small business man, Mr Michael Mitchell. In this advertisement, Mr Mitchell describes Telstra’s services in the electorate of Longman, less than 50 kilometres from Brisbane, as being ‘severely lacking, plagued by poor coverage and with patchy access to broadband’. Mr Mitchell
states that the only way to ensure these problems are rectified is to keep Telstra in public hands. Can the minister inform the Senate why members of the public feel that they have to take out large newspaper advertisements in order to be heard by this government?

Senator COONAN—Seeing that Senator O’Brien has asked me what I think about this, I will tell him that I think that somebody who takes out that sort of paid advertisement might be a member of the Labor Party, but that is just speculation on my part. The situation is that this government has sought to address services in rural and regional Australia in a manner that addresses systemic problems. It has done that by having at least two detailed reports—firstly, the Besley report and, secondly, the Estens report—into services in rural and regional Australia that have set out recommendations as to what would be necessary to ensure that services are adequate in rural and regional Australia. That is precisely what the government is doing to implement all of the recommendations that the Estens committee made. This, of course, was an independent committee that set out what was necessary to ensure that services in regional Australia are adequate.

There were 39 recommendations and the government has implemented about 25 of them. I note that the Labor Party voted in the House of Representatives for the future-proofing recommendations that were introduced last week or this week. In any event, the government is systematically addressing all of these problems and has spent in the order of $1 billion on telecommunications since it came to office, a great deal of which has been spent in rural and regional Australia. Short of knowing the particular circumstances of somebody who puts an ad in a newspaper, I can talk about the broad roll-out of services that this government has addressed since it came to government and since it introduced competition into telecommunications that has substantially improved rural and regional services in the bush.

For example, about 98 per cent of our population have access to mobile phone coverage, and we have extended untimed local calls into the extended zone so that people in remote areas can contact each other from one property to another, whereas previously it had been a long-distance call. Of course, we now have a $108 million program that is assisting the roll-out of broadband in areas that otherwise would be non-commercial. That is a government subsidy model. It assists the market to go where it would otherwise not be commercially viable for telecommunications companies to put in these kinds of services. The government have taken and do take very seriously the need to ensure that services are adequate in rural and regional Australia and that they will continue to be adequate when and if the government proceed with the full sale of Telstra. We have in place the consumer safeguards that this government have built, and we have said we will maintain them. The government are seriously committed to making sure that services are adequate in rural and regional Australia. We have built consumer safeguards, we have a competitive environment and we will continue to assist the market when the market does not do what is required of it.

Senator O’BRIEN—Mr President, I ask a supplementary question. Given that the minister chooses to categorise Mr Mitchell as a member of the Labor Party, does she also categorise the New South Wales Farmers Association as representing members of the Labor Party in their campaign against the sale of Telstra? When will the minister really start listening to the concerns of small business operators like Mr Mitchell instead of simply engaging in expensive, stage-managed so-called listening tours?
Senator COONAN—I can see that my determined campaign to go out and listen to rural and regional Australia is really getting under the ALP’s skin. We know that the shadow minister rarely goes past Fitzroy Gardens in Melbourne and would not really understand a rural service if he saw one. I do appreciate that the ALP is now trying to get up to speed on this whole debate about services in regional Australia, particularly the regulatory debate. What it underscores is the fact that this is the old Labor Party with old and tired ideas. It has no ideas for telecommunications and is desperately trying to jump on a bandwagon and run a committee around the country to find answers to questions that we already know.

Taxation: Mass Marketed Schemes

Senator HARRIS (2.52 p.m.)—My question is to Senator Coonan, the Minister representing the Minister for Revenue and Assistant Treasurer. Minister, a taxpayer has brought to my attention a demand by HP Mercantile for a $26,000 loan repayment for an investment he undertook in 1994 in a primary production project known as the Queensland Orchard Project. Will the government prevent HP Mercantile from pursuing the loan? Minister, if your government will not stop the finance company then the government has to instruct the ATO to allow the deductions in similar mass marketed investment schemes. Alternatively, if your government allows a claim by HP Mercantile to stand, this is evidence that the loan was not a non-recourse loan as alleged by the ATO.

Senator COONAN—I thank Senator Harris for the question—

Senator Forshaw—Give it your best shot.

Senator COONAN—and I certainly will give it my best shot, Senator Forshaw. I must say that I am not familiar with the details of the precise situation that Senator Harris has raised. It is not the practice of the tax office to release information publicly which they have collected in the course of their duties. So far as I have understood the question, the short answer to the first part of it, Senator Harris, would be no. Unless there was some kind of improper act by a party to the loan agreement to which you refer, it would be unlikely that a government would intervene in a purely commercial transaction. I note also that parliament placed the administration of the Australian tax laws with the Commissioner of Taxation, and I am sure that all senators would be aware that no minister can intervene in the proper exercise of his statutory powers.

Also, I believe that it is drawing a very long bow to say that the request for repayment of the loan throws doubt on the correctness of the commissioner’s whole approach to mass marketed schemes. I do assume that the senator was advised that the action by the finance company meant that the loan was not a non-recourse loan. He has probably also been advised that the reason why deductions were disallowed for mass marketed schemes was that they use non-recourse loans. Unfortunately, the position is a bit more complex than that. In some cases, the schemes have failed a simple test of deductibility under the general deduction provisions. In other cases, the problem is not so much a non-recourse loan as the use of a round-robin device to inflate the deduction, so that it is up to about three times the amount of expenditure actually incurred. I do not know whether that is the case; I am simply trying to give the senator the principles as to how this was probably approached.

The court cases to date have almost entirely vindicated the stand taken by the commissioner. They have upheld the commissioner’s view that the loans used in mass marketed investment schemes were either
non- or limited-recourse loans. Courts have formed these views after considering the evidence put before them. In the case of Cooke and Jamieson, which is regularly cited as a win for taxpayers in mass marketed investment schemes, it is not considered to set a general precedent for mass marketed investment scheme cases because the scheme in question did not have the same financial arrangements as the typical mass marketed agricultural schemes that we are much more familiar with from the nineties. I am advised that the taxpayers who were in schemes which had the same characteristics as this scheme and who had not settled are treated in accordance with the court decision. The commissioner has also said that the tax office test case program was established to help clarify the tax law. The cases which are funded are those which will clarify the law for as large a number of people as possible and will also develop legal precedent.

As I think everyone in this chamber would be aware, the Commissioner of Taxation did make a settlement offer to participants in mass marketed schemes some time ago that allowed them to claim deductions for the cash they actually did expend and gave a considerable remission from penalties. My information is that over 63,000 settlement deeds have now been processed and most participants in the mass marketed schemes have accepted the offer as a way of finally resolving the issue and putting it behind them. Also, I should say just for completeness, things are also being done to ensure that the problem does not arise again. The commissioner has now introduced product rulings. (Time expired)

Senator HARRIS—Mr President, I ask a supplementary question. Will the minister table a list of the 18 group investment projects considered at a part IV A panel meeting held on 27 and 28 May 1999 and also provide the project submissions prepared by the ATO for that meeting, as these were used as the models for the other 260 investment scheme decisions? Minister, if you refuse to table the list of projects, how does a taxpayer establish that they have sufficient interest in one of those projects to obtain project submission documents from the meeting? Minister, if you will not table that, how can the ATO tell taxpayers which projects were considered and how can your government continue to deny the investors their deductions in the balance of those 260 schemes?

Senator COONAN—I thank Senator Harris for the supplementary question. First of all, it was not the government that denied participants deductions in mass marketed schemes. The deductions were disallowed because the law passed by parliament established that they were not allowable. As I said before, this is a view which has been, in large part, upheld by the courts. The role of the part IV A panel was to provide advice to the commissioner, not to make final decisions. I note that the part IV A panel was a body of senior tax practitioners from both the tax office and the profession.

I understand that a similar question was asked in the budget estimates and the commissioner declined then to provide the names of actual projects as he considered the release of the information to be inconsistent with the ATO’s secrecy responsibilities. However, he did provide a record of the May 1999 meeting to the Senate Economics Legislation Committee and this is now on the public record. (Time expired)

Telecommunications: Rural and Regional Australia

Senator CONROY (2.59 p.m.)—My question is to Senator Coonan, the Minister for Communications, Information Technology and the Arts. I refer the minister to comments by the National Farmers Federation that reviews of the adequacy of telecommu-
communications services in rural Australia should be held at least every three years. Is the minister aware that three-yearly reviews were endorsed by government members of the Senate committee which examined the Telstra sale bill in 2003? Is the minister aware that Senator Minchin told the Senate in October 2003 that three-yearly reviews was a recommendation that ‘we are happy to accept’? Can the minister inform the chamber as to why the government has rolled back its earlier commitments by proposing only five-yearly reviews in its so-called future-proofing legislation?

Senator COONAN— I thank Senator Conroy for the question and will answer it with pleasure. The review period that the government has now legislated for is a cap but not a prescription. It provides a cap that reviews must be held at least every five years but not a prescription that they must be held every five years. They can be held every two years, every three years, every four years or every five years. There is no prescription on when the reviews should take place.

The reason five years is a better time frame within which to have a review is that, as Senator Conroy may appreciate, we are looking at the orderly roll-out of a government response and then the roll-out of infrastructure. It is not something that you just do with the establishment of a date. You do it in an orderly way that involves a whole response that deals with infrastructure and the ordering, no doubt, of equipment and the carrying out of, usually, civil and other works. When you are looking at a program as vast as telecommunications infrastructure, a review period of five years is going to better accommodate the changes in technology, and what might be appropriate by the time you roll out a response. A five-year time frame is a more accommodating time frame than a three-year time frame, always bearing in mind that one of the problems you have if you have the review period too short is that the infrastructure will not respond to the latest technology. We have tried very hard with future proofing to have a sensible time frame that will allow proper responses to the implementation of new technology.

I do appreciate, however, Senator Conroy’s new found interest in telecommunications. Senator Conroy is certainly a little muddled as to how he is going to approach it. He says that his plank is to keep Telstra in government hands. If that is the best way you can deal with regulation, I do not know how Senator Conroy proposes to deal with Vodafone, AAPT and Optus, which are companies already in private hands. Senator Conroy needs to take this next break to do some careful thinking, to get on his trip and to go out and have a look at rural and regional Australia and come back here in May with some questions founded on some knowledge.

Senator CONROY— Mr President, I ask a supplementary question. Is the government aware of the NFF views that five-yearly reviews fail to reflect the dynamic nature of the telecommunications requirements of farmers and rural communities? Minister, why does the government continue to insist on five-yearly reviews despite the advice of the NFF and its own senators?

Senator COONAN—I think I have answered that. I have explained in great detail why five years is an appropriate time frame that accommodates the concerns expressed by the NFF. I invite Senator Conroy to go out of Melbourne, past Fitzroy Gardens, and have a look at rural and regional Australia. He can then perhaps ask, with a degree of knowledge, why there should not be a review every five years. It is clearly the best way to do it.

Senator Hill—Mr President, I ask that further questions be placed on the Notice Paper.
QUESTIONS WITHOUT NOTICE: ADDITIONAL ANSWERS

Senator Ross Lightfoot

Senator ELLISON (Western Australia—Minister for Justice and Customs) (3.04 p.m.)—Senator Ludwig asked me a question in question time about the matter concerning Senator Lightfoot. There was an incorrect report via wire service that I had said that this had been referred to the Australian Federal Police. This is not correct. During question time I was advised that the wire service has agreed to correct that report.

Senator Faulkner—Mr President, I raise a point of order. This is a matter that I have raised informally with you. I want to note an issue relating to procedure that occurred yesterday. You will recall that I took a point of order at the conclusion of your answer to a question without notice from Senator Allison that you gave after the taking note of answers yesterday. I did not proceed with the matter at that stage, as you would be aware, because I did not have the opportunity to hear your statement in full. I want to take a point of order this afternoon to the effect that when additional information is provided to answers to questions asked in question time, or when answers are given—you provided an answer in full to a question and supplementary question asked yesterday in question time by Senator Allison—it seems appropriate to provide those full answers at this time of the Senate’s proceedings, in other words, at the conclusion of question time.

I made the point to you, and it is an important point, that perhaps more than one senator might be interested in the additional information. In this case, as a courtesy you informed Senator Allison that you were providing the answer. But this is additional information that is normally provided to the Senate at this time in the proceedings of the Senate. I want to suggest that that is a more appropriate time to do so, so that all senators who have an interest in answers to questions like the one Senator Allison asked can be afforded an opportunity to listen to the answer. It also, of course, gives a senator in the chamber an opportunity to take note of such an answer if they desire to do so. It tends to be very unusual but at least that opportunity is available to senators under the Senate standing orders. Of course, if answers to questions are provided at an unexpected time in proceedings then that opportunity is not available to senators.

I have raised this issue with you in an informal way, indicating to you that I will just take this procedural point at this time and encourage you—and, except in exceptional circumstances, ministers—to provide information at the time which the forms of the chamber provide. I do think we need to acknowledge and appreciate information being provided by ministers and you, if you are asked a question, at the earliest available opportunity. But there is an issue here in relation to a capacity for a response to such information. I make that point to you by virtue of this point of order.

The PRESIDENT—In response to your point of order, Senator, I did respond as soon as I could to Senator Allison’s questions yesterday. The first available time to me was after the taking note of answers. I think it is probably only the first or second time I have been asked a question in question time in three years. I did attempt to answer the question as soon as I could. As a matter of fact, any remarks I make from the chair are always recorded as a statement. There is no established arrangement whereby the President provides answers immediately after question time the following day, as ministers do. However, if it would suit the convenience of the Senate, I certainly will adopt that practice.
PARLIAMENTARY LANGUAGE

The PRESIDENT (3.08 p.m.)—Yesterday at the end of the discussion of matters of public interest, Senator Mackay asked if I would consider whether there was a breach of standing order 193(3) in the words used by Senator Barnett about the ACT Chief Minister, Mr Stanhope. The standing order prohibits offensive words against members of territory legislatures. It is for the chair to judge whether words are offensive within the meaning of the standing order, having regard to the precedents and current practice of the Senate. I have examined the expressions used by Senator Barnett. While Senator Barnett’s words contained harsh criticism of the Chief Minister, I do not believe that they were offensive words within the meaning of the standing order.

QUESTIONS WITHOUT NOTICE:
TAKE NOTE OF ANSWERS

Senator Ross Lightfoot

Senator CHRIS EVANS (Western Australia—Leader of the Opposition in the Senate) (3.09 p.m.)—I move:

That the Senate take note of the answers given by ministers to questions without notice asked today relating to the visit to Iraq by Senator Lightfoot.

An extraordinary set of circumstances has come before the parliament today. It is unfortunate that Senator Lightfoot was the first out the door after question time today and it is unfortunate that he did not take the opportunity to make a full personal explanation to the Senate, as is required. In fact, what happened was that Senator Hill, the Leader of the Government in the Senate, wandered into the chamber and, in response to an opposition question, tabled a report—a report, I might say, not from him but allegedly from Senator Lightfoot. So we still really have not heard from Senator Lightfoot. I am not sure what the status of it is, but we do know that Senator Lightfoot was the first out the door and we have not heard a satisfactory explanation from him.

These are very serious allegations. He is described on the front page of a national newspaper as a ‘bagman’. These are clearly serious allegations. We ought to hear Senator Lightfoot’s explanations about them. The tabled report is his third or fourth go at dealing with some of these allegations. What I do know is that News Ltd did not make all this up. I know that someone gave them the photos. I could not get the photos because they were not available from Senator Abetz because he did not have them. Who gave them the photos? Senator Lightfoot gave them the photos. Why? Because he thought it suited him at the time to big-note himself about the role he played in saving Iraq. So he gave the photos out. They were not available in any other way.

We have seen that the first newspaper report talked about grand stories of this hero-like figure travelling through Iraq saving the Kurdish people, with cash sown into his jacket. By yesterday it had been turned into an explanation that the money in fact had been carried by an offsider. In today’s official statement, which was tabled—and then he ran—the donation had been passed by a Mr Halmet who was travelling with him. The story keeps getting refined down. So Senator Lightfoot’s role was not quite as central as you would have believed earlier. I think he regrets now some of the claims that he has obviously made.

Clearly there are serious issues here. This was a taxpayer-funded trip. He was travelling on an official Australian passport. He himself admits to having been involved in very serious matters which should not have been entertained when travelling in that capacity. His own report to Senator Abetz contains details that, by his own admission, in-
volved bribery of Turkish officials. These are not claims by the newspapers; these are claims made by Senator Lightfoot in his own official report. He claims that he bribed Turkish officials to get across the border. There are other serious issues, such as cash being transported without proper authority. He admits to carrying a pistol. His story on that has also changed on a number of occasions but he does say in his own report—again, in his own words in his own official report—that he was offered and accepted the use of a .38 calibre pistol.

This is not just something News Ltd made up. This is the senator’s own official report, his own explanation, for why he used taxpayers’ money to visit northern Iraq. These issues are there, front and centre, in his own report, and we have not got a proper explanation for them. For the government to say they are completely satisfied is very concerning indeed. For the government to have concluded already that there is nothing in this and there are no problems is I think breathtaking, because what we have seen are very serious allegations that have not been answered and for which no proper explanation has been given. Yet the government have written it all off. They have tabled Senator Lightfoot’s report and have said: ‘There’s no problem. It’s all okay. Don’t worry about that, by crikey. Sure, there’s a question of bribery. Sure, there’s a question of carrying guns. Sure, there’s a question of breaching rules regarding carrying cash across borders. But don’t you worry about that. Senator Lightfoot is one of ours. There’s no problem.’

Quite frankly, I think Australians will take a much more serious view of it than that and I think the Australian public ought to. The key issue is this: is Senator Lightfoot James Bond or Walter Mitty? That is what we have to work out. Is he James Bond—this hero-like figure, saving the Kurdish people, carrying cash, armed to the teeth and travelling in dangerous ways—or is he in fact Walter Mitty—someone who went to News Ltd and sold a story about his brave exploits and now is having to explain the difficult realities? I do not know, but I have to find out because this is fascinating stuff. We need to know whether he is James Bond or Walter Mitty. What we do know is what he had for breakfast. He has told us in great detail what he had for breakfast, but there are serious answers that must be given. *(Time expired)*

**Senator ABETZ** (Tasmania—Special Minister of State) (3.15 p.m.)—Senator Evans has unfortunately let the cat out of the bag. He could not keep a straight face for a full five minutes on this one. He had to joke about whether it was James Bond or Walter Mitty—

**Senator Mackay**—You should read the report!

**Senator ABETZ**—There is even an interjection from Senator Mackay, who has just found her tonsils again. What we have found in this debate is that even the opposition is unable to maintain a five-minute attack over this. You see what happens when a political party has no policies and no vision for the future: they jump onto any passing shadow, hoping for a ride. Of course, if you jump onto a passing shadow, it is just an illusion and it does not take you anywhere at all. The shadow moves on and you are left behind. That is what has happened to the Australian Labor Party again today.

The reason I take the opportunity to be involved in this debate is to set out clearly what the situation is in relation to my administration. Senator Carr asked a question about approval by me, and, as Senator Carr should know, the Remuneration Tribunal—I think it is 9.2 or something in its determination—has indicated that there is no approval requirement. There has to be a notification
and then a report. I do not vet these requests or notifications; I do not vet them at all. Members and senators are entitled, as of right, to access study tours on the basis that I am previously notified. I think that has to be put on the record.

In relation to the reports, they are provided to me—not for me nor, indeed, for any of my predecessors to check and read and determine whether they are good, bad or indifferent. In fact, under this government and under my stewardship they are made publicly available for the Australian community to read in the event that they suffer from insomnia. These reports are matters for the individual members and senators to report on that which they like.

We could get into the detail of Senator Lightfoot’s breakfast. It is interesting, isn’t it, that this matter is so serious that Senator Chris Evans, the Leader of the Opposition in the Senate—who tried to lead the attack in this matter—had to get down to what Senator Lightfoot had for breakfast. What it really shows is that the Labor Party realise there is no substance in this, so they had to divert themselves. Senator Evans ran out of things to say in his five minutes, so he had to divert onto what Senator Lightfoot may or may not have had for breakfast. In the statement that was tabled by my leader in this place, in relation to the allegations in the media Senator Lightfoot says this:

I did not take $US20,000 in cash with me to Iraq. The only money I took with me was $US1,000 of my own money for personal expenses. I have a receipt.

At no stage have I ever received nor have I carried, not have I given to the Kurdish Regional Government or the PUK or any agent or officer thereof $US20,000.

Later in the report he says:

At no stage did the money ever come into my personal possession. Indeed I did not know until Mr Halmet gave it to the Prime Minister that he either had the money in his possession or was going to make the presentation at that meeting.

I would have thought that, if they had any modicum of decency, the Australian Labor Party would have stopped asking questions, read this statement and then possibly pursued the questions further. On the face of it, Senator Lightfoot has provided a statement to this place which deals with these so-called serious issues—except that there was a gross omission in that he did not detail what he had for breakfast, which is something that excited Senator Chris Evans’s interest so much and shows what a trivial matter this really is and, indeed, how the Labor Party are treating this matter.

Senator CONROY (Victoria) (3.20 p.m.)—I am also taking note of the answers of Senator Hill. There are a number of inconsistencies which I do want to try to address. As Senator Evans mentioned earlier, we are not actually going to hear from Senator Lightfoot. Maybe he is under protective guard now. Maybe Senator Hill has had to supply him with another weapon to protect himself from his colleagues. Why isn’t he here to defend himself, Senator Hill? Why did we go through the farce of Senator Hill coming in here and tabling a statement on behalf of Senator Lightfoot? There are a couple of points I would like to go to. On page 3 of Senator Lightfoot’s statement, in relation to the pistol that he was carrying, he says:

As also noted in my report I was offered the use of a .38 pistol by my Iraqi National Guard detail. They were obviously genuinely concerned for my safety. While I did take the weapon from them I was uncomfortable with it and did not subsequently carry it. Indeed I left it secured in one of the vehicles in which I was travelling.

That may be what you finally got him to fess up to, Senator Hill, after you put him under that interrogation, but unfortunately you did not notice what he had already said on the
morning radio. Let me read to you, from the AAP transcript, what Mr Lightfoot had to say about the gun this morning. This was at 9.39 a.m.:

Mr Lightfoot admitted he also carried a .38 pistol tucked into his belt at the centre of his back.

“This (Iraq) is not the ACT, this is not Manuka on a Sunday morning. These people play for keeps over there and if someone was going to shoot at me, I was going to shoot back,” he said.

“I carried the .38 pistol—

Senator Hill interjecting—

Senator CONROY—Please, let’s hear the rest of it, because we have that eminent QC Senator Brandis to follow up—and it will take all of your skills to get him out of this one, Senator Brandis. But let’s return to his press interview this morning. He said:

“I carried the .38 pistol the first time I went in because it was given to me, and at that stage I wasn’t sure of the lay of the land and I had firearms most of my life... on stations and farms.

“It just seemed like a normal thing to do.”

So this morning it was a ‘normal thing to do’, yet by the time Senator Hill was finished with him he was saying:

While I did take the weapon from them I was uncomfortable with it ...

Well done, Senator Hill! Those interrogation techniques continue to work well on behalf of the nation!

Senator Carr—They just have interviews.

Senator CONROY—Sorry, it was not an interrogation; it was just an interview. There are some other fascinating parts to this, though. The story from Nick Butterly in News Ltd and the Herald Sun in particular that I am looking at today makes reference to the report. Nowhere in the report is the figure of $20,000 available. No-one in the report mentions $20,000. So where on earth does Nick Butterly get the $20,000 figure from? It is obvious: he gets it from Senator Lightfoot. On the one hand we are expected to believe that Senator Lightfoot did have a conversation with Nick Butterly, and he did outline the fact that there was a $20,000 donation. Sometimes people might want to question journalists, but to suggest that a journalist made up a story such as ‘the cash was sewn into the lining of his own jacket’—come on! Seriously, Senator Brandis, get him out of this! I am also interested in Senator Lightfoot’s response to this statement in the story:

On the July trip, which lasted eight days, Senator Lightfoot carried a Glock handgun similar to the model issued to Australian Federal Police.

There was no mention of a Glock in the statement tabled today, Senator Hill. Couldn’t you get him to fess up to the Glock or the fact that he was willingly carrying the Glock? (Time expired)

Senator BRANDIS (Queensland) (3.25 p.m.)—Mr Deputy President and Senator Conroy, happy St Patrick’s Day! Senator Conroy, I have read disagreeable things about you in the media, and I have not believed a word of them. I have not believed a word of them, and I have sprung to your defence on occasions. But today we hear from Senator Conroy this extraordinary proposition—an extraordinary proposition from anyone, let alone a professional politician—that just because a colourful story is written about somebody in the newspaper it must be true. Senator Lightfoot has tabled a statement today which was also tabled by the Prime Minister in the House of Representatives earlier in the afternoon. What Senator Lightfoot said in his statement—let me read it onto the record—is this:

I did not take $US20,000 in cash with me to Iraq. The only money I took with me was $US1,000 of my own money for personal expenses. I have a receipt.
At no stage have I ever received nor have I carried, nor have I given to the Kurdish Regional Government or the PUK or any agent or officer thereof $US20,000.

But he does refer to the fact that a gentleman with whom he was travelling made a donation to a Kurdish hospital in that amount. The gentleman with whom he was travelling, Mr Halmet, was in fact the Kurdish regional government and Patriotic Union of Kurdistan representative in Australia—the leader of the Kurdish community in Australia. That is what happened.

You would think there was something sinister going on from the mocking tone of Senator Conroy, but what happened was that Senator Lightfoot—who all senators would accept is a passionate defender of the interests of the Kurdish people, a man who has taken a deep interest in their interests for as long as I can remember—travelled with the leader of the Kurdish community in Australia on this trip to Iraq and, in particular, to Kurdistan. The leader of the Kurdish community in Australia presented a donation to a Kurdish children’s hospital in Senator Lightfoot’s presence.

Senator Conroy, you are not right when you say we see no reference to this in the report of the study tour. I have a copy of the report of the study tour here. If you look at the entry for Wednesday, 26 January, at 11.30 a.m. Senator Lightfoot records that Professor Robert Amin from Curtin University telephoned and he told him the Woodside donation had been presented to Prime Minister Fatah—that is the Prime Minister of the province—who in turn gave the donation to his principal secretary. So there has been no concealment of this event which was incidental to Senator Lightfoot’s trip.

This, I would venture to say, is the senator who, more than any other senator in this chamber, has taken an interest in the welfare of the Kurdish people. He travels to Iraq with the leader of the Kurdish community in Australia. The leader of the Kurdish community in Australia, Mr Halmet, in Senator Lightfoot’s presence, during the course of a meeting with the provincial Prime Minister, makes a donation on behalf of an Australian company to a children’s hospital. That is what happened, and that is disclosed in the report. So much for Senator Conroy’s innuendo. Senator Conroy, we enjoy your theatricality. I thought you were pretty good today—I thought you were even better than usual.

Senator Ferris—Oh, don’t make him worse!

Senator BRANDIS—No, Senator Ferris. I must be a perverse individual, but I do rather like Senator Conroy, as you know. Senator Conroy, I thought your performance today was even better than average. But you cannot make bricks without straw, and the facts just do not get you there. As for this business of carrying a pistol in Iraq, do you know how many weapons, hand guns and firearms were estimated to be at large in Iraq? According to one estimate by the columnist Mark Steyn, there are some 37 million in a population of about 20 million—one of the most dangerous places in the world. At least Senator Lightfoot had the courage and the chutzpah to go to Iraq and take an interest. (Time expired)

Senator CARR (Victoria) (3.30 p.m.)—The new arrangements that the government has entered into whereby reports of overseas study trips are automatically published have, of course, posed new difficulties for the unwary. We have a clear case here, where Senator Lightfoot has obviously been extremely careless in the way in which he has presented his report. The guidelines make it perfectly clear that senators should have more care when they are presenting their reports. They
should be aware of commercially sensitive information, potentially defamatory remarks, matters relating to personal privacy, issues relating to domestic or international security and defence, and matters that should otherwise not be made public.

This report highlights that, on each and every one of those occasions, Senator Lightfoot has misunderstood those guidelines. He has floundered, in that all of those matters are covered off. We have here an interesting report raising very many interesting questions which the government has yet to answer. Senator Lightfoot, with his Boy’s Own story—I understand he is known now, in the Liberal Party at least, as Lightfoot of Arabia because of his adventures overseas—has made an extraordinary series of statements. He bribes foreign officials and he undertakes commercial ventures on behalf of companies in which he has shares.

Senator Hill—He denies that. He denies bribing. I’ve read his report. He doesn’t use the word ‘bribe’.

Senator CARR—In his report, that is what he says. He carried a pistol.

Senator Hill—Does he use the word ‘bribe’?

Senator CARR—If you would like me to quote directly from the report, he makes it clear. I believe the expression he uses is that the ‘payment of US dollars’ allowed him to pass through the border. This was not going in but coming out.

Senator Hill—’Facilitation’, I think, was the word.

Senator CARR—No, it was not facilitation, Senator Hill. The reference here is ‘the payment of US dollars facilitated my egress’.

Senator Hill—Facilitate. That’s right.

Senator CARR—It is a bribe.

Senator Hill—No, it’s not. Did you read the statement he put down today?

Senator CARR—The statement he put down today does not match this statement here nor does it match his public statement as published in the News Ltd newspapers.

Senator Hill—He was asked to pay $20.

Senator CARR—There are two sets of transactions: $20 going in and an undisclosed number of US dollars going out. There were two sets of transactions with the Turkish border guards. My concern rides not just to the statements he is making in his report but to the failure of the government to actually deal with the suggestions that are made in that report. It is all very well to make defamatory remarks about members of parliament from other countries, whether or not they have been sleeping rough and look untidy. It is all very well to make comments about people you are travelling with and carelessly put them in reports that are then published. This goes altogether to another question—that reports of bribery, acting on behalf of private interests, and clear breaches of currency arrangements can be made with no action being taken by the government.

That raises the whole question of the administration. This is an important scheme. The overseas study program is a very valuable scheme and a program I think all senators support. However, it should not be seen as a holiday—a Boy’s Own adventure in northern Iraq for senators—which allows misconduct and misjudgment to be exposed to the entire world through the publication of a report such as this. I am concerned that the boyhood fantasies of one particular senator can expose the misjudgments of this government. I would think the government itself would have taken firmer action to deal with the situation. It should ask itself why it is that Senator Lightfoot is still a member of the government party room, because these are the sorts of actions that bring the whole parliament into disrepute. You cannot bribe
foreign officials, you cannot carry firearms while on an official passport and you cannot engage in unauthorised currency transactions without, one would expect, the government taking serious action to preserve the good name of this parliament and those that carry official passports.

Question agreed to.

ESTIMATES: ANSWERS TO QUESTIONS ON NOTICE

Senator ALLISON (Victoria—Leader of the Australian Democrats) (3.35 p.m.)—by leave—I want the Senate to note that there are some 673 estimates questions outstanding which ought to have been answered by 31 January this year but still have not been answered. As the Senate will remember, there was an agreement by the government when a special resolution on estimates was passed by the Senate. It was to do with whether or not there would be a further number of estimates days last year—proposed, as I remember, by Senator Harradine. The government made the undertaking that, rather than have estimates, senators would be able to put questions on notice with the understanding that the government would have those answers ready for us on 31 January and they would therefore be made available for us to use in February estimates. But it is the case that very large numbers have not been answered at all: none in community affairs, so that is a bit of a plus for the minister; 310 under economics; and 305 in Treasury alone. In Foreign Affairs and Trade—Senator Hill, this is your area—there were 125 not answered and just two in Defence. In Veterans’ Affairs there were 95; in Austrade, 44; and in AusAID, 44. There were a small number in legal and constitutional and that makes up the 673.

I urge the government to do something about this situation. I doubt the Senate will take kindly to agreeing to not go ahead with additional Senate estimates days because of that undertaking. We can no longer rely on government assurances along those lines. I call on Senator Hill as Leader of the Government in the Senate to give the Senate some indication of when these questions will be answered and to hurry along his colleagues in making sure the departments provide them.

NOTICES
Withdrawal

Senator TCHEN (Victoria) (3.37 p.m.)—Pursuant to notice given at the giving of notices today, I now withdraw business of the Senate notices of motion Nos 1 and 2 standing in my name for today.

COMMITTEES

Environment, Communications, Information Technology and the Arts References Committee
Reference

Senator CHERRY (Queensland) (3.38 p.m.)—by leave—I move:

That the following matters be referred to the Environment, Communications, Information Technology and the Arts References Committee for inquiry and report by 13 October 2005:

An assessment of the long-term success of federal programs that seek to reduce the extent of and economic impact of salinity in the Australian environment, including:

(a) whether goals of national programs to address salinity have been attained, including those stated in the National Action Plan for Salinity and Water Quality, National Heritage Trust and the National Landcare programs;

(b) the role that regional catchment management authorities are required to play in management of salinity-affected areas, and the legislative and financial support available to assist them in achieving national goals; and
(c) what action has been taken as a result of recommendations made by the House of Representatives’ Science and Innovation Committee’s inquiry ‘Science overcoming salinity: Coordinating and extending the science to address the nation’s salinity problem’, and how those recommendations may be furthered to assist landholders, regional managers and affected communities to address and reduce the problems presented by salinity.

Question agreed to.

BUSINESS

Rearrangement

Senator ELLISON (Western Australia—Manager of Government Business in the Senate) (3.39 p.m.)—by leave—I move:

That on Thursday, 17 March 2005:

(a) the hours of meeting shall be 9.30 am to adjournment;
(b) consideration of general business not be proceeded with;
(c) the routine of business from not later than 4.30 pm shall be:
(i) government business order of the day no. 3 (Appropriation (Parliamentary Departments) Bill (No. 2) 2004-2005 and two related bills),
(ii) at the conclusion of (i), consideration of orders of the day relating to government documents, and
(iii) at the conclusion of (ii), consideration of committee reports, government responses and Auditor-General’s reports;
(d) divisions may take place after 4.30 pm; and
(e) the question for the adjournment of the Senate shall be proposed at the conclusion of the business listed at paragraph (c).

Question agreed to.

DOCUMENTS

Responses to Senate Resolutions

The DEPUTY PRESIDENT—I present a response from the Chief of the Defence Force (General Cosgrove) to a resolution of the Senate of 8 February 2005 concerning the tsunami disaster.

BUDGET

Consideration by Legislation Committees

Additional Information

Senator TROETH (Victoria—Parliamentary Secretary to the Minister for Industry, Tourism and Resources) (3.41 p.m.)—On behalf of the Chair of the Employment, Workplace Relations and Education Legislation Committee, Senator Tierney, I present additional information received by the committee relating to hearings and supplementary hearings on the budget estimates for 2004-05.

ABORTION

TELSRA: ANTICOMPETITIVE BEHAVIOUR

NEW APPRENTICESHIP OUTCOMES

Returns to Order

Senator VANSTONE (South Australia—Minister for Immigration and Multicultural and Indigenous Affairs and Minister Assisting the Prime Minister for Indigenous Affairs) (3.42 p.m.)—by leave—I advise that there are three returns to order that will be dealt with today. One is just about complete and the others need a little bit more work done on them. I was advised just now that they all will be dealt with today but are not ready at this point.

Senator Carr—Minister, is it possible for the government to give an indication of when they will be dealt with, and will we be advised in advance of their tabling?

Senator VANSTONE—The advice I got is roughly what I got a minute ago: today—which does not answer your question, I know. But I also got confirmation that you can be advised when they are going to be tabled, so that presumably means some level of advance notice. Given that it is a quarter
to four and I have also just found out that we are apparently finishing at six today, it must be pretty soon.

Senator Ludwig—We may not.

Senator VANSTONE—No?

Senator Ludwig interjecting—

Senator VANSTONE—I am happy in any event; I am not going home, so it is of no consequence to me. I was simply passing on the piece of information that came my way through chitter-chatter. It may be completely irrelevant. I have told you all I know in respect of this matter. I cannot help you any more.

Senator Carr—I am going to take from the minister’s answer—and I trust that, if I have misunderstood you, you will let me know—that we have been given an assurance that we will get the returns today, that they will be responded to positively today?

Senator VANSTONE—I cannot say any more than that which I have been told. There is no point trying to get a secondary intimation from an adviser. I am the minister responsible; you have to take the answer from me. All I can say to you is that the advice I have is that you will have them today. I have also told you that I have been advised that you will be given notice in advance of when that is happening. They are the only two things I am capable of telling you because that is all I know.

COMMITTEES

Membership

The DEPUTY PRESIDENT—The President has received letters from party leaders seeking variations to the membership of certain committees.

Senator VANSTONE (South Australia—Minister for Immigration and Multicultural and Indigenous Affairs and Minister Assisting the Prime Minister for Indigenous Affairs) (3.44 p.m.)—by leave—I move:

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

Employment, Workplace Relations and Education Legislation and References Committees—
Discharged—Senator Tierney on 14 April 2005
Appointed—Senator Troeth from 14 April 2005

Environment, Communications, Information Technology and the Arts References Committee—
Discharged—Senator Tierney on 14 April 2005
Appointed—Senator Troeth from 14 April 2005

Legal and Constitutional Legislation Committee—
Appointed—Substitute member: Senator Bartlett to replace Senator Greig for the committee’s inquiry into the provisions of the Migration Litigation Reform Bill 2005.

Question agreed to.

BILLS RETURNED FROM THE HOUSE OF REPRESENTATIVES

Message received from the House of Representatives returning the following bill without amendment:

Australian Sports Commission Amendment Bill 2004 [2005]

(Quorum formed)

APPROPRIATION (PARLIAMENTARY DEPARTMENTS) BILL (No. 2) 2004-2005
APPROPRIATION BILL (No. 3) 2004-2005
APPROPRIATION BILL (No. 4) 2004-2005

Second Reading
Debate resumed.
Senator GEORGE CAMPBELL (New South Wales) (3.49 p.m.)—The Appropriation (Parliamentary Departments) Bill (No. 2) 2004-2005, the Appropriation Bill (No. 3) 2004-2005 and the Appropriation Bill (No. 4) 2004-2005 constitute the additional estimates bills for 2005. They provide additional funding requirements since the 2004-05 budget and include new appropriations of $1.794 billion, comprising new appropriations of $2.093 billion and savings of $299 million.

Appropriation Bill (No. 3) 2004-05 deals primarily with measures since the last budget as outlined in the MYEFO, as well as measures announced in the election. The total appropriation sought is $1,540 million, including $365 million in additional funding for the Job Network; $153 million to the Attorney-General’s Department, including $7 million for crime prevention; $140 million to the Department of Health and Ageing, including $24 million for childhood obesity; $129 million to the Department of Family and Community Services, including $79 million to Centrelink; $125 million to establish Tourism Australia; and $127 million to Treasury, including $60 million to the ATO. Appropriation Bill (No. 4) 2004-2005 will provide an additional $553 million, including $103 million to the Department of Transport and Regional Services; $98 million to the Department of Industry, Tourism and Resources; $76 million to the Department of Defence; and $66 million to the Department of Foreign Affairs and Trade.

It is appropriate that in the debate on these appropriation bills we note that substantially the requirements of these bills are to fund the election promises that were made by this government during the last election—the $66 billion pork-barrelling bonanza designed to win the election. This package of bills contains such highlights as the Regional Partnerships program and the AusLink funding. We have already seen through the processes of the Senate inquiry the sorts of issues that were dealt with under the Regional Partnerships program, including funding in the seat of Wentworth, which is in the heart of Sydney. It covers areas such as dear old Bondi Junction and Bondi Beach, and it is the seat in which I live. When I found that we were giving grants under the Regional Partnerships funds to groups within that electorate, it was the first time I realised I lived in regional Australia.

The Howard government, however, has squandered a once in a generation opportunity to make lasting changes that could take Australia’s prosperity to the next level. The Howard government has no plan to address the skills crisis and infrastructure bottlenecks that are acting as a brake on Australia’s future growth and prosperity. The Howard government has created an economy that is driven by unsustainable, debt fuelled consumption and not by exports and sustained productivity growth. Prime Minister John Howard and Treasurer Peter Costello are dangerously indifferent to the spiralling foreign debt and trade deficit, which make Australia’s economy more vulnerable than it has ever been.

The Howard government has spent $66 billion on short-term political fixes rather than addressing the long-term risks to our economy. The government went to the people promising good economic management, and yet economic growth figures over the last two quarters were 0.2 per cent and 0.1 per cent. The current account deficit is running at nearly $16 billion a quarter, or more than seven per cent of GDP. Net foreign debt is now $421.9 billion. That is basically $21,000 for every single person in Australia—every man, woman and child.

What is causing this blow-out? It is the negligence and indifference shown by this
government in the areas of skills and infrastructure development, and a chronic failure to do anything effectively in terms of a policy for expanding our export capacity. If there is a time when trade surpluses are meant to be a given, it is at a time when our terms of trade are more favourable than they have been at any time in the past 30 years. Demand for our resource exports, and the prices we can charge, are at record levels, and yet we run constant trade deficits. Why is this? The answer lies in this government’s failure of policies to promote exports and elaborately transformed manufactures. Under the Hawke and Keating governments, exports grew at an average annual rate of 8.1 per cent. Under the Howard government, that has more than halved, to around 3.4 per cent.

What about Australian households? Household savings are negative for the first time since statistics have been collected, and have been so since the September quarter of 2002. Since that quarter, households have saved at a rate of minus 2.9 per cent on average—that is, earning $100 and spending $103. What is the result of this? Household debt now stands at a record $818 billion, up $21.6 billion on the previous quarter. As a percentage of household disposable income, household debt is now a record high 154.7 per cent, up from 85.5 per cent in March 1996, when the Howard government was first elected. Household debt in Australia is amongst the highest in the developed world. Under the Howard government, household debt has increased from $289 billion in March 1996 to the current figure of $818 billion, an increase of 183 per cent in less than nine years. The Reserve Bank, the IMF and the OECD have all warned about the explosion of household debt in Australia and the risks this poses. For example, the OECD in its latest economic outlook stated:

High levels of household debt and debt-interest payments have made households more vulnerable both to further increases in interest rates and to an abrupt fall in house prices as a possible response to excess supply in the property market.

The OECD also expects interest rates in Australia to increase over the year ahead.

An economy built on these sorts of numbers is not an economy that you can say is well managed, despite the rhetoric from those on the other side of the chamber. This government made a commitment to the Australian people to ensure interest rates would stay low, and yet within five months of the election interest rates are already on their way up and may continue to rise.

What is causing the latest interest rate rises that threaten families with higher mortgage repayments? It is the $66 billion, over the forward estimates, of pork-barrelling. This is a pork-barrel to match the porkies they have told you on interest rates. The impact of the 25 basis point rise in interest rates on the average mortgage is around $34 per month. In order to pump out the pork, the government have punched mortgage holders in the guts, driving interest rates up in the process.

How do we know that wild spending, massive current account deficits and net foreign debt create interest rate rises? Because the Treasurer, Peter Costello, told us so. He had this to say on foreign debt on 26 September 1995, when he told the House of Representatives:

Australia today is staggering under the load of foreign debt. What concerns us is that we wake up a miscreant Prime Minister to the load he has inflicted upon the Australian economy and a country that is staggering under the load of foreign debt which threatens to break that country and impose on ordinary Australians some of the pressures that this government has allowed to build up. We are concerned that that message is brought home to them before in fact the full amplitude of its effects are known.
We want to break down the financial pressures which have been building up on families who have to pay higher interest rates in relation to their businesses and their mortgages as a consequence of the reckless financial mismanagement of this government.

What did they do when they got into office? They doubled foreign debt, they trebled the current account deficit and they halved export growth—not the record you would attribute to a government that is managing the economy well both in the short term and, more importantly, for the longer term.

They are very impressed with themselves on issues of economic management. The Treasurer, Peter Costello, likes to think of himself as an economic giant. However, Wayne Swan was right when he said in the other place that Peter Costello is like the Wizard of Oz—a midget with a big microphone. The government can tell themselves repeatedly, ‘We’re so wonderful; we’re so great.’ But the truth is that they are driving our economy into the ground through reckless spending and complete apathy towards the things that matter.

The Howard government has placed the biggest ever tax burden on Australian families. It is the highest taxing government in the history of the country. There are great challenges and serious risks ahead. What we do not need are smugness and complacency. For example, Senator Vanstone—who, I am pleased to say, happens to be in the chamber this afternoon—admitted the other day that the government has done nothing about the recommendations of a report made by a committee of the Senate in respect of skills.

Senator Vanstone—Actually, I did not say that.

Senator GEORGE CAMPBELL—When I asked Senator Vanstone about a detailed Senate report into skills shortages entitled *Bridging the skills divide*, which was tabled in this chamber on 6 November 2003, she responded in part:

Yes, I am aware of the report to which he refers, and it may well be the case that the government has not responded.

Senator Vanstone—That does not mean we have not done anything.

Senator GEORGE CAMPBELL—Pardon?

Senator Vanstone—I also went on to say that did not mean nothing had been done.

The DEPUTY PRESIDENT—Conversations across the chamber should not take place.

Senator GEORGE CAMPBELL—The senator could not even tell us whether the government had responded to a report from one of the committees of the Senate into a major issue facing this country, and that is the shortage of skilled labour. She could not say for sure whether the minister had responded—and we know that the minister has not responded. After 18 months and 50 recommendations that were supported by government senators, we have had not a peep out of the minister.

Quite frankly, the government has dropped the ball with the development of skills in this country. Not only has it dropped the ball; it has dropped a massive clanger, the consequences of which will affect the economy and the industrial base of this country for a very long period of time. Anyone who knows anything about industry knows that you cannot gear up an industrial work force with skills, aptitude and understanding of new technologies and new production processes rapidly or overnight. It takes a long slow build-up, and this area has been allowed to run down and deteriorate since 1996.
We know that over the period since 1996 there has been a lot of rhetoric and a lot of money spent on various schemes to lift training; there have been traineeships, New Apprenticeships and so forth. But all those schemes introduced by this government were targeted at one thing, and that was the creation of an image of a government doing something about dealing with a skills crisis. Unfortunately, and it is sad to say, most of the money spent in the period from 1996 to 2004 was flushed down the drain. Very few of those dollars got through and were translated into hard training outcomes and the development of people with skills in our community, so much so that this country is confronted with a situation that, over the five years from 2003, 170,000 tradespeople—your plumber, carpenter, electrician and metal worker—will leave their industries and only 40,000 replacements will enter. That is a skills deficit over that period of 110,000 skilled workers. That does not take into account matching the growth needs of industry which will occur over that period also. That is going to be devastating for this country.

Already we know that major projects in the north-west of Western Australia, in the Kimberley and the Burrup, are facing major constraints because of an undersupply of skilled labour. The same situation is occurring in the Iron Triangle in South Australia. The same situation is occurring in Queensland up around Gladstone. What will happen? At the end of the day those projects will get the labour they need; they will get it simply because they will be able to pay huge wages to attract it into those remote areas. In those areas there will be wages in the region of $150,000 a year—nearly $3,000 a week—for your average skilled tradesperson. But, if the labour supply is not commensurate with the areas of demand, the heart will be sucked out of engineering industries in the metropolitan areas, and many of those businesses will collapse as a result. Those engineering industries are crucial in underpinning the other industries in our economy. If those trade skills are not there to maintain production lines in other industries carrying out the sort of work necessary to keep the wheels of industry turning, over a period of time that decline will result in those industries’ ability to deliver on the needs of the Australian economy being severely impeded.

This is a massive problem facing the economy, and it will not be resolved simply with opening up the opportunity for skilled migrants to come to this country. No doubt they will certainly make a contribution—and I am proud of the fact that I came to this country as a skilled migrant. It is the best decision I ever made, I might add.

Senator Wong—And we are very glad of it.

Senator GEORGE CAMPBELL—Thank you, Senator Wong, for those kind comments.

Senator Vanstone—Even I can’t say that I am unhappy about it.

Senator GEORGE CAMPBELL—Thank you, Senator Vanstone—but I understand that it is Thursday afternoon and your generosity is always pretty good at this time of the week.

Senator Vanstone—Try me again next Monday.

Senator GEORGE CAMPBELL—I am proud of the fact that I am a skilled migrant and I am proud of the contribution that I have made to this country, and I think I have made a contribution—commensurate with the £10 investment I made to get here. I probably got more value for my money than most migrants do coming to this country these days.

But skilled migration alone will not deal with the problem. We have to have a strategy
to train young people in this country and to reskill mature aged workers who are having difficulty finding jobs in the labour market. There is a serious problem which is not being dealt with in this country by this government in respect of the labour market, and that is the fact that many skilled tradespeople, simply because they happen to be over the age of 40 or 45, are being rejected by industry. They are having difficulty in getting employment, and I know many of them.

When they apply for work, it is almost an automatic rejection simply on the basis of their age. Seemingly, a view by the managers and the people who run industry is that, somehow or other, if you are at that age level and you have been unemployed, you do not have the necessary skills or understanding of the technology to make a contribution to their business, and you are told to go somewhere else. Companies are simply not training their own. They are reliant on someone else doing the training for them. That worked in this country in the past because the government trained most of the skilled labour in their business enterprises, such as dockyards, railways and so forth. That does not happen anymore and industry has not done anything to replace it. (Time expired)

Senator DENMAN (Tasmania) (4.09 p.m.)—The appropriation of moneys for Commonwealth purposes is of course one of the most important processes in government. It is important that the appropriation of money is scrutinised, both through debates on bills such as Appropriation (Parliamentary Departments) Bill (No. 2) 2004-2005, Appropriation Bill (No. 3) 2004-2005 and Appropriation Bill (No. 4) 2004-2005, which we are debating today, and through the estimates process. Public confidence in the way in which parliament and government operate is very much dependent on the way in which these debates are perceived.

During the last election, we saw a government which claims to be a responsible fiscal manager go on a wild spending spree estimated as costing as much as $66 billion. It is hard to imagine that every one of those programs was well thought out. Meanwhile, there remain glaring deficiencies in federal allocations for vital and worthy services. Perhaps most notable is the government’s continuing refusal to acknowledge its constitutional obligation to provide dental services for all Australians.

I make no apology for again raising this issue in the chamber. This prosperous economy can afford the cost of ensuring that every Australian enjoys good dental health. I know I keep coming back to this issue, but it is a big issue in Tasmania, particularly on the north-west coast where I live, where there is something like a four- or five-year waiting period for dental treatments and where past neglect and inadequate services have contributed to a less satisfactory prognosis for some Australians. They should not have to wait years for dentures.

As I have said previously in this place, the tired old argument we hear from Howard government ministers and senators opposite is that dental services should be provided by the states. This government simply cannot continue to avoid its responsibilities in this regard. The GST revenue argument is not the answer to every service delivery issue in Australia. The Commonwealth has obligations under the Constitution and should meet them. It is an ongoing indictment of this government that these bills, once again, make no provision to ensure all Australians can access basic dental care.

I would also briefly like to deal with another government program—that is, tackling the problem of obesity, particularly in children. Whilst I applaud the government for making provision for these initiatives, I am...
concerned about their effective implementa-
tion. I sometimes question whether imple-
mentation is tied more to the government
selling itself and its members rather than to
the program itself. In respect, for example, of
the Healthy School Communities program, I
am told by some school principals that they
have not been made aware of the possibility
for their schools to be involved.

It seems to me that direct communication
with schools—an easy process in these days
of emails and the internet—would be an
imperative in ensuring maximum take-up of
such programs. Because of my previous
background as a teacher, I do have a lot of
contact with principals and I do know that
they really have not been informed about this
program. Whilst media opportunities might
raise awareness with parents and other mem-
bers of the school community, direct contact
with the schools is, at least to me, as impor-
tant in ensuring the program is actually ef-
fective.

I turn now to a matter of more immediate
concern for Commonwealth expenditure—an
expenditure for which provision has been
and should continue to be made. A few years
ago the Tasmanian Symphony Orchestra was
accorded icon status by the Tasmanian gov-
ernment. I must again say that I have had a
long interest in the Tasmanian Symphony
Orchestra. I have attended many of their
concerts and was a subscriber at one stage.
Being accorded icon status said much about
the standing with which this fine body is re-
garded by its peers in the community. It was
a reputation thoroughly deserved. The TSO
is much more to Tasmanians than a body of
musicians. That is perhaps why the extraor-
dinary recommendations of the Strong re-
view to downgrade it in numbers have drawn
such an angry reaction.

But that is not all that the report has to
say: it recommends that the six orchestras be
divested from the ABC, wound up and re-
constituted as public companies limited by
guarantee. The ABC has proven over time to
be a more than appropriate home for our
symphony orchestras. The synergy between
the national broadcaster and its orchestras
has developed very much to the benefit of
the appreciation and delivery of orchestral
music to not only Australians but also many
admirers overseas. Removing this nexus
would also remove the access which orches-
tras have to the expertise and resources of
the ABC. It also requires the setting up and
maintenance of six new administrative sys-
tems and the incurring of the incidental costs
thereto. There is no economy of scale at all
despite the like interest between the two, just
a manic obsession with setting up individual
entities in the wild hope that financial ac-
countability can be better achieved.

There are other ways, and surely they
would be efficient and less expensive. The
review recommendations acknowledge the
large costs involved in making these
changes, suggesting that $100,000 be allo-
cated to each of the six orchestras for this
purpose. The $100,000 earmarked for Tas-
mania would not only wipe out the current
accumulated deficit of just $7,000 but cover
the same for many years to come, should it
be required, and all without affecting in any
way the composition of the orchestra or its
artistic endeavours.

The review also recommends service level
agreements between each orchestra and the
ABC to preserve the mutual benefits of cur-
rent arrangements in terms of promotion and
broadcasting of performances. This is despite
the fact that later in the report it is acknowl-
edged that a similar arrangement with Sym-
phony Australia does not work and is re-
garded by the orchestras as being too expen-
sive. Why create a system which may not
work, at a significant cost to each of the or-
orchestras, when a very effective one is already in place which does not cost them anything?

On the one hand, the report seems to implore the orchestras to rein in costs, yet it is increasing costs. The report also calls for local boards of directors who would need to be prepared to take full responsibility for the company’s financial and operational health. It is said that this would clarify lines of accountability and ensure that new constitutional documents met better practice governance requirements. The review seems to suggest that suitable directors are freely available and ready to take on these tasks. In Tasmania’s case, there are many well-qualified and competent people only too willing to make a contribution in such ways. But in a small community there is a limit as to how much they can do and how thinly they can be spread.

The review also referred to the increasing importance of tight business management to the future of orchestras. This must not become an obsession for government and commentators above all else. As the failed experiment with the de facto corporatisation of national sporting bodies has shown, we must not forget that these organisations are what they are: arts and sporting organisations. They are there for a purpose. Their primary purpose is not to exist as an organisation which delivers a break-even or surplus financial position at the end of each accounting period. The reason for which the orchestra was established is very different. Orchestras exist to ensure the maintenance, development and expansion of a musical culture in the orchestral field.

The review report notes that in 2004 the TSO was projecting that 78 per cent of its total income would come from government sources. There is a good reason for this. The Tasmanian community accepts that it ought to have a symphony orchestra. The review itself acknowledges that this should continue to be the case. The importance of young Tasmanians being able to aspire to a career at the highest level in orchestral music in their home state cannot be understated. It has been one of the great social and economic mistakes of the last 30 years that aspiring and talented Australians in many walks of life have been forced to leave their homes in rural and regional Australia in order to further their careers—that is particularly so in my home state of Tasmania, probably because we have such a small population base.

We in Tasmania do not expect to have our own of everything. We are conditioned to having to make logical and careful decisions about these things—we do not have a dental or veterinary school at our university; we do not have a team in the Australian Football League. Whilst often disappointed that we do not, we accept that there are reasons that we cannot—I am not sure that all Tasmanians accept that! But we do have a fine symphony orchestra and there is no logical reason apart from an unbridled obsession with financial viability at any cost that we should not continue to have one.

The review’s suggestion that the TSO should be downgraded to a small double wind orchestra on the basis of an accumulated deficit of just $7,000 and some projections that this may worsen is unacceptable. It seems that the TSO is the victim of the terms of reference of this review, which were very much limited to financial issues. There is much more to this than dollars—for Tasmania to lose nine highly talented musicians is bad enough, but it is only the beginning. If you look at the arguments presented in this case, which are essentially all based purely on financial and governance issues, you see that it really is just a stopgap. If the argument is followed through, then in five years time, unless the philosophy has changed, the only
option will be to drop a few more members and so on. As the report states:

The challenge for orchestras is that the costs associated with people increase at a greater rate than government grants.

The reality for Tasmania, again as acknowledged by the review, is that it hosts fewer major corporate headquarters than any other state. The opportunity to attract the business dollar is just not there. Our smaller population means that there are fewer citizens who can make substantial personal donations. We could accept the recommendations of the review, put our heads in the sand, but then go through it all again in five years time. Tasmania cannot afford to create such an environment of uncertainty for its talented musicians. The TSO provides role models and mentors for the following generations in addition to the hope of getting a job and career later on.

Sometimes, and this is very much one of those cases, there is an imperative in putting service provision and delivery ahead of dollars. The provision of cultural services to all Australians is important for a variety of reasons, the most basic of which is the very retention and development of the culture. Tasmanians have supported and enjoyed the work of the TSO. Subscriptions to concerts are at a healthy level. School visits are warmly received. Participation in all forms of music in schools in the state is at a high level. Substantial ongoing government funding, fully indexed and moderately increased when necessary, is appropriate in the case of the Tasmanian Symphony Orchestra, particularly—and importantly—at its present strength of 47. Sound and prudent management of these funds should, of course, be continued, as should every effort to maximise non-government support. But the debate should end there. There is far too much at stake to take any other course.

Senator WONG (South Australia) (4.24 p.m.)—I rise to speak on the Appropriation (Parliamentary Departments) Bill (No. 2) 2004-2005 and related legislation. I want to focus particularly on one area in respect of which the government is seeking additional moneys, and that is the Job Network. The government has sought an additional $365 million for the Job Network. That is a very large cost blow-out. If you look through the portfolio budget statements and the additional budget statements, the proportionate size of that blow-out is clear. The original budget estimate was just over $1 billion, and we are being asked, through the additional estimates process and through this legislation, to approve an additional $365 million, as set out in the portfolio additional estimates statements. This is a very large blow-out. It is a very large increase in costs in relation to a program that has had a somewhat sorry history of cost blow-outs and a requirement for increased expenditure by government.

Obviously, we on this side of the chamber do want programs that assist Australia’s unemployed to find jobs, but we want those services delivered efficiently and effectively. More importantly, we believe the architecture of the labour market programs which unemployed people are engaged in has to be got right. We are certainly not convinced that this government has got that architecture right.

The size of the increased expenditure that is being sought is augmented by the fact that there is an additional $25 million by way of what is described as an ‘equity injection’ for past additional expenditure in the Job Network. I think for the 2003-04 year. If you look at the additional estimates statements for the DEWR portfolio, it is clear that, in addition to the $365 million, there was an increased equity injection of around $25 million associated with increased outcome payments accrued as at June 2004. This shows
that over the period since the last budget we have had an additional $390 million—$365 million plus $25 million—of expenditure on the Job Network.

Australians are entitled to ask whether or not they have value for money when it comes to the Job Network. I know that my colleague Senator George Campbell has, at quite a number of estimates hearings, probed various officials about the functioning of the Job Network. It is a correct characterisation of that process to say that particularly the earlier contracts of the Job Network were a shambles. They were characterised by providers not being able to financially manage because of the way in which the architecture and payments of the system had been designed. They were characterised by ad hoc decisions by the government, which was required to bail out the network. They have been characterised by poor administration and mismanagement from the government side. Now, again, we are being asked to sign off on past legislation to enable $390 million in past and projected expenditure in relation to the Job Network.

One would have thought, given the background to this, that the public would have been entitled to a reasonable explanation as to where this money was intended to go and why such a large amount of money was required. We are talking of an increase in excess of 30 per cent in this administered item. That is a very large increase for any one item of expenditure in the Commonwealth budget. One would have thought that the minister could provide to the parliament, or to the Senate through the estimates process, some clarification as to why this money was required and some detailed breakdown as to the costings. But was that provided? No, it was not. We had the usual parenthood statements from the minister saying, ‘It is a demand-driven program and because it is so successful we need more money.’ There was no accountability in terms of providing to the Senate details of how the costing of $365 million was arrived at.

In fact, I asked this question in the additional estimates process. I asked something very simple, one would have thought, given the amount of public money we are seeking: I asked for a breakdown of the $365 million. The Hansard makes for some interesting reading on this point. I said:

I am asking for a breakdown of the $365 million. What I got was an explanation about what was in MYEFO, the additional expenditure that had been indicated there and, if you added that to what else had been announced, it added up to the $365 million. I make the point that that is simply arithmetic. I am not actually interested in that. I am interested in working out why or how they arrive at $365 million. The answers, frankly, from the department and the minister were again at a very general level—that it relates to higher levels of activity et cetera. I asked:

What proportion is on outcome fees? Can you give me that figure?

The answer I got was that they thought it was more than 50 per cent and it is increasing. So they were aware of that, but they were not prepared in that hearing to provide the Senate with an indication of what the proportion was and how much of it was outcome fees. I asked if the department had those figures. The point was made that this was additional public expenditure before the estimates committee for consideration and surely it was not unreasonable for the funding model on which the $365 million was being requested to be communicated to the Senate. The point was made that this was additional public expenditure before the estimates committee for consideration and surely it was not unreasonable for the funding model on which the $365 million was being requested to be communicated to the Senate. But, unfortunately, that was not possible. The percentage that was allocated to outcome fees was not able to be provided. Eventually, the officials and the minister indicated that the matter would be taken on notice.
They did tell me that the estimates were driven by a detailed funding model, so anyone who has any concerns about this obviously can rest easy. The funding model was the basis on which the $365 million was sought. As yet, I have not received any answers to that question on notice. I do note in fairness that the Senate has allowed until early next month, I think, for the provision of answers to questions on notice. But I do make the point that it would seem to us on the opposition side that, if you are requesting passage through the parliament of additional appropriations which amount to over 30 per cent of the budget for a particular administered item, it would not be an unreasonable thing to provide a basis for that estimate through the Senate estimates process.

Another reason why it seems to us on this side of the chamber that the public is entitled to some explanation about this additional funding is the concerns which have been raised anecdotally and in terms of the unemployment data about the performance of the Job Network. The fact is that the current structure of the Job Network provides insufficient investment and support for the long-term unemployed and particularly the very long term unemployed—that is, people who are unemployed for over five years. It is a system which does tend to reward the placement of those job seekers who are reasonably easy to place. This is evidenced not only anecdotally but also statistically and in terms of the support actually provided. There is very little support in the first three months.

If you also look at the trends in very long term unemployment, you can discern that this is a system which is failing the very long term unemployed. The fact is that Job Network in its current form fails to properly support or resource those who are facing the greatest barriers to work force participation. Those people who are very long term unemployed and who have been on unemployment benefits for over five years, one would assume, are the people who face the greatest barriers to participation. This is a system in which the support and resources provided to job seekers gradually declines as the length of their period of unemployment grows.

We are seeing the results of that in the trend data associated with the very long term unemployed. One of the sets of figures provided to us through the estimates process is a table which sets out newstart allowance recipients with income support durations in excess of five years as at June 2004. That really shows quite a sorry tale of the abandonment of this group of unemployed Australians by this government under its current policy. As at June 1999, there were around 75,789 persons which had been on newstart for more than five years. As at June 2004, that number was in excess of 125,000. That is an extraordinary increase.

What we need to know and be reminded of is that that increase has occurred at a time when the official general unemployment rate has fallen. What we are seeing in Australia, under the policies that this government is proceeding with and under the Job Network system that it has set up, is a growing group of people who are unable to get into the work force, who face very high barriers to their participation in the work force and whose numbers are growing at a time when general unemployment is falling and we have a reduction in the general unemployment figure. What these figures show is that there is a group of unemployed persons in Australia who are being consigned to the too-hard basket by this government.

Really, it is shameful that, at a time when we are experiencing a drop in the official unemployment rate, you have this sort of trend data on the very long term unemployed. Over a period of five years, to go from just over 75,000 to over 125,000 people
staying on newstart for more than five years says something very serious about the architecture of the Job Network system. It also says something about this government’s priorities. The fact is that this government fails to prioritise assisting those who need assistance most. It is interested in proving figures, but it is not interested in assisting sufficiently those who need assistance most. That is one of the many problems with Job Network.

One of the points made by the Productivity Commission in its report into the Job Network was that simply focusing on a better outcome payment incentive structure was not of itself sufficient to address the needs of marginalised job seekers, such as the very long term unemployed. In other words, even the Productivity Commission, which is not known for its highly left-wing tendencies, is saying that the architecture of the system under which these moneys are being spent, the architecture of the Job Network system, really fails to sufficiently assist the very long term unemployed.

There is a challenge for this government, if it is serious about helping those Australians who face the greatest barriers to enter into employment. Is the government actually prepared to invest the resources, the support and the retraining that are obviously required to ensure that these Australians are able to do the best they can to access employment? Is the government actually prepared to invest in this group of Australians who under the Job Network and under this government have been abandoned? To have a long-term unemployment situation where we have moved from 75,000 people to an excess of 125,000 people over a period of five years is shameful.

I will move now to the issue of the Job Network’s ability to assist persons with a disability who are recipients of the disability support pension. The government has trumpeted its disability support pilot program as an example of how successful labour market programs, such as the pilot, can be for disabled persons. At the outset, I say that Labor’s position has always been that we want to encourage and support those who are able to move from welfare to work, and that clearly includes DSP recipients—that is, people who receive the disability support pension.

But some key issues arise out of the government’s DSP pilot program. The first is that, as we found out again through the estimates process, although the original application for the running of this pilot program was around $300,000, the actual cost of it over the period leading up to the estimates was around $1.3 million. Somehow the cost assessment of this program has moved from $300,000 to $1.3 million. It has been a significantly expensive program and certainly a program that cost far in excess of what was originally anticipated. In fact, if you divide the number of people who went through the program—and I do not mean those who turned up to just the first discussion about it; I mean those who actually participated in it over a period of time, which was around 671—into the amount that the program cost, you come up with a very high amount. I think that is just under $2,000 of investment that is required to assist those particular DSP participants into work or into some other positive outcome.

The reason I say that is not to suggest that such investment should not be made; the reason I say that is to emphasise again in the context of the government’s welfare-to-work priorities that, if you are serious about assisting, encouraging and supporting certain benefit recipient groups, such as DSP recipients, into employment, the government has to step up to the plate. The government has to do something. The government has to resource, invest in and support these groups of
people to move from welfare to work. The government’s own pilot program demonstrates that. This is not a policy area in which one can just decide that cost cutting is the overriding policy objective. This is a policy area in which genuine investment is required, if we are serious about the welfare-to-work transition, and the pilot that the government has undertaken really demonstrates that.

I have one final point to make on the DSP pilot, which I recall Minister Dutton advocating as an indication of why welfare to work for DSP recipients was a good idea. If it is the government’s contention that the pilot program was highly successful, that really flies in the face of the government’s current stated approach of trying to coerce disability support pensioners into the work force, because the important thing about this program is it was voluntary. The government cannot have it both ways. It cannot say, ‘See how successful this voluntary program was,’ and use that as the basis, as the evidence, on which to argue that, therefore, a more coercive approach is appropriate. The fact is it was a voluntary program and, if it demonstrated anything at all, it demonstrated two things: it demonstrated that you can do good things if you are prepared to support people and work with them, and it demonstrated that many disability support pensioners want to work but are not given sufficient support or resources by this government to do just that.

Senator MARSHALL (Victoria) (4.43 p.m.)—I rise to speak on the Appropriation (Parliamentary Departments) Bill (No. 2) 2004-2005 and related bills to further discuss the issue of the worsening skills crisis facing this country. I am glad that Senator McGauran is in the chamber because he made a small contribution to this debate yesterday which I found not only rather odd but also, in many ways, instructive. So, Senator McGauran, I am pleased you are here for this.

This debate has been going for a couple of weeks now. An article in the Australian Financial Review last Friday stated:

... Prime Minister John Howard has admitted there are flaws in the apprenticeship and training systems and conceded improvements could be warranted ...

Apart from stating the obvious, the article went on:

... but he insisted that skills shortages were the product of a strong economy.

Further on in the same article in the Financial Review, the Prime Minister is quoted as saying:

If we are to be objective and realistic we have to understand that when you have very strong economic growth, you inevitably will run into some skills shortages.

In question time yesterday I asked Senator Abetz a question about the Westpac industrial trends survey for the March quarter, which showed a 19 per cent jump in the number of businesses finding it more difficult to hire skilled workers, and about the Australian Chamber of Commerce and Industry survey for the March quarter, which showed skills shortages was the biggest barrier to new investment by small and medium sized businesses. In response, Senator Abetz indicated—again, consistent with what the Prime Minister was saying—that skills shortages were in fact a good thing, that it is the sign of a growing economy. Those were not his exact words, but that was his clear message. Senator McGauran, in his contribution yesterday, went a little bit further than that, too. He said:

The point is that the skills shortage is a product of the employment rate. It is something to be proud of.

The proposition that the government seems to want us to accept by running this particular line is that economic growth naturally leads to skills shortages in the economy. If
we take the natural extension of that proposition, if we accept it—and I think government senators have convinced me of it—any economic growth we have been enjoying, until very recently when the wheels started to fall off the economy, was purely accidental. It is a fundamental principle that if you plan for economic growth you also have to plan and ensure that that economic growth is sustainable. Things such as infrastructure development have to be planned for in advance and must keep up with the planned economic growth. The other absolutely essential thing is skills. If we do not have the skills to underpin economic development, we are unable to sustain economic growth.

If the government had been planning for all these things, we would not be in the situation in which we are now. Everybody—including Westpac in their industrial trends survey and the Australian Chamber of Commerce and Industry in their survey—is saying that the skills shortage is now retarding our economic growth and, as a result, we see the brakes being put on the economy. It is not only the Reserve Bank that is putting the brakes on the economy. We know that industry are doing their forward planning, knowing that they will be unable to engage in some significant projects because they will not be able to find the skills to complete those projects. They are either pushing them out further, cancelling them completely or spending their investment money overseas in places where there are no skills shortages.

The next proposition that the government want us to accept is that somehow this has come as a surprise to them. I guess that supports the argument that any economic growth we had was purely accidental. Clearly, this issue has been talked about for the last eight or nine years. I have only to refer to the report of the Australian Expert Group in Industry Studies from the University of Western Australia in 2003. It was not the first report, but it is very significant. They said, in their conclusion, in July 2003:

Declining training rates have also reduced a source of full time job opportunities offering good career paths for young people. Had the training rate not declined nearly 19,000 additional job opportunities for young people aged 15-24 would be available.

The lack of planning, the lack of vision that has obviously been demonstrated by this government, has resulted directly—according to this study—in 19,000 high-skilled, high-paying job opportunities for young Australians between 15 and 24 being denied. They are being denied to those people and they are being denied to this economy. I think that is a fairly serious indictment of this government’s lack of planning to sustain the economic development which this country has been enjoying. Senator McGauran, in his contribution yesterday was talking about—

Senator McGauran—Most people liked it!

Senator MARSHALL—Most people liked it, Senator McGauran, because it was rather odd, I thought. Senator McGauran talked about the unemployment rate of 5.2 per cent, the lowest in 30 years. What he was indicating to the Senate was that there were not the people to fill those positions. One thing that government senators fail to acknowledge when they talk about the unemployment rate is what defines ‘employment’ and ‘unemployment’ under this government. You need only be employed for a single hour in any given week not to be considered unemployed. You join the numbers of employed people.

The recent ABS data, which was released just last week, shows that there are two million Australians who are either unemployed or who want more work. When we have such a narrow definition of unemployed people—

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a single hour of employment makes you employed—we cannot simply look at unemployment data as any real measure of the available skills base in the community. We have to look at the massive numbers of underemployed and, again, the ABS said that there are two million Australians who are either unemployed or want more work. So there is an enormous pool out there.

Let me come back to the study from the Australian Expert Group in Industry Studies, which I quoted from before. The study says:

It is most unlikely that the decline in training rates can be accounted for by a decline in the demand for trade skills. Some trades, such as construction and electrical and electronics had modest growth in employment over the last decade, though the training rate for apprentices declined by 9 percent and 25 percent respectively. For other trades such as Metal the decline in the training rate was three times the percentage decline in employed metal tradespersons.

So in areas where there has actually been growth in employment—and they referred to the electrical and electronics trades—there has been a decline in the source of replacement skilled labour. That is something that has been happening for a long time and was clearly identified in this report. There has really been nothing done about that in terms of the skilled training areas.

Of course, it is not just that study that identified that issue. The Australian Industry Group—even though they have been consistently saying over the last half dozen years that we will face a chronic skills shortage in the future—found on 15 September 2004, after completing a survey of the nature and depth of skill shortages in the manufacturing industry, that one in two companies have difficulty obtaining skilled labour. The other key findings were that the difficulties were...
been doing over recent years is in fact wind-
ing back those industry training boards, sim-
ply ignoring them and removing the vast
majority of resources from them.

Clearly, there were other people and other
organisations trying very hard to do things to
alleviate the skills shortage. This is some-
thing that Senator McGauran found quite
funny yesterday. I do not know why he was
so amused. The unions themselves, particu-
larly trade unions, have been doing an enor-
mous amount of work in trying to alleviate
the skills problem. They have spent lots of
money setting up industry training centres
where they can upskill members of unions
and nonmembers of unions who are from the
disciplines which they represent so they can
keep up with technology and do apprentice-
ship training. Unions have also set up group
apprenticeship schemes and gone out ac-
tively marketing apprenticeships to our
young people. They have also encouraged
employers to take on apprentices. In the elec-
trical area—an area I am very familiar with,
being an electrician—it is a four-year ap-
prenticeship. It is rare that it can be done in
under that time. It is hard work to become an
electrician. You certainly cannot get there
overnight; you need to do a lot of forward
planning for that.

Back in 2000 the Electrical Trades Union,
knowing full well the sorts of skill shortages
we were going to be looking at, negotiated
with their employer industry through a pat-
tern bargaining agreement, a certified agree-
ment, a ratio of one apprentice for every four
tradesmen. The strength of that negotiation
was that the industry itself across Victoria
then carried the burden for training appren-
tices. It was not left up to a few individual
companies that had a commitment to train-
ing. What clearly happened before that was
that some companies would employ appren-
tices only to have those apprentices move off
when they had completed their apprentice-
ship when they were offered more money by
someone who did not invest in the training. It
is acknowledged that in the first couple of
years of training an apprentice there is
probably little, if any, financial gain to the
company doing it. That is why there are sub-
sidies in place from both state and federal
governments in that respect. The federal
government’s response to that was to make
such clauses unallowable and unenforceable.
Their response was to impede both employer
and employee organisations who had jointly
agreed to these proposals from implementing
them. Again those companies that did not
want to contribute to the skills base of this
country were able to walk away from such
agreements. I find that a shame, but we are
used to this government doing that sort of
thing in their ideological opposition to any
form of collective bargaining and unions per
se. They seek to destroy even what I am sure
they would say would be good outcomes.

In the electricity industry in Victoria—not
to be confused with electricians; I refer to the
people who run transmission lines and pro-
vide power to houses—not a single appren-
tice linesperson was taken on by any com-
apprentice was taken on in all that time.

Senator McGauran—Is it because they
farmed out the maintenance work?

Senator MARSHALL—It was a conse-
quence of the privatisation of the electricity
industry in Victoria. The companies that won
those contracts, as Senator McGauran will
know, were not interested in contributing to
the skills base of our community; they were
simply there to generate as much profit as
they possibly could from the contracts that
they had entered into. They then went around
poaching linespeople from other states,
which created skill shortages in those other
states.
In Senator McGauran’s contribution yesterday—I am glad that he interjected—he said, ‘Let us make no mistake; the marketplace will adjust to the skills shortage.’ That is a very interesting proposition. The government claim that they are spending hundreds of millions of dollars on employment subsidies to encourage employment, and Senator McGauran, a very respected coalition spokesperson, is telling us that we do not need to worry about it because the marketplace will fix it. If the marketplace will fix it, why do we have a skills shortage? It is obvious that the marketplace will not fix it.

As for when the marketplace does react, Senator McGauran said also that it is a good time to be a plumber or an electrician. ‘Good luck to them,’ he said. Good luck to them, but we have substantial wage increases being offered to linespeople in Queensland—27 per cent over three years—because employers now need to compete with other people who have not been training linespeople. They need to buy in the skills in the marketplace, which Senator McGauran wants to support. That can drive up wages but Senator McGauran says, ‘Good luck to them.’ Why is it that the Treasurer, Mr Peter Costello, has cranked up pressure on the Beattie government by warning that its 27 per cent pay increase for that state’s power workers will trigger a public sector wages expansion? Does Senator McGauran disagree with the Treasurer’s concern about that? I am not sure whether he does but, if the marketplace is working, why is the Treasurer trying to intervene in that respect?

If we are going to leave these fundamental issues about ensuring that the skills base of this country is high enough to sustain economic development, the government needs to intervene, and it needs to intervene actively. This government has failed to recognise the signs ever since it has been in office. It has spent a lot of money in non-skilled areas. We have Hungry Jack’s getting millions of dollars. I am sure we have very well trained hamburger flippers, but I am not sure that that is going to contribute in a real way to the smart nation—the high-skilled, high-wage nation—that we want to create for our children.

Senator WATSON (Tasmania) (5.03 p.m.)—Some senators achieve greatness in this place but few leave a contribution which continues for perhaps a generation after they have left. Still fewer go on to lead a very active life and achieve greatness in another sphere after they have left this place. Tonight I wish to talk about an outstanding but unassuming former Liberal senator, the Hon. Peter Rae. Peter has had an outstanding, interesting and varied career, beginning as a lawyer and then as a politician. But he has also been involved in a wide range of other activities. He has a significant list of achievements to his credit, any one of which would have marked a career highlight for an ordinary person or an ordinary senator.

In recent years he has been best known in Tasmania as Chairman of the Hydro-Electric Corporation, a position that he held from 1993 until last year. Hydro Tasmania established world leadership and recognition during Mr Rae’s chairmanship.

The ACTING DEPUTY PRESIDENT (Senator Ferguson)—Order! Senator Watson, we are debating the appropriations legislation. I do hope that you are going to relate your comments in some way to the appropriations.

Senator WATSON—Yes, I certainly will.

Peter Rae has been at the forefront of developing and adopting sustainable guidelines for both the world hydropower industry and the World Wind Energy Association. He was born in Tasmania in 1932 and educated at Launceston Grammar School and later at the University of Tasmania, where he completed
an arts-law degree. He also has a working knowledge of commerce, having studied commerce and economics subjects.

Peter Rae was elected to this place in 1967 when only 35; he was then by far the youngest senator. He had earned himself a reputation as the type of person who, when taking up a task, would not let up until he was completely satisfied that the task had been completed. In other words, he was a perfectionist. He served on the Senate Select Committee on Water Pollution from 1968 to 1970, and during that time his deep concern for the environment became consolidated. Such was his incisive intellect and capability that it was not long before he was given a most challenging job as Chairman of the Senate Select Committee on Securities and Exchange from 1971 to 1975, which inquired into Australia's stock exchanges.

It was an exceptional undertaking to have mastered the intricacies of the stock exchange and to have produced a report with clearly defined recommendations. The report ultimately led to the establishment of the National Companies and Securities Commission, which was the forerunner of ASIC, the Australian Securities and Investments Commission. This alone stands out as a pretty impressive achievement.

Linking this with the appropriations, I remind the Senate that Peter conducted investigations into the corporate governance failures and the lack of accountability of government business enterprises which resulted in legislation requiring operational reporting on a commercial basis with bottom line accountability. But perhaps it was in his crusade against quasi-government and non-government organisations—or quangos, as they were called—that he reached the zenith of his political career. It was in debates such as these that we are having tonight that he achieved his eminence, his status and his debating skills.

His hunt really went back to 1977, with the Senate Standing Committee on Finance and Government Operations. The committee was shocked to see the enormous amount of money going into these top-heavy bureaucratic bodies and the number of them that were growing at a rapid rate. The committee uncovered all sorts of rorts in quangos that had been hidden away from public view. The end result of the inquiry was that these bodies were made accountable to the parliament for the first time. This is what this debate on appropriations is all about: accountability to the parliament, of which Peter Rae was a pre-eminent member.

But while serving as a senator he was also the shadow minister and spokesperson for industry and commerce and also for finance, education and science over a period of more than six years. He retired as a senator in 1986. He then entered state politics and was state Minister for Education and the Arts, for industrial relations and also for technology for 3½ years. He was leader of the Education Commission to the United States Mission in 1988 as well as Chairman of the Australian Education Council from 1988 to 1989. The following year he received the Liberal Party meritorious service award and was then made an Officer of the Order of Australia in the Australia Day honours list of 1999 for services to business, commerce, Australia and the parliament.

But most recently, I suppose, he has been noted for his role as Chairman of the Hydro-Electric Corporation, and he was succeeded in that role by Dr Crean, a partner of a senator in this place who has also achieved greatness in Tasmania. In the seventies, Peter played a great role in bringing together the Australian small business organisation to form the Council of Small Business Organi-
sations of Australia, COSBOA, for which he drafted their constitution. Interestingly enough, the CEO of the current COSBOA is also a Tasmanian.

Peter also has a distinguished record as a lawyer. In the 1960s he was instrumental in bringing together the Southern Tasmanian Bar Association and the Northern Tasmanian Bar Association to form the Tasmanian Bar Association. He also served as a member of the committee which brought together and established the Law Society of Tasmania and later served as its president. But perhaps the highlight of his career was as Chairman of Hydro Tasmania. Perhaps he is best known as a leading Australian spokesman on renewable energy, participating in the development of the international measures to curtail greenhouse gas emissions and climate change. Such is his expertise that he is still a regular keynote speaker at renewable energy and climate change conferences around the world.

He has been very active in this field, participating in international conferences, and he has held positions on an impressive list of high profile organisations. He has been Chairman of the Renewable and Sustainable Energy Round Table since 2001 and Director of the International Hydropower Association since 2002. He has also been a member of the 15-member International Steering Committee for the Renewable Energy Global Policy Network since 2004—all this for a very unassuming person and a great Tasmanian. He was also Director of the Australia Council for Europe since 1989. He has been a delegate to a number of conferences overseas—at The Hague, New Delhi, Milan and Buenos Aires—and a delegate to the World Water Forum in Kyoto in March 2003.

As I mentioned, he has been a keynote speaker, particularly at the World Bank Energy Week in Washington in 2004 and as a panel representative for renewable energy. He was also invited to participate in a World Bank conference in London on funding renewable energy projects in the same year. He was the opening keynote speaker at the UN Symposium on Hydropower and Sustainable Development in Beijing in October 2004.

Amid this hectic schedule he also found time to be involved in a number of business and community organisations outside the energy sector. For example, he has been director of the popular Tasmanian arts festival ‘Ten Days on the Island’ since 1999. But, despite his retirement as chairman of Hydro Tasmania because of age, his mind is still very active and he continues a normal day—a long day—as a partner of the Launceston firm Rae and Partners. But in his active life he seems to have had little time to relax, apart from yachting and fly-fishing, which are two of his interests.

Perhaps being out on the open sea cleared his mind to the sorts of rorts and problems, particularly looking at those quangos which for years had been hidden from public view. Being at sea possibly afforded him the perfect opportunity to clear his mind and escape his worries and responsibilities for a few hours. In earlier years he was known to participate in some of the Bluewater classics—for example, the Sydney to Hobart and the Melbourne to Devonport—and he also navigated his own yacht around Tasmania’s wild west coast.

So, as he enters the evening of a long, dedicated and outstanding career, still serving the public that he is very devoted to, I take this opportunity in the Senate to extend my thanks as a friend for a job uniquely well done. Peter Rae not only was a great senator but is a great Tasmanian and a great Australian. I thank him for his great contribution. Much of that contribution was helped by the
support of his wife, Tessa, through a very long and happy marriage. I thank the Senate.

Senator MACKAY (Tasmania) (5.15 p.m.)—I would like to congratulate Senator Watson on that excellent speech and add my sentiments to it. I would like to use this opportunity in the debate on the appropriation bills to speak about a group of people who I believe are grossly underpaid and undervalued. I stand before you today frankly outraged and astounded at the wage that child-care workers earn in this era. These are the front-line people to whom we entrust our children. These are professional people who deliver important outcomes in the early years. These are people who work in conjunction with parents to educate, nurture and guide Australia's children and Australia's future.

A number of things that are in this speech I did not know until quite recently. I figured that if I did not know about them then other senators might not know about them and the Australian public might not know about them, and I believe that they should know precisely what is going on with the wages of child-care workers. I do not think we value child-care workers, because we are paying them peanuts. I would like to ask if anyone in the Senate today thinks that such an important and vital profession is worth an average of $14 an hour.

Senator Patterson—Are you sending this to the states?

Senator MACKAY—Fourteen dollars an hour, Senator Patterson. Can you imagine living on $550 a week? Child-care workers are paid $14 an hour. Senator Patterson seems to be a bit sensitive. Perhaps I could read on. She might get a bit less sensitive as the time goes on. Frankly, it is not a liveable wage and child-care workers know that, and that is why they are leaving the industry in droves. They have recently been awarded a pay rise in the Australian Capital Territory and in Victoria but not in a state jurisdiction anywhere else. The flow-on will be and is being resisted by the federal government, Senator Patterson.

Here is one area of skill shortage that we are not talking enough about because for every child-care professional that disappears from the market there are potentially three to four parents who cannot get care and therefore will not be working either. When child-care centres cannot get enough skilled workers they have two options: deeming unqualified people qualified or downsizing their service, neither of which I believe anybody in this day and age would regard as acceptable.

Sadly, the situation is in danger of getting worse, not better. This is where the federal government does come into the frame. This government is gleefully intent on adopting an American style industrial relations system. Child-care workers can potentially look forward to a further decrease in their wages. Fantastic! Fourteen dollars an hour is going to look brilliant next to the $11 an hour wage that will be the case if a national minimum wage is imposed. That is precisely what this government is on about when it talks about reforming industrial relations. You can forget about the pay rises that were given to child-care workers in Victoria and the Australian Capital Territory, because Senator Patterson's federal government wants to centralise industrial relations in Canberra. These people are already doing it tough but this government, through what I regard as regressive IR proposals, wants to make it even tougher for this type of worker. I acknowledge Senator Marshall's earlier speech.

I have spoken to child-care workers. I know they are not happy and are feeling extremely undervalued. We are talking about people who often have trained for three to
four years. I do not know how many people realise the amount of training one has to go through in order to become a qualified child-care worker. They train for three to four years studying child development, only to end up earning a pittance. That is what I believe $14 an hour is: a pittance. In fact, I remember that when in my younger days I was a kitchen hand and a waitress I was earning around that amount of money then. And you did not have to have any formal training to be a kitchen hand or a waitress, unlike qualified child-care workers, who need three to four years training and who are getting—let me repeat this—$14 an hour on average.

One of my staff, Leah Nischler, is in fact an ex child-care worker and a teacher in the area of child development. When we were putting this speech together, she told me about the years that she had spent giving her best to other people’s children—and she loved her job—for $14 an hour. That wage only served to push up her household debt. She told me that living on a wage that never got above the poverty line meant in her personal circumstance that some days she did not have enough petrol to get to work, sometimes she and her children ate rice three days in a row and some days she genuinely thought about keeping her kids home from school because of the lack of a bus fare. She said that she was forced into driving an unsafe car and not paying house insurance, and she panicked when her child developed a nasty cough or got ill in any way—and we know what has happened to health under this government—because it might have meant a trip to the doctor, and that meant finding the cost of a prescription or finding the cost of the gap. There is very little dignity left at the end of the day when you are surviving on a child carer’s wage. That is what she told me.

She also told me that as a teacher—she is currently part time at the moment—she finds it difficult not to encourage students to look elsewhere, which in many cases they already are. I was shocked when she told me that out of a class of 30 students only five chose to go into the child-care industry. Many had seen the wages and decided to go elsewhere. We are complaining about a skills shortage. Child care is an area where there is a skills shortage. They are undertaking these three-to four-year courses and they are being offered an average of $14 an hour. Why would they do that? They are going elsewhere. As I said, you can work in hospitality in a job that requires minimal training—or in my case, as a waitress and a kitchen hand on and off over my younger years, with absolutely no training: I am quite happy to admit that—and washing dishes like I was—

Senator Patterson—A long time ago.

Senator MACKAY—a very long time ago, unfortunately—and get $15 an hour. So why would you spend three or four years training to be a child-care worker and get an average of $14 an hour? But guess what? It is an occupation dominated by women. So guess what? It gets paid peanuts. What a surprise.

One of Leah’s colleagues, Denise Direen, who still works in child care, says it is impossible to survive on a childcare wage. I quote what she said to me:

My husband earns a good wage so we’re okay but if I was too survive on a childcare wage ... well I wouldn’t, I’d be looking for work elsewhere, and its not just the pay, the conditions are appalling, the hours are long, the work is both mentally and intellectually intensive and you don’t get paid for overtime. But you’re patted on the head told to be a good girl and not complain. Speaking up for yourself is seen as somehow unseemly.

I think that this is something that applies more generally to women but particularly, she was saying, to women in this industry. The bottom line is that if we pay these valuable professionals, because that is what they are, who are looking after our future—
because that is what our children are—appropriately then our children will benefit by receiving the best care possible and they will then get a great start in life in terms of education, and everybody benefits from that. I wonder how many parents listening tonight are aware that this is an industry which at the moment survives on the exploitation of its workers through the payment of what I regard as appalling wages. It should not be like this.

I know the government will remain clinging to its rhetorical life raft in respect of this matter and rant on about the fact that it funds parents not workers but, believe me, that life raft is sinking fast and the government’s argument is becoming more and more feeble and mean. I mean ‘mean’ because here is a government that places very little value, despite all the rhetoric, on families and children. It does everything within its power to avoid investing in the early years of children’s lives—and that is before we even get to the catastrophe that we now face in terms of university funding, public school funding and so on. It seems to me that the only people who care about carers are in the union that these carers belong to. Having worked as a union official myself, I know that it would have been very difficult for these carers to make the decision to join a union, because I know the sort of worker I am talking about—and I am sure Senator Moore knows exactly what I mean.

For the past five years, the LHMU has been running a child-care campaign that strives to acquire what they call the three Rs: recognition, respect and the one that I am talking about tonight, inter alia—remuneration. By and large, child-care workers are not political, and it has been hard for them to publicly stand up and say, ‘We believe we deserve better and more.’ It is just not the way they think or operate. They are looking after children, and they care about the kids that they look after. In many cases, their primary concern is getting on with the business of looking after the kids but, if they cannot afford child care for themselves and cannot afford to provide their own families with a decent lifestyle, then they are compelled to speak up or leave the child-care industry for good, which is what they are doing. An exodus from child care means that we are getting less experience, fewer skills and very little consistency within the industry, and that impacts directly on the service that our children receive. The LHMU and child-care union members who have taken up the fight have had victories. For instance, I alluded earlier to the recent wage decisions in the ACT and Victoria. These were not easy victories. It was a very long, hard slog for the LHMU and the members who participated in that campaign, and I would like to congratulate them for it. I would like to applaud them for being true advocates for Australia’s children, families and themselves, of course.

However, it is not enough that the industry needs change and that child-care workers need wages they can live on. The reality is that $14 is a joke already. A US style minimum wage of $11 an hour will be the nail in the child-care coffin, not to mention in that of many, many other industries. I think Senator Marshall talked about a future proudly led by hamburger flippers. What the LHMU and child-care workers want now is a genuine commitment from government and all parties—not just the coalition but also the Labor Party et cetera—to fund child-care wages properly. We cannot say it cannot be done, and we cannot run the ‘parents versus child-care worker’ line. Child-care workers should not be going cap in hand to the government saying, ‘Please, Sir, can I have some more?’ The government should be saying: ‘We value our children. Our children are the future of this country. We value our children, and we value the people who look after our
children. That is what should be happening. So I call on the government to make child care and child-care workers a priority and give these people a wage they can live on.

It is not an accident—and I will conclude on this note for Senator Moore’s benefit—that the wages are so low even though the training takes somewhere between three and four years. These not the sort of workers who take industrial action. These are not the sort of workers who actually go out on strike—that would be the normal thing. The people on the other side would say that they are probably all militant unionists who go on strike at the drop of a hat and leave the kids running around with no care et cetera. That is the stereotypical view of workers from some on the other side of this chamber. These workers will not do that. They care too much about their jobs. To some extent we are exploiting that goodwill. We are exploiting the fact that they will not take industrial action, that they will not put bans on and that they will not go out on strike. It is like we are saying: ‘That’s fine. Hey, they’re not causing us any problem. Let’s keep paying them $14 an hour on average. Let’s keep paying people who are trained for between three and four years for their occupation, who look after children—the future of this nation—$14 an hour.’ However, the government do not think that. The government think: ‘Hey, let’s pay them $11 an hour. Let’s bring in the US minimum wage. Let’s leave it to the marketplace, where the weak get weaker and the strong get stronger, which is what happens in the United States in relation to industrial relations and unions, and let’s not pay these workers $14. Let’s see how they go on $11.’

Senator MOORE (Queensland) (5.30 p.m.)—I take this opportunity to raise again in this place my concern about a change in focus for Australian government education funding that has led to the demise of a very valuable education program called Discoving Democracy and its replacement by another program: Values, Civics and Citizenship Education. However, this evening I am talking about my concern that effective government funding could have provided Australian students with the opportunity to access both these programs.

I mourn the loss of the Discovering Democracy program in our schools. It has been spoken about on a number of occasions since I have been in this place by senators from all parties. They recognise that this program—which was introduced in the late nineties by this government, for which we congratulate it, by the then minister for education, Dr Kemp—was about the importance of training our citizens to be citizens, to understand our system, to learn about our history and democratic practice and to know how to be actively involved in citizenship. Over the last few years, the Discovering Democracy program cost the federal government about $32 million. That was augmented in all states to develop a process within schools which allowed teachers to make the choice to engage with their students in learning about our history and the histories of political parties—all political parties—and in understanding what it means to be a citizen, including their right to vote and, in particular, that the right to vote is a privilege, a responsibility and one that should be informed.

As a Queenslander, I am particularly proud that this year we are celebrating the centenary of the right to vote for women at the state level. This will give our whole community a chance to look again at these values and to think clearly about what it means to vote: what you need to know before you do so, how the system works and what protections there are in the system. We are so fortunate in this country to have access to democracy; that is a privilege not shared by many people across the world. I think one of the real values of the Discover-
ing Democracy program was that kids were given the chance to understand this system, to understand their role in it and to see just how it works in Australia.

The range of projects that teachers and students were involved in over the last few years is absolutely amazing. I have spoken before in this chamber about the opportunity to share with young people from the age of six years on. It is particularly interesting to work with kids of that age concerning what they need to know about our democratic system, what they think they know about political people and what they think they know about politics and to watch them become excited by what it means to put their vote in the ballot box. In the projects that were funded across the country, we were able to conduct elections and use school programs when they were electing their sports captains or the people they wanted to represent them with their teachers—to go through the whole process of an election. This was done through a range of materials again funded through Discovering Democracy and available on a very good web site, which I hope you have all looked at. They participated in an election.

Those who thought they would like to take on the role of representing their fellow students were encouraged to talk about what values they held and what skills they had. They got the chance to campaign with their fellow students and also learn about exactly what a fair campaign would be as opposed to one that could be seen as ‘buying votes’—something, of course, that no-one in this chamber would ever understand or know about. Students worked their way through the fact that, if they wanted their fellow students to vote for them, it was perhaps not fair to put chocolates in the ballot box—which one of the schools I was working with thought would be a good idea. They thought that, if they give each person who voted for them a huge handful of chocolates, it would help the election result. Hopefully we have moved beyond that when we are campaigning. It was fascinating to talk with the children about why that was wrong and why it was not real democracy and to see their understanding of the fact that you should be elected on your qualities—on what you can bring to the job—rather than just getting a payback for doing the right thing. I think that is a particularly rewarding element of the process.

The Discovering Democracy program was able also to instil in students a knowledge of how they could be part of their community; it taught them why learning about their community would make them better citizens. One particular project in central Queensland that really impressed me was where one of the schools, as part of this project co-funded by the state and federal governments, went to the local cemetery. As part of their civic duty, they got to know the people and the families who were buried in the cemetery. It was a small country town that had gone through a number of changes through industries coming in and industries dying—literally, in fact, when you are visiting the cemetery. Nonetheless, by reading the tombstones, the kids could find out about the histories of the people who went before them in the community; they could find out that a family may well have been in that one part of Queensland for over 80 years and then link that to the fact that the history of a family living down the road went all the way back to the 1870s. At the end of that project, there was such a sense of civic pride amongst those children. They were able to identify with their town and see where it fitted in the wider history of Queensland. In their case it was a sugar town, so that led on to discussions about how the sugar industry worked. All of this excitement and knowledge came through a program that allowed teachers and students...
to work together to learn about who we are and how we can operate together in our democratic system.

We share the respect for that kind of process. In fact, the reason that the Discovering Democracy program was created was the real worry that the scholarship of citizenship had been lost in our school curricula. When we talked with students—and it did not matter whether we were talking with kids in primary school or young people in the final years of high school at 16 and 17, who could well be voting themselves for the first time in the next 12 months or so—we found that they did not understand how the system worked. They did not understand that in my state we have a single house of parliament—the parliamentary assembly in Brisbane. Many of the kids and, I am ashamed to say, many of the teachers we spoke to were not particularly clear about what was a state democratic structure and what was a federal structure. When we got down to the raw academic points about exactly how bills went through parliament and how the House of Representatives and the Senate worked, people were genuinely confused. That was nothing compared to the confusion that went on when people were trying to work out how different programs and policies were funded—and that continues to be of great concern and confusion amongst many people, not just those in schools, Senator McGauran.

Senator Forshaw—Did you tell them about the informal vote in the Senate?

Senator MOORE—I am pleased that you brought up the issue of informal voting—which, for me, is one of the great tragedies when I am working on election booths. Certainly there will always be some members of the population, despite any training or education they may have had in schools, who are not interested in the system and who either return their ballot papers unmarked or marked with very interesting comments and advice for the people who could be looking at the ballot sheets. But the thing that really upsets me—and I am sure it does you as well, Senator Forshaw—is when you look at ballot papers, legally as a scrutineer, and you see that people have genuinely wanted to make their vote count. They have put a vote on the ballot paper, they have actually indicated that they have wanted to do something, but they have been confused about the system and unsure whether it was optional, preferential or compulsory preferential.

Senator McGauran—that is in Queensland.

Senator MOORE—Growing up as a child in Queensland, Senator McGauran, one knows that it is really important to understand those differences. That is one of the things that the Discovering Democracy program was able to do in the schools. The teachers could work through with the students exactly how the voting process operated.

The Discovering Democracy program is valuable—and it has been lost. It has been replaced by the Values, Civics and Citizenship Education program. The Australian government is providing funding of $29.7 million to support values education in Australian schools through this program. That is worth while. It is looking to have values education forums in schools and to have champion schools to showcase best practice approaches in line with the national framework. This is the element of school education that is going to be looking at drug education, which is something I have not been particularly able to accept—that, under values education, we should be doing drugs education forums in schools. I would have thought that drugs education forums should be part of another budget.
I also believe that engaging students and classes should not be an either/or approach. Getting effective values based education in schools—which is a noble intent—should not be at the expense of another scheme that was working, a scheme that had built up acceptance and integrity and had, in fact, built up a degree of excitement amongst the schools that were using it. One of the most encouraging aspects of working with Queensland schools was seeing that the successful involvement of classes was leading to an expectation that future classes would have the same opportunity. For instance, in that school I was speaking about that was doing the community project at the local cemetery, the younger classes in that school became involved in the project and helped out. They said to their teachers, ‘What are we going to do? What’s going to be our project? How can we be involved in learning more about our community?’

Unfortunately, due to the change of focus in the education funding that we have had, those kids will not have that particular chance. They may get something else. We know that, in education programming, there are always program and policy changes coming through, but what I am concerned about is that they will lose that particular link and that particular passion. Somehow I think that we all be lessened by that. We could already see that the Discovering Democracy program was actually working. It was not being tacked onto existing programs. It was not something that kids were reluctant to become involved in. It was not a kind of punishment—‘Okay, I’ll come along and do that as well.’ It was something that was actually working.

The knowledge that was being shared with students about how our democratic system operates was going to make more educated citizens and inevitably, I think, lead to a more active engagement in places like this chamber. The programs that are also operating—and we continue to support them—to encourage schools to visit houses of parliament, both in local capital cities and here, will continue. But I truly believe that the value and the effectiveness of those programs are enhanced by the knowledge gained beforehand. That is why I think the Discovering Democracy program was so effective and so beneficial to all of us.

So my request to the government is not to cut the program. In the refocus, sure, give money to the new system and we will look with interest at how that is going to work and how the values based curricula will develop and enhance the involvement of the kids at that level. But what we are saying is that, in the budget process, please do not lose something that was so valuable, that evoked the kind of excitement that was expressed by teachers, who said that this made their teaching worth while, and which was making people want to establish projects.

As an example of the things that have been happening, next week in the Lockyer Valley—and I have spoken about the Lockyer Valley a bit because it is close to where I come from in Queensland—the schools and some of the students have developed a dinner program to celebrate the centenary of women in Queensland getting the vote. That was not imposed upon them by schools. It was not dictated to them by some teachers. The kids themselves said, ‘We want to do this.’ The kids who are saying that are the ones who have gone through the Discovering Democracy program. They know about the value of the vote and they know about people like Emma Miller. They know that people thought that the vote was something that they should struggle for and not just dismiss.

Before I sit down, I feel I have to add my voice to the chorus of voices in this place
that have been talking about the importance of local symphony orchestras. I am sure that the Minister for the Arts and Sport, Minister Kemp, has received correspondence from every single person in this chamber by this stage, and I am pleased to see he is here. We have heard particularly good speeches in this place about the value of symphony orchestras. I know the minister has been receiving letters and visitations, and I know state ministers have been in contact with him—I know the Minister for Education and the Arts in my state, Anna Bligh, has been in contact with him.

It reflects very strongly that an issue like the funding of symphony orchestras has caused so much discussion in this place amongst senators from all parties and all states—maybe not so much from New South Wales and Victoria, because their funding at this stage is quite secure. I feel very confident, Minister—and it has been stated many times in this place over the last two days—that you will protect the funding of the symphony orchestras in South Australia, Tasmania and, I have to say most parochially, Queensland. You have seen and heard what value these orchestras are to the community. That gives the lie to the idea that the only people who are interested in symphony orchestras and music are people who are different or somehow marginalised. This is a project and a program that affects most people.

I hope to link this to the education process. In Queensland—which, as the minister will know, is a very large state with lots of regional centres—the orchestra travelling across the country sometimes provides the first and most exciting chance that kids have to see a symphony orchestra at work. Indeed, a great part of the Queensland Orchestra’s budget goes to their travel program, because it is extremely expensive to move a symphony orchestra around the state, despite the wonderful public transport that we have in Queensland. I know that Senator Kirk spoke very proudly this morning of the current program of the South Australian orchestra. The proposed program for the Queensland Orchestra involves going across the state, starting at the Gold Coast. It goes up to Rockhampton, Biloela, Roma, St George and Dirranbandi and many other regions. In some of these places it would be such an excitement to have the orchestra come to town and play.

One of my favourite memories of being a kid growing up in Toowoomba, a very large and powerful regional centre in Queensland, is of first hearing the orchestra playing at what was then the town hall, seeing the instruments that one might not see all the time and actually thinking about the skills that are needed to be in that form of employment. One of the real values of the orchestra’s touring program is that it provides an opportunity to gain a love of the music and see how to become a musician and make a living in this field.

I am very proud of my home town, Toowoomba, because we have a stunning university there which has a very strong performing arts program. Somehow, the government funded opportunities for people to access things like orchestras, dance and music, including opera, have stimulated interest and the wonderful sense of ownership that we have in that field. I cannot miss the chance, Minister, to point out that Queensland has the lowest percentage of funding of any of the symphony orchestras in Australia. We are in the low 70 per cent area of federal funding, which is significantly lower than other states. I am sure that in this review the minister is doing he will be able to look at that most clearly and perhaps boost that funding, because we obviously need it—as indeed do all symphony orchestras.
I am so pleased that the issue of symphony orchestras has galvanised interest and sometimes anger in this place, because too often the issues of culture are pushed aside and the overwhelming community value of those fields is lost in the otherwise very necessary public debates on other issues. In this appropriation debate I am particularly keen that the federal government acknowledge the role of effective education and acknowledge the absolute role for citizenship education in our schools and does not too quickly dismiss a program like Discovering Democracy or an operating cultural program like the Queensland Orchestra on the basis that perhaps they have had their turn or it is time to do something new. These programs cannot be pushed aside, because you can never stop education and awareness. I believe that as a community we benefit strongly from engaging children and making sure that they feel part of our community—effectively, we are stronger and better for it.

Senator FORSHAW (New South Wales) (5.49 p.m.)—I congratulate my colleague Senator Moore on an excellent contribution to this debate on the appropriation bills. In the few minutes that are left to me in this debate this evening I want to turn to a couple of issues of great importance. They highlight the hypocrisy of this coalition government. It is a coalition government that seems obsessed with going on the attack—getting itself prepared for when it comes back to this place after July to do whatever it likes.

The history of the Liberal-National Party coalition over the last 20 or more years, both in opposition and in government, has been to oppose increases to the national wage. It has done this time and time again. Indeed, it is very hard to recall a time in all the years that I appeared before the then Conciliation and Arbitration Commission—subsequently the Industrial Relations Commission—when the coalition, whether it was in power or in opposition, ever supported a national wage increase. It point-blank took the view that there should be no increase in the minimum wage. It opposed, as I have said on many occasions, the extension of superannuation to rural workers—some of the lowest paid workers in this country. I recall that the advocate for the NFF at the time was the Treasurer, Mr Costello.

Currently, there is an application before the Industrial Relations Commission for an increase in the minimum wage. The government is supported by employers. It is interesting that organisations representing employers in the commission come to the same
view that the federal government comes to, which is that there should be an increase of $11 on the minimum wage. It is a common figure that is found right across the submissions of those groups. I suppose I have to acknowledge that they are actually supporting an increase of $11.

That $11 represents an increase of 2.3 to 2.4 per cent on the minimum wage. Yet this is a government that has just allowed the private health insurance funds in this country to increase their premiums by an average of eight per cent and, in some cases, by up to 15 per cent. The funds have done that for a number of years now. There have been massive increases in health insurance premiums. This government has just sat back and said, ‘Yes, go for your life; you can increase those premiums,’ placing a very large burden on working families in this country who are required to take out private health insurance.

It is a requirement of this government that you have private health insurance. If you do not, it will put a levy on your tax to reflect the fact that you do not pay for private health insurance. So you get caught; it therefore becomes mandatory. So much for choice. This is a government that gives the private health insurance industry a $3 billion subsidy—which is growing each year—and allows funds to increase their premiums by eight, 10 or 15 per cent a year. It has no regard at all for how that might impact on working-class families in this country that are living on the minimum wage. It then turns around and says: ‘Sorry, but you can only have $11 extra a week. You can only have 2.3 per cent. The health funds can have eight per cent increase and a 40 per cent subsidy for older Australians.’ That is the hypocrisy of this government.

What have we seen more recently? We have seen a government that is putting out there into the community debate the idea that it will scrap the role of the commission in determining minimum wage rates and will set up a panel of experts to determine the minimum wage. No doubt such a panel will be made up of business leaders, mates of the government, all on huge executive salary packages, determining what the minimum wage rate should be for ordinary working people in this country. The government claims that this will create jobs, just as it says that if you get rid of the unfair dismissal laws of this country you will create jobs. The logic of this argument amazes me. I have never been able to get an explanation from the government as to how you can argue that by making it easier to sack people you will actually put more people into work. I know it is Saint Patrick’s Day today, but not even the great patron saint of Ireland could work that miracle. This government believes that by making it easier to sack people you can create more jobs.

The final area that I want to turn to—and this is one where I will be able to make a much more detailed contribution when the bill comes before the Senate—is this government’s attack on student unions and student organisations. It seems that if you are called a union then the Liberal-National Party say: ‘Right, we’ve got to go after you. You’re a union; you’re out.’ I have to warn Senator Webber that the Farmers Union of Western Australia had better get worried, because they are also probably in the government’s sights. When Dr Nelson introduced this legislation into the parliament yesterday, he said:

What this bill will do is put non-academic services onto a basis that allows them to operate without forcing students who do not use them to subsidise them.

The argument is that if you go to university and if you are not going to use some of those services then you should not have to pay the fee. It sounds okay in theory. However, it
neglects the concept of the common good. It neglects the fact that universities are there to provide educational services to hundreds of thousands of students. As part of that educational service, there are many other types of services, whether they be food services, medical services, sporting facilities or bookshops. A whole range of services are provided to students at discounted or subsidised rates and are paid for out of the fees collected by student unions. I think it is interesting to note that Brendan Nelson himself, the minister who introduced this legislation, graduated at a time when there were no university fees, due to the reforms of the Whitlam government. He took advantage of that opportunity to get his degree, but he now turns around and says: ‘We can’t have student unions anymore. You can’t have compulsory student union fees.’

As I said before, this is a government that says, ‘We’re going to make you take out private health insurance and pay a levy,’ so you end up paying for it whether you want it or not. This is a government that put up the Medicare levy to fund the gun buy-back. I did not object to it. I did not own a gun, but I did not object to the government putting up the Medicare levy to find the extra money to fund the gun buy-back. They made it a compulsory levy. Why? Because it was in the interests of the community at large. They do this time and time again.

We note that solicitors have to pay into solicitors fidelity funds for the good of the profession. Barristers have to join bar associations if they want to practise. Schools are entitled to apply levies—this government allows them to put levies on students’ families for services provided by those schools even if the students do not necessarily use them. This government does not do a thing about that. But what is it doing to universities? It is attacking student unions simply because it does not like them. It believes that, by doing that, it can reduce their opportunity to engage in political debate in this country. Something I would have thought characterised the great Australian universities is the freedom to debate those issues in a democracy.

**Senator ABETZ** (Tasmania—Special Minister of State) (6.00 p.m.)—The Senate has been debating the Appropriation (Parliamentary Departments) Bill (No. 2) 2004-2005, the Appropriation Bill (No. 3) 2004-2005 and the Appropriation Bill (No. 4) 2004-2005. As is the wont with the appropriation bills, there is a very wide-ranging debate where senators can raise whatever issues they want. Can I congratulate Senator Moore—it is not often that I send bouquets across to the other side of the chamber—for her very thoughtful speech about the democracy education program in our schools. I compliment her on her contribution. It is a pity I cannot send a bouquet over to Senator Forshaw. I will engage with him later in this debate.

Let us go through the financial aspects of this legislation first. The bills request a total of approximately $2.09 billion—approximately $1.67 billion in expenses and approximately $0.421 billion in non-operating expenses. In conjunction with the Mid-Year Economic and Fiscal Outlook, the 2004-05 additional estimates update the 2004-05 budget. Election commitments from October 2004 are a key category of these post-budget updates. For example, the bills request $60.1 million to establish the National Water Commission and provide program funding under the Australian water fund. Since the budget there have been other changes to our initial estimates, such as on the demand for government services. For example, the bill requests $365.1 million in additional funding for the Department of Employment and Workplace Relations for Job Network.
As I noted earlier, much of the debate has focused on the government’s economic record. The government stands by its performance. Since 1996, the Australian economy has seen a long period of sustained, strong growth. In 2004-05 it is forecast to grow by three per cent. During this sustained period of growth, the unemployment rate has been reduced while inflation and interest rates have been kept low. The official interest rate has fallen from 7.5 per cent in March 1996 to 5.5 per cent at the present time. At a current rate of 5.1 per cent, unemployment is the lowest since monthly labour market statistics were introduced in February 1978.

The government has reduced net debt by $73 billion. That is a sizeable achievement. We have reduced net debt by $73 billion so that only $23.4 billion in 2003-04 remains outstanding. Over the forward estimates, net debt is expected to continue to fall. By 2006-07 we expect to eliminate the Australian government’s net debt position and turn it into a net asset position. For future generations of Australians we as a government can feel very proud that, unlike Labor’s legacy of over $93 billion worth of debt left to the next generation, we will in fact have gotten rid of all of that debt and provided Australians with net assets. This means Australia is amongst the countries with the lowest government net debt levels in the OECD. For example, as a share of GDP, Australia’s net debt level is well below that of the United Kingdom, Canada, the United States and New Zealand. Inflation remains moderate and appears to be well under control. The consumer price index rose by 0.8 per cent in the December quarter of 2004 and increased by 2.6 per cent through the year.

The additional estimates appropriation bills reinforce the government’s reputation as an economic manager. In particular, funds are provided within a fiscal strategy that has delivered modest inflation, and the government continues to invest in initiatives with economic benefits such as employment programs. The bills also demonstrate the government’s commitment to meeting the obligations it made to the Australian people during the last election.

I turn to Senator Forshaw’s comments, especially as they related to voluntary student unionism and his condemnation of the government’s determination to give students in this country the freedom of choice as to whether or not to join a student union. As a former union official, Senator Forshaw knows, of course, that, under the stewardship of the union movement in the hands of those who now sit opposite, union membership went into rapid decline. In the private sector now you have about 17 per cent of the workforce in a trade union. Why? Because workers have been given choice. Workers have been voting with their feet, saying they do not support the trade union movement leadership as represented in this place by those opposite and those who are still outside this place hoping to get a guernsey to get into this place—those who realise that the trade union movement has just become a sorting house and a jockeying house for union operatives trying to get into this place.

I would suggest that the same will apply to student unions. If student unions continue to operate as they have, students will vote with their feet, just as Australian workers have voted with their feet, by leaving the unions. If student union leadership has the capacity to change and become representative of and responsive to the aspirations of students around Australia, the student unions of this country have nothing to fear. Students are intelligent enough to choose their university; they are intelligent enough to choose their course; they are intelligent enough to choose their subjects; and they are intelligent enough to decide what car to buy, if they have enough money, or what form of trans-
port to take and what clothes to wear. We give them choice in all these things but, for some unknown reason, those on the left wing of Australian politics somehow suggest that Australia’s tertiary students do not have the intelligence to determine whether or not they want to join a student union and do not have the intelligence to determine whether spending their money on a compulsory student union fee is value for money. My view is that they do have that intelligence and, if they were given the choice, student unions would become a lot more responsive to the aspirations of Australian students.

Indeed, today in an article in my hometown paper, the Hobart Mercury, the acting vice-chancellor and others were condemning the federal government’s move with all sorts of bizarre explanations as to why it ought to be condemned. Interestingly enough, there was a big photograph—and, as is so often the case, a picture speaks a thousand words—of three university students in the union bar, drinking subsidised beer. That is the way the student union is promoting itself to the Australian people, and the Australian Labor Party’s motivation to keep compulsory student unionism is so that those students who can afford beer can drink at a subsidised price. That picture spoke a thousand words.

I remember on a previous occasion that when this government sought to introduce voluntary student unionism there was a Senate inquiry. The vice-chancellors at the time—and, might I had, they are some of the highest paid shop stewards in this country, doing the dirty work for student unions, but that aside—who appeared at the Senate committee inquiry into voluntary student unionism waxed lyrical about the importance of student unions, the student newspaper, cafeterias, housing and dances, and how that created well-rounded citizens. It was a very important aspect of making them good citizens of Australia. The simple fact is that 70 per cent of young people do not go to university, so one wonders how that 70 per cent—the vast majority of young Australians—become good Australian citizens, because they have not had the experience of a compulsory student union!

The interesting thing about this submission by the vice-chancellors, which was very weak and lacked the sort of rigour that one would expect from the intellectual elite of this country, was the answers they gave to a few questions I asked. They were these. Is it compulsory for a student to vote at student elections? No. Is it compulsory to read the student newspaper? No. Is it compulsory to go to the dances? No. Is it compulsory to play sport? No. Is it compulsory to join a society? No. And the list went on and on. The only thing that was compulsory was to pay the fee. That exposed the absolute rort and outrage that compulsory student unionism is today. If students were actually marked on their sports participation or their reading of the student newspaper or on all these other essential services, one might be able to argue that there was some basis to it.

As a government we are committed to the policies that we have taken to the Australian people, and that of course includes voluntary student unionism. The bills that we are debating today indicate a very major aspect of our commitment to the Australian people—that is, to run a good, sound economy—and that is what they will ensure. I commend these bills to the Senate.

Question agreed to.

Bills read a second time.

Third Reading

Bills passed through their remaining stages without amendment or debate.
COMMITTEES
Environment, Communications, Information Technology and the Arts References Committee

Membership

The ACTING DEPUTY PRESIDENT (Senator Watson)—The President has received a letter from a party leader seeking to vary the membership of a committee.

Senator ABETZ (Tasmania—Special Minister of State) (6.14 p.m.)—by leave—I move:

That Senator Stephens be appointed as a participating member of the Environment, Communications, Information Technology and the Arts References Committee.

Question agreed to.

TELESTRA: ANTICOMPETITIVE BEHAVIOUR

Return to Order

The ACTING DEPUTY PRESIDENT (Senator Watson)—I am advised that, pursuant to the order of the Senate agreed to on 10 March 2005, documents have been provided to the Senate Environment, Communications, Information Technology and the Arts References Committee in accordance with that order.

ABORTION

Return to Order

Senator COLBECK (Tasmania—Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry) (6.15 p.m.)—by leave—I make this statement on behalf of the Hon. Dr Brendan Nelson, Minister for Education, Science and Training. The order arises from a motion moved by Senator Kim Carr, as agreed by the Senate, on 17 March. It relates to the tabling of a letter from the Department of Education, Science and Training to the Australian Council of Deans of Education. I wish to inform the Senate that the minister is happy to provide the requested letter. The letter was prepared in response to a query from the Australian Council of Deans of Education regarding how additional funding to support the practical component of teacher education places would be allocated and tracked.

Whilst DEST does not intend to require universities to report on expenditure of this funding, it expects that the providers will expend funds for the purpose for which they were intended. This will be addressed at the annual funding agreement discussions with institutions. The minister would like to inform the Senate that, in the interests of reducing reporting requirements on universities and given the strong support for this additional funding for the sector, the government will not require separate reporting of

(a) any instructions given by the Minister for Health and Ageing to the Department of Health and Ageing to prepare advice regarding the abortion issue within the past 12 months; and

(b) any responses from the Department of Health and Ageing received by the Minister in relation to those instructions within the past 12 months.

I wish to inform the Senate that no documents fall within the terms of this order.

NATIONAL PRIORITY FUNDING FOR TEACHER EDUCATION

Return to Order

Senator COLBECK (Tasmania—Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry) (6.16 p.m.)—by leave—I make this statement on behalf of the Hon. Dr Brendan Nelson, Minister for Education, Science and Training. The order arises from a motion moved by Senator Kim Carr, as agreed by the Senate, on 17 March. It relates to the tabling of a letter from the Department of Education, Science and Training to the Australian Council of Deans of Education. I wish to inform the Senate that the minister is happy to provide the requested letter. The letter was prepared in response to a query from the Australian Council of Deans of Education regarding how additional funding to support the practical component of teacher education places would be allocated and tracked.

Whilst DEST does not intend to require universities to report on expenditure of this funding, it expects that the providers will expend funds for the purpose for which they were intended. This will be addressed at the annual funding agreement discussions with institutions. The minister would like to inform the Senate that, in the interests of reducing reporting requirements on universities and given the strong support for this additional funding for the sector, the government will not require separate reporting of
these moneys. However, if the government became aware of instances where the funds were being used for unintended purposes, it would consider appropriate ways in which this could be rectified. I seek leave to table the letter.

Leave granted.

NEW APPRENTICESHIP OUTCOMES

Return to Order

Senator COLBECK (Tasmania—Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry) (6.18 p.m.)—by leave—I make this statement on behalf of the Hon. Gary Hardgrave, Minister for Vocational and Technical Education. The order arises from a motion moved by Senator Carr, as agreed by the Senate, on 17 March 2005. It relates to the provision of documents relating to surveys of New Apprenticeship outcomes undertaken by the Social Research Centre for the minister’s department. I wish to inform the Senate that the data has been collected in accordance with the requirements of the Privacy Act.

The material collected reflects answers from individuals and organisations who have participated in the survey on the basis that the responses would be kept totally confidential. The analysis of the data collected from the surveys is contained in the full report of the evaluation of New Apprenticeship entitled Skills at work, which is available on the New Apprenticeship web site. The Social Research Centre conducted the surveys for DEST. However, the minister is happy to provide a copy of the questionnaires underlying the surveys which set out the key data parameters. I table those documents.

Senator CARR (Victoria) (6.19 p.m.)—by leave—I move:

That the Senate take note of the statement.

If I understand you, Parliamentary Secretary, you are saying that you are not providing the full report at this time; you are only providing the underlying questions. Is that the case?

Senator COLBECK (Tasmania—Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry) (6.19 p.m.)—As is set out in the statement, the data that underlies the report Skills at work has been collected in accordance with the requirements of the Privacy Act. I will read the clause that relates to that:

This interview should take just over five minutes and any information you provide will be totally confidential and used for research purposes only. This survey is being conducted in accordance with the requirements of the Commonwealth Privacy Act. If there are any questions you don’t want to answer, just tell me so I can skip over them.

This is the script for the survey:

It doesn’t matter whether you have finished your apprenticeship or traineeship or not, the department is still really interested in obtaining your views and to find out what you’ve been doing since your apprenticeship or traineeship.

Senator CARR (Victoria) (6.20 p.m.)—The survey that the opposition are seeking was based on requests from an analysis of the annual report. With respect to contract details—and these are matters that I raised at Senate estimates hearings—the annual report referred to a survey of New Apprenticeship outcomes from the Social Research Centre. I understand the cost of that work in 2004 was $139,417. There was also a full survey of long-term New Apprenticeship outcomes, which I understand was at a cost to the Commonwealth of $146,878. The total cost of those two contracts was close to $290,000. That does not include the internal costs to the department of managing these projects. So it would seem that a reasonable estimate would be around $300,000 paid out in 2004 alone.

They are providing us with the questionnaire but not the report itself. I understand
that is the point that the parliamentary secretary has made. We are interested in the full report, not just the sanitised versions that have appeared to date. I will be seeking the full versions of the reports, which is the nature of the return to order. Are you telling me now that the full versions have been placed on the web site? I would appreciate that being clarified.

For some time now the drop-out rates for new apprenticeships have been around 40 per cent and perhaps as high as 46 per cent in some areas. The reasons people do not complete their arrangements are quite important, given that there is a very high wastage rate. We ought to understand precisely why it is that there is such a high drop-out rate for people who undertake new apprenticeships. The reasons people give for dropping out have been open to some considerable controversy in recent times, but if there is analysis of that within the government then I think the parliament is entitled to see that.

There are reports that a considerable number of people who undertake new apprenticeships actually end up with fewer skills through the process than when they started. They do not actually add to their skill base. If that is right, then that does lead to some pretty serious questions about whether not the evaluations of new apprenticeships programs have been adequate.

I understand that the consultants have not provided a summary of the survey as yet. Is that the case? I ask that that be clarified. The information we have to date suggests to me that there are serious gaps in the knowledge that is available on this matter. I understand that there may well be reports going back some time, but we are entitled to see the more up-to-date information, particularly if it is the case that the Commonwealth spent $300,000 in 2004 alone finding out the circumstances which are leading to a wastage rate of that size.

I am told that the number of people who entered traditional trades declined between 2000 and 2003 by 2,300 people while the number in the sales and services areas increased by some 25,000. I would be interested to note particularly whether the employer incentives program is skewed in such a way as to give greater encouragement to those areas within the AQF system that encourage people in the retail service areas at the expense of support for those in the more advanced skilled trades areas.

It does beg some pretty basic questions about whether the government is seeking to avoid providing this information. I trust that I have misunderstood what the parliamentary secretary has said. I trust that the parliamentary secretary is now able to explain to me that the full report will be available and that the full research basis of that report will be provided in terms of the return to order.

Senator COLBECK (Tasmania—Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry) (6.26 p.m.)—by leave—Essentially the full report is available as the Skills at work report. The only other data that is available is the raw data that forms the responses to the surveys. There is nothing else other than the raw data. So Senator Carr’s comments in respect of knowledge gaps and the like may very well be the case. I find it hard to believe that someone would have less knowledge after undergoing a training program than they went in with. I find it difficult to believe that they might be ‘detrained’ or ‘untrained’ as part of that process. That is quite a creative approach that Senator Carr might have been taking there. Essentially I am saying that the full report is the Skills at work report and the other information that forms part of the request is the raw data.
Senator Carr—Thank you very much. Question agreed to.

DOCUMENTS
Refugee Review Tribunal

Debate resumed from 10 March, on motion by Senator Bartlett:

That the Senate take note of the document.

Senator BARTLETT (Queensland) (6.28 p.m.)—This is the annual report of the Refugee Review Tribunal. For those who are not aware, this tribunal hears appeals from people whose claims for refugee status or protection visas in Australia have been unsuccessful—that is, they have been rejected by the Department of Immigration and Multicultural and Indigenous Affairs. As I have said before, the percentage of decisions that have been set aside or overturned that appear before the Refugee Review Tribunal is significantly lower than for any other category of appeal against migration decisions. I find that situation curious. One thing that may explain it is the significant increase in the number of ministerial interventions under sections 417, 91L or 48B of the Migration Act. These are meant to be a last resort. Certainly it is useful to have that scope for ministerial discretion. Last year we had a Senate select committee inquiry into it, which I participated in.

There are a significant number of cases mentioned in the report. The overall budget is around $23 million for the RRT. Many of the cases that the tribunal is considering, and has been considering over the last year, involve people who had already been assessed as refugees three or more years ago. They are people on temporary protection visas who were found to be refugees and, three or more years later, had to prove it all over again. This report details a large cohort of people from Afghanistan who, on applying again, were rejected—747 in that year, a huge percentage of whom were subsequently accepted at the RRT level. The smaller percentage who failed went on to seek ministerial intervention, and some of those were subsequently successful. It is an incredibly expensive, time consuming and, I might add, enormously stressful experience for the refugees involved.

I noted today newspaper reports that cabinet is considering loosening some of the constraints on people on temporary protection visas. It is relevant to some of the things that senators have said in the last hour or so about the skills shortage. We have thousands of refugees in the Australian community on temporary protection visas who are highly skilled. I have met some of them. Some of them were in detention and subsequently were let out. Others were in the community. Some of them work in areas such as meatworks or fruit picking, where they fill gaps in the labour market when people have been unable to find labour. Many of those people and others are skilled professional people, tradespeople, businesspeople, doctors, pharmacists, dentists, tradespeople and craftspeople. Many of them would be able to fill further labour force gaps in Australia if they were able to upgrade their skills.

There are two key aspects of temporary protection visas that are very much getting in their way. Firstly, they are unable to access the normal English language classes that refugees and migrants can access. Those who could benefit from an improvement in their English, which would assist them in filling some of those specialist skilled areas, are unable to gain access to them or have to pay money or only get casual or community level English classes that hold them back. Because they are on temporary visas, if they wish to undertake other courses or go to school, university or other skilling areas, they have to pay full fees. Many of them cannot afford that. For all the talk about increasing the
number of people we bring in through our skilled intake, we should recognise that we already have many refugees in Australia who have those skills and who are being prevented from upgrading them to participate and use them. The people are already here.

The other big hold-up is that, because their family reunion is denied, they are unable to unite with their families—some of whom also are skilled, I might say. A whole lot of people want to come here and have a spouse here but cannot get in. It is a ridiculous scenario that causes a lot of suffering and is harming the economic and social needs of the Australian community. I very much hope that the government reassess that matter as quickly as possible. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

Australian Political Exchange Council
Consideration resumed from 16 March.

Senator BARTLETT (Queensland) (6.34 p.m.)—I move:

That the Senate take note of the document.

As I have done in respect of previous annual reports of the Australian Political Exchange Council, I would like to note the value of the council. For people who are unaware, the council seeks to provide younger Australians—when I say ‘younger’, it is 40 or so and under, so that makes me feel a little bit young again for a minute—who are active in the community. They are not necessarily parliamentarians—in fact, they mostly are not parliamentarians—but they are titled ‘young political leaders’. Since the council’s inception in 1981 under the Fraser government, according to the report, in excess of a thousand young political leaders have participated in the council’s international exchange programs. This year 77 people involved in politics in various ways were part of 12 visits to various countries: the United States, New Zealand, Vietnam, China, Japan and Germany.

Such visits are immensely valuable. I say that as a person who had the privilege of being part of a delegation to Germany nearly 10 years ago—which makes me feel old again. That was an incredibly valuable experience. The host country pays for the delegation and then Australia covers the cost of a return delegation here. They are not all politicians or all people who go on to be politicians. They are political leaders in various ways who are active in politics, and they often go on to other areas in the community and perform a valuable role. I think the only other person on my delegation who subsequently entered parliament is Vicki Chapman, a Liberal member of the South Australian parliament and a shadow minister as well. I expect that she will go on to greater things if the Liberals get back into power in that state one day. It is important to note the work of the council and to emphasise the value that it provides across the political spectrum and to encourage ongoing support for its work.

I note the two Democrat members of delegations in the year that the report covers: firstly, Cathy Tucker from South Australia, who was part of a delegation to Vietnam; and Rachel Jacobs, National Deputy President of the Democrats, who was part of a delegation to Germany at the end of 2003—a delegation led, no doubt, with distinction by Senator Santo Santoro. At least according to one of the photographs in the report, they had a very happy time—there were lots of smiles and laughter in the photo. It is a great snapshot. The report gives a brief rundown of the sorts of things that delegations do. Certainly, from my experience they have a very heavily packed program. I can say without qualification that the German government that paid for my trip 10 years ago certainly got value for money from what I learnt on that trip.
Subsequently, and specifically for that reason, I have since been back to Germany.

So I would like to note that report and the benefits of that delegation and a number of others that were also detailed in the report. I congratulate the council on its ongoing work. I would also like to note the contribution of Ms Sam Hudson, who has been the appointed representative of the Democrats on the Australian Political Exchange Council since 1990. She has put in a lot of time representing the Democrats for close to 15 years now. She is actually the longest serving member apart from Mr Alan Cadman, and she has played a good role in ensuring that Democrat interests are represented in the work of the council. I would like to note that and pay tribute to that as well. The chair of the council, Dame Margaret Guilfoyle—obviously a former Liberal minister from the Fraser years—also does a distinguished job in that important role.

Question agreed to.

**Consideration**

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

- **National Oceans Office**—Report for 2003-04. Motion of Senator Buckland to take note of document called on. On the motion of Senator Bartlett debate was adjourned till Thursday at general business.
- **Sydney Harbour Federation Trust**—Report for 2003-04. Motion of Senator Buckland to take note of document called on. On the motion of Senator Bartlett debate was adjourned till Thursday at general business.
- **Department of Immigration and Multicultural and Indigenous Affairs**—Report for 2003-04. Motion of Senator Buckland to take note of document called on. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.
- **Torres Strait Regional Authority**—Report for 2003-04. Motion of Senator Bartlett to take note of document called on. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.
- **Australian Radiation Protection and Nuclear Safety Agency**—Quarterly report for the period 1 April to 30 June 2004. Motion of Senator Bartlett to take note of document called on. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.
Australian Radiation Protection and Nuclear Safety Agency—Quarterly report for the period 1 July to 30 September 2004. Motion of Senator Bartlett to take note of document called on. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

Treaties—List of multilateral treaty actions under negotiation, consideration or review by the Australian Government as at March 2005. Motion to take note of document moved by Senator Bartlett. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

General business orders of the day nos 15 to 17 relating to government documents were called on but no motion was moved.

COMMITTEES

Privileges Committee

Report

Debate resumed from 15 March, on motion by Senator Faulkner:

That the Senate endorse the findings at paragraph 1.36 of the 121st report of the Committee of Privileges.

Question agreed to.

Consideration

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

Employment, Workplace Relations and Education References Committee—Interim report—Indigenous education funding. Motion of the chair of the committee (Senator Crossin) to take note of report called on. On the motion of Senator Bartlett the debate was adjourned till the next day of sitting.

Corporations and Financial Services—Joint Statutory Committee—Reports—CLERP (Audit Reform and Corporate Disclosure) Bill 2003—Parts 1 and 2—Government response. Motion of Senator Chapman to take note of document called on. On the motion of Senator Bartlett the debate was adjourned till the next day of sitting.

Environment, Communications, Information Technology and the Arts References Committee—Report—A lost opportunity? Inquiry into the provisions of the Australian Communications and Media Authority Bill 2004 and related bills and matters. Motion of the chair of the committee (Senator Cherry) to take note of report agreed to.

DOCUMENTS

Consideration

The following orders of the day relating to reports of the Auditor-General were considered:

Auditor-General—Audit report no. 17 of 2004-05—Performance audit—The administration of the National Action Plan for Salinity and Water Quality: Department of Agriculture, Fisheries and Forestry; Department of the Environment and Heritage. Motion of Senator Bartlett to take note of document. Debate adjourned till the next day of sitting, Senator Bartlett in continuation.

Auditor-General—Audit report no. 30 of 2004-05—Performance audit—Regulation of Commonwealth radiation and nuclear activities: Australian Radiation Protection and Nuclear Safety Agency. Motion of Senator Bartlett to take note of document. Debate adjourned till the next day of sitting, Senator Bartlett in continuation.

Auditor-General—Audit report no. 38 of 2004-05—Performance audit—Payment of goods and services tax to the states and territories. Motion to take note of document moved by Senator Bartlett. Debate adjourned till the next day of sitting, Senator Bartlett in continuation.

Order of the day no. 3 relating to reports of the Auditor-General was called on but no motion was moved.
APPROPRIATION (TSUNAMI FINANCIAL ASSISTANCE) LEGISLATION

Senator COLBECK (Tasmania—Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry) (6.41 p.m.)—I seek leave to incorporate two answers to questions asked by Senator Nettle on 15 March in the committee stage of the Appropriation (Tsunami Financial Assistance) Bill 2004-2005.

Leave granted.

The answers read as follows—

Senator Nettle asked the Special Minister of State, on 15 March 2005:

“There was reporting in the Australian Financial Review yesterday indicating:

Australian companies will be awarded the bulk of the contracts under the five-year aid package of grants and concessional loans ...

The article mentions particular companies that are likely bidders for projects—for example, Kerry Packer’s company GRM. GRM contracts involve a significant proportion of Australia’s aid budget, and it is mentioned again here in the context of this package. Could the minister confirm the accuracy or otherwise of that report in the Financial Review yesterday?”

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

Australia expects that any procurement activities under the Australia-Indonesia Partnership for Reconstruction and Development (AIPRD) will be undertaken on a genuinely competitive basis. The details regarding eligibility to bid for tenders under the AIPRD is a matter which will be determined jointly by the governments of Australia and Indonesia.

———

Senator Nettle asked the Special Minister of State, on 15 March 2005:

Could the minister outline what Indonesia’s current public debt to Australia is? In my contribution to the second reading debate I mentioned that I knew the total Indonesian debt, but I do not know what proportion of that is to Australia. Could we be advised of that?

Senator Abetz—I have referred your question to the Minister representing the Treasurer in the Senate, Senator the Honourable Nick Minchin, for consideration and response.

ADJOURNMENT

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

That the Senate do now adjourn.

People for the Ethical Treatment of Animals

Senator SANDY MACDONALD (New South Wales) (6.42 p.m.)—I wish to make a few brief comments tonight about PETA, People for the Ethical Treatment of Animals. They have spoken out in recent months over the practice of mulesing. They have been causing considerable angst amongst Australian sheep producers. Mulesing is the process undertaken by farmers which involves cutting flesh from the breech area of the sheep to reduce the risk of flystrike. Flystrike is the infestation of maggots in the soft skin folds around the breech of the sheep. The maggots eat into the skin and effectively eat away at the sheep. Flystrike is extremely painful and ultimately causes death. To limit this, mulesing is an unpleasant but essential part of good animal husbandry.

The PETA organisation have spoken out against this practice, announcing that it is inhumane. They believe that the pain caused by mulesing is shown through a range of psychological and behavioural indicators. To take it to the extreme, PETA have compared mulesing to skinning animals alive. They have managed to convince US fashion retailer Abercrombie and Fitch to boycott any products that contain Australian wool. There is also a trail of celebrities following their
cause—namely, tennis great Martina Navratilova and a number of other well-known world citizens.

While I acknowledge that PETA are concerned about the welfare of animals, their campaign is ill informed and has the potential to damage both the wool industry and our economy as a whole. Australia has taken action. The Australian Wool Innovation company have threatened trade practices action against the group. It is reflective of the action taken in the US and UK against radical groups of this kind. I think I can say there is a feeling amongst farming organisations that the public is starting to see through the views of this very radical group. This has largely been through the efforts of the farming organisations themselves and those of fashion retailers such as Benetton in the UK, who I understand have simply refused to give into threats from PETA and, I suspect, from other radical organisations as well.

However, there is still sufficient concern that this group will hurt the wool industry and the wider economy and that is why I mention it tonight. This issue is of particular concern to me as a Nationals senator and as a wool producer—and I declare an interest—but also as a member of the Australian public. I therefore want to speak in support of the Australian wool industry against the opportunism that has been evidenced by the PETA campaign. Sheep, both for wool and for sheep meats, are an important part of Australia, both agriculturally and economically. Sheep are an important component of Australian primary industry and contribute to the economy through sales, employment and trade. It is easy to forget that while agriculture contributes around three per cent to GDP directly it contributes around 12 per cent to GDP in whole farm output, which amounts to around 1.6 million Australian jobs and approaching 800,000 industry jobs in the metropolitan areas. With such a large proportion of the economy at risk, it is important that the accusations made by PETA are not ignored.

The Australian wool industry has committed to phasing out mulesing by 2010 by finding alternative practices. A flagship program is being undertaken by the University of Adelaide to examine a new treatment of injecting into the breech area. The chemical is said to remove hair and contract the skin, replicating the traditional mulesing process. Australian Wool Innovations is also investing money into the modification of existing farming systems and breeding. This comes from the understanding that if a silver bullet solution is not reached by 2010 then a range of management practices could be undertaken to reduce susceptibility to flystrike.

But much good animal husbandry has been undertaken over the years in an attempt to prevent flystrike. It is not an easy task. It is expensive. But sheep farmers take their responsibilities very seriously and do their best. However, in the interests of animal health, until a viable alternative is reached mulesing will continue. Mulesing will remain for the protection of sheep against potential flystrike. There is really no alternative at this time. Acting Deputy President Watson, you are a wool producer and you would understand that if sheep are to be adequately protected from blowfly strike then mulesing needs to continue until such time as an alternative is determined. The industry is committed to phasing out mulesing. Therefore, the focus should now be on protecting the wool export industry. I can assure you that the farming fraternity take great care of and pride in their animals, and treatments that are undertaken are done in the best interests of the sheep.

I will say something briefly about PETA. It produces poorly researched scaremonger material which is potentially very damaging
not only to the agricultural sector but to the Australian economy as a whole. It is important to understand that PETA is not simply an animal welfare group. Only minimal amounts of its multimillion dollar budget are spent on practical help for animals. The majority of its funds go towards extreme publicity stunts, and then the legal costs of saving their members when these stunts go too far. Ingrid Newkirk, who is PETA’s international spokesperson, has conceded:

Probably everything we do is a publicity stunt. We are not here to gather members, to please, to placate, to make friends. We’re here to hold the radical line.

The extreme tactics of the group range from comparing chickens to holocaust victims to public boycotts of top fashion houses, as Australian producers have experienced. My fear is that once these views get into the media they have the potential to gain mainstream acceptance. With big names like Martina Navratilova, Maneka Ghandi and fashion chain Abercrombie and Fitch it is hard to imagine that it will not get some positive popular response, no matter how ill-informed the group’s information might be.

Where does this matter now belong? Essentially, this is not a legislative matter. The practise of mulesing and its promised phasing out is something that should be debated within the industry. However, the actions undertaken by PETA are threatening not just the wool industry but a great deal more. The publicity stunts from this group need to be curbed because their misleading information is influencing the public and could be very economically damaging. Any efforts made to protect this historic and vital Australian industry will be well received, not just within the wool and sheep meats industries but throughout the community generally.

People for the Ethical Treatment of Animals

National Youth Week

Senator BARTLETT (Queensland) (6.50 p.m.)—I was not going to talk on this issue but given I made a speech on this a week ago I might use some of my time to respond to some of what Senator Macdonald said. I have to say firstly that I agree with his comment that sheep are an important component of Australian primary industry. While I do not agree with some of his commentary, I would at least note that it was somewhat more measured than some of the comments from Minister Truss. Minister Truss has normally been fairly measured in the past on such things but in the last few weeks he has come out with some quite extreme statements. Senator Macdonald mentioned scaremongering material from PETA but accusing them of aiding, abetting or giving comfort to terrorists, as Minister Truss did, is scaremongering to an extreme level.

I would also note that Australian Wool Innovation, while funding alternatives, is also using taxpayer money and wool grower money to launch expensive action against not just PETA but Australian animal rights activists as well. PETA might have a fair bit of dough. I do not know; they are a US organisation. But I know from my own experience that animal rights organisations in Australia are very much grassroots community organisations that do not have mountains of money. These sorts of actions are not where wool growers’ money should be spent. It should be spent on research, improving animal welfare and other industry development areas. It should not be spent on court actions simply aimed at intimidating people into silence.

I note Minister Truss recently spoke about the possible need for laws to kerb extremist violence in animal rights actions. Again, I
think that is pure scaremongering. I certainly would not have any problem if he introduced laws such as those that have been introduced in the UK that make violent actions illegal. I certainly cannot recall a single action by any animal rights activist in Australia that could remotely be called violent. People have to obey the laws, as everybody else does, in expressing their views about any issue. Sometimes that involves stretching the edge of those laws. Since I have been in this place, I have been involved in a couple of actions going into battery hen sheds and rescuing some of the sick and dead hens that were in there. I do not know if that broke laws. It may have been trespass—I am not sure—but sometimes that is part of what people do as protest action to make their point, and obviously you weigh up the issues. However, to suggest that there is some specific threat from animal rights activists that needs special laws in Australia is totally misleading and scaremongering. Minister Truss should be trying to bring the debate back to a more rational level.

For all the complaints about the activities of animal rights and welfare activists against the practice of mulesing, the fact is, as Senator Macdonald said, the industry has committed to phase out that practice within five years, so we are really down to a debate about whether the practice should stop now or in five years time. I certainly do not think that is worth spending exorbitant amounts of money on in court action—particularly money that has come from wool growers and the taxpayer—and I certainly do not think the sort of rhetoric the minister has been engaging in is helpful in trying to counter some of the concerns that the industry has. You want to counter a campaign that is legitimately focused on the power and decision making of consumers. Getting into more and more extreme name calling just feeds a debate that is not really going to help the industry.

I have on my own web site material about this issue—some of which comes from PETA. I think the material I have linked to very much sticks to the facts. I urge anybody who is interested in the issue to go and look at it. I understand why the industry is concerned about it. I do not dispute that. As I said last time I spoke about this, the only reason I decided to publicly enter the debate was because of my outrage at Australian Wool International’s decision to specifically target community activists via court action. That seemed particularly inappropriate to me, and having it followed up by an outrageous slandering by the minister simply heightened my determination to speak out in defence of those who are basically running campaigns. Of course they are publicity stunts; that is part of what you do when you are running a campaign. People can criticise the individual actions or not as they see fit, but to try and silence them through slander or legal action is completely inappropriate. However, there is a court action underway, and the court will decide whether it is an appropriate use of the Trade Practices Act.

I would also like to speak tonight on National Youth Week, which runs in a few weeks time but before we come back here, so this will be my last chance to mention it. National Youth Week runs from 9 to 16 April. It is an opportunity for all of the community to reflect on younger people and, in particular, to highlight their talents and the contribution they make to the community, to recognise and draw attention to their ideas and the issues which concern them, to develop strategies to address those issues and concerns, and to generally increase community awareness of those issues. National Youth Week is Australia’s largest annual celebration of young people, and the theme for this year’s Youth Week is ‘make it yours’, with young
Australians being encouraged to make the event their own and get involved in their community. It is appropriate that parliament recognises the value of all young Australians to their communities and the importance of Youth Week. I note the Senate passed a resolution along those lines earlier today.

There are currently about 3½ million people aged between 12 and 24 in Australia, representing about 18 per cent of the population, and there are 150,000 young Indigenous people aged 10 to 24, representing 30 per cent of the total Indigenous population in Australia. Young people, compared to other Australians, have the highest participation rate in sport and physical activities, the highest attendance rate at cultural activities and the highest participation rates in volunteer activities. I would like to draw attention to a report that was released just before the last election, entitled *How young people are faring* by the Dusseldorp Skills Forum. We have had a lot of debate about skills in this chamber and in the community over the last week or two. The report said that the number of teenagers not in full-time study or full-time work is the highest it has been at any time in the last six years. The report revealed that disturbing numbers of young people are being left behind, facing insecure employment and reduced earnings over the long term as well as an increased likelihood of poorer health and social disadvantage. It detailed estimates of 325,000 teenagers and young adults being without full-time work or full-time education in May last year. More than a quarter of all young people experienced a troubled transition after leaving school—females more so than males. In May last year, 78,500 school leavers were not studying and were either unemployed, working part-time or not in the labour force. They were more likely to be in part-time work than ever before.

So despite the significant extended period of economic growth in Australia—something that should be recognised—young people are not all sharing in these good economic times, and that sustained economic growth has not yet delivered for substantial numbers of young people. We have to continue to ensure that, when we are looking at figures of economic growth or activity, we do not just look at the ‘beautiful set of numbers’, to use an old Keating phrase, but we look at how that applies to individuals and groups in the community. If there are groups being left behind or falling further behind, that should be an issue of concern to all of us. Certainly many young people are benefiting from the continuing economic development and quite exciting directions that Australia is taking, but there is a clear and larger than it should be group of young people that is falling behind. We need to be aware of that, acknowledge it and try to overcome it—and I hope National Youth Week can be one part of doing that.

**The Lord’s Prayer in Parliament**

Senator SANTORO (Queensland) (7.00 p.m.)—I noticed with amazement the other day that the PC or ‘politically correct’ brigade, which apparently runs the New South Wales Department of Education and Training, decided unilaterally to dispense with the term ‘BC’ and replace it with ‘BCE’, ‘before common era’, in exam papers for New South Wales children. This set me thinking about the place of Christianity and Christian expression in our society and public institutions. So tonight I want to speak briefly about the place of the Lord’s Prayer in the proceedings of this chamber and in the Australian parliament generally. At the outset, let me say that I am firmly of the belief that the prayer should guide the proceedings of the Senate and that, for all the secularity of today’s Australia, our culture and our very ethos is grounded in the Christian principles
that gave birth to modern democracy. I see nothing wrong with that and I do not see why anyone should.

The Lord’s Prayer has had an honoured place in our national parliament since the Australian legislature was established in 1901. Prayers are prescribed in the standing orders of both the Senate and the House of Representatives. It is true that the issue of prayers in legislatures is both very old and apt to give vent to high feelings on both sides of the debate. Some believe that the church and the state must be kept firmly separated—and I agree with that proposition as far as executive government and its policy making and law making are concerned. The separation is generally taken to go back to the words that then American President Thomas Jefferson wrote in a letter to the Danbury Baptist Association of Connecticut in 1802. President Jefferson said:

... I contemplate with solemn reverence that act of the whole of the American people which declared that their legislature should ‘make no law respecting an establishment of religion, or prohibiting the free exercise thereof’, thus building a wall of separation between Church and State ...

That was commonsense policy at the time the American Constitution was designed and when Jefferson wrote his letter in 1802, and I would respectfully suggest it is commonsense policy today. But there has been nothing in the exercise of the standing orders of the Senate in relation to prayers that ventures beyond the bounds of commonsense, and there remains nothing that does so in this regard in 2005.

The Lord’s Prayer in particular is a vehicle for inspiration. It is a prayer to God, in the form that the deity is recognised in the Christian faith—that is true. But, provided one looks to the positive rather than the negative and to the common cause of humanity rather than to sectarianism, it is a prayer that seems to serve very well as a supplica-

tion. It is not compulsory to pray and never should or could be. In this place, there are people of immense personal faith and people of no professed faith. Prayers open our proceedings each day but do not otherwise intrude—in the sense of being spoken prayers as part of our formal proceedings—at any other time in our daily deliberations.

Against that fact, the changing demographics of Australia since 1901 seem, frankly, barely relevant. But it is worth noting that in 1901, the year in which our Constitution established the Commonwealth of Australia and its legislature, more than 96 per cent of the population was Christian. Of this overwhelming proportion, 40 per cent identified themselves as Church of England, 23 per cent as Catholic and the two other large groups, Methodists and Presbyterians, made up 13 per cent and 11 per cent respectively. That was the solid Christian foundation on which prayers came to be said in our parliament. It was from this that Australia drew and continues to draw both its egalitarian tradition and practice and its status as a nation of faith.

In the practice of our legislature, opening prayers are non-denominational and they are certainly inclusive. What is not inclusive is, for example, the effort being made in some other places to remove prayers from parliamentary proceedings—for instance, by the Greens in New South Wales. In September 2003, this effort at regressive reform resulted in the President of the New South Wales Council of Churches, the Reverend Chris Moroney, speaking out strongly against a proposal that he said would, if adopted, be the first step in a process that would eliminate God from public life and ultimately discriminate against all people of faith. Reverend Moroney said that corporate prayer at the beginning of each session of parliament—he was speaking of the New South Wales parliament, but his message is equally...
relevant to any legislature in our country—was a good and appropriate expression of the Christian heritage and the foundations of our society.

I am sure honourable senators in this place would agree that this is not a partisan issue. From the point of view of the members of this house of the parliament, it is something that takes no account of the boundaries of party politics. Prayer helps to remind us that there is a morality that lies beyond the individual—a morality that is defined by God and that should guide us in our deliberations. It is worth noting that, in that sense, prayer has the same mediating effect on the faithful within any religion. In Australia, despite falling church attendances—which, I observe, is a phenomenon that is being sharply reversed in many instances—and despite a substantial rise in the number of people who profess no faith, the guiding principles are still solidly Christian and will remain so. I think it is important that every one of us in this place keeps that fact firmly in our mind when considering the power of mediation and reflection that is a central part of every religion, whether formally practised or not.

Cyclone Ingrid

Senator SCULLION (Northern Territory) (7.06 p.m.)—I rise tonight to share with the Senate some comments on an issue that I am sure all Australians have been focusing on for the past few days, particularly if you come from North Queensland, the Northern Territory or Western Australia—and that is that meteorological phenomenon: a tropical revolving storm called Cyclone Ingrid. It is a storm that seems to have broken all the records. In fact, it has been the first to maintain a category 4 rating across three states.

I was fortunate enough yesterday to travel to the Northern Territory. I would like to place on record my thanks to the Minister for Local Government, Territories and Roads, Jim Lloyd, for inviting me to inspect the damage so that we could make a proper assessment and see in which way the Commonwealth can help. This is a very positive story from all sides of parliament, but I have just heard Mr Snowdon, a member of that other place, have some things to say, accusing us of being a bit disgraceful, particularly for not inviting him, and I would like to put a few comments on the record with regard to his comments.

My colleague in the other place Mr Toller represents many people from Croker Island who live in his electorate, and he was quite concerned. I spoke to Mr Toller, and he agreed that I should go. Senator Crossin from the Labor Party was of course invited, and we had made the assumption that she would be speaking to her colleague in the other place. We invited none other than the Chief Minister of the Northern Territory, Clare Martin, and of course the Leader of the Opposition in the Northern Territory, Denis Burke. This was done in a spirit of bipartisanship. There was no intention to exclude anyone at all—we made the error or thinking that the Labor Party perhaps talk to each other about these issues—and it is wrong to say that this was somehow a partisan event. Warren Snowdon said, ‘It just shows how politically partisan this outfit has become under the tutorage of John Howard.’ This is a sad reflection on the issues and I do not think it should be part of this debate.

Cyclone Ingrid devastated the Cobourg Peninsula. For someone who has lived, fished, hunted and worked in the area for some 20 years, I have to say that I was quite shocked to drive over it. For those in Australia who saw the visions after the bushfires that devastated Canberra, you can imagine
the same vision without the black. There are just trees. There is not a single leaf to be seen. The devastation, whilst a natural phenomenon, will scar that landscape for a long time. There was no loss of life, and I have to say that that was no accident. This government, in the 2003-04 budget, put aside $62.2 million to ensure that we had the best, state-of-the-art meteorological measuring and predicting equipment. The use of this technology has enabled warnings to be issued extremely regularly. The frequency of the warnings is very important.

We have also improved the radar in a number of places, particularly in Weipa, Gove and Darwin. We were able to track the cyclone from its journey to North Queensland to the Top End throughout those radar areas, and updates were provided every 10 minutes as the radar tracked across that path. That enabled absolutely accurate updating both on the television and on the internet every 10 minutes if you wanted to get onto the internet. The satellite provides hourly updates not only on exactly where the cyclone is—which you can see on the weather radar—but also on the direction and the intensity of the cyclone. The automatic weather stations in the path of the cyclone provided valuable 30-minute updates—again, the frequency is so important to get accurate information—on the condition of the cyclone.

When you overlay the information from the radar and the automatic weather stations and the satellite information being provided, we were getting the most comprehensive information possibly available. I have to say that the investment in this technology was a genuine investment, not a cost. I am astonished that there was no loss of life or serious injury as a consequence of Cyclone Ingrid—one of the worst tropical revolving storms that we have measured in the history of measuring these sorts of events. Communities were able to plan their protection. A 7.30 Report on 15 March talked about the loss of the weather observers. We are all sad that technology does roll on and there are a few weather observers whose income will have to be partly subsidised by some other process, but I have to say that, having visited the communities and seen the state of the devastation, access to these sorts of facilities is absolutely essential.

There was no loss of life but, having visited Croker Island, I can tell you that there is plenty of damage. The damage to the environment was evident as I flew in. After 20 years of living there, I actually found it difficult to recognise places because there was just no vegetation. Where there had been a lump of rainforest or something else in a particular place or some mangroves that put your eye to it, you were not able to recognise it by the normal processes. We visited the shop first. The shop is run by the Arnhem Land Progress Association, as are many shops in the Northern Territory. It is the only shop on an island of up to 400 people, and it was completely devastated. A large tree had fallen across half of it. It is unfortunate that the shop dates to the time when we used asbestos—so that was another issue. Luckily, it was raining and wet and the area had been isolated. The shop also provides the only financial service on the island. So, even if you had money in your bank account, without the ATM that the shop provided, there would be no access to finance to ameliorate the conditions that you may find yourself in.

Whilst I was there, I was delighted that the Commonwealth government had provided an immediate response—not only by sending someone at a ministerial level who was responsible for these sorts of issues but also by very swiftly recognising that a direct injection of funds should be put into the store. They have brought forward an application for $1 million. It was really pleasant to
be around people who had just gone through such a shocking experience who were so delighted that they could see some direct light on the horizon in regard to what was considered an essential service on the island. News of the new store certainly went down very well.

The issue that was very concerning was that the school was completely destroyed. This is the only school on an island that does not enjoy a secondary school—as is the case in most regional and remote areas of the Northern Territory. The primary school is an important part of living in a place next to the people you love and your family—a situation that the young people do not enjoy in secondary school, as they have to go away to boarding school. I can remember Mary Yamirr—one of the traditional owners whom I have known for 20 years—telling me about when she used to teach there. Many of the people on the island remember the school and how important it was to their upbringing and their education—and now it is gone. So it was a very sad feeling about the school.

When I spoke to Elizabeth, who is the headmaster at the school, she was still extremely shocked. She pointed to what were the remnants of some twisted steel and walls up on the hill and told me that that was her house. She had left the shelter to go up and get the cats and when she came back the school had disappeared and then her house disappeared not long after that. I certainly hope to be working with both the Commonwealth and the Territory governments—and I will be continuing to lobby this government—to ensure that we can help out where it is most appropriate to ensure that we provide the basics of education in that area.

It is delightful to say that, in these sorts of emergencies, the children seem to recover the best. They were around the place helping to clean up. I spoke to a very good friend of mine, Rachel, and her family. There were about 20 young people there and they were making very good use of their unpredicted day off school. They were cleaning up the area and cutting down the broken trees. The whole community was starting to pull together again. The community has already started to do its bit and the Commonwealth has certainly already made a substantive contribution. As I said, it is very important that people like me and others in parliament who represent that area continue to make representations. All parts of government can assist in this tragedy.

Senate adjourned at 7.16 p.m.

DOCUMENTS

Tabling

The following documents were tabled by the Clerk:

Made following the commencement of the Legislative Instruments Act 2003 on 1 January 2005 [Legislative instruments are identified by a Federal Register of Legislative Instruments (FRLI) number]:

Civil Aviation Act—Civil Aviation Regulations—Instrument No. CASA EX02/2005 [F2005L00693]*.

Class Rulings—

Addendum—CR 2003/83.


Control of Naval Waters Act—Proclamation revoking and declaring naval waters, dated 10 March 2005 [F2005L00668]*.

Corporations Act—ASIC Class Order [CO 05/84] [F2005L00684]*.

Customs Act—Tariff Concession Revocation Order, dated 2 March 2005 [F2005L00696]*.

Financial Management and Accountability Act—Net Appropriation Agreements for the—

- Australian Customs Service [F2005L00690]*.
- Department of the Treasury [F2005L00691]*.

Taxation Determination TD 2005/2.

Taxation Rulings—

- Notices of Withdrawal—
  - Old series—IT 2375.
  - TR 98/13.

* Explanatory statement tabled with legislative instrument.

**Indexed Lists of Files**

The following document was tabled pursuant to the order of the Senate of 30 May 1996, as amended:

Indexed lists of departmental and agency files for the period 1 July to 31 December 2004—Statement of compliance—Environment and Heritage portfolio agencies.
QUESTIONS ON NOTICE

The following answers to questions were circulated:

Tasmanian Devil Facial Tumour Disease

(Question No. 98)

Senator Brown asked the Minister for the Environment and Heritage, upon notice, on 18 November 2004:

With reference to Tasmanian devils and the devil facial tumour disease:

(1) What percentage of Tasmanian devils have been killed by the disease.
(2) Will the Minister declare the Tasmanian devil a threatened species; if so, when; if not, why not.
(3) What hypotheses have been advanced or eliminated for the cause and transmission of the disease.
(4) Is there a coordinated research program for the devil facial tumour condition; if not, why not.
(5) What role has the Australian Wildlife Health Network played in coordinating the research relating to this disease.
(6) Why is the public being denied any information regarding the research outcomes on causal factors and transmission processes.
(7) Is the Minister satisfied that the Tasmanian Government has the expertise and capacity to adequately respond to this significant wildlife disease.

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

(1) Tasmanian Government wildlife biologists estimate that the disease has resulted in the loss of between 30 and 50 per cent of the wild population.
(2) I am advised that data on the Tasmanian Devil population are currently being gathered by field monitoring staff, and a judgment about whether an application for listing is justified may be able to be made when this work is complete.
(3) At this stage all possible causes are being considered.
(4) Yes.
(5) The Australian Wildlife Health Network is enabling communication between the devil disease project team and other animal health specialists, so that veterinary pathologists, native wildlife specialists and other stakeholders can contribute to the disease response.
(6) I am not aware of the public being denied any particular information.
(7) Yes.

Tasmanian Devil Facial Tumour Disease

(Question No. 99)

Senator Brown asked the Minister for the Environment and Heritage, upon notice, on 18 November 2004:

With reference to Tasmania devils and the Government’s election commitment to allocate $2 million for the devil facial tumour disease:

(1) Has the Government determined the research priorities for the $2 million lump sum to be allocated for the disease.
(2) Will the Commonwealth maintain control over the scientific evaluation, direction and publication of the research effort funded by the Commonwealth.

QUESTIONS ON NOTICE
(3) What accountability procedures have been put in place for all Commonwealth funds allocated to Tasmania to date for research on Tasmanian devils.

(4) To date, what outputs have resulted from the World Heritage project funding for the disease.

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

(1) No.

(2) Contractual arrangements for Australian Government funded activities associated with scientific evaluation, direction and the publication of the research effort are not finalised.

(3) Tasmania is required to provide quarterly financial reports, and an audited annual financial statement by an independent auditor. The State is also required to provide quarterly progress reports against milestones and expected outcomes, and a final report on the outcomes of each activity.

(4) As part of the Statewide mapping and monitoring of the distribution, prevalence and effects of the Facial Tumour Disease, the World Heritage Area (WHA) project funding has supported the development and field trialling of “camera traps” for use in remote areas of the WHA where on-ground trapping is not practical and non-intrusive methods are more appropriate. Following initial trials in the central highlands, the cameras have been used successfully in trials in remote parts of the WHA. Cameras have been purchased and validation and calibration of this method of monitoring wildlife is underway.

Trade: Live Animal Exports
(Question No. 303)

Senator O’Brien asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 23 December 2004:

(a) Which countries have banned, suspended or varied conditions of export for Australian live animals since 1996; and (b) in each case, will the Minister provide details of the ban, suspension or variation, including date of action and basis of action

Senator Ian Macdonald—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator’s question:

(a) There are hundreds of amendments to export conditions every year.

(b) Biosecurity Australia has responded to the following bans, suspensions and variations to conditions for the export for Australian live animals since 1996:

<table>
<thead>
<tr>
<th>Date</th>
<th>Country</th>
<th>Product</th>
<th>Ban</th>
<th>Suspension</th>
<th>Variation</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>1999</td>
<td>EU</td>
<td>Horses</td>
<td></td>
<td>X</td>
<td></td>
<td>Hendra virus</td>
</tr>
<tr>
<td>2000</td>
<td>Chile</td>
<td>Sheep</td>
<td></td>
<td></td>
<td>X</td>
<td>New legislation required certification of export establishments.</td>
</tr>
<tr>
<td>2000</td>
<td>Egypt</td>
<td>Slaughter cattle</td>
<td>X</td>
<td></td>
<td></td>
<td>Free from HGP marker pellets</td>
</tr>
<tr>
<td>2000</td>
<td>Fiji</td>
<td>Chickens and hatching eggs</td>
<td></td>
<td></td>
<td>X</td>
<td>Newcastle disease.</td>
</tr>
<tr>
<td>2000</td>
<td>French Polynesia</td>
<td>Horses</td>
<td></td>
<td>X</td>
<td></td>
<td>Due to Hendra virus.</td>
</tr>
<tr>
<td>2000</td>
<td>Japan</td>
<td>Slaughter and feeder cattle</td>
<td></td>
<td></td>
<td>X</td>
<td>Alternative Johne's disease requirement.</td>
</tr>
<tr>
<td>2000</td>
<td>Mexico</td>
<td>Feeder cattle</td>
<td></td>
<td></td>
<td>X</td>
<td>Acceptance of bluetongue zoning.</td>
</tr>
<tr>
<td>2000</td>
<td>Taiwan</td>
<td>Horses, dogs, cats and pigs</td>
<td></td>
<td>X</td>
<td></td>
<td>Hendra and Nipah virus.</td>
</tr>
<tr>
<td>Date</td>
<td>Country</td>
<td>Product</td>
<td>Ban</td>
<td>Suspension</td>
<td>Variation</td>
<td>Details</td>
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</tr>
<tr>
<td>2001</td>
<td>Brazil</td>
<td>Ratites: hatching eggs and day old chicks</td>
<td>X</td>
<td></td>
<td></td>
<td>Outbreaks of Newcastle disease.</td>
</tr>
<tr>
<td>2001</td>
<td>Chile</td>
<td>Breeding sheep</td>
<td>X</td>
<td></td>
<td></td>
<td>3 rams vaccinated against scabby mouth refused entry - conditions specify no live vaccines.</td>
</tr>
<tr>
<td>2001</td>
<td>Malaysia</td>
<td>Day old chickens</td>
<td>X</td>
<td></td>
<td></td>
<td>Outbreaks of Newcastle disease.</td>
</tr>
<tr>
<td>2001</td>
<td>Poland</td>
<td>Breeding cattle</td>
<td>X</td>
<td></td>
<td></td>
<td>Acceptance of bluetongue zoning.</td>
</tr>
<tr>
<td>2001</td>
<td>Vietnam</td>
<td>Slaughter and feeder cattle</td>
<td>X</td>
<td></td>
<td></td>
<td>Deleting most bluetongue requirements.</td>
</tr>
<tr>
<td>2002</td>
<td>China</td>
<td>Breeding cattle</td>
<td>X</td>
<td></td>
<td></td>
<td>Following post arrival detection of infectious bovine rhinotracheitis reactors.</td>
</tr>
<tr>
<td>2002</td>
<td>Germany</td>
<td>Alpacas</td>
<td>X</td>
<td></td>
<td></td>
<td>EC Directive, related to the EC’s failure to recognise Australia’s bluetongue zoning.</td>
</tr>
<tr>
<td>2002</td>
<td>India</td>
<td>Cattle</td>
<td>X</td>
<td></td>
<td></td>
<td>Malignant catarrhal fever concerns.</td>
</tr>
<tr>
<td>2002</td>
<td>Malaysia</td>
<td>Feeder and breeding cattle</td>
<td>X</td>
<td></td>
<td></td>
<td>General livestock ban but Australian shipments maintained entry.</td>
</tr>
<tr>
<td>2002</td>
<td>South Korea</td>
<td>Cattle</td>
<td>X</td>
<td></td>
<td></td>
<td>Korea detected some bluetongue positive animals in a shipment.</td>
</tr>
<tr>
<td>2003</td>
<td>Canada</td>
<td>Bees</td>
<td>X</td>
<td></td>
<td></td>
<td>Specific conditions for small hive beetle.</td>
</tr>
<tr>
<td>2003</td>
<td>Japan</td>
<td>Bees</td>
<td>X</td>
<td></td>
<td></td>
<td>Incursion of small hive beetle in Australia.</td>
</tr>
<tr>
<td>2003</td>
<td>South Korea</td>
<td>Bees</td>
<td>X</td>
<td></td>
<td></td>
<td>Incursion of small hive beetle in Australia.</td>
</tr>
<tr>
<td>2003</td>
<td>EU</td>
<td>Bees</td>
<td>X</td>
<td></td>
<td></td>
<td>Incursion of small hive beetle in Australia.</td>
</tr>
<tr>
<td>2003</td>
<td>UK</td>
<td>Camelids</td>
<td>X</td>
<td></td>
<td></td>
<td>EC Directive, related to the EC’s failure to recognise Australia’s bluetongue zoning.</td>
</tr>
<tr>
<td>2003</td>
<td>USA</td>
<td>Goat embryos</td>
<td>X</td>
<td></td>
<td></td>
<td>Recognising brucellosis freedom and arbovirus regionalisation.</td>
</tr>
<tr>
<td>2003</td>
<td>China</td>
<td>Live aquatic animals including semen, ova and zygote</td>
<td>X</td>
<td></td>
<td></td>
<td>New Decree, November 2003.</td>
</tr>
<tr>
<td>2004</td>
<td>Singapore</td>
<td>Horses</td>
<td>X</td>
<td></td>
<td></td>
<td>West Nile virus requirements.</td>
</tr>
<tr>
<td>2004</td>
<td>Hong Kong</td>
<td>Horses</td>
<td>X</td>
<td></td>
<td></td>
<td>West Nile virus requirements.</td>
</tr>
<tr>
<td>2004</td>
<td>Korea</td>
<td>Horses</td>
<td>X</td>
<td></td>
<td></td>
<td>West Nile virus and equine viral arteritis requirements and certification issues.</td>
</tr>
</tbody>
</table>
## QUESTIONS ON NOTICE

### Environment: Christmas Island

(332)

**Senator Brown** asked the Minister for the Environment and Heritage, upon notice, on 3 February 2005:

1. Is there any proposal to extend mining leases or allow new mining contracts on Christmas Island; if so, can the Minister give details.
2. What action is the government taking to ensure the long-term protection and good management of Christmas Island’s environment, including the potential to end mining.

**Senator Ian Campbell**—The answer to the honourable senator’s question is as follows:

1. Any proposal to extend mining leases would be a matter for the Minister for Local Government, Territories and Roads.
2. The unique environment of Christmas Island is protected by the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) and more than 60 percent of the Island is managed as the Christmas Island National Park. Any proposal that would affect the environment on the Island, including any mining proposal, would require referral under the EPBC Act.

### Indian Ocean Tsunami

(333)

**Senator Brown** asked the Minister representing the Minister for Foreign Affairs, upon notice, on 3 February 2005:

1. With reference to the plight of Burmese migrant workers in Thailand following the tsunami:
   1. What action has been taken and will be undertaken to persuade the Thai Government and the Burmese junta to legalise the procedures controlling the entry and exit of migrant workers.
   2. What action will the Minister take to persuade the Burmese junta to establish a formal legal framework governing the return of migrant workers, especially those traumatised by the tsunami.
   3. What action has Australia taken to assist Burmese migrant workers affected by the tsunami.

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

1. The Thai Government has recently taken steps to establish a formal legal framework for the estimated one million Burmese migrant workers in Thailand. The new regulations introduced on 30 July 2004 have resulted in the implementation of a registration system for illegal migrant workers which aims to regularise the status of illegal migrant workers from Burma. The Burmese government has not to date indicated an interest in the establishment of a formal legal framework governing the repatriation of returnees from Thailand. The Australian Embassy in Rangoon is supportive of the efforts of the UN to persuade the Burmese government to do so.
In response to the 26 December tsunami, the Australian Government has committed $1.06 billion in humanitarian relief and reconstruction assistance to affected countries bilaterally and through international agencies. In addition, the Australian people and corporate sectors have donated a further amount of some $280 million. As part of its response, the Government contributed $5 million to the International Federation of the Red Cross (IFRC) general tsunami appeal. IFRC assistance is open to all affected countries and their nationals residing in other countries including Burmese migrant workers in Thailand.